

**BOARD OF TRUSTEES  
REGULAR MEETING  
OCTOBER 13, 2015  
BOARD ROOM  
6:30 P.M.**

Board Members Present:

Mayor David Gregg  
Mayor Pro-Tem Jan Dowker  
Trustee Chris Buckridge  
Trustee Suzie White  
Trustee Jennifer Baker  
Trustee Paul Alaback

Staff Members Present

Town Administrator Mike Hart  
Town Clerk Mary Cowdin  
Town Attorney Greg Bell  
Town Clerk/Asst. Admin. Alisa Darrow  
Senior Accountant Cindy Leach  
Planner Sarah Chmielak  
PIO Claire Thomas  
Building/Planning Clerk Patti Swiger

Mayor Gregg led the Pledge of Allegiance.

**Consent Agenda**

**Trustee Alaback asked for and received clarification on two items on the minutes of September 22, 2015. Mayor Pro-Tem Dowker moved to approve the Consent Agenda consisting of the minutes from the September 22, 2015 Board Meeting. Trustee Buckridge seconded the motion. The motion passed unanimously.**

**Presentation-Cities & Towns week**

Public Information Officer Claire Thomas announced the winners of the photo and essay contests that the Town held to celebrate Cities & Towns Week. Administrator Hart introduced Alisa Darrow as the new Town Clerk/ Assistant Town Administrator. She awarded gift certificates to Ben Cross and Sophia Stratton as photo contest winners. Michele North was also a photo contest winner and will pick up her certificate later as she was unable to attend tonight. Gabrielle Mizer was awarded a gift certificate in the essay contest. PIO Thomas thanked CML and The Surveyor for all of their support.

**Ordinance – Private Burials**

Town Clerk Mary Cowdin spoke of an issue that some other communities are having with residents choosing to do private burials on their property. She said we would like to have an ordinance in place to address those issues. Attorney Bell said that State Statute says that you can bury anyone anywhere unless prohibited or regulated by Towns within their boundaries. Attorney Bell said the prohibition of private burial on lots less than five acres is usually used. Discussion followed with the determination that an ordinance would be a good place to start with the ability to fine tune it with land use codes.

**Trustee Buckridge moved to adopt Ordinance 1204 prohibiting private burials on parcels less than five acres. Trustee Alaback seconded the motion. The motion passed with Trustee White abstaining.**

**Hammond Preliminary Development Plan and Preliminary Plat**

Planner Chmielak introduced this project by saying the Hammond Property is 120 acres in size and located on the west side of Larimer County Road 17 and south and east of the Highway 287 Parkway. It is zoned Planned Unit Development. The comprehensive plan has preferred land uses which include high density mixed use residential, employment and commercial office. In 2008 this property received approval of an overall development plan for this property not to exceed a total of 741 housing units and 618,552 square feet of commercial space. There were connection points on CR17, trails, buffers along Hwy 287 and overall densities. The approved ODP provided a maximum residential unit count and density, and a maximum commercial square footage cap, but also provided flexibility as to where the parcel lands could be located and the land use, and what density could be within the site. Parcels four and six were originally one mixed-use parcel; however, due to Berthoud Lake Ranchettes to the east, the Planning Commission at the time recommended, and the Town Board approved, that the parcel be split into a residential-only parcel across from the Berthoud Lake Ranchettes, and a mixed-use parcel to the north. The plan proposed tonight is for residential with 86 dwelling units on 30 acres. There are 2.8 units per acre density and 20 percent open space. It meets the 7% requirement through large landscaped lots, buffering along Waterman and CR17, and property to the north and the remainder of the open space is the detention pond. A metro district will maintain the open space and detention pond, and roads will be maintained by the Town of Berthoud. To the north is the Bader PUD. It is the owners desire to develop that commercially but does not have a plan in place. Connectivity is very important and will be watched for in future phases and when the final plat is submitted.

Planner Chmielak said that staff feels this project is compatible with the Development and the Comprehensive Plans. The Hammond Project does have a lot more commercial parcels to be developed. In the Comprehensive Plan it does state that the owner can develop to a lesser density than what is shown on the Comprehensive Plan Preferred Land Use Map.

With these considerations in mind, staff does recommend approval per Planner Chmielak.

Trustee Alaback said it is important as developments come in to make sure there is good trail hook-up and pedestrian access. Town Administrator Hart discussed that once you get to CR10E everything will connect and we will keep mindful of the pedestrian access.

Trustee White expressed concern about only one access point. She thought the Planning Commission said two. Planner Chmielak said one to the south is an emergency access road. Fire requires a paved access and code allows this.

Mayor Gregg asked staff about compatibility with the comprehensive land use plan with the commercial nodes. The property to the north is commercially developable. Administrator Hart said that ramps were needed in the CR10E/Hwy 287 area for Commercial. Planner Chmielak said she asked about CR17 access into Bader for commercial node, potentially in the northwest corner. Parcel four is commercial and office but has a detention pond as it is the lowest point of the property. Trustee Buckridge said it is allowed for commercial but doesn't allow for much with the detention pond there.

Applicant Jeff Mark, Landis Company, 2120 Trailblazer Way in Castle Rock.

We want to begin with single family. Traffic patterns favor CR 10E for trails for future phase. If commercial kicks off in this area there would need to be on/off ramps by CR10E and Taft (CR17). Referencing the commercial component of parcel four, we have to follow the historic flow. We have to put our detention pond there. We also want to start in this area of the property because of the sewer project. Water will come from across Hwy 287 so it made sense to start in the north.

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Trustee Alaback spoke of the need for smaller pocket parks in this and future developments and the desirability of using the detention pond area as a passive recreation site so that there would be an area for public recreation in the first phase of this development.

Public comment:

Ken Pischke, 155 Quandary, Berthoud

The Town should not be letting developers dictate what will be built; rather, the Town should be telling developers exactly what the Town thinks should be developed.

John M McLaurin, 2137 Elmwood, Berthoud

He feels that the main entrance to this subdivision should be located along the northern property line, to give access to both the Bader property and this proposal. Planner Chmielak stated that a full intersection could not be located that close to the intersection of Hwy 287 and CR 17.

Public Hearing was closed and brought back to the Board.

Mayor Gregg said it would be better if there were more buffers to the north, since it may be commercially developed in the future, and residential backyards would be next to it.

Trustee White advised the developer to look at the detention pond in Gateway Park as an example as it has been landscaped and irrigated nicely, and has become a good passive recreation feature. She also asked if fencing would be provided around the detention pond and the developer said plans were not final on fencing yet.

**Trustee Buckridge moved to approve the Hammond Preliminary Development Plan and Preliminary Plat, with a recommendation that the future Final Plat include a note stating that access be given to the property to the north for future phases based on the three findings:**

- 1. The proposed PDP and Preliminary Plat conform to the requirements of the Development Code, the Comprehensive Plan and the Land Use Plan.**
- 2. The proposed PDP and Preliminary Plat will not negatively impact traffic, Town utilities, or otherwise have a detrimental impact on property that is in sufficient proximity to the development to be affected by it.**
- 3. The proposed development will be complementary to and in harmony with existing development and future plans for the areas in which the proposed development is to take place.**

**Mayor Pro-Tem Dowker seconded the motion. The motion passed unanimously.**

**Heritage Ridge Final Development Plan and Plat, and Development Agreement**

Planner Chmielak introduced this project which is located south of Spartan, west of the railroad, and south of Hillsdale Subdivision. The property is zoned PUD. Comprehensive land use is moderate use density residential. The PORT Plan shows a trail along the railroad and by Dry Creek. In 2000 this property was annexed under the name Davis-Schleiger. Six years later it received Overall Development Plan (ODP) approval. It is 146 acres. It allowed 494 residential units, 3.4 units per acre. Open space is 20 acres. In 2007 this preliminary plan received approval, but it has since expired. This plan is pretty close to the 2007 plan. The plan tonight is just the western half of the site. It is 170 residential units on 69 acres or 2.5 units per acre. Open space is approximately 14 acres, a larger detention area to the south. Wet land is a small area on the south. It shows the irrigation levels and it meets our current water policy. There are two connections to this development from Spartan Avenue and it connects into Hillsdale via Kansas Ave.

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This project will build onto the Hillsdale trail. There are two pocket parks proposed for the north and south side.

Planner Chmielak said included is a Final Development Plan, Final Plat, and a Development Agreement (DA). The DA outlines the timing and improvements required from the developer. One of the public improvements that the developer is proposing would be to connect to the Hillsdale sewer system. It also talks of completion of parks, trails and street improvements. Comments were received were the dark sky standard. Residential is mostly exempt. As in the Prairie Star Subdivision, it can have full cut off lights that will meet the requirements of the standard.

Staff recommends approval.

Trustee Baker asked about any buffer between Hillsdale and this project. (No buffer). Spartan traffic is a concern. Planner Chmielak said that the traffic engineers have looked at Spartan Avenue. It will be brought up to collector street standards by the developer. Town Administrator Hart said extending Spartan Avenue is part of the traffic plan. Mayor Pro-Tem Dowker asked if lots would be deeper where it goes to Hillsdale.

Applicant Jim Birdsall, Birdsall Group, 444 Mountain Ave, Berthoud

This is similar to the plan that was approved. There are some minor changes with this plan having to do with the grading of the property. We have cul-de-sac and greenbelt behind and the pocket park. He has spoken about the diversity of the project. There is a mix of lots larger to the south. Some lots are pie shaped so walk out building opportunity.

Jim Righeimer, representing the ownership group for Heritage Ridge Development, thanked the Schleiger family. He asked staff to look at the wetland and irrigation issue. He also said they are looking at bringing high speed broadband into this development. Google calls this a fiber hood.

Trustee Buckridge asked about continuing Spartan and rail road crossings. Town Administrator Hart said the plan is to get it done but the timing and the details have not been all worked out. Mayor Gregg said it is part of the Traffic Master Plan.

Public Hearing:

Amy Varin, 615 Bristlecone, Berthoud

She asked about an existing fence on her property and if it would be disturbed and about an access road. Ken Mitchell said they would not disturb an existing fence. The road will not be a full service road. He apologized for the dust in their neighborhood and stated that they have hopefully dealt with that problem.

Alan Johnson, 567 S 9<sup>th</sup> St. Berthoud

He stated the lots on the southern edge were under water and wondered if the owners of the lots have to have flood insurance? He also would like to know how many cars will use S. 9<sup>th</sup> Street.

Steve Broes, 634 CR 40, Berthoud.

He wants to know if the detention pond is removed, how it will affect the property.

Ken Sacora, 910 Kansas Ave, Berthoud

He had concerns regarding traffic flow on Kansas and Greenwood. He also asked if a study had been done to verify what the traffic impact would be on these roads.

With no one else wishing to speak, Mayor Gregg closed the public hearing and brought it back to Board.

Ken Mitchell, Project Coordinator, Heritage Ridge Development

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Grading on the south will be 6 to 8 feet higher than existing grade with a transitional slope. So it will be higher than the most severe storm. Lots on the other side are 4 to 6 feet higher than they are today. Updated traffic studies have been done and the existing roads will be able to handle the additional traffic.

We are not developing in the area of the pond until we can acquire an easement or property for a detention area.

Board members expressed concerns regarding traffic, both auto and pedestrian, and think these are all things to keep in mind as we go forward. Traffic studies are public record. Appreciation was expressed for the diversity in this layout and connection to the Hillsdale Subdivision, as well as how each phase will be built as a stand-alone phase.

**Trustee Buckridge moved to approve the Heritage Ridge Final Development Plan, Final Plat, finding that they meet the FDP and Final Plat review criteria. Trustee Alaback seconded the motion. The motion passed unanimously.**

**Trustee Buckridge moved to approve the Heritage Ridge Development Agreement. Trustee White seconded the motion. The motion passed unanimously.**

**Trustee Vacancy**

Town Clerk Cowdin Mary addressed the vacancy on the Board of Trustees which occurred when Trustee Henning resigned. She cited statute 31-4-303 which gives the Town Board the authority to fill all vacancies in the Board. Following discussion, the trustees asked staff to implement a mass mailing in addition to putting information on the Town website and social media. This would inform the public of the open seat, and that the Town was conducting a search for a qualified replacement and would accept applications. Because of statutory time constraints, this mailing will be done as soon as possible.

**2016 Draft Budget Review**

Senior Accountant Leach presented the Draft Budget review.  
This is Part 3 dealing with the portion of the General Fund that includes:

Administration  
Public Safety  
Streets  
Recreation  
Swimming Pool  
Parks  
Economic Development  
Planning  
Building

She started the review by showing a revenue breakdown. It showed the majority of revenue is from taxes. It includes 55% that is from sales tax. Also in 2015 we received a grant for the PORT Plan.

In January 2016 we will add an additional school resource officer and incur that expense, which includes a onetime expense for equipment, etc. There will be a portion that will be refunded by the School District. Also there is a built in on Public Safety of 3.5% which allows for an increase in our contract with the Sheriff's Department.

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Administration costs went up in 2015 due to the addition of personnel such as the Senior Accountant position. A plus is that the cost of health insurance may go down in 2016.

Trustee White asked about the increase in the budget for the next few years in the Planning Department. Account Leach said she will look into it.

According to the Community Development Director, the Town is exploring options regarding a contract building inspector. The Town needs to have someone who can also do electrical inspections. It might be possible to do an IGA with Loveland and Larimer County, but nothing is final yet.

Maintenance on street lights is included in the General Fund. Outside services include judges, attorneys, the building inspector, etc.

Department specific expenses were looked at using a chart. In reference to Economic Development there was a question about business prospect travel expenses such as the Site Selector conference. Marketing expenses with advertising and give-away costs were also discussed.

Accountant Leach showed a chart of Capital expenses/purchases by the year. The Strategic Plan would cover the next couple of years. Purchase of an asphalt paver for the Streets Department was budgeted because doing patching and other jobs will be less expensive than renting equipment.

Next meeting for budget review will include fee schedules.

#### Library Board Appointments

Town Clerk Cowdin said Colorado Revised Statute requires the local governing board (and the County Commissioners) to appoint qualified applicants to the Library Board. Library Director Wright is recommending the appointment of Paul Schumacher and Diane Brotemarkle to the Berthoud Community Library District for a four year term.

**Trustee Buckridge moved that Paul Schumacher and Diane Brotemarkle be appointed to four-year terms on the Berthoud Community Library District, terms to run from January 1, 2016 through December 31, 2019. Trustee Baker seconded the motion. The motion passed unanimously.**

#### Reports

Town Administrator Hart spoke of the Larimer Joint Regional Meeting on October 22 at the Ranch. Town Clerk Cowdin will handle the RSVP.

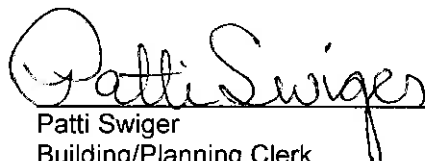
The Front Range Trail was discussed. Loveland now has the opportunity to obtain 180 acres, creating the possibility of a partnership between Larimer County, Loveland and the Town of Berthoud. There may be more information available on the October 27<sup>th</sup> meeting. Trustee Alaback said connecting Berthoud to the Loveland regional trail system will be a huge benefit to Berthoud residents.

Next Wednesday night is the Community Chat at 7:00 p.m. at Town Hall.

Mayor Gregg said the Oktoberfest booth was very good. New residents were excited about Berthoud.

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Mayor Gregg adjourned the meeting at 9:30 P.M.

  
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Mayor David Gregg  
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Patti Swiger  
Building/Planning Clerk