

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, DECEMBER 14, 2004
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The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, December 14, 2004 in the Board Room of Town Hall. Mayor Milan Karspeck called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck
Mayor Pro-Tem Don Ashcraft
Trustee Louis Gervasi
Trustee Michael Patrick
Trustee Glen Buckingham
Trustee David Gregg
Trustee Peder Thorstensen

MEMBERS ABSENT:

STAFF PRESENT: Town Administrator Jim White
Town Clerk Mary Cowdin
Public Works Director Rich Elliott
Town Planner Wayne Reed
Town Attorney Bruce Fickel
Planning Technician Sue Bowles

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the Pledge of Allegiance.

CITIZEN PARTICIPATION

David Bradley - 809 Douglas Pl. asked whether the Board was voting on the budget assuming a water increase is in place.

Mayor Karspeck explained that a 5% increase is projected and the budget does assume that. The Mayor added that recent rate studies have projected similar increases but that we are updating based on new financial information.

Bradley argued according to a study he did this afternoon, Berthoud is already 3 ½ % higher than other communities of our size, and the increase will put us over 18% higher. If it is in the budget, isn't that like voting it in?

Mayor Karspeck suggested that Mr. Bradley wait until the public comment portion of the agenda item addressing the budget to further discuss his concerns.

REPORTS

Mayor Karspeck reported on the "Bells of Berthoud" to be held on Sunday, December 19th at 8:00 p.m. and again on Friday, December 24th. There are several churches involved and Mayor Karspeck thanked all of the pastors for being supportive and the bell ringers for giving their time. The bells can be heard from anyplace in the old part of town, especially Fickel Park.

Administrator White reported that the Town of Berthoud did receive approval of the 208 plan revision which helped to secure the site of the regional wastewater plant at I-25.

White also reported that an event is being held tomorrow night for recipients of grant awards given by the Berthoud Community Foundation Board.

CONSENT AGENDA

The Consent Agenda consisted of the minutes of the regular meeting held on November 9, 2004, the Financial Statement for October 2004, the Bills Allowed for November 2004, and the special event liquor license for Berthoud Historical Society.

Trustee Gervasi moved to approve the Consent Agenda as submitted. Second by Mayor Pro-Tem Ashcraft. With no further objections, the Consent Agenda was approved.

3rd INTERIM AGREEMENT – NORTHERN INTEGRATED SUPPLY PROJECT

Administrator White reported that the NISP has completed phases 1 and 2 and are now in the 3rd phase which is expected to take 2 ½ years. The Site for the proposed reservoir is being coordinated through NCWCD to augment the future water supply. There are 13 – 17 entities involved in this project. The Town's contribution for 2005 is \$41,300.

Trustee Buckingham moved to approve continued participation in the NISP Enterprise project in 2005 for a fee of \$41,300. Second by Trustee Gervasi. Motion Passed.

PUBLIC HEARING – 2005 BUDGET

Administrator White reported on the history of the work that has gone into the 2005 budget, and complimented the executive management team members as well as the finance committee for their hard work. These are tough financial times and there were some hard decisions to make. Revenue projections were made conservatively. White enumerated some of the planned expenditures for 2005 and noted that the budget revenues related to new development have been based on 40 building permits anticipated during 2005.

There was some Board discussion on the importance of the Town's participation in the NISP agreement, as well as the carriage agreement and the raw water pipeline. All of those things cost money. Mayor Pro-Tem Ashcraft noted that the state requires by law that water funds have to be set up like a business, and these funds have to be self-supporting, which is why rates and fees are established. Ashcraft noted that the town faced a critical water situation a year ago when one water supply source ran for only a few short weeks rather than the typical six months. This was the first time that had occurred in decades.

Trustee Patrick commented on the steady trend in declining revenues the Town has been experiencing, and that there isn't anymore to take from savings to make up the difference. Difficult decisions were made and many items that would have been considered essential, such as police cars, were cut. We will still be struggling to provide essential services to the community, but are trying to minimize the effect. At some point when retail sales tax kicks in and when some projects come on line things will improve, but we have to get from here to there. Segregated funds such as water and wastewater are circumscribed by the state as to how they

can be run. One of the unavoidable effects of the new wastewater treatment plant is paying interest on the money borrowed. The Board has attempted to keep costs affordable while still meeting state statutes. There is no fat in this budget. There are some things that should have been funded that weren't.

Karspeck noted that one of the most controversial items in the budget is a municipal fee of up to \$5.00 per household per month. The Town has a shortfall of about \$100,000 in the general fund which funds administration, the police department, public works, recreation, the swimming pool, parks, the building and planning departments and the museum. There will be a public hearing in January 2005 regarding the municipal fee.

The Mayor opened the public hearing for comments.

Carla Bradley expressed her concern on the turnaround time for snow removal. It took a long time for the street department to get to 8th St. and she is concerned about safety.

Administrator White explained that public works does prioritize areas that need to be done in sequence.

Public Works Director Rich Elliott explained that they do try to get out and plow the snow, but we don't have the equipment to take care of ice. It takes hours and hours on any street to make progress. He noted that they are doing the best they can, but also need to be frugal.

Mayor Karspeck read the title of Ordinance 998, AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF THE 2004 BUDGET.

Trustee Ashcraft moved to approve Ordinance 998. Second by Trustee Gregg. With no objection, the motion passed by unanimous consent.

Mayor Karspeck read the title of Ordinance 999, AN ORDINANCE APPROPRIATING SUMS OF MONEY TO VARIOUS FUNDS, IN AMOUNTS AND FOR THE PURPOSES AS SET FORTH FOR THE 2005 BUDGET YEAR.

There was some discussion relating to the proposed municipal fee with an emphasis to sunset the fee. Buckingham noted the Town is in a Catch 22. When one looks at the number of permits issued the past 3 to 4 years we see a continual drawdown of revenue to the point of furloughing employees because we couldn't afford to pay them. The municipal fee will lessen the Town's reliance on development fees. To the credit of the finance committee and town staff this is a responsible approach to add money to the general fund. There will be future study sessions to reevaluate development fees to see if the decrease in permits is because our fee structure is out of line with neighboring communities. We may find that by introducing ways to not rely on development fees, we may be able to reduce them.

Trustee Ashcraft pointed out the need to get more aggressive with economic development, for example, trying to get some of the surrounding businesses to annex into town.

There being no public comment, Buckingham moved to approve Ordinance 999. Second by Ashcraft. With no objection, the motion passed by unanimous consent.

Mayor Karspeck read the title of Ordinance 1000, AN ORDINANCE ADOPTING THE BUDGET FOR THE TOWN OF BERTHOUD COLORADADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2005, AND ENDING ON THE LAST DAY OF DECEMBER 2005, ESTIMATING THE AMOUNT OF MONEY NECESSARY TO BE RAISED BY TAX LEVY BASED ON THE SAID BUDGET TO BE ADOPTED. ESTIMATING THE AMOUNT OF MONEY TO BE DERIVED FROM OTHER REVENUE SOURCES AND SETTING FORTH THE TOTAL ESTIMATED EXPENDITURES FOR EACH FUND.

There being no public comment, Patrick moved to approve Ordinance 1000. Second by Ashcraft. With no objection, the motion passed by unanimous consent.

Mayor Karspeck read the title of Ordinance 1001, AN ORDINANCE LEVYING THE TAXES FOR THE YEAR 2005 TO DEFRAY THE COSTS OF MUNICIPAL GOVERNMENT OF BERTHOUD, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2005.

There being no public comment, Buckingham moved to approve Ordinance 1001. Second by Ashcraft. With no objection, the motion passed by unanimous consent.

CAC COMMITTEE STRUCTURE

On October 12, 2004, the Board of Trustees appointed an equal number of residents and non-residents to the CAC for the update to the Town's 2001 Land Use Plan and the 1992 Comprehensive Plan. There has been some requests that reconsideration to the makeup of the committee be given. It was noted that Pete Cowdin and Ken Weibel have resigned, so currently there are 7 residents and 7 non-residents on the committee.

Reed noted that three (3) new applications have been received. Two are residents and 1 is a non-resident. The CAC has held one meeting

JOHN GORESKI – 604 East County Road 10 addressed the Board as an appointed member of the CAC, and noted his opinion that more is better than less. All areas need to be fairly represented including residents in surrounding areas of town Those of us in county are the ones affected. We are being inundated by growth and will be paying the price.

KAREN STOCKLEY – 316 Bothum Rd addressed the Board. She doesn't believe rural interests are being considered with 5 to 7 developers on the committee and no Weld County representation. We need farmers and small landowners. Also the environmental interests are not being represented. Until there is a more balanced committee, we should stay with the land use plan already in place.

MINA COX – 841 North County Road 19 – Started out with concerns about non-residents and residents and developers. Now the non-residents are developers from Boulder, Longmont and Aurora. Once the plan comes before the public a lot of work and thought have been put into it. It is difficult to make changes once a proposal is brought forward. The non-residential members are developers coming forward with plans. The 3 applicants are well qualified people who have demonstrated their concern. To go forward with the construction of committee as it stands now sends a message that the Board is not concerned.

MICHELLE JURTS addressed the Board. She was appointed as a business representative and also as a non- resident. I've been listening to Karen and Mina and I need to say for the business community that economic development and sales tax revenue need to be considered. Development with bring these things to the town.

After significant Board discussion, Trustee Patrick moved to appoint two residents, Kelly Dunkelberger and Rob Cole, and three non-residents, Chris Bolton, Karen Stockley and Dan Hooker to the CAC. Second by Ashcraft.

Gregg asked to clarify something on the non-resident side. It has been mentioned that there are 5 or 6 developers on the CAC. There are actually 2 developers and 3 large parcel landowners. What's gotten lost in the conversations are the 7 citizens who are on this committee, and discounting the input they would add to the mix, acting as though the developers would hijack the proceedings. We should give a voice to the large land owners. They will be the most affected by the master plan, and yes, rural residents will be affected, but land owners are more affected. Where is the cutoff where you lose your voice ... if you own more than 5 acres? More than 20 acres. We have the benefit of the applications, and would like to put faith in what came out of those interviews. Some applications seem to have one item of interest. This is an advisory committee and non-binding. All meetings are open to everyone. When we first started talking about the makeup of the committee we were saying 8 – 12 people. Now we're at 16, and if we add these 5 we'll be at 21.

Thorstenson agreed that 8 – 12 was first considered, and then it was brought up to 16. We're not giving residents as much credit as we should. This will go to the Planning Commission and the Board for final approval. We should get on with it.

Karspeck noted that since we lost 2 people, adding 5 more would bring it up to 19. Better to be inclusive than exclusive.

Ashcraft agreed that adding these 5 applicants gives more diversity.

Patrick, Buckingham, Ashcraft, Gervasi and Karspeck voted YES. Gregg voted NO. Thorstenson ABSTAINED.

SET PUBLIC HEARING – HABITAT FOR HUMANITY

Planning Director Reed informed the Board that the reason we are setting a public hearing rather than holding one is that in part The Engineering Company (TEC), the Town's engineering consultant was not able to complete its review. The other reason is that the Planning Commission is meeting on December 16th since without TEC's comments we could not meet on the 7th as originally planned. Tom Patterson has been notified and is aware of the new schedule.

Trustee Gregg moved to set the public hearing for January 11, 2005. Gervasi second. All members voted YES.

SET PUBLIC HEARING RE TASTINGS

Attorney Fickel explained that this ordinance is to establish a fee and form for "Tastings".

Administrator White noted that he has checked with CML and they have list of municipalities that have supported this and those who have not.

Ashcraft moved to set a public hearing for Tastings for January 11, 2005. All members voted YES.

LIBRARY BOARD APPOINTMENTS.

Trustee Thorstenson informed the Board that there were two applicants for the vacancies on the Library Board, Ruby Lanich and Hank Stuck. They are both residents of the Town.

Trustee Gervasi moved to appoint Hank Stuck and Ruby Lanich to four-year terms on the Library Board. Trustee Thorstenson second. All members voted YES.

REPORTS

Administrator White reported that the Police Chief was able to negotiate getting a bucket truck from Comcast for free.

White also reported that the Police Department was awarded a grant \$3,408.

Meeting adjourned at 9:02 p.m.

Mayor, Milan Karspeck

Planning Technician, Sue Bowles