

TOWN OF BERTHOUD
BOARD OF TRUSTEES
SPECIAL MEETING
MAY 6, 2003
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The Board of Trustees for the Town of Berthoud met for a special meeting on Tuesday, May 6, 2003, in the Board Room of Town Hall. Mayor Milan Mayor Karspeck called the meeting to order.

MEMBERS PRESENT: Mayor Milan Karspeck
Mayor Pro-Tem Jenny Foote
Trustee Glen Buckingham
Trustee David Gregg

MEMBERS ABSENT Trustee Peder Thorstensen
Trustee Don Ashcraft
Trustee Michael Patrick

STAFF PRESENT: Administrator Jim White
Town Clerk Mary Cowdin
Town Attorney Bruce Fickel
Planning Director, Wayne Reed
Planning & Building Tech, Sue Bowles

BUREAU OF RECLAMATION CARRIAGE AGREEMENT CONTRACT

Administrator White reported that the carriage agreement contract hadn't been received until late this afternoon. This contract was also sent to NCWCD for their signature. The plan was to be that we would approve the contract with the assumption that we would put our trust in the attorneys that have reviewed it on our behalf (Paul Zilis and John Henderson). It has also been reviewed by the attorneys for NCWCD. There have been some modifications. The cost of this contract is \$68,000 instead of the original price of \$74,000. Those costs are higher than we anticipated because this is a one year temporary arrangement. Had it been long term, those costs would be at a lower rate.

In consultation with Paul Zilis regarding those costs, he said this is the best he could negotiate. He is comfortable with the result. It's an opportunity to get our water flowing from Carter Lake and we should take advantage of it. The Bureau does want a resolution for this, but White told them that would be impossible since we didn't receive this contract until today. They said if we could go ahead and proceed with the contract and then have the resolution by next week, that would be acceptable.

We do have a little bit of an issue with the pipeline in regard to the construction occurring at Highway 287, so we need a couple of days this week to correct that problem. It wouldn't be until Friday or Monday of this week that we could flow water.

Buckingham asked what the effect would be if we didn't pay the \$68,000 and sign this agreement.

Fickel explained that the effect would be that Handy Ditch will be operating late and ending early and possibly operating intermittently because our river flow is 7.14 c.f.s. per day, it isn't like we can get a big surge of water through there when they're open. Without this, our water delivery is going to be way down.

Karspeck noted that this item was on the agenda because we thought the contract would be here and in our packets on Friday, but it wasn't. If we don't pass this tonight, we still have

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water. We have nearly a full reservoir. We won't lose any water because our delivery started April 27th, so we're just a little over a week into that. We can push this item back, and we won't run out of water. Karspeck noted his concern with signing a contract that he hasn't had a chance to look over. He asked Administrator White if it would really be that detrimental if we put it off until next week.

White noted that we have begged and pleaded incessantly for the last two weeks, trusting that Paul Zilis was doing the negotiation. Attorney Fickel and Administrator White have had constant conversation with Attorney Zilis regarding this. However, he could understand the Board's discomfort since they hadn't had an opportunity to review the contract.

Gregg felt it was unreasonable to expect that they could receive the contract at 3:00 this afternoon, and make a decision that same day.

White read a letter that had been sent by Paul Zilis explaining the contract fees.

Attorney Fickel commented that in view of the fact that there are a few other signatures required on this document, he suggested there could be delays on the other side of this contract. Tomorrow morning we can find out the extent of that delay, and buy some time for the Board to read over the contract. If we have to, we can call a special meeting to go over this.

Cost wise, it sounds like a lot of money, but volume wise, it is relatively negligible. It is about one-eleventh of what we're looking at just to buy CBT water.

Trustee Foote moved to accept the attorney's recommendation and continue this meeting so that we can research it further. Second by Gregg. All members present voted YES.

EXECUTIVE SESSION - NEGOTIATIONS

Karspeck reported that the last item on the agenda is an executive session for the purpose of instructing our negotiators on how to proceed and also a legal issue.

By unanimous consent, the Board went into an executive session at 9:27 p.m.
Reconvened: 10:15

There being no further business, the Board adjourned at 10:15 p.m.

Mayor, Milan Mayor Karspeck

Building & Planning Tech, Sue Bowles