

Town of Berthoud  
Regular Meeting  
January 13, 2015  
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**BOARD OF TRUSTEES  
REGULAR MEETING  
January 13, 2015  
BOARD ROOM  
6:30 P.M.**

|                        |                                                                                                                                                                                                             |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Board Members Present: | Mayor David Gregg<br>Mayor Pro Tem Jan Dowker<br>Trustee Chris Buckridge<br>Trustee Jennifer Baker<br>Trustee Suzie White<br>Trustee Paul Alaback<br>Trustee Mike Henning                                   |
| Staff Members Present: | Town Administrator Mike Hart<br>Town Clerk Mary Cowdin<br>Town Attorney David Bell<br>Town Planner Sherry Albertson-Clark<br>Town Engineer Stephanie Brothers<br>Administrative/Court Clerk Melissa Colucco |

Mayor Gregg Led the Pledge of Allegiance.

**Citizen Participation**

John Giroux, 1441 Antero Drive. Mr. Giroux introduced himself as a local business owner and has also published a book called Loveland 365 People, Places and Things That Make Us America's Sweetheart City. Mr. Giroux adds that he recently joined the Berthoud Chamber of Commerce and was asked by the director Deanne Mulvihill to take photos and participate in a project. Mr. Giroux has been mentoring Berthoud High School senior Everett Hindman with the Berthoud Bound Project.

Everett Hindman adds that he wanted to use his photography to help bring attention to the business in the town of Berthoud. The Berthoud Bound Project will market Berthoud through photography.

Mr. Giroux wanted to bring attention to the Berthoud Bound Project and would like to invite the trustees and Town to the advisory committee that should be put together within the next few weeks.

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Mayor Gregg mentioned that the Town is working on a current marketing plan and would love to collaborate.

Town Administrator Mike Hart added that our next board meeting is on January 27<sup>th</sup> 2015 if they would like to attend.

### **Consent Agenda**

**Mayor Pro Tem Dowker moved to approve the consent agenda that include the December, 9 2014 Meeting Minutes. Trustee Henning seconded the motion. The motion passed unanimously.**

### **Heron Pointe Annexation**

Town Planner Sherry Albertson-Clark introduces the item to consider annexation of property known as Heron Pointe. There are 4 Serials to the annexation and a proposal to zone the property R-1 Single-Family; R-4 Mixed Use; C-2 General Commercial; and T-Transitional. Also included is a concept plan. Albertson-Clark presents the board with a packet and maps that explain the location of Heron Pointe and areas that would be affected. This proposal by the applicant is to add a mix of single family homes, multi-family homes and commercial/employment use. The annexation meets the contiguity requirements of Colorado law, the proposed zoning are consistent with the land use designations on the Town's Preferred Land Use Plan.

Albertson-Clark wanted to also explain that the purpose of a Concept Plan is for general use and discussion. This is a beginning stage that does not require a traffic survey. The Concept Plan gives the applicant an opportunity to discuss development plans and hear comments or concerns from public. The packet also included attachments that relate to staff reporting and public comments.

Notice of the Town Board public hearing was mailed out on December 23, 2014. The development code requires a minimum of 300 feet in radius. Town staff felt that they should extend that radius to 400 feet to ensure more people had notification. Residents who signed-in at the Planning Commission meeting and those who sent in comments were also added to the mailing list.

Albertson-Clark also addressed that there are residents in that surrounding area who have some concerns. Some of these topics came up during the Planning Commission meeting. The majority of the concerns are related to traffic, drainage, street repairs, emergency access, school capacity, utility capacity and the negative impact the future businesses may have to the surrounding residential areas.

Mayor Gregg opens to questions for Town Staff.

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Trustee Alaback asked for clarification in regard to whether the development allows for the minimum of 7% open space.

Developing Manager for Taft Center, LLC Stephen Steinbicker mentioned that although we are still in the concept plan the intention is to have well over 7% open space.

Trustee White asked for an update on the letter in regard to the Loveland Rural Fire Protection District. White asked if town staff spoke to Chief Charles. White also asked what emergency service would be in that area.

Town Administrator Hart responded that he had met with Chief Charles and that the town will not get in the middle of the fire districts. It is better for the districts to get together.

Albertson-Clark responded that it is her understanding that emergency service would be Thompson Valley Health Systems.

Trustee Baker asked if there was a suggested width for the buffer at this point and approximate elevations of the structures. Baker also asked if there would be a lift station in regard to sewage

Town Engineer Brothersexplains that we are still in the concept plan but the developers are looking at a gravity option instead of a lift station.

Albertson-Clark added that when we are in the pulmonary stage we should have a better idea of buffer and elevation numbers.

Trustee White wanted to bring attention to the board about a concern brought up in the recent Planning meeting. In regard to Colony Ridge, High Country Road is maintained by the subdivision. They are concerned with connecting the new subdivision to High County Road. White mentioned that there was discussion with the developer to limit that road for emergency services.

Mayor Gregg asked if the concept plan requires voting.

Attorney Bell explains that although it does require consideration and recommendation for approval of the concept plan it is nonbinding and it can require revisions or requirements.

Mayor Gregg opens for questions from the applicant.

Stephen Steinbicker, Manager for Taft Center, LLC. Mr. Steinbicker started by thanking Albertson-Clark for all her hard work with the presentation. Steinbicker adds that they have been working very hard on this plan and are being conscious to the concerns. Steinbicker goes over some more items in regard to the Concept Plan. We are keeping in mind any considerations with the planning.

Mayor Gregg opens the hearing to public comment.

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Paul Humberson, 3921 Candle Street. Mr. Humberson explains that the high density of this project does not fit within the area. He feels that the Town is abandoning smart business development if they allow this annexation to happen.

Philip Baron, 4025 Candle Street. Mr. Baron presents the board with map of the surrounding areas subdivisions. He explains the sizes of those areas. Mr. Baron points out that the multi-family housing will take away privacy for the people living in Colony Ridge. The balconies will overlook into their backyards. Baron adds that the residents already have trouble with traffic, high sewer rates and water leaks. This kind of development could destroy the neighborhood.

Helen Haverty, 851 S.W. 42<sup>nd</sup> Street. Haverty expressed concerns with school capacity and the already high cost of sewer. The infrastructure is not in place for this plan.

Vicky Amato, 3905 Candlewood Street. Mrs. Amato stressed several concerns about traffic with the proposed 15-30% increase in population with this development. Mrs. Amato presented the board with a petition that included 290 signatures that is opposed to The Heron Pointe Concept Plan. The high density is drastically out of character for our neighborhood and we would like to see development that fits the needs of our community. Some of the proposed revisions that Amato mentioned were an increase in lot size, to widen a bridge on Larimer County Road 14 and additional open space. If we need to we will take it to referendum and let the voters decide.

Tanya Webb, 1500 Rancho Way. Webb mentions that residents in her area already experience issues with low water pressure. Webb has concerns about the time frame it takes to complete road work and whether we have adequate funds.

Gary Richardson, 4809 High Country Road. Mr. Richardson explains that he has been a resident of Colony Ridge for 22 years and that he is not part of Berthoud but Larimer County. Mr. Richardson mentions that Berthoud Development is about keeping a small community, agriculture and promoting local business. The Heron Pointe Concept Plan is contradictory to Berthoud's own Development Plan.

Barbara Dempsey, 4717 High Country Road. Dempsey has lived in Colony Ridge for over 20 years. There are many valid reasons to not except this project as pointed out by the petition and people speaking. We have not found anyone in favor of this project. Dempsey feels that there was a lack to contact residents or listen to what the community wanted.

Deanne Mulvihill, Executive Director for the Berthoud Chamber of Commerce at 428 Mountain Ave. In the past Berthoud has struggled with providing resources to residents because of lack of growth. The Chamber is in support of growth because it is exactly what the town needs to deal with infrastructure issues.

Nina Naylor, 1709 Rancho Way. Naylor stated that although she appreciates the recent article she feels it did not address the concerns. Naylor adds that we are for development but we want the right development. Our main concern is that the infrastructure is not there to support the plan.

Ray McDowell, 4579 Rosewood . Mr. McDowell explained that he has been a resident for 32 years. When he first moved into the area they were paying lower sewer rates. Our rates started going up with development. The high density housing will block views of the mountains. McDowell also added that the traffic is already more than it can handle.

Mayor Gregg calls for a 5 minute recess at 7:53 pm.

Mayor Gregg calls meeting back in session at 7:59 pm.

Charles Miller, 4162 Joni Lane. Miller feels that the business could sit empty and that the location is not the right fit.

Elmer Kravalis, 4725 High Country Road. Kravalis is opposed to the zoning and concept plan. This type of growth is not acceptable for the neighborhood. The area should be for single family dwellings and the preservation of land. This Concept Plan is not well planned growth.

Gary West, 338 Iowa Ave. West gives a history of his profession as a city manager and planning director. West adds that most recently he has been working with The Sampson Law Firm and has been asked to assist some of the residents. There was an absence on an annexation agreement prior to the annexation. West questions the fiscal analysis and feels the financial feasibility was inadequate by hitting revenue instead of costs. Annexation is discretionary and the board does not have to agree.

Ted Bendelow, Attorney 1707 Main Street #301 Longmont. Mr. Bendelow is representing a large number of the residents in attendance. Mr. Bendelow presents the board with several suggestions before moving forward. Some of the suggestions included getting an annexation agreement to address traffic issues, town obligations to County Road 17, ditch issues and personal guarantees with the developer. Bendelow adds that there is very little discussion about cost but on the revenue.

Andrew Givan, 851 S.W. 42<sup>nd</sup> Street. Mr. Given mentions that he is a local small business owner and wants to keep Berthoud a small community. He is urging that we look at how this is angering a lot of people.

Dina Sperry, 4504 Pine Hill Drive. Sperry mentions there are too many unknowns in regard to the infrastructure. In regard to our drainage we are already experiencing flooding. There are concerns in regard to school crosswalks and traffic.

Bruce Hogness, 4808 High Country Road. Hogness feels the residents are going to end up paying for this. In regard to the businesses I do not see anyone in the area or Berthoud who is going to use this.

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Randy Andersen, 1624 Rancho Way wanted to mention that he agrees with all of the concerns mentioned this evening.

Patrick Geiger, 4400 S County Road 15H. This subdivision does not work and this project does not fit. We need to go back to the drawing board and do something that will work for everyone.

Ed Kahle adds that many people are protesting this. We do not want to see our neighborhood change negatively. Kahle asks the Town to make a wise decision and to change this project to be conforming to the neighborhood.

Steve Manshel, 4032 Hammans Court. Mr. Manshel feels the quality of life will be affected negatively. With the multi-family housing our community will be at risk for higher crime and property values will go down.

Mayor Gregg closes to public hearing.

Trustee White asked the applicant what the driver was for this plan.

Steinbicker explained that the fundamental reasons were economic. Not everyone can afford a 5 acre lot. There is more need for multi-family and it ties to the commercial side. The commercial will be the last stop before I25 and feel it will be used. There has already been some interest in regard to a gas stop.

Mayor Pro Tem Dowker asked for some background on the fiscal analysis.

Adam Orens from BBC Research and Consulting explains that they have been around for 45 years. We have done a lot of work with the town over the past 15 years. The study was customary for the fiscal report. We build a model that shows effects on town finances. This development is still in the beginning stages but we did look at it in a conservative scale.

Mayor Gregg mentions that majority of the concerns come within the Concept Plan. Gregg is requesting consideration from the developers for a meaningful buffer to the south, a meaningful park considered and instead of north to south could we look at stretching east to west with the housing portion. This could be a solution for the privacy issue with Colony Ridge. In regard to zoning Gregg mentioned that R-4 leaves too much room for commercial development and asks if we could look at something other than R-4.

Trustee White agrees with looking at zoning to an R-2 instead of an R-4 and if that is possible.

Mayor Gregg wanted to discuss the term smart growth. Many residents have used that term and the diversity of affordable housing and the opportunity for mixed use fits into smart growth. Gregg also wanted to mention that he strongly disagrees with the notion that affordable housing will change the quality of living for other people in the area. In regard to infrastructure it was mentioned that the

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residents would somehow pay. That is not the intent, growth pays for itself. The developer will pay for the infrastructure they are requesting. In regard to annexation there has been mention that the town was deliberately seeking the annexation. The Town does not seek annexation, annexation is asked from the town. The traffic issues will come in greater detail later in the process and there will be numerous notifications as they come about.

Mayor Pro Tem Dowker addressed some of the comments made in regard to roadwork and funding. Dowker explained that there is funding from the North Front Range MPO in regard to widening Larimer County Road 17. We know there are traffic issues in that area and we are already trying to address that. Mayor Pro Tem Dowker wanted to strongly communicate that the Town is listening to all of the concerns. The concerns are what we look at when we are planning. We want this to be winnable situation for everyone. Dowker also adds that one thing we know is affordable housing and multi-family housing are seriously lacking in Northern Colorado.

Administrator Hart wanted to respond to the mention of existing problems with traffic and roads. This is why we got the assistance from CDOT. Hart wanted to remind residents that anytime there needs to be a lane added that the developer pays for that and road impact fees come from development. The development will address the improvements needed that the residents mentioned as already being a problem.

A discussion was held regarding zoning including R-4 verses R-3 zoning.

**Trustee Buckridge motioned to approve the Heron Pointe Serials annexation in order of ordinance numbers 1189, 1190, 1191 and 1192. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.**

**Mayor Gregg added to let the record reflect that the intent is that they are approved in the order they were referenced.**

**Trustee White moved to approve ordinance 1193 Heron Pointe Zoning R-1 Single Family, R-3, C-2 and T-Transitional with changes to R-3 in the findings that the proposed zones are in compliance with the Towns comprehensive plan preferred land use map. Trustee Buckridge seconded the motion. The motion passed unanimously.**

**Mayor Gregg requested that the minutes reflect that this reflect request made from developer plan. Approved to comments made. Minutes reflect that this is a nonbonding approval request made of the developer in the concept plan.**

**Mayor Gregg mentioned that the minutes should reflect that the concept plan is approved upon comments made in the meeting.**

**Attorney Bell clarifies that we want to propose to approve the concept plan in general subject to comments made of record tonight.**

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**Trustee Buckridge moved to approve the concept plan in general subject to comments made on record. Trustee White seconded the motion. The motion passed unanimously.**

#### **Agenda Posting Location**

Town Clerk Mary Cowdin explained to the board that Colorado Revised Statutes requires the Town to designate the official location for posting all Board meeting agendas for the year at the first regular meeting of each year. Staff is recommending that the current posting location to be the bulletin board at the entrance to Town Hall.

Trustee Alaback moved to designate the bulletin board at the entrance to Town Hall as the official agenda posting location for 2015. Trustee Henning seconded the motion. The motion passed unanimously.

#### **Reports**

Town Administrator Hart reported that the Town received a certificate of appreciation from RAFT. In December Stephanie Brothers and I met with the office of aging had a great discussion. Their biggest concern was if the town was going to continue with the BATS program. We informed them that we are committed to continuing the program. Town staff is working on a simple agreement with RAFT instead of going with the voucher system. The new web page project is still on the way. Walt Elish submitted all the paperwork for a 1million dollar grant to help with the construction plan at 125. Sherry Albertson-Clark is working with legal staff on modifications to the development codes. The meeting for January 27, 2015 Walt Elish will have a presentation for economic development and we will hear from Slate Communications on a communication master plan.

Mayor Gregg reported that he will be with the Erie Trustees and will not be able to attend the January 27, 2015 Board Meeting.

Mayor Pro Tem Dowker reported that the Berthoud Chamber Event and Dinner was positive and well attended. Dowker also added that this Sunday January 8, 2015 is the Annual Champions of Life at Bruce's Bar in Severance. The proceeds go to a family in need.

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Trustee Baker attended the Northern I25 Corridor Coalition. Baker reported that they are really taking off on the ramp funding. The meeting was very informative and a great experience and wanted to point out the importance of attending.

Trustee Henning asked for communication on Rose Farm.

Albertson-Clark informed the board that Town staff is expecting the second round of review within next week. We had to do some revisions of the streets and the concept plan. The changes are not significantly different.

Trustee Alaback wanted to mention how much he appreciated the comprehensive packet submitted by Albertson-Clark for the Heron Pointe Project and the decision to notify more people by extending the notification to a 400 foot radius.

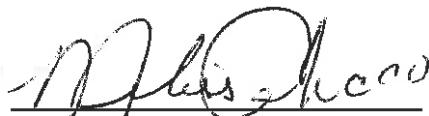
Mayor Pro Tem Dowker added that Albertson-Clark has gone over and beyond.

Mayor Gregg also thanked Albertson-Clark for all her hard work and thoroughness.

**Mayor Gregg Adjourned at 10:37 pm.**



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Mayor David Gregg



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Melissa Colucco  
Administrative Court Clerk