

The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, May 25, 2004 in the Board Room of Town Hall. Mayor Milan Karspeck called the meeting to order at 7:02 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck
Mayor Pro-Tem Don Ashcraft
Trustee Louis Gervasi
Trustee David Gregg
Trustee Michael Patrick
Trustee Peder Thorstensen (Arrived 7:07 p.m.)

MEMBERS ABSENT: Trustee Glen Buckingham

STAFF PRESENT: Town Administrator Jim White
Public Works Director Bill George
Town Clerk Mary Cowdin
Town Attorney Bruce Fickel
Deputy Town Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the pledge of allegiance.

CITIZEN PARTICIPATION

There were no topics from the audience.

REPORTS

Mayor Karspeck reported that Mark Chaffee, the Vice President of the Chamber of Commerce invited the Trustees to attend the next Chamber of Commerce Luncheon on June 17, 2004 at the Derby Grill.

Mayor Karspeck reported that the Welch Contract water is now running, and will provide non-potable water to irrigate the high school grounds, ball fields and parks.

Mayor Karspeck asked for clarification regarding the bond compliance documents presented, which reflect that we are below the required level for bond coverage for water in 2004. Town Clerk Cowdin explained that historically, a large percentage of our water usage is during the summer, and this document reflects water usage through April. As summer water usage begins, we will continue to monitor this situation closely to prevent a need for surcharges at year end.

Administrator White reported on the situation with the recycling area between Welch and Mountain on 3rd Street, explaining this site has been in existence for at least five years. These bins are provided for residential use, and it appears that there are commercial users who are contributing to the problem.

Trustee Thorstensen arrived at 7:07 p.m.

Administrator White explained that the bins are emptied twice each week, and Streets and Parks staff provide ongoing monitoring and clean-up around the bins. He noted we have had as much as two full dump trucks loaded and hauled away. People are leaving hazmat materials and this material must be transported and disposed of properly. We have contacted Waste Management and Larimer County to look for an alternate location. We considered moving the bins to the Transfer Station off County Line 1, which would provide a monitored site, but that station is only open two days a week. If we move the site, we

would have costs associated with the move because the area would have to be paved. We continue to have complaints and comments and will continue to monitor the area and work to keep it cleaned up. Mayor Karspeck suggested this item be added to a study session to allow the Board to review alternatives.

Administrator White reported that the insect control that was to have occurred today at Green Lawn Cemetery was postponed until tomorrow because of the rain this morning.

Administrator White reported that the year end review for the Main Street Program is scheduled for June 10, 2004. The Colorado Community Revitalization Association will be here for the review, and he asked Board members to try to attend and participate in the program.

CONSENT AGENDA

The consent agenda consisted of 6a. the minutes of the regular meeting held on May 11, 2004, 6b., the financial statement for April, 2004, and 6c., the liquor license renewal for Pizza Hut.

Trustee Gregg moved to approve the consent agenda as submitted. Second by Trustee Ashcraft. With no objection and by unanimous consent, the Consent Agenda was approved as presented.

WASTEWATER TREATMENT PLANT PRESENTATION

Public Works Director George advised the Board that the new wastewater treatment plant is complete and in the shakedown stage, with the first discharge into Little Thompson occurring on Thursday, May 20, 2004. He introduced Todd Swallows, the Project Manager for Glacier Construction, noting he and his staff have done an excellent job providing a quality wastewater plant for the Town of Berthoud. Mr. Swallows addressed the Board, noting they are pleased with the quality of effluent that is coming out of plant. The project is complete two months ahead of schedule, and with the cooperation of the Town and Black and Veatch, they did creative value engineering to maintain costs, saving the Town in excess of approximately \$85,000. He thanked the Town and the Board for support during the project and presented a slide presentation on the new plant.

Mayor Karspeck thanked Mr. Swallows for an excellent job.

Trustee Gervasi asked when the fence is to be installed around the plant. Mr. Swallows noted they expect receipt of the materials tomorrow, and anticipate that the fence will take approximately two weeks.

Trustee Ashcraft suggested it would be appropriate to have a ribbon cutting and Administrator White noted that we are waiting to resolve any issues with the plant start-up and then will schedule the event.

Mayor Karspeck asked about the letter we received from the Colorado Department of Health regarding the enforcement decision. Public Works Director George noted the Town submitted the application for a discharge permit in mid-November 2003. We have done everything required to get this issue resolved, and the permit has not been approved. We received discretionary approval from the State to operate the plant until the permit is issued. The permit application will be advertised for 30 days beginning this Friday, May 28, 2004, and following that period, the permit should be approved and issued in 60 days. Administrator White noted this information was received today, and will be included in the Board packet this weekend.

BERTHOUD ELEMENTARY ATHLETIC FIELD/ INTERGOVERNMENTAL AGREEMENT

Mayor Karspeck noted the purpose of this agreement is to allow the Town and the School District to share a park/athletic field. Administrator White introduced Dave Patterson, Berthoud Elementary Principal and Leann Porzycki, representing the School District, and explained that during the School Board meeting on

May 19, 2004, language was added to the document regarding the addition of a non-potable system and the School District has agreed to work in that direction in the future. The School District has also asked for modification to Exhibit B. He noted the School District is asking the Town to waive the fee for the water tap and water dedication. They will be responsible for the cost of installation of the tap, which is estimated in the range of \$8,000.

Mayor Karspeck noted the Town is contributing \$36,000 for the tap and water dedication, and asked if the \$8,000 for installation is in excess of this amount. Administrator White confirmed that to be the case. Mayor Karspeck asked if the School District will be paying for the water used, and Ms. Prozycki confirmed that to be their responsibility.

Trustee Ashcraft asked if the discussion regarding a non-potable system was favorable and Administrator White agreed that the benefits to both parties were discussed.

Trustee Patrick noted that as the Town's treated water needs increase, we may have to look at expanding our current system. Using non-potable water for irrigation will enable us to prevent having to engage in another significant building project.

Dave Patterson, Berthoud Elementary Principal, addressed the Board, noted he is excited to have this project moving forward. He thanked the Town and the District for their efforts and recognized several members of the audience who have participated in this project. He noted the next step is to apply for a GOCO grant to move forward with this project.

Mayor Karspeck summarized the agreement.

Trustee Gregg moved to approve the IGA between the R2-J School District and the Town of Berthoud regarding the Berthoud Elementary Athletic Field project. Second by Trustee Gervasi.

Trustee Patrick expressed concern this document allows the School District to terminate the Agreement after January 1, 2014 without reimbursing the Town for the amount of any water tap and raw water dedications fees.

Ms. Prozycki explained that School District agrees to reimburse the Town if they decide to opt out prior to that date. Trustee Patrick noted the implication is that after the ten year period, if the school chooses to discontinue the arrangement, they are not obligated to reimburse the Town and he suggested that the date be removed.

Mayor Karspeck suggested that after an extended period of time, it would not be fair to require the school to reimburse the entire amount.

Attorney Fickel met outside chambers with representatives from the School District to modify the agreement.

PERSONNEL MANUAL CHANGES

Administrator White explained that this item is a request to make our personnel manual consistent between departments. There was a discrepancy between the Personnel Manual and the Police Department Manual, and this revision resolves that discrepancy. This change allows employees who work on holidays to take the time off on another date.

Trustee Gregg moved to approve the addition of paragraph "b" to Article 5, Section 5 of the Town of Berthoud Personnel Manual regarding holiday leave. Second by Trustee Patrick.

Thomas Jones of 428 Massachusetts noted he was asked by several of the employees to come and address this issue. The employees are concerned that this change might reduce wages for employees by reducing overtime. He expressed concern that something that was given is being taken back.

Trustee Ashcraft noted that three years ago, the Town paid for and received an evaluation of salaries for all employees and increased salaries based on that evaluation. As a member of the Finance Committee, he explained that the Town is in a critical financial condition and one of the goals of the Committee was not to reduce or eliminate personnel.

Mayor Karspeck read the proposed change.

Trustee Patrick noted one goal is for fairness for all employees. The Police Department already has this provision in place and we are making it universal for all departments.

All members voted YES and the motion carried.

IGA – BERTHOUD ELEMENTARY

Attorney Fickel noted the last sentence of paragraph 8 was amended to read, “In the event the School District decides not to renew this Agreement on or before January 1, 2014, the School District agrees to reimburse the Town for the amount of the water tap and raw water dedication fees as outlined and determined in paragraph 2 of this Agreement.” The motion was amended to include the revision.

Mayor Karspeck asked for a vote and all members voted YES.

COMMERCIAL AREA SURVEY

Mayor Karspeck introduced Tom Vaughan, Museum Director and Liz Kearney, representing the Historic Preservation Commission. Museum Director Vaughan explained that the Town has been approved for a grant in the amount of \$10,600 for a survey of the commercial area in the original part of town.

Ms. Kearney answered questions regarding the agreement and defined the area to be reviewed. She explained that this survey will benefit the Historic Preservation Commission and the Main Street Commission and is necessary to allow the Town to eventually have a Historic District. She explained that we have found a person, referred by the State Historical Society, to complete the survey.

Trustee Patrick moved to approve the survey of the original commercial area of Berthoud in an amount not to exceed \$10,600, with funding from a Colorado Historical Society grant. Second by Trustee Gervasi. With no objections and by unanimous consent, the motion carried.

EXECUTIVE SESSION

Board members adjourned to an Executive Session at 8:20 for an update on Serenity Ridge, an update on the Clarkson litigation, and an update on Black and Veatch. With no objection and by unanimous consent, the Board adjourned to Executive Session.

Board members reconvened at 8:55 p.m. and immediately adjourned.

Mayor Milan Karspeck

Deputy Town Clerk Charlene Reed