



## MEETING MINUTES OF THE TOWN BOARD

Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, June 12, 2018 6:30 p.m.

- I. **REGULAR MEETING CALLED TO ORDER** – Mayor William Karspeck
- II. **PLEDGE OF ALLEGIANCE** – Mayor William Karspeck
- III. **ROLL CALL** – Mayor William Karspeck

The Town Clerk, Christian Samora called roll and the following officials were present: Jeff Hindman, Mayor Pro-Tem; Brian Laak, Trustee; Pete Tomassi, Trustee; Tim Hardy, Trustee; Maureen Dower, Trustee; Chris Kirk, Town Administrator; Greg Bell, Town Attorney; and Michelle Adams, Deputy Town Clerk. Will Karspeck, Mayor and Paul Alaback, Trustee were absent.

- IV. **CITIZEN PARTICIPATION** – *3-minute time limit. Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

Pro-Tem Hindman explained what the process for public participation is.

John Guthrie of Berthoud spoke regarding the Main Street Program. He stated the funding should be changed from three to two years. Continued to state that he would create a Facebook page for the public to comment. And in due time they will formulate how to get a director hired. He stated that the color temp of lighting should be taken into consideration for future development. He stated that the light in Berthoud should be unlike the shower of light coming out of Fort Collins. He stated that the blood levels of carcinogens are increasing in the Town of Erie due to fracking. He suggested that baseline blood testing be taken into consideration.

Mayor Pro-Tem Hindman stated that the dark sky ordinance was updated in January and it should address the concerns. He stated that most of the fracking is in Weld County, not in the Town of Berthoud.

## V. SCHEDULED ITEMS

1. **Consent Agenda** (Christian Samora)  
*Consent Agenda items are considered to be routine by the Town Board and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.*
  - a) Approval of Agenda
  - b) Approval of Minutes: May 22 & June 5, 2018
  - c) April 2018 Bill Paid
  - d) April Financials

Pro-Tem Hindman stated that the minutes should be revised to reflect that the affordable housing issue would come back to the Board on June 5<sup>th</sup> and that it would be a part of the priorities discussion.

**Trustee Hardy motioned to combine and approve the items on the Consent Agenda and approve the May 22, 2018 minutes as amended. Trustee Laak seconded the motion. With all in favor, THE MOTION CARRIED.**

**2. Adoption of 2018 International Fire Code by Reference** (Christian Samora)

Ordinance 1246 an ordinance adopting by reference the International Fire Code, 2018 Edition, promulgated by the International Code Council, certain fire code standards, appendices and modifications thereto

**Trustee Tomassi motioned to schedule a public hearing for the adoption of the 2018 International Fire Code by reference to be held on Tuesday, July 10<sup>th</sup>, 2018 at 6:30PM in the Town Board Room Chambers. Trustee Hardy seconded the motion. With all in favor, THE MOTION CARRIED**

**3. Participation in CSAFE Asset Fund** (Cindy Leach)

Resolution 2018-21 A resolution of the town of Berthoud authorizing the town of Berthoud to pool a portion of its funds with other local government entities by becoming a participant in the Colorado surplus asset fund trust (CSAFE)

Senior Accountant Leach gave an introduction and provided brief background information. She introduced Bob Kruse to provide additional details about the investment program.

Kruse stated that CSAFE has been in existence for over thirty years. He has been in his position since 1997. CSAFE allows the investments to always be liquid.

Overall there are over 450 participants and over 2 billion dollars in funds held and the current interest rate is .9%

Pro-Tem Hindman asked if the funds may be separated into different funds. Kruger confirmed that they could be.

Kirk agreed that it was a good idea and the better of two available options.

Trustee Laak asked whose idea it was to use CSAFE.

Kirk stated that Leach brought it forward as a potentially better investment opportunity.

**Trustee Laak motioned to approve Resolution 2018-21 A resolution of the town of Berthoud authorizing the town of Berthoud to pool a portion of its funds with other local government entities by becoming a participant in the Colorado surplus asset fund trust. Trustee Tomassi Seconded the motion. With all in favor, THE MOTION CARRIED.**

**4. Berthoud Reservoir & Trails Master Plan** (Jeremy Olinger)

Olinger gave an introduction and explained that the Board will be discussing two separate master plans.

Nicole Horst made a presentation to illustrate the results from the survey that they conducted as well as the master plans. She began by presenting the proposed master plan for Berthoud Reservoir and estimated cost and what that include.

Laak asked about full service restroom.

Horst said utilities would come to it and sewer lines come to it.

Laak asked if the price was inclusive of contractors, or if it included volunteers. Horst stated that the price would be inclusive of using contractors.

Trustee Tomassi asked what the funding source was.

Kirk stated that there was not a funding source yet. It would be a matter of discussion for the upcoming budget year.

Kirk stated that it is a master plan for the Berthoud Reservoir site and staff could move forward with obtaining cost estimates to incorporate into the 2019 budget.

Tomassi asked if an approval obligates the Board to complete the plan. Kirk stated that it would not.

Olinger that that the PORT committee fully supported the Berthoud Reservoir plan and requested that the restrooms be incorporated into the first phase.

Monica Signer of Berthoud PORT Committee member. She stated that she wanted to echo what Olinger already stated. She continued to explain that Berthoud Reservoir was quickly identified as a priority. Signer stated that Wenk did an excellent job. Signer stated that she did not feel the restrooms were essential for phase one. Signer stated that she understood that there was \$500k in the budget for Berthoud Reservoir. She stated that in Loveland there was a lot of volunteer support.

Len Guldenpfenning stated that he agreed with Jeremy Olinger's comments.

He stated that the PORT Committee has not seen the phasing and itemized budget.

Trustee Laak stated that volunteerism is something that the Board articulated at the priorities discussion on June 5<sup>th</sup>. Kirk agreed that the Board had identified it as a priority.

Mayor Pro-Tem Hindman asked Trustee Dower for input, since she is the Board representative on the PORT Committee. Dower stated that the plan was an improvement over what was initially envisioned. She stated that there are volunteer organizations that completed much of the work on the trails. She stated that she supports all of the recommendations that were brought forward.

Mayor Pro-Tem Hindman stated that he had a clear vision on Berthoud Reservoir. He stated that what evolved is a real improvement. The traffic would be brought in from Taft and create a quiet space to the south.

**Trustee Dower motioned to approve the Berthoud Reservoir Master Plan with recommendations. Trustee Tomassi seconded the motion.**

Trustee Laak asked if the volunteers should be included as a clarification.

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

Kim Nelson, Stanley Consultants presented the Trails Master Plan.

Nelson gave a presentation of the regional trails in and around the Town of Berthoud.

Trustee Dower asked if the cost for the different types of trails includes any grading or land management. Nelson stated that it would include the construction, but not any landscaping.

Trustee Hardy asked if there was a policy regarding golf carts on the trails. Kirk stated that the intent is that they are not motorized.

Mayor Pro-Tem Hindman stated that new residents north of Highway 287 had concerns about connectivity to downtown.

Hindman asked why the pad would be a six-inch slab instead of four inches. Nelson stated that all trails that they build are built as six-inch slab trails. She stated that the ten-foot width is best for access and for maintenance.

Kirk stated that six-foot is sometimes too narrow for maintenance access and an 8-foot width is standard for two-way traffic.

Trustee Dower asked that a member of PORT address the issue.

Len Guldenpfenning stated that he was very excited and the trails was the No. 1 priority. He stated that there are grant funding opportunities and funding options. He stated that developers have already built a substantial portion of the trails.

Trustee Hardy asked how the connection over the 10E bridge would be accomplished. Kirk stated that there are a lot of ways that it can be done. If will be an item for consideration. Kirk stated that as the developers build trails, the Town will have to step in and identify gaps that need to be addressed.

Mayor Pro-Tem Hindman suggested adding a detached concrete trail along Berthoud Parkway that would provide access to Heron Pointe and the commercial space that will be built in the future on the east side of Berthoud Parkway.

**Hindman motioned to approve the Trails Master plan with a detached concrete trail along Berthoud Parkway that would provide access to Heron Pointe and the commercial space that will be built in the future on the east side of Berthoud Parkway, no at grade crossings at critical locations, and Working with Ditch companies in the future to accomplish the plan. Trustee Laak seconded the motion. With all in favor, THE MOTION CARRIED.**

5. **Rose Farm Metropolitan Service District** (Curt Freese)  
Resolution 2018-18 approving a service plan for the Rose Farm Acres Metropolitan District

Freese gave an introduction and explained that the item was on the May 22<sup>nd</sup> agenda and was continued to this meeting.

Alan Pogue stated that they gave their presentation at the last meeting. He indicated that the levy cap may be 55 instead of 50.

Trustee Dower asked what the required open space is and how much is being provided. Freese stated that the open space is closer to 30%. Freese also stated that the trail will be dedicated to the Town.

Mayor Pro-Tem Hindman allowed the public to make comments.

David Meeker stated that he felt the applicant has made their case well and would advocate that the Town let it move forward. He stated that he would like it to move forward without being blocked.

Trustee Hardy stated that he is not seeing very much of a need in this neighborhood. He stated that the water and sewer will be about \$20-22k per lot.

Trustee Tomassi stated that the issue of need comes down to infrastructure. He continued to state that it is the consumer's choice as to whether or not they want to pay the fees.

Pogue stated that he provided quite a bit of information to Freese and Kirk. He stated that the there is a mill levy comparison, which indicated that, for example, the Stapleton mill levy has changed from 50 to 67. He stated that people will generally vote for a tax increase when they believe in what it is going to provide.

Trustee Dower asked if Exhibit G is the notice to the buyer. Pogue stated that if the tax exists, then it will appear on the tax bill.

Trustee Dower asked if they are taxed immediately. Pogue stated that normally imposed immediately.

Dower stated that she is not necessarily opposed to metro districts and has learned a lot about them in the last few weeks. She stated that she would not like to impede progress. She stated that it may not be good policy to get in the way of the project moving forward. It meets the definition of needing a metro district, but does not have the extensive amenities.

Trustee Hardy agreed with Trustee Dower.

Trustee Tomassi stated that it is not the Board's responsibility to negotiate.

Mayor Pro-Tem Hindman asked if the Board could approve the district or with conditions.

Pogue stated that it can be approved, denied, or approved with conditions.

Tomassi stated that it is a free market decision to purchase a home in a neighborhood that has a metro district. He stated that he did not understand the point of holding it up.

Trustee Dower stated that the majority of the developments have metro districts.

Freese stated that there are two developments will not have metro districts. Heron Pointe and Farmstead. Between the two, it is about 1,800 lots for a maximum level of density.

Trustee Dower stated that a metro district is much more likely to maintain than an HOA. She stated that she would support with conditions.

Mayor Pro-Tem Hindman stated that the Town has inherited past practices. He stated that the applicant has every expectation that they would receive similar treatment. He suggested approving as presented and direct staff to not process additional metro districts until the Board can address the issue.

**Trustee Tomassi motioned to approve Resolution 2018-18, a resolution of the Town Board of the Town of Berthoud approving a service plan for the Rose Farm Acres Metropolitan District. Mayor Pro-Tem Hindman seconded the motion.**

**Trustee Dower motioned to amend the motion to include the amenities. Trustee Hardy seconded the motion.**

Trustee Laak was in support.

Mayor Pro-Tem Hindman stated that they needed to identify specifically what that means.

Tomassi stated that it should be approved as is.

Five-minute break.

Mayor Pro-Tem Hindman stated that there is a motion to amend the proposal.

**Dower withdrew the motion to amend.**

**With all in favor of the initial motion, THE MOTIONED CARRIED.**

**Hindman motioned to direct staff to not process new metro district applications until the Board can evaluate the current policy. Trustee Hardy seconded the motion. With all in favor, THE MOTION CARRIED.**

## 6. Bargain Storage Site Plan Appeal

Five Minute Break.

Greg Bell stated that it is an appeal that was remanded from the court and went back to planning commission, which denied the appeal. Bell stated that the Board's responsibility is to determine if the Planning Commission misapplied the law or misinterpreted the law.

Russell Eason stated that he has a package that he would like to go over. Bell stated that it can be introduced and marked as exhibits.

Eason stated that there are various elements of his application that are an issue. Eason stated that he would show that the site plan is right and that the comp plan is wrong.

Eason read a prepared document, which was a timeline of what he believed happened leading up to this appeal.

Eason presented a copy of CRS § 30-1-80, which shows that at one time cargo containers were approved for use in Berthoud with Building Permit approval.

Eason presented a page from Wikipedia regarding loading docks.

Eason presented a sheet from Larimer County that defines what a cargo container is. He stated that he contacted Eric Frey, who is the building official for Larimer County. He asked Frey what a cargo container is. Frey described a cargo container.

Eason Presented staff report from September 25<sup>th</sup>, 2014 Planning Commission Meeting, highlighted a paragraph stating it was consistent with the comprehensive plan and presented a copy of the September 25, 2014 Planning Commission minutes.

Freese gave a presentation to illustrate that the Planning Commission applied the law correctly and that the Town Board should uphold the decision that was made by the Planning Commission.

The applicants legal counsel stated that the applicant would be applying for a permit for each of the containers and that it would create two jobs.

Mayor Pro-Tem Hindman asked about the exemption regarding landscaping.

Freese stated that he did not feel the language was intended to allow landscaping to create an exemption.

Mayor Pro-Tem Hindman stated that he was somewhat torn because of the landscaping clause, but did not feel it could overturn the decision. He suggested maybe bringing the item back on the 26<sup>th</sup>.

Trustee Tomassi stated that he has not seen evidence that the Planning Commission incorrectly interpreted the building code.

Trustee Laak stated that he was in agreement with Trustee Tomassi.

Trustee Hardy stated that it comes down to the difference between it being a building and a storage unit. He stated that he recalled the area to the north was in a different area. He stated that he would lean to deny.

Trustee Dower stated that she could not see how the interpretation was wrong. She stated that she would like to be flexible, but given that they are looking for compliance with the code, she did not believe the Planning Commission made a misinterpretation.

Hindman stated that it would require support of all five people to overturn the Planning Commission decision. He stated that he felt the landscaping could change, but there is not support.

Bell recommended giving direction to bring back a determination to deny the request.

Trustee Laak motioned to give the Town Attorney direction to prepare a determination upholding the Planning Commission decision to deny the application and bring it back to the June 26<sup>th</sup> Board Meeting.

## **VI. ELECTED OFFICIAL REPORTS**

### **Administrator Kirk reported:**

- County Road 44 is nearing completion; the road deck is finished and the road should be open by the end of the week. Mayor Pro-Tem Hindman suggested a press release.
- The RFPs are due for the parks master plan.
- Pedestrian signs will be installed at crosswalks downtown later this week.
- CDOT will be installing a signal at 9<sup>th</sup> Street and Mountain Avenue that will improve pedestrian safety.

### **Attorney Bell reported:**

- The discussion on the metro district is a key discussion and the follow up was excellent choice.
- Bell referenced a records request that all municipalities received requesting a large amount of information.
- Bell stated that he will be at the annual CML conference.

### **Trustee Hardy reported:**

- Attended the first I25 corridor meeting. He went into the meeting ready to get the merge lane and bridge fixed. He stated that an accident caused the bridge at I25 to move to a higher priority level. He stated that he requested the State stay in contact with the Town regarding the bridge. The next meeting will be first Wednesday in August.

### **Trustee Dower reported:**

- Attended the PORT Committee meeting last Wednesday and those items were before the Board this evening.
- The Historic Preservation Committee met last night. They met with the Four Square church to complete renovations. The railroad depot may be demolished if it is not improved significantly.

### **Trustee Laak reported:**

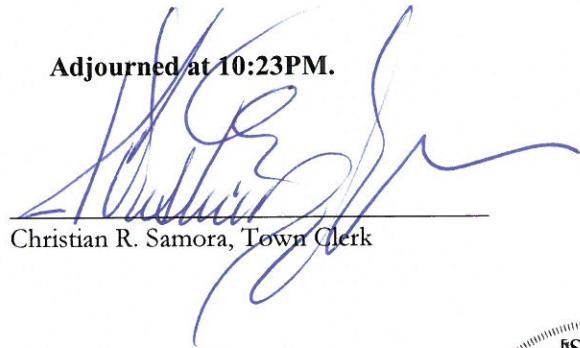
- The Youth Advisory Commission participated in the Berthoud Day parade. They are busy in the summer. The kids are doing things this summer rather than taking a break.

### **Pro-Tem Hindman reported:**

- Berthoud Day was a success and the Chamber did an excellent job. He suggested maybe budgeting for help, so that the Chamber may expand it in future years. He stated that they were very busy at the Trustee booth. The Open Lands Advisory Meeting was a few weeks ago. The CIP will be coming out in a few weeks.
- Hindman stated that he is looking forward to the CML conference next week.

## **VII. ADJOURN**

Adjourned at 10:23PM.

  
Christian R. Samora, Town Clerk

  
William Karspeck, Mayor

