



**BOARD OF TRUSTEES
REGULAR MEETING MINUTES
NOVEMBER 28, 2017
BOARD ROOM
6:30 P.M.**

1. Call to Order

2. Roll Call

Christian Samora, Town Clerk, called the roll call. Mayor Mulvihill, Pro Tempore Buckridge, Trustee Baker, Trustee Dunkelberger, Trustee Karspeck, Trustee Laak, Mike Hart, Michelle Adams and Gregg Bell were present at the meeting. Pro Tempore Buckridge was absent.

3. Pledge of Allegiance

Mayor Mulvihill led the Pledge of Allegiance.

4. Citizen Participation

Bill Markham stated that he was a native of Berthoud and his family has been in the area for over a hundred years. He stated that what Mike Hart has done for the Town has been unbelievable. He thanked the Town for the proclamation setting up October 6th as Bill Markham day. He stated that one of the greatest things was that Mike Hart drove his tractor in the parade and on his farm. He stated that it is nice to see that there is still agriculture in the area.

5. Motion to Approve Agenda

Mayor Mulvihill requested that item number 11 be moved to follow item number 12.

Trustee Hindman motioned to approve the agenda with the suggested changes. Trustee Laak seconded the motion. With all in favor, THE MOTION CARRIED.

6. Medical Marijuana Use by Special Review

Freese gave an introduction and provided background information.

Tom Moss stated that he is from Berthoud and has had a lot of construction projects in the Town of Berthoud. He stated that the Town has decided that they want marijuana to some extent. He stated that there is not a way to demonstrate the need for marijuana, but he can demonstrate that it would have an economic benefit.

Christine Torrez of Berthoud stated that she was speaking on behalf of the school principal. She stated that the use of products has greatly increased since marijuana has been allowed. She stated any new facilities need to be curtailed. She stated that only the customers at the marijuana stores were the only ones agitated when 2nd street was closed. She begged that the Town Board look at and consider the people who are not in favor of the issue.

Five-minute break

Mark Lantus of Berthoud stated that he is a volunteer at the museum. She stated that one question he would have is if there were notices sent to a 300-foot radius. He asked why notices not sent to the 1000-foot radius because it is just as important and to hear from people that may be planning childcare related facilities within 1000 feet.

Kevin Daly stated that he had a shop on Main Street and had to move because it was too close to the school. He stated that allowing another dispensary might be too much for a Town of this size.

Daniel Jones of Berthoud stated that he appreciates that there is compliance. He stated that the zone is industrial but it is not manufacturing. He also referenced power needs for the facility.

Paul Frekey of Berthoud stated that his issue was what the issue going to segue into the retail marijuana matter. He stated that he did not feel the people completely understood the question on the 2017 ballot. He stated that he would like to see the question to allow retail marijuana to go before the people to vote on.

Jim Anderson stated that one of the reasons there is a Student Resource Officer in the middle school is because of marijuana issues in the school. Anderson stated that there will not be any more tax. It will only take tax from the other businesses. He stated that he has met many people who it has helped, but not all are utilizing it in the best way possible.

Laak stated that he noticed in the survey it states the approximate distance he asked if it was done using survey pins or how it was done.

Trustee Karspeck asked how to prove the need. Freese stated that a liquor store is not required to show the need on the land use side of things.

Bell stated that the need would need to be demonstrated in liquor licensing as well. He stated that there are firms who specialize in doing those kinds of surveys.

Trustee Hindman stated that the big issue was paragraph "h", which requires that need be demonstrated that there is a need and the existing facilities cannot meet the needs of the Town.

All the Trustees and Mayor did not feel as though the applicant could demonstrate the needs and desires for the application.

Trustee Hindman motioned to deny the Special Review request. Trustee Karspeck seconded the motion. With all in favor, THE MOTION CARRIED.

7. Hammond 4th Filing Preliminary Plat

Freese gave an introduction and provided background information,

Trustee Dunkelberger motioned to approve the Hammond Preliminary Plat, with the finding that it is consistent with Section 30-6-105 C of the Berthoud Development Code. Trustee Karspeck seconded the motion.

Trustee Karspeck thanked the applicant.

Hindman stated that when things are piecemeal, there is not a quality development pattern.

With all in favor, THE MOTION CARRIED.

8. Johnson Farm/Arbor Ridge Annexation

Freese gave an introduction and provided background information.

Laak asked if there are annexations that have not been developed. Freese stated that some of the developments have not been developed.

Trustee Hindman motioned to approve resolution 2017-17, a resolution of the Town of Berthoud finding the Johnson Farm/ Arbor Ridge annexation to be in substantial compliance and setting a public hearing for January 23, 2017. Trustee Karspeck seconded the motion. With all in favor, THE MOTION CARRIED.

9. Creekside Homes Concept Plan

Freese gave an introduction and provided background information.

Mayor Mulvihill opened the Public Hearing.

Chris Cooper stated that at the planning meeting there was a lot more participation. He stated that as citizens, they must live with the property long after the development has finished. Cooper stated he felt there was a misrepresentation regarding the amount of open space for the development. He stated that he would like the developers to correct the percentage of open space. Cooper stated that there is really not any landscaping shown in the open space. He stated that he felt under the municipal code, there needs to be additional landscaping disbursed. Cooper continued to state that he felt the elevations are misleading because there is over 150 feet of facade. He stated that the code does not speak to specific offset. He stated that it creates a visual barrier along 8th Street.

Stephanie Cooper of Berthoud stated that she did email the Mayor and Trustees with her comments. Cooper stated that the property was zoned R3, she felt that there should be more density near city center, but there is not another R3 zone that has only one access.

Maggie Jones of Berthoud stated that Berthoud Village was required a park to be built in phase one of the development. Jones stated that the trail in the greenway was built using lottery funds. Jones stated that they are developing less than four acres. She asked how the Town could use lottery funds to build a bike path on property that did not belong to the Town.

Mike Wallow of Berthoud stated that, at night, it is very dark coming around the turn adjacent to the proposed development. He stated that he would encourage the Town Board to consider traffic calming in the area.

Rick Jones of Berthoud stated that he is an engineer. He stated that he was concerned because it was doubling the amount of traffic that will be dependent on using 8th Street.

Daniel Jones of Berthoud stated that the platting in the area used to be R1 in 2001. He stated that the developer is using space that is considered to be city space.

Lori Morris of Berthoud stated that she purchased her townhome in 1994. She stated that she spoke in favor and is still in favor of having townhomes. She stated that she was happy to purchase a home on a mixed home street. She stated that it blends in well. Morris continued to state that she would appreciate it if she could drive down the street and not be able to tell where the homes and townhomes are.

Ron Con stated he lives on Hummingbird Place. He stated that the court is directly across from where the proposed development is to be built. He stated that the roads are very busy in the morning when school is starting.

Roxanne Con stated that since the last phase of the cottages went up, there has been a lot of foot traffic, an attempted kidnapping. She stated that she used to go to the track at night and now she doesn't know half the people in town anymore.

Mayor Mulvihill closed the Public Hearing.

Hindman asked about the zoning. Freese stated that the official zoning map has been R3 since 1985.

Hindman asked what the percentage of open space is required. Freese stated that the only requirement is 7% of open space and even without the trail it would meet the requirement.

Hindman asked about the landscaping requirement. Freese stated that they will be individually owned town homes and would not fall under the same requirement as condos or apartments.

Trustee Laak stated that the existing trail is just a dirt trail. Laak asked if there were plans for it to be beautified. The applicant stated that they are working with Berthoud Village to create an amenity for both the Creekside and the Berthoud Village communities.

Mulvihill asked what the timeline is. The applicant stated that the intent is to build out the units and get through construction as quickly as possible.

Dunkelberger asked the applicant if the plans are flexible to cut back on density. The applicant stated that the plan is already below the allowable density.

Hindman motioned to approve the Creekside Homes Concept Plan as it satisfies the conditions of Section 30-6-104 C of the Berthoud Development Code and for the applicant to work to establish pedestrian trail connection on the west side of the development, that it be subject to traffic calming, and enhanced landscaping to the extent possible. Trustee Laak seconded motion. With all in favor, THE MOTION CARRIED.

10. Executive Session

Mayor Mulvihill motioned to enter into executive session pursuant to C.R.S. 24-6-402(4)(a) and C.R.S. 24-6-402(4)(e) for the purpose of discussing land acquisition matters; contract matters related to an economic development proposal; and, the selection of a Town Administrator Candidate. Trustee Karspeck seconded the motion. With all in favor, THE MOTION CARRIED.

11. Interim Town Administrator Compensation

Hindman motioned to direct the Town Attorney to draft an agreement with additional 2k per pay period. Trustee Baker seconded the motion. With all in favor, THE MOTION CARRIED.

Olinger was agreeable with the offer.

12. Agenda Review/Reports

Trustee Karspeck motioned to add Jeremy and Cindy to signature list. Dunkelberger seconded the motion. The motion was withdrawn.

The Board was in agreement that Mike Hart and staff would follow up and add Jeremy Olinger to the bank account signature cards as opposed to increasing Leach's internal signing authority.

13. Adjourn

The meeting adjourned at 11:20 p.m.

ATTEST:

Christian R. Samora Town Clerk

Approved this 12th Day of December, 2017

Steve Mulvihill Town of Berthoud Mayor

