

**BOARD OF TRUSTEES  
REGULAR MEETING  
June 23, 2015  
6:30 P.M.**

Board Members Present: Mayor David Gregg  
Mayor Pro-Tem Jan Dowker  
Trustee Michael Henning  
Trustee Chris Buckridge  
Trustee Jennifer Baker  
Trustee Suzie White

Absent: Mayor David Gregg  
Trustee Paul Alaback

Staff Members Present: Town Administrator Mike Hart  
Town Clerk Mary Cowdin  
Town Attorney Greg Bell  
Town Planner Sara Chmielak  
Town Engineer Stephanie Brothers  
Town Accounting Technician Melissa Colucco

Mayor Gregg led the Pledge of Allegiance.

**Citizen Participation**

Joe Maple of 920 Bunyan Avenue explained to the board that Roberts Pond which is located behind his home has a bad odor and is in need of maintenance.

Town Administrator Hart took information regarding the pond.

Richard Smith of 300 E Iowa explained that residents in his neighborhood received notices about trimming trees. The residents do not mind trimming the trees but there is no place in Berthoud to discard the branches. Mr. Richard suggested opening up the same area by the cemetery where residents can discard Christmas trees.

Town Administrator Hart explained it would be costly because the town would have to pay for someone to come in and chip the branches, obtain a contractor to transport the debris, and hire staff to monitor the dumping.

**Consent Agenda**

**A motion to approve the consent agenda with corrections to the June 9, 2015 meeting minutes were approved and seconded with all board members voting yes.**

**Prairie Star Public Hearing**

Town Planner Sarah Chmielak presented the board with an amended Final Development Plan and Preliminary Plat for Prairie Star Planned Unit Development. Chmielak explained after heavy rains the property was reevaluated by the applicant and there were some drainage issues discovered. The applicant decided to rearrange the site to address those issues. The changes are minimal and include a retention pond, longer cul-de-sac in the northeast corner of the property, extended open space and trail through the site, shifting of the number of lots from one block to another and reduced rear yard setbacks on several lots. The Planning Commission recommended approval at the May 14, 2015 Commission meeting.

The applicant Scott Sarbaugh explained that the amended site is a better plan with better drainage and expanded open space.

Mayor Pro Tem Dowker opened the item to public hearing at 6:48 p.m. Seeing no one wishing to speak the item was closed to public hearing at 6:48 p.m.

**Trustee Buckridge moved to approve the proposed Prairie Star Amended Final Development Plan and Preliminary Plat, based on the findings that:**

- 1. The proposed FDP and Preliminary Plat conform to the requirements of the Development Code, the Comprehensive Plan and the Land Use Plan.**
- 2. The proposed FDP 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.**

**Trustee Henning seconded the motion. The motion passed unanimously.**

**Prairie Star Final Development Plat-Block 3**

Town Planner Sarah Chmielak presented the board with a request for a Final Development Plan and Final Plat for Block 3 of the Prairie Star Planned Unit Development, also known as Westview. The property is located on the east side of County Road 17 and south of Wagon Bend Road. The applicant is asking for 111 mixed housing units and was previously approved for 115. The breakdown are 11 single-family detached lots, 16 townhomes attached lots and 84 multi-family units located in seven 12-unit buildings. A max of 27 carriage units are proposed with the single-family and townhome lots. Main access to the site would be from Wagon Bend Road and Urban Place. Chmielak gave brief descriptions of density on the town homes and multi-family units, a proposed clubhouse, landscaping, and open

space. Prior to final plat and final development plan being recorded there has to be an executed Development Agreement and Landscape Plan. That is not available at this time.

Chmielak explained that there is a request for a conditional approval of the Final Development Plan and Final Plat contingent that the Development Agreement has to be agreed upon.

Mayor Pro Tem Dowker opened the item to public hearing at 7:04 p.m.

Joe Maple of 920 Bunyan Avenue mentioned that there is a concern with children in the multi-family units having to walk through other submissions to get to the park.

John Bauer of 1065 6<sup>th</sup> Street thanked Scarbaugh for the new plat. The density is adequate for the development and there is a proper trail system being proposed for the children traveling between subdivisions to the park.

With no one else wishing to speak the item was closed to public hearing at 7:06 p.m.

Trustee Henning and Mayor Pro Tem Dowker both agreed that the proposed development brings needed affordable multi-housing to the town and thanked the applicant.

**Trustee Henning moved to approve the proposed Prairie Star Block 3 (aka Westview) Final Development Plan and Final Plat contingent upon a Development Agreement and final landscape plan also finding that**

- 1. The proposed FDP and Preliminary Plat conform to the requirements of the Development Code, the Comprehensive Plan and the Land Use Plan.**
- 2. The proposed FDP 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.**

**Trustee Baker seconded the motion. The motion passed unanimously.**

#### **Public Hearing-Ordinance Development Code updates**

Town Planner Chmielak presented the board with a request to amend the following portions of the development code; Section 1-General Provisions, Section 3-Zonning, Section 5-Enforcement, and Section 8-Annexation of the Development Code. Chmielak explains most of the updates were made for definition and clarification. There was also a change to the standard for industrial front yard setbacks

from 50ft to 20ft. The Planning Commission recommended approval at the May 28, 2015 Commission meeting.

Mayor Pro Tem Dowker opened the item to public hearing at 7:19 p.m. Seeing no one wishing to speak the item was closed to public hearing at 7:19 p.m.

**Trustee Henning moved to approve ordinance no 1198 for the Development Code Amendments as proposed. Buckridge seconded the motion. The motion passed unanimously.**

#### **Public Hearing Easthaven Concept Plan**

Town Planner Chmielak gave a brief history of the property which had received approval for both Overall Development Plan and Preliminary Development Plan several years ago and was formally known as Sugar Creek. The Preliminary Development Plan expired. The Concept Plan is slightly different due to the applicant addressing concerns from both citizens and the commissioners from the May 28, 2015 Planning Commission. Some of the revisions include possible access to County Road 10 E, straightening the extension of 7<sup>th</sup> Street and additional access to Bunyan Avenue which are all subject to a traffic study. The applicant is also proposing to take out units along Bunyan to add drainage and larger lots along the east boundary. The Concept Plan proposes 563 residential units 132 of them townhomes and 431 single-family detached. Also proposed are 2 pocket parks, additional landscape buffers and a trail along Handy Ditch. Staff is recommending approval of the Concept Plan and the proposed plan meets the Concept Plan Review Criteria, Land Use and PORT Plan.

Applicant Jim Birdsall of The Birdsall Group explained that they wanted to address the concerns that were presented at the last Planning Commission meeting. Birdsall also noted that the proposed plan had 12 street connections and was revised to have 14 additional access roads into the development. The improvements to Westhaven and Easthaven should improve drainage problems.

Mayor Pro Tem Dowker opened the item to public hearing at 7:33 p.m.

Rose Lawrence of 1505 Maple Avenue asked about clarification on the buffer areas.

Joe Maple of 920 Bunyan Avenue had concerns about the traffic on Bunyan Avenue and suggested less access into the subdivision from Bunyan. Other concerns were in regard to flooding and drainage issues.

Lisa Phelps of 1409 Maple Avenue had concerns about capacity of students at Berthoud Elementary. Phelps works at Berthoud Elementary and stated that they are already at capacity. There are also concerns about children safety and traffic. Phelps asked who is responsible for the weeds on the property and feels there is a potential fire hazard.

Barth Story of 930 Bunyan Avenue had concerns on open space being reduced. Story felt that the development of homes is welcomed as long as they look nice and have enough open space. Story added he would like to see parks instead of fees, more trails, to look into non-potable irrigation and more amenities like a daycare center, pool or basketball courts.

John Bauer of 1065 6<sup>th</sup> Street explained that he was on the planning commission with Sugar Creek and it did have less density and more open space and unfortunately it was unmarketable and sat for several years adding to the drainage problems. The plan now looks to be working and marketable. The additions of entrances on Bunyan were to reduce the traffic buildup with the one entrance that was located in front of a school. Engineering and traffic studies can bring more changes. Bauer cautioned the trustees to watch the codes in regard to elevations on the east side of the property. Bauer felt the town cannot afford to maintain more parks and are having trouble maintaining the ones they already have. The school district would have to approve the plan and would dictate when another school should be built.

Joe Maple added that there may not be enough room in the schools to accommodate for the increase in students.

Mayor Pro Tem Dowker added that there is communication and input from the schools.

Mayor Pro Tem Dowker closed the item to public hearing at 7:53 P.m.

Birdsall addressed the concerns brought up in public comment. The greenbelts were desired by citizen feedback and will be accessible but are not considered to be a public park. In regard to the access roads we have heard the need for more access roads and complaints that there are too many access roads. The location and configuration is just a sketch until we do a traffic study. As projects move forward improvements to Bunyan will happen. The project will need to meet the town's drainage requirements and there will be drainage studies conducted to make improvements as the project moves forward. The school district is aware and may already be working on a master plan. The weeds on the property will be addressed the recent rains had made it difficult to keep the area maintained. The narrow greenbelts were taken out to build larger lots due to feedback and comment that could have caused maintenance issues. There was mention on non-potable irrigation and although it is something they are opened to it is most likely not feasible for this development. There are two town parks and feels they are proposing an adequate trail system. There is not a lot of opportunity to commercial use for things such as a daycare center or pool but the pocket parks could accept amenities like basketball courts.

Trustee White would like to see the connection on 10 E started right away. This would help with congestion on Bunyan while the development is in progress. White also had safety concerns in regard to children having access to the Handy Ditch and suggested looking into ways to cover or secure that area.

Trustee Henning mentioned that the development is in the Concept Plan level right now and to keep in mind there are still studies that need to be done.

Dowker added to look into the concerns addressed before they get to the final step and appreciates the communication between the applicant and the community.

**Trustee Buckridge moved to approve the Easthaven Concept Plan finding that the proposed plan meets the Concept Plan Review Criteria. Trustee White seconded the motion. The motion passed unanimously.**

**Resolutions for supplemental budget appropriations for I-25 Wastewater and Water Projects**

Mayor Pro Tem Dowker wanted to thank the Department of Local Affairs for a recent grant award of \$400,000.

Town Engineer Stephanie Brothers presented the board with two requested resolutions for a supplemental budget to the water capital and wastewater capital budget to start design and construction in the I-25 area. The projects have met some milestones that will require supplements to both those budgets. Brothers explained that the participating owners will be contributing 2 million for wastewater projects and an additional 700,000 for the water project.

Town Administrator Hart clarified that there are no intentions for further bids. JVA has a designed project built into the budget. Some additional cost would be to Serenity Ridge.

Brothers added that the town does not have final agreement with DOLA for that.

Hart asked to approve with a condition to the agreement being signed with DOLA and explained in order to get the money back from DOLA is has to be spent first.

Attorney Bell added that the wastewater supplemental amount needed to be changed to 2,400,000 and subject to execution to the DOLA Reimbursement Agreement.

Trustee Henning addressed the public to explain this is not a new topic before the board but a follow-up on our end to an agreement with Loves and Wilson Ranch.

**Trustee Buckridge moved to approve and read through resolution NO 13-15 for supplemental Budget appropriation for the Water capital budget to design and construct necessary water infrastructure in the I-25 area. Trustee Henning seconded the motion. The motion passed unanimously.**

**Trustee Buckridge Moved to approve and read through the resolution NO 14-15 for the Supplemental Budget appropriation for the Wastewater capital budget to design and construct necessary wastewater infrastructure in the I-25 area. Trustee White seconded the motion. The motion passed unanimously.**

Administrator Hart suggested a motion to give staff a notice to proceed with the project.

Trustee Henning motioned to give staff notice to proceed with the execution for development of the wastewater and water project. Trustee White seconded the motion. The motion passed unanimously.

**Reports**

**Trustee White reported that she attended the Colorado Municipal League and will put together a packet on the information that was presented.**

Trustee White excused herself from the meeting at 8:41 p.m.

Administrator Hart thanked Sarah Chmielak for stepping in until Sherry Albertson-Clarks replacement starts in July. Claire from Slate Communication is working on getting the mosquito information out that was requested by the board. The next meeting is July 14, 2015 with discussion on landscaping and irrigation. Jeremy Olinger is working on putting a policy in place for the mosquito trigger with the county. Strategic planning is in process and Claire will pick up as the facilitator. On July 2, 2015 the Northern Water District will have a rally to support the NISP project. Our \$40,000 grant was approved to do the towns parks and trails master plan.

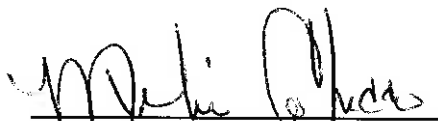

Attorney Bell reported he attended the Colorado Municipal League and will present some of the items that were discussed as they come up.

Trustee Henning attended the Joint Regional Meeting and there was a good presentation on communication and first responders.

Mayor Pro Tem Dowker attended the Colorado Municipal League Annual Conference which had great discussion on annexation, the impacts of marijuana in the community and our roles in policy making. There was opportunity for networking with mayors in other areas. Dowker also attended the Proswing ribbon cutting on June 13, 2015 and the Planning Commission on June 11, 2015.

Trustee Baker attended the transportation summit on June 15, 2015 there was a lot of good discussions on funding and it was open to the public.

Mayor Pro Tem Dowker adjourned the meeting at 8:54 p.m.

  
Melissa Colucco  
Accounting Technician  
Mayor Pro Tem Jan Dowker