



## MEETING MINUTES OF THE TOWN BOARD

Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, July 23, 2019 6:30 p.m.

### I. REGULAR MEETING CALLED TO ORDER

Mayor Karspeck called the meeting to order.

### II. PLEDGE OF ALLEGIANCE

Mayor Karspeck led in the Pledge of Allegiance.

### III. ROLL CALL

Clerk Samora called roll and all members of the Town Board were present. Greg Bell, Chris Kirk, Curt Freese and Stephanie Brothers were also present.

### IV. CITIZEN PARTICIPATION

There was not any public comment during the Public Participation portion of the agenda.

### 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 July 23, 2019 Agenda
- b) Approval of Minutes – July 9 and July 15, 2019

Trustee Alaback referenced a typographical error in the Minutes that needed to be corrected.

**Mayor Pro-Tem Hindman motioned to combine and approve the items on the Consent Agenda. Trustee Dower seconded the motion. With all in favor, THE MOTION CARRIED.**

#### 2. Heritage Ridge 7<sup>th</sup> Filing Final Development Plan and Final Plat

(Curt Freese)

Director Freese provided a presentation and background information.

The applicant also presented additional and more detailed information.

In response to a question regarding school impact fees, the applicant explained that the school districts are noticed and they usually request a school site, or fees in lieu. In this case, the developer paid the fees in lieu.

Trustee Laak stated that when he heard zero lot line, he imagines something different. It was clarified that one wall is shared and all other sides of the structure are subject to the normal setback along the front, sides and back of the lot.

Trustee Laak asked what the downside would be if the Metro District owns the alley.

Administrator Kirk stated that the benefit of it being owned by a metro district is that they are a quasi-governmental entity funded by property taxes.

Trustee Hardy asked if there was a requirement regarding the length of the driveway. Freese stated that 14 of the lots will have enough space to also park in the driveway.

Trustee Dower asked for clarification regarding the cash in lieu fees for schools. Administrator Kirk stated that the fees in lieu can only be used for the purchase of land by the school district, and that it cannot be used for the construction of buildings.

Mayor Karspeck Opened the Public Hearing.

Alex Dickson at 328 Ellie Way stated that he had concerns regarding the development. He stated that the street parking is a concern now without the additional housing. He stated that he and his family moved from Loveland. Dickson explained that the area is very close to the railroad and had concerns about the proximity. Dixon stated that he understood part of the area was a flood plain.

Kathryn Renick at 345 Canyonlands Street stated that she was late to the game and asked what was going to be put there. She stated that the developer told her there were going to be some townhomes. Renick stated that she assumed there was an ongoing plan to handle the additional sewage. She stated that she would be disappointed and upset if the school would not live up to its rating. She stated that she is very concerned about all of the extra traffic.

Jeremy Glenn at 334 Ellie Way stated that the Town has great character and feel. He stated that he purchased his home on June 10<sup>th</sup> and did not receive notice regarding the proposed development.

Jeremy Doan at 687 Arches Court stated that he is in favor of the proposal. He stated that the Town should be shared with as many people as possible. Doan stated that there are legitimate concerns, but to make decisions that can make it possible so that people can afford the homes.

Natasha Wojciechowski stated that she received notification from their neighborhood facebook group. She stated that she was told it was going to be ten homes. Wojciechowski stated that she does not know how it will affect the general liability policy and the open space policy.

Christine Torres at 3930 Arleigh Dr stated that she was speaking for herself and for Kelsey Byron. She referenced an appropriate ramp at Spartan Avenue. She asked if there would be a crosswalk and what would happen after 20 years when no more property tax is being collected.

Joshua Clowers at 338 Ellie Way stated that the green space is at best just an overgrown ditch that attracts mosquitos. He asked that if the green space is not maintained, is it really a benefit?

Beth Cady-Flatau at 357 Canyonlands stated that she was a resident for five years. She stated that her concern is a safe way for the kids to get to school and to the park. She stated that she is all about people coming here, but there needs to be safety.

Tracie Gerner at 325 Canyonlands stated that she did 2 years of research prior to buying the home. She stated that there were several options as far as location. She stated that the builder said there would be ten homes at the most. She stated that she was told that it was not known what is going on in the development. She stated that she did not hear about it until a few days ago on Facebook. Gerner stated that she has three garage door bays and can barely fit two cars in the garage.

Mayor Karspeck closed the Public Hearing.

**Mayor Pro-Tem Hindman motioned to approve the Heritage Ridge Final Development Plan and the Final Plat for Filing #7, as per the findings on pages 4 and 5 of the staff report included in the Meeting Packet. Trustee Tomassi seconded the motion. With all in favor, THE MOTION CARRIED.**

### **3. WWW Properties Finding of Fact and Substantial Compliance (Curt Freese)**

Resolution 2019-15 – A resolution of the Town Board of Trustees setting forth findings of fact and determinations regarding the eligibility for annexation of the Weibel and WWW Properties Annexation pursuant to C.R.S. 31-12-114(10)

Freese gave an introduction and provided background information.

Trustee Laak asked if there are water rights associated with the property.

Leslie Weibel at 3815 County Rd 4 explained that there are not any water rights to convey.

**Mayor Pro-Tem Hindman motioned to approve Resolution 2019-15, a resolution of the Town Board, Town of Berthoud setting forth findings of fact and determinations regarding the eligibility for annexation of the Weibel and WWW Properties Annexation pursuant to CRS § 31-12-114(10). Trustee Hardy seconded the motion. With all in favor, THE MOTION CARRIED.**

#### **4. 2019 Street Maintenance Project**

(Stephanie Brothers)

Director Brothers gave an introduction and provided background information.

Ryan Berry at 110 E Turner Avenue referenced the work that was completed in 2018 on 1<sup>st</sup> Street.

Kirk stated that 1<sup>st</sup> Street was a chip seal followed by a slurry seal. He stated that the proposed work is only a slurry seal.

**Mayor Pro-Tem Hindman motioned to award the bid for the 2019 Street Maintenance Project to Coulson Excavating Co. and to authorize the Town Administrator to enter into a construction services contract between the Town of Berthoud and Coulson Excavating Co to complete the asphalt replacement work as bid. Trustee Hardy seconded the motion. With all in favor, THE MOTION CARRIED.**

**Mayor Pro-Tem Hindman motioned to authorize the Town Administrator to enter into a construction services contract between the Town of Berthoud and A-1 Chipseal to complete the slurry seal work as described in the proposal. With all in favor, THE MOTION CARRIED.**

#### **5. Waggener Farm Park**

(Chris Kirk)

Administrator Kirk gave an introduction and provided background information. He explained the current status of the projects and that there are four different options that the Town Board could move forward with:

1. Stop design work on Waggener Farm Park Phase 1
2. Finalize the scope of Waggener Farm Park Phase 1 and direct staff to complete 100% construction drawings. Upon completion of the 100% construction drawings, determine whether to pursue construction.
3. Finalize the scope of Waggener Farm Park Phase 1 and direct staff to complete the design development phase (roughly 60% complete construction drawings) and return to the Board for additional review. The design development phase is currently scheduled to be completed by the end of November 2019.
4. Finalize the scope of Waggener Farm Park Phase I and pursue funding for the project. In parallel with identifying funding, select a Construction Manager/General Contractor (CMGC) to work with the design team on the design development phases. Upon completion of the design phases of the project, the CMGC would provide the Town a Guaranteed Maximum Price (GMP) and if acceptable to the Town, would begin construction on the Park.

Representatives from Barker, Rinker, Seacat Architecture and Wenk Associates presented the proposed plans for the recreation center, to be located at Waggener Farm Park.

Trustee Dower agreed with Administrator Kirk that the crushed refine could possibly be completed by volunteers.

Pro-Tem Hindman stated that he liked the idea of an indoor pool. He stated that perhaps it could be an indoor, outdoor configuration for the pool. Perhaps with large doors that open. Kirk stated the splash pad would provide the outdoor benefit and that large roll up doors are not included in this portion of the design.

Pro-Tem Hindman asked if larger doors in the pool space be investigated. Kirk stated that it could be addressed if the Board felt that it was very important.



Pro-Tem Hindman stated that he would like to see sustainability taken into consideration anytime new facilities are constructed.

Trustee Hardy asked if the lap pool could be expanded to have additional lanes. It was clarified that the pool could not later be expanded without completely reconstructing it.

Christine Torres stated she was involved with Sources of Strength. She stated that she is very supportive because it is very beneficial to the health in the community.

Linnea Reckase at 1617 Chokeberry Street stated that the parking lot was full of nice new cars. She stated that they made payments on their cars and their home. She stated that governments do the same. Reckase Referenced the tax revenues for the Town of Berthoud.

Ryan Berry at 110 E Turner stated that he was impressed with the drawings of the recreation center. He stated that he noticed that a COP has a higher interest rate than a bond. He suggested that it could be sent to the voters as a bond again at the next election.

Monica Signer 201 Hubbell Street. She stated that she was a member of the PORT Committee and is thrilled to see the project moving forward.

Lynette Ludwig at 1631 Glacier Avenue stated that BRS Architects did an amazing job. She stated that the current pool has been aging for years. She stated that the facility is need of renovations.

Eric Reckase 1617 Chokeberry Street stated that it is one of those things that needs to be done and it is a good investment into the community.

Trustee Tomassi stated it feels like a matter of principal. He felt the design was done very well, but the voters were asked and said no to borrowing 30 million dollars in bonds. He stated it feels that they are going around the voters. Tomassi stated that seven weeks from today, the community will be voting on how the Board will go forward. He stated that the Board should wait and hear what the residents have to say. He stated that last year, one of the consultants felt it was a bad idea to have an indoor pool. Tomassi was in favor of moving forward with option #3.

Trustee Hardy stated that he really liked the work that had been done, and how it looks like a farm. He stated that he understands that money can be borrowed. Hardy explained that the sales tax passed, but the bond did not. He stated that he felt that the Board should come back with a detailed plan and try to get it approved again. He stated that the COP is more of a need type financing, and the rec center feels more like a want. Hardy stated he was in favor of getting finalized plans and was inclined to move forward with option #3.

Pro-Tem Hindman stated that staff and the design team did a great job on the design. He stated that the fiscal duty is one of the biggest duties of being an elected official. He stated that he felt the voters were misled regarding the bond measure. And with financing being at a historical low, he was in favor of moving forward with option #4.

Trustee Dower stated that in any other community would be a slam dunk. She stated that there are people who are opposed to anything moving forward. Trustee Dower stated that the Town can afford the project and can do so even with a downturn. Trustee Dower was in favor of moving forward with option #4.

Trustee Alaback stated that it's about being visionary. Looking at what is going on now and in the future. He stated that it needs to be looked at not only on whether the Town can afford it, but to also look at the return on the investment. Trustee Alaback was in favor of moving forward with option #4.

Trustee Laak agreed with Trustee Alaback. He stated that in 1969, we landed on the moon and there was huge opposition in the space program. He stated that in 1776 45% were in favor of the Declaration of Independence. He stated those people were visionary. He stated he felt the same way and it made a lot of sense fiscally. Laak stated that the 1% sales tax already encompasses what is trying to be accomplished. He explained that when Alaska was purchased, it took vision and it paid off. Trustee Laak was in favor of option #4.

Mayor Karspeck stated that everyone on the Board is visionary and he has always been visionary with trails. He stated that he felt the full build out should be looked at and that the project should be constructed from the south to the north side of the park. Mayor Karspeck stated that he felt option #1 would be best, but he would support

Option #3.

Mayor Pro-Tem Hindman motioned to direct staff to pursue option #4 and to bring back a funding package to the Board at the August 27<sup>th</sup> Board Meeting, and to issue an RFP or similar process needed to select the construction manager and general contractor for the project, so that work can start in 2019. Trustee Laak seconded the motion. In a 4-3 roll call vote, **THE MOTION CARRIED**. Mayor Karspeck, Trustee Tomassi and Trustee Hardy had the dissenting votes.

## VI. ELECTED OFFICIAL REPORTS

1. Town Board – Jeff Hindman, Brian Laak, Maureen Dower, Pete Tomassi, Tim Hardy and Paul Alaback.
  - a) **Establish an Interview Committee for Committee Appointments**
  - b) **RFP for Legal Services**
2. Mayor Pro Tem Hindman-
3. Mayor – William Karspeck

Mayor Pro-Tem Hindman referenced the retreat and felt that the Board was able to work together and efficiently work together and identify specific high level objections.

Trustee Laak stated that he saw the fireworks video on FB and was a great branding opportunity. Laak stated that 706 7<sup>th</sup> will have a historic plaque.

Trustee Dower stated that her daily walk, she noticed that trees are dying in Collins Park and it looks like they were damaged by a weed trimmer. Dower stated that the PORT meeting was very good and the condition of the pool was discussed.

### **RFP for Legal Services**

Mayor Pro-Tem Hindman felt it would be good to see what the options are as far as legal counsel and that an RFP should be issued. The majority of the Town Board agreed.

### **Establish an Interview Committee for Committee Appointments**

Clerk Samora explained that there will be a number of vacancies on various commissions at the end of September. In preparation, the Town Board will need to establish a committee or committees to interview candidates for Board-appointed committees.

Town Board members were appointed to committees as follows:

Historic Preservation – Trustee Hardy & Mayor Pro-Tem Hindman  
Tree Advisory Committee – Trustee Laak & Mayor Karspeck  
Planning Commission – Mayor Pro-Tem Hindman & Trustee Tomassi  
Youth Advisory Commission – Trustee Laak & Trustee Dower  
PORT Committee Trustee Dower & Trustee Alaback

## VII. ADJOURN

The meeting adjourned at 11:47 PM.

  
Town Clerk or Deputy Town Clerk

  
Jeff Hindman, Mayor Pro-Tem

