

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
MAY 27, 2003
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The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, May 27, 2003, in the Board Room of Town Hall. Mayor Karspeck called the meeting to order at 7:30 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck
Mayor Pro-Tem Jenny Foote
Trustee Don Ashcraft
Trustee Peder Thorstensen
Trustee Glen Buckingham
Trustee Michael Patrick (arrived 7:32 p.m.)
Trustee David Gregg

STAFF PRESENT: Administrator Jim White
Town Clerk Mary Cowdin
Planning Director Wayne Reed
Public Works Director Bill George
Police Chief Bill Wegener
Deputy Town Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the pledge of allegiance.

Trustee Patrick arrived at 7:32 p.m.

CITIZEN PARTICIPATION

There were no items presented for citizen participation.

REPORTS

Administrator White advised the Board that we have completed the carriage agreement for the raw water pipeline. We received notice on Friday that the internal exchanges are allowed, which should prevent us from having to pay power charges, in the amount of approximately \$63,000,

Administrator White reported that the Town has issued seven (7) residential building permits to date.

Administrator White reported on May 20, 2003, in an election by Berthoud voters, Ordinance 874 was repealed. He noted Attorney Fickel will provide additional information regarding the effects of this repeal at the regular Board meeting on June 10, 2003.

Administrator White reported that we have completed two additional water leases to augment the Town's water supply for this year.

Administrator White presented the magazine that has been developed regarding the events scheduled for June in Berthoud. These magazines are being distributed to residents and businesses of Berthoud.

Board members commended the group that developed this brochure and suggested it should be distributed in outlying areas. Administrator White noted the next meeting to discuss these events is scheduled for this Saturday, May 31, 2003, and he will confirm the plans for distribution of the magazine and for any advertisements planned in Longmont and Loveland. He noted that further information regarding these plans will be presented at the next meeting.

Trustee Foote noted an insert is already scheduled for the Loveland paper. This magazine was discussed prior to the arrival of Administrator White, and she commended him for helping to make this dream a reality. She also thanked Mayor Karspeck and Museum Director Tom Vaughan for their participation in this project.

Administrator White announced an Open House is scheduled for Wednesday, June 4, 2003 from 5:00 p.m. to 7:00 p.m. at the Library honoring Roberta Depp, who recently resigned as our Library Director.

CONSENT AGENDA

The Consent Agenda consisted of items 6a, the minutes of the Special Meeting held on Thursday, May 8, 2003 and the Regular Meeting held on Tuesday, May 13, 2003; 6b, the financial statement for April 2003, and 6c, the liquor license renewal for the Derby Grill.

Trustee Buckingham moved to approve the consent agenda as submitted. Second by Trustee Gregg. All members voted YES, except for Trustee Patrick, who voted YES on items a and b and abstained on item C.

WILSON RANCH ANNEXATION CONTINUATION

Mayor Karspeck reopened the public hearing for the Wilson Ranch Annexation. Planner Reed updated the Board on our progress, noting that staff needs additional time to allow the applicant to make revisions, and to allow for further review. He noted that in addition to the annexation, we are working on the ODP and the annexation agreement.

Planner Reed noted the ODP is a 160 page document. Staff has made an initial review and returned the document to the developer with redlines and comments. We anticipate

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this will be returned with the developer's revisions this week or next. The plan is for staff to then complete another review and provide further comments to the developer. He noted we are also working on the annexation map and legal description for this property to provide accurate metes and bounds. Surveyors are currently working to make sure we have the correct legal description.

Planner Reed noted the applicant is making minor revisions to the proposed annexation agreement. We should have the latest version this week, and he noted staff would like the opportunity to meet with legal counsel and then bring this document to the Board for recommendations. He asked for input regarding the best date and time for this meeting, suggesting 6:00 p.m. on Tuesday, prior to the next Board meeting. He noted Staff has made no commitment regarding the annexation agreement, and no commitment will be made prior to Board review and approval.

Mayor Karspeck noted a three member committee has been designated to review this information, and suggested this be confirmed by the Board to allow this process to go forward. He noted all committees are open to all members of the Board, and the meetings are open to the public, but he suggested it would be more efficient to establish a committee responsible for making the initial review of these documents.

Trustee Ashcraft reminded everyone that the function of this Committee is to expedite this process.

Trustee Foote noted she would be interested in participating in the Committee.

Mayor Karspeck noted he was one of the three members originally designated, along with Trustees Gregg and Buckingham. He noted the group can be expanded to include Mayor Pro-Tem Foote, and with no objections from the Board, this sub-committee was approved.

Trustee Gregg suggested it would be a good idea to include the Chairman and/or the Vice Chairman of the Planning and Zoning Commission. Board members agreed.

Trustee Patrick suggested Chairman Thorne would be a good choice to participate with the Board on this project. He suggested the Board direct staff to extend an invitation and see if he is willing to participate. Planner Reed suggested if Chairman Thorne is not available, the Planning and Zoning Commission might want to select another member to participate. He noted he will present this request to the Commission this Thursday, May 29, 2003, at their special meeting.

Planner Reed noted he will attend these meetings, along with Administrator White and Attorney Fickel. Other staff members can be included at the request of the Committee.

The applicant and their legal counsel will also be included, and the public is always welcome.

Trustee Buckingham noted some of these discussions will need to be handled in executive session, rather than in open sessions. It was agreed that these meetings will be advertised and notification will be done to allow the group to have executive sessions.

Trustee Ashcraft noted executive sessions must be held in conjunction with Board meetings, and suggested this question needs to be referred to Attorney Fickel.

Board members agreed to have the first meeting of this group on June 10, 2003 at 6:00 p.m. Trustee Gregg volunteered to attend the Planning and Zoning Commission meeting Thursday to extend the Board's invitation to Commissioner Thorne to serve on the committee or to select a member of the Commission who would like to serve. With no objection, the meeting was scheduled.

Trustee Buckingham moved to continue the public hearing for the Wilson Annexation to the June 24, 2003 meeting. Second by Trustee Patrick. All members voted YES.

UPDATE WASTEWATER TREATMENT PLANT REDUNDANCY ISSUES

Public Works Director George noted options were discussed at the last study session, and this was forwarded to the General Contractor last Tuesday. The contractor is in the process of preparing cost proposals for the two options, and he anticipates this information will be available no later than the regular meeting on June 10, 2003.

Public Works Director George presented a brief explanation regarding each of the options, noting Option A (Option 1), would cost in the neighborhood of \$1M. Option B (Option 2), would cost approximately \$3M.

Trustee Thorstensen noted he understood if we go with the second option, we would realize savings of approximately \$400,000, since the old plant would not have to be refurbished. Public Works Director George agreed, but noted the savings would more accurately be approximately \$250,000. Trustee Thorstensen asked if utilizing one plant would allow us to reduce manpower. Public Works Director George noted he anticipates we will need an additional person, just due to the increase in the size of the plant.

Trustee Buckingham asked the difference in capacity between the two options. Public Works Director George noted the first option keeps the old plant open, but due to the age of the plant, the capacity of the old plant will be reduced to .5 mgd. That would give us a total of 1.5 mgd if we go with the first option. The second option would increase the size of the new plant to 2.0 mgd, and would eliminate the need to use the old plant.

Mayor Karspeck noted the goal is to achieve redundancy. With the first option, that is accomplished by installing removable grids that can be taken out and cleaned. He noted Arber Engineering is proposing another solution, and they are here this evening to present this information to the Board.

Public Works Director George introduced Brien Gidlow from Richard P. Arber Associates in Denver. Mr. Gidlow explained their recommendation to put in multiple sections, instead of the removable grid. The Arber proposal has been forwarded to Black and Veatch for consideration. Mayor Karspeck asked Mr. Gidlow if he has seen this option in use, and he confirmed that he has. He noted he has not seen the removable grids proposed by Black and Veatch.

Trustee Buckingham noted he understood there was a problem with redundancy with the first option. He understood that the old plant does not have the capacity to back up the new plant if the new plant is out of service. He asked whether the first option is acceptable to the State of Colorado. Public Works Director George noted we will not get a final answer from the State until we submit a proposed solution. He agreed that there is some question regarding whether keeping the old plant in use will be acceptable to the State.

Trustee Buckingham asked what other communities and municipalities do to provide redundancy in their plants. Public Works Director George noted in many cases, towns are forced to build larger plants to allow them to build in redundancy.

Trustee Ashcraft pointed out that it is important to remember that guidelines are more strict when you are building a new plant. If you are upgrading an existing plant, the guidelines may not be as strict. He noted one reason this process has been so frustrating is that we have been unable to get a firm answer from the State regarding what is acceptable. He encouraged Public Works Director George to keep on top of this. He noted the continuing changes from the State have made this a very frustrating process.

Trustee Buckingham noted requiring small communities to build larger plants to achieve redundancy requires them to pay for overcapacity, not redundancy. Public Works Director George agreed, noting that Berthoud needs to weigh the impact of future growth when deciding between the two options. Public Works Director George said he thought the State has tentatively indicated that they will accept either option.

Trustee Patrick noted it is important to remind residents that we do not have exact figures for either option at this time. Once this information is available, the Board will be able to look closely at both options, and make an educated decision. He noted based on the information the Board received this evening, if we go with the first option, the total cost of the new wastewater plant is approximately \$7.5M for a capacity of 1.5 mgd. If we go

forward with the second option, we will have a 2mgd plant for approximately \$10M. Residents need to be concerned with these decisions, because this will impact the rates users are charged for this service. We have issued a total of 7 permits this year to date, which means that the total increased cost will have to be paid by the users. He noted this will be a difficult decision because of the cost to the residents.

Public Works Director George noted he will provide all the information as soon as it is available.

Administrator White noted the previous information provided by Black and Veatch designated the options as option 1 and option 2, and requested that the minutes reflect that option 1 and option a are the same and option 2 and option b are the same.

Board members thanked Public Works Director George for the update.

EQUIPMENT NEGOTIATION

Police Chief Wegener requested that the Board authorize the Town to purchase a bucket truck. He noted that in the past two years, we have spent in excess of \$3,500 to rent equipment of this type to hang banners, Christmas decorations and for use by our Recreation Department. He has been in contact with Xcel, and they offer units they have removed from service for sale. These are usually sold at auction, but they will allow the Town to have first choice of a unit, and would provide maintenance records, check out the bucket and boom to be sure it is in good working order, and come out and train our employees on its use.

Police Chief Wegener noted the units usually sell for between \$7,000 and \$8,000, but Xcel has offered to donate a portion of the cost to the Town. With the donation, we should be able to purchase a unit for between \$3,000 and \$4,000. At that price, and based on our prior rentals, this unit would pay for itself in approximately two years, and we would have continuing use of the equipment.

Police Chief Wegener requested approval from the Board to purchase of one of these units, noting there are funds available from the Conservation Trust Fund to supplement the revenue we have received.

Mayor Karspeck asked if this would be available to use to remove tree limbs. Police Chief Wegener noted that would be an option and he suggested Arborist Shiloh Hatcher be trained to use the equipment. He noted from a safety standpoint, he would recommend that two people be on the truck at all times.

Trustee Patrick noted this equipment would be much safer for our employees than the equipment we have used previously. He recommended that staff confirm that adequate

funds are available, and pursue purchase of this equipment at a price not to exceed \$5,000. Board members agreed.

Administrator White commended Police Chief Wegener for finding and pursuing opportunities of this type for the Town.

IMPACT OF INITIATIVE ELECTION

Mayor Karspeck noted Board members received a memo from Attorney Fickel regarding changes that will occur due to the repeal of Ordinance 874. Administrator White noted Attorney Fickel will present further information to the Board at the next regular meeting.

Board members noted several of the ordinances passed affecting the growth cap should be looked at carefully before rescinding these ordinances. These ordinances include the Adequate Public Facilities Ordinance, the Growth Cap Allocation Ordinance, and Ordinance 929.

Trustee Patrick noted the Adequate Public Facilities Ordinance was separated from the Allocation Ordinance early on, since there was the possibility that the growth cap could be repealed. He suggested it should be acceptable without change.

Following discussion, Board members suggested that these ordinances be reviewed by staff. Trustee Patrick provided specific direction to staff to identify areas in the current ordinances affected by Ordinance 874, and give suggestions regarding necessary changes. It was noted that there may be other areas that need to be addressed in these ordinances at a later date, but at this time all recommended changes should be specific to the repeal of Ordinance 874.

Administrator White thanked the Board for their direction.

REPORTS

Administrator White reminded the Board that the Main Street Enhancement Committee has scheduled a visioning session for June 2, 2003 from 6:00 p.m. to 9:00 p.m. at Centennial Bank.

EXECUTIVE SESSION

Mayor Karspeck noted the Board needs to convene into an Executive session for negotiations regarding the wastewater plant and the I-25 annexation. With no objection, the Board adjourned to an Executive Session at 8:47 p.m. Mayor Karspeck noted the Board will adjourn directly from the Executive Session and will not be reconvening in chambers.

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Following the Executive Session, the meeting adjourned at 10:15 p.m.

Mayor Milan Karspeck

Charlene Reed, Deputy Town Clerk