

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, MARCH 8, 2005
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The Board of Trustees for the Town of Berthoud met for a regular meeting on Tuesday, March 8, 2005 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
Trustee Louis Gervasi
Trustee Peder Thorstensen (arrived 7:06 p.m.)
Trustee Michael Patrick
Trustee David Gregg

MEMBERS ABSENT: Mayor Pro-Tem Ashcraft
Trustee Glen Buckingham

STAFF PRESENT: Town Administrator Jim White
Town Planner Wayne Reed
Town Attorney Bruce Fickel
Deputy Town Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Karspeck led the pledge of allegiance.

CITIZEN PARTICIPATION

There were no items presented by the audience.

REPORTS

Mayor Karspeck reported on the Handy Ditch, McIntyre Ditch and Loveland Lake and Ditch meetings, noting that the good news is that the Town should be able to get our flows earlier this year.

Mayor Karspeck reported that at the North Front Range MPO Meeting, members passed funding requests for 5307, which funds rural funding for Loveland, Fort Collins and Berthoud Transportation. The amount for Berthoud was increased to \$40,000 for 2005.

Trustee Thorstensen arrived at 7:06 p.m.

Mayor Karspeck noted County Commissioners and elected officials from Larimie, Larimer and Weld Counties are discussing the formation of a Council of Governments. There are many of these councils throughout the United States, and there are many benefits for participants. A meeting is scheduled for Wednesday, March 30, 2005 in Windsor to discuss this possibility.

Planner Reed noted that the agenda for April 12, 2005 includes a sketch plan for Heron Lakes and the Kneivel property. The group involved in this sketch plan would like to discuss the possibility of combining these two properties. Planner Reed asked if the Board would like to do a site visit of the properties to get a better understanding of what the group is requesting. Planner Reed noted the other option would be for staff to do a virtual tour of the property on video which could be shown at the meeting.

Trustee Patrick asked if this is being handled according to the guidelines for sketch plans that was discussed at the Board Retreat. Planner Reed confirmed that this will be done during a regular meeting and will following those guidelines.

Trustee Gregg did not have a preference regarding a site visit or a virtual tour, but he asked that the plan be provided in advance to allow Board members time for review.

Mayor Karspeck suggested the virtual tour could be prepared by the applicant and the information presented to the Board and to the public during the meeting.

Trustee Patrick felt an actual site visit would be beneficial due to the size of the property. He pointed out that without professional equipment, it could be difficult to present the property adequately.

Following discussion, Board members left the decision up to staff. Planner Reed noted if it was decided to make an actual site visit, the Board meeting will need to begin earlier. He agreed to discuss this with the applicant and bring further information to the Board prior to the proposed site tour.

Attorney Fickel noted one change to our procedure regarding sketch plans will be to have these considered at regular or special meetings, rather than at study sessions. That will allow the Board to have discussions, take action, or give advice to the applicants in an official setting.

Administrator White reported that the Board requested that agendas be presented to the Board for topics being considered on future agendas (4-6 weeks) per discussion at the Board retreat. There are agendas for the next four weeks provided this evening, but Administrator White reminded the Board that these agendas are subject to significant changes.

Administrator White noted these agendas do not include a meeting between the Board of Trustees and the Library Board to discuss future endeavors with the library. Administrator White noted, to date we have been unable to find a date that works for both parties.

Pete Cowdin, Library Board President, addressed the Board explaining that the Library Board is looking at the possibility of forming a Library District. If this action is taken, the meeting needs to occur as soon as possible, since it will be necessary to get this request on the November ballot. Mr. Cowdin noted the preference is to continue working with the Town because of support from the past. He explained that the reason for actually forming a Library District would be to increase funding. The Library has suffered due to the decreases in sales tax revenues. Following discussion, Administrator White will work with Library Director Joe Gunter to determine when he has the information together and a meeting can be scheduled. A tentative date for the joint meeting is April 12, 2005.

Administrator White reported that we received information from the Bureau of Reclamation regarding the renewal of our temporary water conveyance contract. We will be requesting approval from the National Fish and Wildlife Foundation and we will be required to sent them a payment of \$1,717.23 to offset water depletions related to the contract. Administrator White noted that even while we are renewing the temporary contract, staff is actively pursuing a long term conveyance agreement with the Bureau of Reclamation.

Administrator White announced that Public Works Director Rich Elliott has resigned and will be leaving the Town of Berthoud at the end of March. Board members and the Town Administrator expressed regret that Mr. Elliott is leaving, noting he has done an excellent job as Public Works Director.

CONSENT AGENDA

The Consent Agenda consisted of the minutes of the regular meeting of February 22, 2005, the bills allowed for February 2005, and the financial statement for January 2005.

Trustee Gregg moved to approve the consent agenda as submitted. Second by Trustee Gervasi. With no objection, the consent agenda passed by unanimous consent.

NAMING OF WASTEWATER TREATMENT PLANT

Administrator White noted the packet includes two letters from Pete Cowdin identifying, then reiterating his request for the Town Board to consider naming the new wastewater treatment facility after Thomas C. Jones, a.k.a., Tom Jones. There is also a letter from Doc Fickel asking the Board to consider naming the plant after Orb Mayo. Administrator White noted the Town also received a letter from Waunita Van Thuyne in support of Tom Jones.

Administrator White noted that all three local newspapers have printed articles about the wastewater site and the naming procedure, and the articles have asked for recommendations. Since Mr. Jones was mentioned by all three individuals who responded to this request, Staff is recommending that the Board approve the naming of the wastewater treatment facility after Tom Jones, in recognition of his long standing service to the Town of Berthoud.

Trustee Gervasi suggested that the plant be named "Jones-Mayo" in honor of both individuals.

Trustee Patrick noted that in addition to being available to help with the kind of emergencies that no one wanted to handle, Mr. Jones was someone who was regularly before the Board, actively interested in issues faced by the Town. He was in regular attendance at the Board meetings and was very civic minded. Mr. Jones spent an enormous amount of time working for the Town, both paid and unpaid, and was also actively involved with Habitat for Humanity and other projects that influenced and affected the Town. Trustee Patrick supported the staff recommendation.

Trustee Gregg moved to name the wastewater treatment facility after Mr. Thomas C. Jones, a.k.a. Tom Jones, in recognition of his long standing service to the Town of Berthoud. Second by Trustee Patrick. With no objection, the motion passed by unanimous consent.

Administrator White noted a resolution confirming tonight's action will be presented for approval at the regular meeting on March 22, 2005.

Pete Cowdin thanked the Board for their consideration and offered to commission a display for the plant with a biography of Mr. Jones.

COMPREHENSIVE PLAN CONTRACT (DTJ CONSULTING)

Planner Reed noted in August, 2004, the Planning Department gave a presentation to the Board of Trustees on the proposed scope of work to update the 1992 Comprehensive Plan and the 2001 Land Use Plan. Since that meeting, the Planning Department has negotiated a contract with Downing, Thorpe and James (DTJ) to provide professional services to the Town of Berthoud to update the two plans and a copy of the contract is included in the packet for Board approval. The contract amount is \$100,000 with a contingency of \$10,000 which cannot be spent without authorization from the Town. The Planning Department will monitor the consultant's work to ensure that it is consistent with the scope of service, timely in delivery, meets quality expectations and is within budget.

Trustee Patrick asked if the contract has been reviewed by legal counsel. Attorney Fickel noted this has been done, and the proposed contract defines the process to the best of staff's ability. He noted staff is comfortable with the contract and he would support its approval.

Trustee Gervasi expressed concern that Town staff will be doing the majority of work in this process and providing all of the information necessary to do the master plan, and the contract notes that DTJ will own the final work product. Planner Reed noted this is a standard contract and he offered to get a document from DTJ that states that they will share the work product with the Town.

Trustee Gervasi asked about funding for this project. Planner Reed noted the Town received a grant which covers 50% of the project, and the Town will match that 50%. The funds to be used to make the match will come from the master planning fees that have been collected from landowners in the study area.

Trustee Patrick noted the Town will be using the information provided over the next ten years, and he suggested we may want to amend the contract to indicate that intent. He agreed joint ownership of the work product might be more appropriate.

Trustee Gregg noted it is common for a design firm to retain ownership of their design. There are provisions in the contract to allow the Town to have use of the documents. He noted under the General Terms and Conditions of Practice, the contract states that "All architectural documents and designs provided by DTJ pursuant to this Agreement, remain DTJ's property as instruments of service and are solely for use by the Client on this project and no other." He noted that ownership is not usually an issue in this type of project, where there is no portability.

Trustee Patrick asked Planner Reed to discuss these concerns with DTJ. The Board does not want to be limited in using this plan in conjunction with other plans that may occur in the future in the area.

Trustee Gregg moved to direct staff to execute the contract with Downing Thorpe and James to initiate the update of the Town of Berthoud master plans with clarification of the paragraph regarding ownership of the documents to be approved by the Town Attorney. Second by Trustee Patrick. All members voted YES.

Board members discussed the contents of the proposed agendas. The item on March 15, 2005 is a discussion regarding the Town's policy regarding the banners that are hung across Mountain Avenue. The Chamber of Commerce is asking that advertising be included on the banners. It was also noted that the item on our raw water contribution has been moved to the Agenda on April 5, 2005 and Paul Zilis, our water attorney will be present for that discussion.

Administrator White noted there are several Boy Scouts in attendance at this meeting. Assistant Scout Master Jody Hardy introduced the scout in attendance, noting they are from Troop 387. Two of the three scouts are close to their Eagle Scout badge. He thanked the Board for allowing them to attend the meeting.

EXECUTIVE SESSION – NEGOTIATIONS

Mayor Karspeck requested an executive session to discuss the Intergovernmental Agreement (IGA) between the Town of Berthoud and the Town of Johnstown regarding the Regional WWTP at I-25.

Trustee Thorstensen moved to adjourn to Executive Session. Second by Trustee Patrick. With no objection, the Board adjourned to and Executive Session at 8:06 p.m.

The Board reconvened at 8:40 p.m. and, with no further business, adjourned.

Mayor Milan Karspeck

Deputy Clerk Charlene Reed