



## MEETING MINUTES OF THE TOWN BOARD

Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, March 13, 2018 6:30 p.m.

### I. REGULAR MEETING CALLED TO ORDER

The meeting was called to order by *Mayor Mulvihill* at 6:30 p.m.

### II. PLEDGE OF ALLEGIANCE

*Mayor Mulvihill* led the pledge of allegiance.

### III. ROLL CALL – Mayor Mulvihill

*Michelle Adams*, Deputy Town Clerk, called the roll call. Mayor Mulvihill, Pro-Tempore Buckridge, Trustee Baker, Trustee, Dunkelberger, Trustee Hindman, Trustee Karspeck, Trustee Laak, Christopher Kirk, Greg Bell and Christian Samora were present at the meeting.

### IV. CITIZEN PARTICIPATION

There was no participation.

### 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: February 27, 2018
- c) Habitat for Humanity Fee Waiver

**Trustee Laak motioned to approve the items on the Consent Agenda. Trustee Dunkelberger seconded the motion, with all in favor The Motion Carried.**

#### 2. Court of Record, 2<sup>nd</sup> Reading & Public Hearing

Ordinance 1236 creating a qualified municipal court of record for the Town of Berthoud, State of Colorado

*Greg Bell* explained what the Court of Record is.

*Trustee Laak* asked what electronic means meant.

*Greg Bell* explained it would be electronically archived and is not transcribed.

*Trustee Laak* asked would we be able to jail someone and what the cost would be and who is responsible for the cost.

*Greg Bell* stated we have not used that power in many years. We would be responsible for the cost and it would be done with an agreement with county.

*Mayor Mulvihill* asked if there was any public comment.

There was no comment.

**Mayor Pro-Tempore Buckridge motioned to approve Ordinance 1236, an ordinance of the Town Board, Town of Berthoud, creating a qualified Municipal Court of Record for the Town of Berthoud, State of Colorado. Trustee Dunkelberger seconded the motion, with all in favor THE MOTION CARRIED.**

### **3. Farmstead Rezoning Preliminary Plat**

(Curt Freese)

*Curt Freese* gave an introductory to the Farmstead Plat.

*Trustee Hindman* asked why we are zoning it R2.

*Curt Freese* explained that they did not want to go back through the process.

*Trustee Hindman* asked what keeps them from making it multi-family.

*Curt Freese* explained that they would have to re-plat and they would have to come back to the board. They could not just make it multi-family.

There was discussion back and forth between Trustee Hindman and Curt about the streets and layout.

There was more discussion between board and Curt about setbacks and R1.

*Mayor Mulvihill* opened it for public comment.

*Michael Sagebaum* at 915 Bruce Drive stated that the zoning was very vague, the roads are horrible now. Wanted to know what we are going to be doing to be support the infrastructure that is not currently being taken care of now. He felt that there was a big disconnect between developing and keeping up with the infrastructure.

*Diane Kuligowski* at 318 East Colorado Avenue asked questions about the houses going along 4th Street wanted to know if they were front loaded, about the parking and if the street was going to be widened.

*Curt Freese* answered that they would be front loaded and that they would expand the road. The recommendation that the sidewalk be detached.

*Kevin MacInness* at 319 East Michigan Ave stated that if it not that big of deal to change from R2 to R1, that we should do that. He also asked do you know where the construction is going to start and what direction it is going to move.

*Curt Freese* stated West to East.

*Carlin Holley Malone* at 315 East Colorado Avenue described the consistency with a previous plan.

Asked when would Nebraska connect to County Road 1. Requested that we support the character of the existing neighborhood. Also requested that we promote rear driveways when possible.

*Paul Kiefer* at 704 East County Road 8 is concerned with the amount of traffic on Highway 56 and the amount of truck traffic on that road. Hoping that CDOT is looking at that and reducing the speed limit.

*David Gregg* at 340 Mountain Avenue requested that staff vote in favor. That the small cottages need the R2 zoning and that they can make small changes to accommodate that. He also stated that he hopes to start building his affordable cottages this summer.

*Jane Dowker* at 927 Kansas Avenue thanked the Board for the services they provide. Asked the board to consider the R2 as well. We asked that you support a project like this it offers diversity for our towns future.

*Kristen* with TB Group at 444 Mountain Avenue; answered the questions of the citizens. Re-stated that the project would go West to East. Stated that they are to litigate for anything that could be considered stress on the infrastructure. That the developer is required to make the improvements and those improvements that CDOT states they must make. Each phase of the project requires a new traffic study. The developer must make the improvements. She also stated that we will see improvement to the infrastructure and safety.

*Bill Edwards* with Edwards Development at 506 Shoshoni Street, WY touched on why they added the Fickle property, it was mainly to show what it could look like. He also stated that there would be lots of access for safety.

*Trustee Hindman* had more discussion with Curt about Farmstead Development. Overall staff was directed to consider the road improvements around the area.

*Mayor Pro-Tempore Buckridge* question the R2.

*Curt Freese* stated That R2 could not be changed without the Boards approval.

*Mayor Mulvihill* stated not in our purview to change the rules.

*Chris Kirk* stated that Board need to take into consideration that this has been advertised and gone through the process as R2.

**Trustee Dunkelberger motioned to approve the request to rezone 14.27 acres from PUD to R-2 (Limited Multi-Family District); 45.51 acres from PUD to R-2 (Limited Multi-Family District); 20.52 acres from**

**Transitional to R-2 Limited Multi-Family District finding that:**

- 1. Satisfies the applicable zoning amendment criteria of Section 30-3-110.B of the Town's Development Code as found on pages 3-4 of this Staff Report; and**
- 2. Is Consistent with the Town of Berthoud's Comprehensive Plan and Preferred Land Use Map.**

**Trustee Karspeck seconded the motion, with all in favor THE MOTION CARRIED.**

**Trustee Dunkelberger motioned to approve the Farmstead Preliminary Plat, with the findings that it is consistent with Section 30-6-105C of the Berthoud Development Code. Trustee Baker seconded the motion, with all in favor THE MOTION CARRIED.**

#### **4. Creekside Townhomes Plat**

(Curt Freese)

*Curt Freese* introduced the Creekside Townhomes Plat.

*Mayor Pro-Tempore Buckridge* Thanked Curt for taking the time to go back and look at the questions that were previously brought up and answering them.

*Trustee Baker* Thanked the applicant for keeping the social trail. She had some questions about the property addressed to the applicant.

*Kristen* with TB addressed Trustee Bakers question. Stated that it has not changed from the concept plan and the landscape they took into consideration that the School already has heavy amount of cedars.

*Pam Worster* at 883 Welch Avenue put up a fence to stop traffic from going through her property. Asked how we were going to direct those kids and what is the projection for what we are going to do with the already overcrowded school.

*Chris Kirk* answered that the students are going to take the path of least resistance. That we are providing dedicated sidewalks and trails for these students to take.

*Trustee Hindman* addressed Pam with her question. He gave some history on the trail. He would personally like this trail to connect through the easement. Agrees with the Applicant that this was zoned R3 and is being used for what it was originally intended for.

**Trustee Dunkelberger motioned to approve the Creekside Preliminary Plat, with the staff findings that it is consistent with section 30-6-105C of the Berthoud Development Code found on pages 3-5 of the Staff Report. Trustee Baker seconded the motion, with all in favor THE MOTION CARRIED.**

*Mayor Mulvihill* thanked the residents for participating and giving their input.

#### **5. Development Code Revisions, 1<sup>st</sup> Reading**

(Curt Freese)

Ordinance 1237 amending Chapter 30, Sections 1-6 of the Development Code of the Town of Berthoud, for the purpose of amending and revising the Development Code

*Curt Freese* presented the Development Code Revisions.

*Mayor Mulvihill* stated he was very impressed with the complexity of this.

*Mayor Pro-Tempore Buckridge* was very impressed with amount of work that went into this. He stated that he is very much in support for the Quarter study.

*Mayor Mulvihill* stated that we can always change it.

*Trustee Laak* asked about what the new Density would be?

*Curt Freese* answered density would go up to 20 which is double.

*Trustee Laak* about the sign code.

*Curt Freese* responded that it will take about a month to revise.

*Trustee Hindman* stated he supports the sign code, overlay district, public infrastructure requirement feels it is really important that we get on top of it. Metal building on I-25 is a big billboard of how low our standards are right now. What is R5 zoning?

*Curt Freese* answered that is the mobile home district and rewriting it to include tiny homes because they are considered mobile.

*Trustee Hindman* stated that it is a huge step forward.

*Trustee Karspeck* stated he appreciated the work put into this.

**Mayor Mulvihill gave direction to staff to have this back for review on March 27, all of the board agreed.**

**6. Water Rights Dedication Ordinance, 1<sup>st</sup> Reading** (Chris Kirk)

Ordinance 1238 concerning water rights dedication requirements and adopting new water rights dedication requirements

*Chris Kirk* presented the Water Rights Dedication Ordinance.

*Trustee Laak* asked about accessory dwelling.

*Chris Kirk* is dwelling on a single-family lot already existing located typically at the rear with alley access example would be small apartment or mother-in-law house on a flat.

*Trustee Laak* asked is the water usage tied with the lot size.

*Chris Kirk* answered yes, it is tied with lot size.

There was discussion between Chris and Board about usage with lot size.

*David Gregg* at 340 Mountain View explained how it will impact him and his future development with smaller cottages. Thanked staff for talking through the issues with him. Second point this only fixes one inequity that we also need to look at the traffic impact fee and park fee. Asking for a fair and equitable fee structure.

*Mike Cook* at 970 East County Road 8 is part Berthoud Habitat for Humanity. Appropriate size fee for appropriate size lot makes a lot of sense. He also stated that he works for Little Thompson Water District and what they do to control the amount of water being used and their fee schedule. Thinks what we are doing is a good direction.

**Mayor Mulvihill directed staff to bring back the Ordinance on March 27. Trustee Hindman also direct staff to look at the reduce rates with smaller square footage homes.**

**7. Elected Official Compensation, 2<sup>nd</sup> Reading & Public Hearing** (Chris Kirk)

Ordinance 1235 to amend Section 3.1-1 of the Municipal Code of the Town of Berthoud, Larimer and Weld Counties, Colorado

*Chris Kirk* presented the 2nd reading for Elected Official Compensation.

**Mayor Pro-Tempore Buckridge motioned to approve Ordinance 1235, an ordinance of the Town Board of the Town of Berthoud amending Section 3.1-1 of the Municipal Code of the Town of Berthoud, Larimer and Weld counties regarding compensation for elected officials. Trustee Dunkelberger seconded the motion, with all in favor THE MOTION CARRIED.**

**VI. Executive Session**

Pursuant to C.R.S. § 24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations and the following details are provided: **Water rights purchase**

**Mayor Pro-Tempore Buckridge motioned to move that the Town Board enter into executive session pursuant to C.R.S. § 24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators. And the following details are provided: Water Rights Purchase. Trustee Dunkelberger seconded the motion, with all in favor THE MOTION CARRIED.**

**The Board went to executive session at 9:43 p.m.**

**VII. Elected Official Reports**

1. Town Board – Jeff Hindman, Jennifer Baker, Chris Buckridge, William Karspeck, Kelly Dunkelberger, and Brian Laak
2. Mayor – Steve Mulvihill

*Trustee Laak* had no reports.

*Trustee Dunkelberger* mentioned Day of Kindness and that the Youth Advisory did Easter Eggs.

*Trustee Karspeck* stated that at the North I-25 Coalition will have center merge lane for the Bustang to use instead of being in the express lane. There will also be a pedestrian corridor to get to the Bustang. That they will fund this when it proceeds forward. We are one of two areas that will have this.



*Mayor Pro-Tempore Buckridge* attended a HPAC meeting. There is an endangered places grant from History Colorado. Heidi who is the chair of HPAC went to a Colorado Council of Professional Archeologist people from History Colorado had detailed discussion with them about the Four-Square Church and the Train Depot. There is some work to be done and a survey they will need to do. There is no fee to us. They are willing to do a lot of that work for us.

He also stated that they got to approve the windows for Branford Restaurant. He was thankful that they were willing to work with HPAC and set a precedence.

*Trustee Baker* stated good news that CR17 is going to be expanded and wanted to Thank the New Town Administrator for working with the MPO on that. That they will be having Special MPO meeting coming up this Thursday.

*Trustee Hindman* PORT meeting was last Wednesday and was very productive. WENK Consultants was there. The two proposals one was Wildlife Centric Passive and the second was a Neighborhood Park More Active. There was discussion about talking to HOA at Berthoud Lake to see if they want a trail connection. April 4 is the next meeting it will be a combination of open house and public input and PORT meeting to follow. That way they can take into consideration the Public input. PORT would like to come before the new board to discuss goals and objectives.

He also stated Parks and Recreation did the Grant to do the dock at Roberts Lake.

The skate park equipment is already ordered and will be installed soon.

*Trustee Hindman* gave credit to staff for taking care of the construction trash and being on top of that.

*Mayor Mulvihill* had nothing to report.

*Greg Bell* had nothing to report.

*Chris Kirk* mentioned that staff report is online. He also stated that citations will be issued by the end of week and looking at enhancing our construction standards.

*Mayor Mulvihill* asked if we will be designating a route for construction traffic.

*Chris Kirk* responded yes.

## VIII. AGENDA REVIEW

*Mayor Mulvihill* asked about Berthoud Village Plat.

*Chris Kirk* stated we need to get things prioritized.

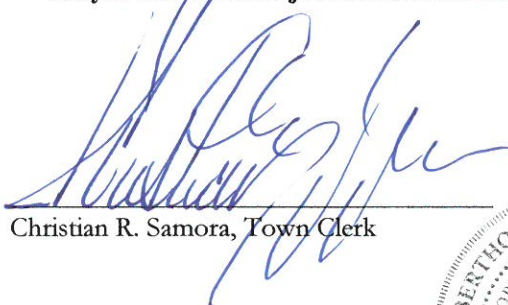
*Trustee Hindman* would like to see an emergency Ordinance on the Development update.

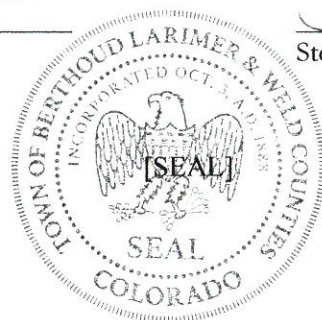
*Trustee Baker* would like us to prioritize the Standing Water Ordinance.

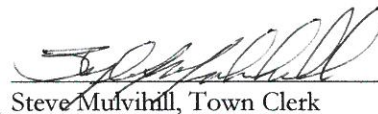
*Mayor Pro-Tempore Buckridge* wanted to get on record that we need a Flag Pole out front at Town Hall and the fence at the cemetery needed to be fixed.

## IX. ADJOURN

**Mayor Mulvihill adjourned the meeting at 10:10 p.m.**

  
Christian R. Samora, Town Clerk



  
Steve Mulvihill, Town Clerk