

## MEETING MINUTES OF THE TOWN BOARD

Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, March 26, 2019 6:30 p.m.

### I. REGULAR MEETING CALLED TO ORDER – Mayor William Karspeck

### II. PLEDGE OF ALLEGIANCE – Mayor William Karspeck

Mayor Karspeck led the Pledge of Allegiance.

### III. ROLL CALL – Mayor William Karspeck

Clerk Samora called roll and all members of the Town Board of Trustees were present. In addition, Chris Kirk, Town Administrator and Greg Bell, Town Attorney were present.

### IV. CITIZEN PARTICIPATION

Linnea Reckase thanked the Board and staff, as well as the public. She stated that she is again asking for clarification on what statements regarding Kids and Community allegedly being fraudulent. She stated that the accusations are lies and felt that it was purposeful. Reckase asked why her statements have not been in the newspaper. She stated that the Loveland Reporter Herald should be the official paper and asked Trustee Tomassi to resign. Reckase also asked for a statement regarding the actions by Trustee Tomassi.

Hindman stated that he appreciated the input and referenced the Board Code of Conduct. He felt that in that respect, the Code of Conduct addressed the concerns.

### V. SCHEDULED ITEMS

#### 1. Consent Agenda (Christian Samora)

- a) Approval of March 26, 2019 Agenda
- b) Approval of Minutes – March 12, 2019
- c) December 2018 Financial Information
- d) Arbor Day 2019 Proclamation
- e) Heritage Ridge Right of Way Vacation
- f) Heron Lakes Cash in Lieu Agreement Amendment

Mayor Karspeck read the Arbor Day proclamation aloud to all who were present. Mayor Karspeck encouraged more people to attend to the Arbor Day tree planting event in Hillsdale Park.

Trustee Laak was appreciative of the sales tax information.

There was consensus to remove the Heron Lakes Cash in Lieu agreement from the Consent Agenda and to consider that item following the Port Committee Appointments.

**Pro-Tem Hindman Motioned to combine and approve the items on the Consent Agenda as amended. Trustee Hardy seconded the motion. With all in favor, THE MOTION CARRIED.**

## 2. Dark-Sky Presentation

(Dr. Andrea Schweitzer & Meinte Veldhuis)

Dr. Andrea Schweitzer gave a presentation and explained the benefits of dark skies in Colorado and across the nation. During the presentation Dr. Schweitzer explained that dark sky regulations can provide outdoor light, without pollution.

Following the presentation, Dr. Schweitzer addressed several questions and thanked the Board for the opportunity to speak at the meeting. Dr. Schweitzer provided a handout to the Board and had additional copies available for the public.

## 3. PORT Committee Appointments

(PORT Interview Committee)

Trustee Dower stated that they really appreciated the service of all the people who have been on the PORT Committee. She stated that there were two members who were out of Town limits, that could no longer serve after the passage of Resolution 2019-02. She wanted to make sure that people know how much they contributed to the overall PORT Plan.

Trustee Alaback described what the process was and how they reached the recommendations.

Mayor Karspeck thanked the applicants.

Mayor Karspeck read the recommendation of the Interview Committee.

**Pro-Tem Hindman Motioned to appoint:**

**Jose Cabrera to a 2021 Term;**

**Israel Barlow to a 2021 Term; and,**

**Lyn Ludwig to a 2020 Term.**

**Trustee Laak Seconded the motion. With all in favor, THE MOTION CARRIED.**

## 4. Extension of Water Purchase for Heron Lakes

John Turner stated that he watched the video from the last meeting. He stated that he was looking to line up financing on his projects. He stated that he can answer any questions that the Board may have.

Turner stated that the letter was revised to request a 60-day extension, as opposed to a 90-day extension.

Administrator Kirk stated that he did not feel it would have any negative impact to the Town. He stated that it was an opportunity to work with Mr. Turner.

Trustee Dower asked what the deposit was.

Turner stated that it would go toward the total overall. He continued to state that a lot of the process is already done. He stated that he wouldn't have submitted the request if he felt it would cause harm.

Trustee Tomassi stated that he felt the 60-day extension should be approved and felt the neighborhood adds significant value to the Town of Berthoud.

Mayor Karspeck stated that he felt the discussion was important and he was in support of the extension.

Turner stated that they are fully committed to the project and appreciate the support of the Town.

Turner stated that the clubhouse will be open to the public and the land will be contributed to the Metro District.

Administrator Kirk stated that they have had a great relationship with Turner and the development. Additionally, Kirk stated that the support is reasonable and would not have any negative impact to the Town of Berthoud.

Trustee Alaback stated that he was supportive of a 30-day extension. Trustee Hardy was also supportive of a 30-day extension.

**Pro-Tem Hindman motioned to approve the extension request for a period of 30 days. Trustee Alaback seconded the motion.**

**Tomassi motioned to amend to the term of the extension to be 60 days. There was no second to amend the original motion.**

**With all in favor, THE MOTION CARRIED.**

**5. Larimer County Road 14 Construction/Expansion IGA**

(Curt Freese)

Pro-Tem Hindman asked if the ditch company was involved in the project. Freese stated that the ditch company is not involved in the project.

Trustee Dower asked if there would be a pedestrian crossing. Kirk stated that the bridge belongs to the County and will be to the County's specification.

The Board agreed and would like that there be a recommendation for a safe pedestrian access.

**Pro-Tem Hindman Motioned to approve the agreement between the Town of Berthoud and Larimer County with recommendation for a safe ped and cycling painted access. Trustee Dower Seconded the motion. With all in favor, THE MOTION CARRIED.**

**6. Fickel Farm Rezoning from PUD to R-2**

(Curt Freese)

Ordinance 1261 – Amending the zoning map of the Town of Berthoud to rezone a portion of property known as “Fickel Farm” from planned unit development PUD to limited multi-family Residential (R-2)

Freese gave an introduction and provided background information.

He stated that the applicant voluntarily noticed all of the existing Mary's Farm and Fickel Farm neighborhoods.

Freese stated that the currently allowed uses are very similar with the proposed zoning. The only significant change is that apartments or condos would not be allowed.

Kristin Turner with TB Group stated that she would not be repeating anything that Mr. Freese had stated. She stated that the application was originally submitted with R4 zoning with the intent to include a coffee shop in the neighborhood. She stated that based on the first round of comments, the application was downgraded to an R3 project. After seeing the comments regarding the proposed R3 zoning, they resubmitted the application with R2 zoning.

She stated that it would be immensely challenging to meet the maximum density allowed in an R2 zone district. She stated that R2 is the lowest form of density that they can request to enable them to have town homes as well as paired homes.

Bill Edwards, the manager of Berthoud Homes, LLC, thanked the Board for the opportunity. He continued to state that Fickel Farm is the R2 component of the Farmstead project. Edwards stated that the R2 zone district will not be that much different than the current zoning, except that apartments will not be allowed.

Edwards stated that the current PUD allows up to 14 units per acre and that the current plan will propose 9 units per acre. He stated that it is only one unit per acre higher than what the R1 district would allow and that apartments have never been a part of the plan. Edwards stated that they would be seeking cottages, town homes and paired homes, which would not be allowed in the R1 zone district. He stated that it will keep a comfortable transition from HWY 56 to the R1 districts while making homes that are more affordable, but not cheap.

Edwards stated that the townhome design will allow great open space. He stated that front porches will face courtyards and will be predominately alley-loaded products. There will be a non-potable water irrigation system. The trail system will be continued, as well as Pioneer Park. The pond at Pioneer park will be improved. He stated that all of Farmstead will be served by a non-potable water system.

Trustee Alaback stated that he was encouraged.

Trustee Dower stated that the non-potable system was excellent. She asked if the non-potable system will be available in May or mid-April. He stated that they are working with the Town Engineer regarding that matter.

Kirk stated that the platting will still have to go through the Planning Commission and through the Town Board. He stated that the final layout will be subject to the codes and the final layout would go to the Planning Commission and Town Board as well.

Freese clarified that the PUD is a standalone ordinance and runs into the future. However, the R-2 would be subject to any revisions in the future.

Mayor Karspeck opened the Public Hearing.

Michael Patrick of Berthoud stated that it is important to look at what is existing and what is being requested. He stated that the fundamental difference is that with the PUD, it is known exactly what will be built. He stated that the community is concerned that there are not approved plans as to what will be placed there. Patrick stated that he spent time on the Board and there was a reason for doing PUDs. He stated that each project could be tailored, and the end product looked like what was proposed. He stated that there are no vested rights until a site-specific development plan has been approved.

Joe Davis of Berthoud stated that he built a house two years ago and they were not informed about the proposed development and complimented staff for the noticing procedure. He stated that the piece of land is an island and it is difficult to get access from CDOT. He stated that he is most worried about increased traffic.

Karen Fletcher of Berthoud stated that there is an impact that will be felt by the existing neighborhoods. She stated that the pond is established and should be preserved. Fletcher continued to state that they are requesting a covenant commitment at the beginning. Fletcher referenced the corridor plan and felt that the plan should not be influenced by developments.

Greg Alexander of Berthoud stated that he understands that need for moderately priced housing. He stated that he is against the blanket zoning of the development. He stated that the developer should not be trusted to plan the neighborhood. Alexander continued to state that he would not like to see cottages across the street from \$400k existing homes. He stated that he would like to see the process slow down.

David Gregg stated that he is building attainable home in the mid \$200k range. Gregg continued to explain that Mission Homes wants to be involved in the Farmstead project. He stated that he heard that R2 will threaten the nature and culture of the community. Gregg stated that it has been said that the more attainable housing would attract an undesirable population. Gregg explained that Mission Homes has 27 contracts and has had four closings. He stated that they have many young couples, a widow, five school teachers, an oil field worker, blue collar workers and engineers. He stated that it is essential for the character of the community for a diversity of housing options to be provided.

Vivian Degooyer of Berthoud stated that she would like to suggest that only patio homes are allowed in the development.

Diane Kuligowski of Berthoud stated that there were a lot of comments at the meeting and only one person talked about drug use. She stated that she felt there should be some transition to the denser housing. She was also concerned about traffic and was not in favor of the change to R2 Zoning.

Catherine Scott of Berthoud stated that she is not opposed to R2 and thought it was a good idea. She suggested that there be some transition. She stated that she didn't know why the PUD was being discussed because it would have to be redesigned and approved.

Bob Kouns of Larimer County stated that he had a lot to do with Mary's Farm and it was under a PUD at the time. He stated that there was a lot of opposition to a new concept. He stated that there is a benefit, because it limits the uses. Coons stated that the Town Board will still have a lot of say during the platting phase if the zoning is approved.

Michael Patrick stated that there are complications with getting access with CDOT and it has been a perpetual problem. He stated that a property had difficulty getting driveway access along Hwy 56. Patrick explained that if the housing types are feathered, then it doesn't impact the existing neighborhoods in the same way.

Mayor Karspeck closed the Public Hearing.

Trustee Laak stated that he understands the concerns and how it will impact the community. He stated that the Town has gone out of its way to encourage smaller homes. He stated that after WWII the average size of home was well under 1400 square feet. Trustee Laak asked if the existing PUD document has any relevance.

Attorney Bell stated that the PUD specifies the density and the zoning, but nothing else.

Pro-Tem Hindman stated that he really felt that major development proposals should be two readings as they are for other processes. Pro-Tem Hindman explained that he would like the Public Hearing to be continued until April 9<sup>th</sup>. He stated that he is not opposed to R2 or higher density in some areas. He stated that the vast majority of sections 3,4, and 6 of the PUD are single family detached. Pro-Tem Hindman stated that he would be much more supportive if the entire property was not opened to R2.

Mayor Karspeck stated that the homes would be smaller and that homes would have fewer bedrooms.

Trustee Alaback stated that he is generally a proponent of the concept of different housing types. He stated that the general concept of having higher density there is consistent with the Town's Comp Plan.

He stated that, so often the development applicants are not near existing neighborhoods, but this one is immediately adjacent to an existing neighborhood.

Trustee Hardy stated that he has been on the Planning Commission and felt there has been a lot of flexibility on the part of the developer.

Trustee Hardy stated that the citizens are making a good point. He stated that he felt the Edward's are trying to make it work but did not feel the citizens were trying to make it work. He stated that under the R2, it would fall under the requirements of the code.

Trustee Hardy stated that initially, there were duplexes proposed adjacent to Mary's Farm. He stated that he is glad to see that they are working to improve the overall plan and product.

Trustee Dower stated that she appreciates the comments and clarifications. She stated that it shows a lot of integrity for the Developer to drop the request from R4 to R2 after public input and that the cottage homes are a good product.

Trustee Dower stated that it would be worth looking at the Mountain Avenue Corridor Plan before making a decision.

Mayor Karspeck asked if the cottages or patio homes would be allowed in the PUD. Kirk stated that the corridor plan is not changing the preferred land use map. He stated that they are looking at signage, commercial development and overlays.

Trustee Dower asked if Heritage Ridge is traditional zoning or a PUD. Trustee Dower also referenced the different housing types in PrairieStar.

Trustee Tomassi stated that he has listened to all the different comments. He stated that his role is for the community at large, the best interest of the community now and in the future. He stated that when he looks at the appreciation of single-family homes makes, it has made it so that many people cannot afford to live here.

Trustee Tomassi stated that when he lived in San Antonio, the surrounding forest was replaced with R2. He stated that it was hard, but it was the best thing for the community. He was very supportive of the rezoning because he felt it was in the best interest of the community.

Mayor Karspeck stated that PUDs had been a problem in the past. He stated that he's also concerned

**Pro-Tem Hindman motioned to postpone the decision until the April 9, 2019 Town Board Meeting. Trustee Hardy seconded the motion. In a 6-1 roll call vote, THE MOTION CARRIED. Trustee Tomassi had the dissenting vote.**

#### **7. 2019 July 3<sup>rd</sup> Fireworks Proposals**

(Chris Kirk)

Administrator Kirk stated that staff has been working toward planning a July 3<sup>rd</sup> family-friendly event with fireworks in Bien Park. Kirk also referenced a 5k on July 4<sup>th</sup>.

Kirk stated that the proposal would be for a 18-20 minute show with over 3,700 individual fireworks.

**Pro-Tem Hindman motioned to approve the agreement between the Town of Berthoud and Zambelli Fireworks for the July 3, 2019 fireworks display. Trustee Tomassi seconded the motion. With all in favor, THE MOTION CARRIED.**

## VI. ELECTED OFFICIAL REPORTS

1. Town Board – Jeff Hindman, Brian Laak, Maureen Dower, Pete Tomassi, Tim Hardy and Paul Alaback.
  - SB 181- State Oil and Gas Legislation

Pro-Tem Hindman presented a proposed resolution in support of the legislation.

**Hindman motioned to approve Resolution 2019-09, a resolution of the Town of Berthoud supporting the Colorado Municipal Leagues position on SB 181 regarding oil and gas. Trustee Laak seconded the motion. In a 6-1 vote, THE MOTION CARRIED. Trustee Tomassi had the dissenting vote.**

Pro-Tem Hindman asked when Day of Kindness is. He stated that it is a really great event. Trustee Tomassi stated that last week, he and Kirk met with some local veterans groups regarding the Main Street Flag Program. The flags would have photographs of service members and their information. They would be looking to increase the exposure of that. He stated that it became apparent that it was a very personal issue. He stated that he felt the flags would likely stay the same and there would be a tribute to service members that have lived in the community and died for the country.

Trustee Tomassi stated that he has noticed the trail in Hillsdale park desperately needs maintenance. Especially in the area with crushed refines and mud.

Kirk stated that the trail connection has been made where the concrete ends.

Staff will keep a list of upcoming items for meeting.

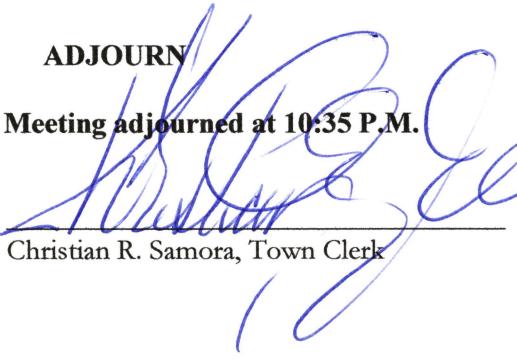
2. Mayor – William Karspeck

Karspeck asked about the dark sky designation. The Board was supportive of having a future agenda item regarding the designation.

Karspeck stated that he sent out a resolution supporting electric vehicles.

## VII. ADJOURN

**The Meeting adjourned at 10:35 P.M.**

  
Christian R. Samora, Town Clerk

  
William Karspeck, Mayor

