

**BOARD OF TRUSTEES
REGULAR MEETING
May 24, 2016
6:30 P.M.**

Board Members Present: Mayor David Gregg
Mayor Pro Tem Chris Buckridge
Trustee Jeff Hindman
Trustee William Karspeck
Trustee Brian Laak
Trustee Jennifer Baker
Trustee Kelly Dunkelberger

Staff Members Present: Town Administrator Mike Hart
Accounting Technician Carla Gustafson
Community Development Director Curt Freese
Director of Parks and Recreation Jeremy Olinger
Parks and Recreation Wesley Joy
Police Chief Jim Anderson

Mayor Gregg led the Pledge of Allegiance.

Citizen Participation

Tom Patterson, 935 10th Street, represented 12 homeowners that are adjacent to Waggener Farm Park. He would like to be informed of any planning developments. He would like the Board to keep in mind the survey results and the facilities reported as a high priority by the community. Mr. Patterson was also concerned about the proposed building plans on the Waggener Farm site and it being referred to as 80 acres. He mentioned the 80 acres are not all usable. There are restrictions from the Waggener family on the south portion and the school also uses a portion of the property. Another element is that areas of the property have poor drainage and at times can be either a swamp or a lake. He would also appreciate it if they kept in mind dark sky lighting while doing the planning for the area.

Mayor Gregg mentioned the topic would be discussed later in the meeting. Including discussions about putting together a citizen committee and representation by Mr. Patterson and his neighbors would be most welcome.

Director of the Boys and Girls Club Kathy Wright, 916 Grant in Loveland, introduced herself and the club to the Board. She gave a brief description of services the club provides. She wanted the Board to know they are very interested in partnering with the Town of Berthoud to serve kids 6-16 years old. She invited members to come visit any of the clubs and take a tour.

Len Guldenpfenning, 1000 Lake Avenue, reported sewage backed up into his basement. He mentioned Town staff did a great job responding and taking care of the details to make an insurance claim on behalf of the Town's insurance. Mr. Guldenpfenning had concerns that the sewer system is in need of updating.

Consent Agenda

The Consent Agenda consisted of the May 10, 2016 meeting minutes.

Trustee Hindman request changes to the minutes. He would like his comments responding to Citizen Participant Allen Crider to be added. He also requested that his comments in the reports section be changed to reflect that he does not want a facilitator at study sessions.

Trustee Hindman moved to approve the Consent Agenda with changes to the minutes. Mayor Pro-Tem Buckridge seconded the motion. The motion passed 7:0.

Ramey Water Update

Wayne Ramey with Ramey Environmental Compliance gave an update on the lead and copper water issue. He explained, due to the Water Safety Act they are required to sample 40 locations every six months. Out of 40 samples taken by homeowners, five were found to have higher than the action level of 15 parts per billion. Although not a high amount, the EPA has determined the amount is high enough to alert the public. Mr. Ramey further stated samples taken as the water leaves the water plant do not exceed the limits for lead and cooper. The problems come from the plumbing in homes. To address the issue JVA submitted a report to the State requesting approval to design and build a system at the water plant to condition the PH to help reduce pipe corrosion. Approval is expected in the next few weeks. A letter will be sent out informing residents of the situation and advising how to avoid any possible health risks. Residents can request a free test of their water by calling 970-532-2393.

Federal Train Horn Rule

City of Loveland Interim Engineer Jeff Bailey spoke about the Federal Train Horn Rule. He gave a brief summary of the history of the rule. The decade old train horn rule set high decibel levels and increased the length of time locomotive horns must be sounded when approaching grade crossings. It also made train engineers personally liable for any accidents. The result is engineers sounding horns more often. Because complaints from businesses and residents near rail lines have increased, the Federal Railroad Administration (FRA) has invited comments on the issue. The deadline for submitting comments to the FRA is July 5, 2016.

The Board discussed and agreed a formal letter addressing excessive train horn noise and requesting lowering the noise levels be sent to the FRA. It was also decided the Town be represented at a meeting on June 17, 2016 with FRA Administrators overseeing the changes and Colorado Senators. Trustee Hindman requested information about the meeting be publicized. Time and location will be posted on the Towns website and social media.

Vantage Concept Plan

Town of Berthoud Development Director Curt Freese introduced a concept plan for Vantage, a new development located at 17th, from 10 E to Bunyan. The current proposal combines property that was formerly approved as Trails at Sugar Creek, Easthaven, and Westhaven. The applicant is proposing a Concept Plan for 201 acres with 110 townhomes and 495 single family lots. The

Planning Commission unanimously recommended approval on April 28, 2016 with the addition of a stub street on the Northeastern property line and relocating the townhouses to the center of the development adjacent to the central park. Both recommendations have been incorporated into the current proposed Concept Plan. The goal is to provide the Board, community and the developer with input and guidance before they go about actually engineering the project.

Applicant Bill Zech provided information and addressed questions from the Board. He informed the Board of changes already made from previous feedback. Mr. Zech stated his goal was to have pedestrian connectivity with trails. He mentioned he is the owner of the property the oil and gas pad is on but does not own the mineral rights which has a two and a half year lease.

Jim Birdsall of The Birdsall Group, 444 Mountain Avenue, pointed out pedestrian friendly aspects of the concept plan. He explained there is a 150-foot set back required on the oil and gas pad.

Trustee Karspeck inquired if there is a tree lawn between the sidewalk and the road.

Mr. Birdsall replied the goal is to do tree lawns everywhere in the development.

Trustee Baker asked about the district and who would maintain the open spaces.

Mr. Birdsall replied a metro district would be created and would be responsible to install and maintain any parks and open spaces.

Mayor Gregg opened the discussion for citizen comments.

Barth Story, 930 Bunyan Avenue, commented the new plans look much nicer. The winding streets are more interesting than a grid pattern and the open areas will make it more attractive for potential buyers. He appreciated the trails proposed in the plan. He mentioned the PORT Plan and the survey results showing a need for more trails, specifically off road trails. He also voiced concern about ground water problems and storm runoff causing flooding. He questioned how much rain a detention area is designed to handle and if it fills up, where does that water go.

Michael Cook, 970 E County Road 8, represented Habitat for Humanity who has acquired the property adjacent to the development and next to Berthoud Elementary for future affordable housing. He mentioned he has met with Vantage developers and they have been supportive and helpful for Habitat's endeavors.

Mr. Birdsall replied to Mr. Story's concerns about the ground water and storm water runoff. He understands there have been storm water issues for some time. They have talked with Town staff to understand where the problems and pinch points are which is why there are large detention areas in the south to address that issue and the ground water problems should be taken care of by eliminating the flood irrigation that has been done on the farm. He cannot promise it will completely take care of the problem but it should help. The overflow from the storm water detention area should follow the historic path to the south but detained to the two-year historic flood.

Administrator Hart suggested a modified development agreement with the developer to work together to solve any drainage issues.

Trustee Hindman commented he liked the new development plans. In the future, he would like the Town to have the developer pay for their portion to have Water Avenue go through. He would like to see a crossing over Handy Ditch. He also feels there should be a contingency that the oil and gas company meet all state regulations and check into possibilities of having more strict requirements.

Trustee Hindman moved to approve the Vantage Concept Plan as per the Staff Report with the recommendation that the developer try for pedestrian trail connectivity to the townhomes and also the requirement that the set backs to the oil and gas drilling site meet state requirements at the time of the preliminary final plat. Trustee Dunkelberger seconded the motion. The motion passed 7:0.

Mayor Gregg adjourned for a recess at 8:28 p.m.

Mayor Gregg reconvened the meeting at 8:35 p.m.

GreenPlay Presentation-PORT Plan Initial Findings

Development Director Curt Freese introduced representatives from GreenPlay and Design Concepts who are working on the PORT Plan design concepts. Their Initial Finding Summary Report will give the Board information to guide and direct Staff and consultants with the visioning and planning of a rec center, parks and trails.

Dylan Packebush presented a packet of information of their findings along with a power point presentation to the Board. Information provided covered the history and overview of the Parks and Recreation Department. A parks and facilities inventory, assessment, and analysis as well as a summary of the community survey were also included.

Shanen Weber with Design Concepts gave a conceptual presentation including a power point of a vision for a potential recreation district. The planning and design are based on information gathered, citizen surveys, and input from Town staff. Key areas of focus were the Knieval and Richardson properties, Waggener Farm Park, Berthoud Reservoir, and Recreation District Trails and Connectivity.

Trustee Karspeck voiced concern about the conservation easement and deed restriction in regards to the Waggener Farm Park property.

Ms. Weber replied they were aware of the restrictions. She believes the dog park and parking lot are allowable. She will check information to verify and provide more detail.

Trustee Karspeck was also concerned about the parking and lighting. His concern is to make sure that the original legal commitment with the landowner who sold it is followed.

Ms. Weber replied the plans are not that detailed, but they would follow the legal description.

Trustee Baker questioned the reasoning for the proposed location of the rec center.

Ms. Weber replied it would be visible from 287 and attract attention. They believe Waggener Farm Park would be a great location for the community center discussed with the Boys and Girls Club due to the fact it would not have as much impact as a rec center would.

Trustee Laak asked about Berthoud High School and if they are maxed out with clubs using the facilities.

Director of Parks and Recreation Jeremy Olinger spoke about the availability of the facilities at the high school. We do have an agreement to use their fields but only if they are available. The problem is time of use for the high school and clubs runs parallel to Parks and Rec activities. Parks and Rec has been utilizing the elementary schools and the middle school.

Trustee Hindman noted that the Town does not own any of the indoor facilities in the inventory. He also noted that the survey collected from residents shows the public prefers the rec center located at Waggener Farm Park. Mr. Hindman believes the rec center should be located adjacent to the skate park and BMX track. The ball fields should be a separate destination. Mr. Hindman would like to move forward on getting on a ballot this fall to ask the voters for funding support. If there is any opportunity to partner with the school district they would be more likely to support a pool next to Turner Middle School.

Mayor Gregg opened for public comment.

Jan Vielehr, 980 Mountain Avenue, grew up on the Waggener Farm. She said the property was sold to the Town with the intention it would be a place where people could come and enjoy and is pleased that is being kept in mind. The property has always been agriculture so it is nice to see a Farmers' Market included. She also believes it is important to partner with the schools. In the past, she has found them willing to sit down and find solutions to problems and they have done a good job of developing the part that Turner owns.

Len Guldenpfenning, 1000 Lake Avenue, remarked he would like to see limited development with a focus on outdoor recreation. He suggested the Town should look at the opportunity to start on the less expensive projects to get started on the rec center. Also, consider partnering with the school district.

Administrator Hart requested direction from the Board regarding the following:

Pursuing a Community Center partnership with La Familia and the Boys and Girls Club, or a Recreation Center.

Whether to obtain the services of GreenPlay to facilitate a potential Recreation Center project.

The creation of advisory committees, including their scope of responsibilities, for the completion and implementation of the PORT Plan. Also if the rec center should be separated from the PORT Plan.

Direction on the proposed visioning maps for potential recreational facilities and or a future parks development plan.

Tustee Hindman remarked the decisions hinge on the election dates for a rec district. He also stated that all of the projects go together as a whole and need the funding provided by creating a rec district.

Administrator Hart responded he has received information from Attorney Pogue via Attorney Bell, offering support to guide the Board through the process of getting on the ballot in November.

Mayor Gregg moved to direct staff to pursue getting a recreation district on the November ballot until it proves unfeasible based on calendar deadlines and other restrictions. Trustee Hindman seconded the motion.

Administer Hart asked if he should expend funds to start the process and make a submittal to Attorney Pogue by next Tuesday.

A vote was taken and passed unanimously.

Mayor Gregg moved to appoint Trustee Hindman as the Board Liaison for an advisory committee and to work with GreenPlay to come back with a recommendation to form the advisory committee post haste. Mayor Pro Tem Buckridge seconded the motion.

A vote was taken and passed unanimously.

Administrator Hart asked for clarification on an earlier discussion about putting the Boys and Girls Club option on the shelf or pulling it back into the PORT Plan.

Mayor Gregg stated the Town should pursue a partnership for a community center with La Familia and the Boys and Girls Club and a Recreation Center. All Board members agreed.

Administrator Hart verified the Board would like to create a citizen advisory committee before providing further direction on the proposed visioning maps for potential recreational facilities and or a future parks development plan.

Reports

Claire Bouchard with Slate Communication presented a potential agenda for the retreat scheduled for Tuesday May 31, 2016. Board members gave feedback on what they would like to have included and topics they would like to go over.

Trustee Hindman reported he will be attending the CML Spring Outreach Meeting tomorrow from 9-11. He requested getting the Malchow Farm funding request that Larimer County made to the Board on a future agenda so it can be considered. He asked staff for a copy of the Dark Sky Ordinance. He would like to know how it is enforced because he believes some new developments

are not following it. He would like an update on the roundabout streetlights. He would like to investigate other alternatives before putting up standard industrial lights.

Trustee Baker reported she would also be attending the CML Outreach.


Mayor Pro Tem Buckridge reported the Historical Preservation Advisory Committee had their information extravaganza on Saturday. Attendance was low but those who came received helpful tax information for property marked as historical.

Trustee Karspeck reported attending the Tree Committee meeting. He also reported speaking with the USDA about the Emerald Ash Borer Bio Control. He found the EAB needs to be found within one mile to have it and Berthoud has not had it reported within that limit. He also mentioned Berthoud has many areas designated as rural and the USDA offers rural home loans to people making \$43,000 or less.

Trustee Laak reported attending the Tree Board meeting. A topic of discussion was a nursery and where it would be located. He also mentioned Berthoud now has a full time arborist. They will have a presence at Berthoud Day to get the word out about the Emerald Ash Borer. Mr. Laak reported communicating with a local business, Mindful Dispensary. They are trying to get recreational marijuana in Berthoud. They expressed frustration in the minimal response they have received to their emails. Mr. Laak would like to see a response to all inquiries.

Mayor Gregg adjourned the meeting at 11:10 p.m.


Christopher M. Buckridge Mayor Pro Tem
Mayor David Gregg


Carla Gustafson
Accounting Technician