

TOWN OF BERTHOUD  
BOARD OF TRUSTEES  
REGULAR MEETING  
FEBRUARY 27, 2007  
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The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, February 27, 2007 in the Board Room at Town Hall. Mayor Karspeck called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mayor Milan Karspeck  
Mayor Pro-Tem Don Ashcraft  
Trustee Peder Thorstensen  
Trustee Glen Buckingham  
Trustee Michael Patrick  
Trustee Chase Sommars

MEMBERS ABSENT: Trustee Louis Gervasi

STAFF PRESENT: Town Administrator Jim White  
Town Clerk Mary Cowdin  
BATS Director Eric Boyd  
Building Official Patrick Buckley  
Town Attorney Bruce Fickel  
Deputy Town Clerk Charlene Reed

### **REPORTS**

Mayor Karspeck reported that he has attended several water ditch meetings, including the Loveland Lake and Ditch meeting, the McIntyre Lateral Ditch meeting, the Handy Ditch meeting and the Welch Lateral meeting. He noted that he is serving as the Chairman of the Welch Lateral Ditch Board in 2007.

Administrator White reported that he was involved in a conference call with the Bureau of Recreation regarding the draft of the long term carriage agreement to allow the town to store water in Carter Lake and transport that water from the lake to the Town. Other attendees from the Town included Paul Zilis, Bruce Fickel, and Mayor Pro-Tem Don Ashcraft. Negotiations on this contract are continuing, and we hope to have the final contract signed by March 23, 2007. If everything continues as planned, we will have Paul Zilis attend the Board meeting on Tuesday, March 20, 2007 to bring the Board up to summarize the final agreement.

Administrator White noted a meeting was held today with FEMA to discuss reimbursement for the snow storm in December. He explained that we will be allowed to pick one 48 continuous hour period of expenditures for reimbursement and we will be reimbursed for 75% of those expenses.

Administrator White noted he was in contact with Carolyn Schachterle of CDPHE regarding bond monies that were not spend for the wastewater treatment plant. He

explained that he is asking that the Town be allowed to use those funds for the buildings that are needed at the new plant to shelter the existing headworks and UV equipment.

Trustee Buckingham arrived 7:05 p.m.

Administrator White reported he plans to attend a meeting on Wednesday, February 28, 2007 with Poudre Valley REA to discuss the Town of Berthoud's interest in electric municipalization.

Administrator White announced that the next "Coffee with Jim" will be held on Friday, March 2, 2007 at 8:00 a.m. at Grandpa's.

### **CONSENT AGENDA**

The consent agenda consisted of the minutes of the regular meeting held on February 13, 2007, the financial statement for January 2007, the supplement to the contract for sidewalk design, and the BATS bills allowed for January 2007.

**Trustee Buckingham moved to approve the consent agenda as submitted. Second by Trustee Sommars. The motion was approved unanimously.**

### **PRESENTATION OF CERTIFICATES OF APPRECIATION**

Mayor Karspeck recognized the members of the CAC for their work regarding the comprehensive plan.

Planner Anderson noted that certificates of appreciation have been prepared for the members of the CAC, and he presented certificates to John Goreski and Eric Berg, who served on the Committee and were present in the audience.

Planner Anderson noted the review process for the revised comprehensive plan will begin at the Planning and Zoning Commission meeting on Thursday, March 1, 2007, and members of the Board are invited to attend and provide input.

### **TRANSPORTATION RESOLUTION**

Berthoud Area Transportation System (BATS) Director Eric Boyd explained that BATS wants to replace its aging 1998 bus with a new vehicle. CDOT has agreed to help fund this new bus with a grant and BATS has submitted a grant contract for the Mayor's signature.

The contract specifies that CDOT will provide \$34,760 (80%) in grant funding and BATS will provide \$8,690 (20%) in matching funds.

Mr. Boyd noted the 1998 vehicle has been involved in an accident and has been driven approximately 140,000 miles. Repairs on this vehicle are becoming cost prohibitive and we need to get it replaced.

**Mayor Pro-Tem Ashcraft moved to approve Resolution 6-07, supporting an IGA with CDOT to provide transportation services according to Section 5310. Second by Trustee Sommars. The motion passed unanimously.**

**Mayor Pro-Tem Ashcraft moved to authorize Mayor Karspeck to sign the contract with CDOT for a new bus, and authorizing the use of \$8,690.00 from BATS reserves as matching funds. Second by Trustee Buckingham. The motion passed unanimously.**

### **REMOVAL OF LIBRARY FROM TOWN OF BERTHOUD INSURANCE POLICY**

Mayor Karspeck noted the Library is moving toward becoming a special district and this is the first step in that direction.

Administrator White explained that after careful consideration of the prospect of entering into a memorandum of understanding with the Town of Berthoud, the Library Board has instead chosen to remove itself from the Town's tutelage and make its way forward independently. This transition will result in the Library being removed from the Town's financial management, including payroll, as well as removal from the Town's insurance coverage and applicable benefits. The Library Board is ready to begin the transition.

Katherine Churchill addressed the Board. She noted that the Board is looking forward to forming a library district and they are going forward to try to get ready for the election in November, 2007. She thanked the Board for the support they have received and noted they are in the process of hiring a new director.

Mayor Pro-Tem Ashcraft noted the Board is interested in keeping the library open and make it better and he commended the Board on their efforts. He noted the hope is that there will continue to be an attitude of cooperation and friendship.

Ms. Churchill read the resolution passed at the Library meeting board meeting.

“The Berthoud Public Library Board, meeting February 22, 2007, votes to express its acknowledgement of, and great appreciation for the many years of strong support it has received from the Berthoud Town Board in the past and its anticipation of an excellent working relationship in the future as it moves forward with changes to ensure that the community has the high quality library service it deserves.”

**Trustee Buckingham moved to support the Library's Plan of Action and instruct the Town Attorney to prepare an agreement regarding use of Town Property. Second by Mayor Pro-Tem Ashcraft.**

Trustee Buckingham noted that the voters approved a mill levy in November to support the library. He asked what happens to that mill levy if the Library becomes a library district. Attorney Fickel stated he did not recall any language in the request for funds that limited the funds to a municipal library. However, it would be unusual for the Town to collect funds for a district. It is possible that those funds would go away and additional funds would be approved by the voters for the library district when it is formed.

Trustee Patrick suggested that when the voters approve the library district, they could also approve the transfer of the mill levy to the library. If the voters turn down a library district, the Library would remain a municipal library. He asked if the Library can stand alone on an independent basis.

Attorney Fickel noted the long term goal of the library is to be independent from the Town, both financially and administratively. They wish to lease the property from the Town and administer their own affairs.

**The motion passed unanimously.**

#### **PUBLIC HEARING – ORDINANCE AMENDING WATER RATES**

Town Clerk Cowdin explained that when Ordinance 1046 was approved in November, establishing the rates for 2007, two rates were inadvertently left out of the ordinance. This is a housekeeping item to bring those two rates in line with the other rates in that ordinance.

**Trustee Buckingham moved to approve Ordinance 1052, an ordinance amending water rates, as modified. Second by Trustee Sommars. The motion passed unanimously.**

#### **PUBLIC HEARING – ORDINANCE RE: FLOOD DAMAGE PREVENTION**

Building Official Buckley presented information highlighting the provisions of the proposed ordinance.

Trustee Buckingham asked if this ordinance will introduce complexity in the way the Building Department operates. Mr. Buckley noted there will be process that must be developed, including a development review process. He noted these reviews will be beneficial and are necessary to implement the ordinance. The cost of development

review will be passed to the applicants. Building permit fees will need to be reviewed to ensure that they are adequate. Permit review is fairly straightforward and the applicant is responsible for providing the information necessary.

Board members commended Building Official Buckley Patrick for the work and effort that went into the development of this ordinance.

Mayor Karspeck read the title of the ordinance and opened the floor for public comment. There was none.

Trustee Buckingham moved to approve ordinance 1053, an ordinance adopting flood damage prevention measures. Second by Trustee Patrick. The motion passed unanimously.

#### **PUBLIC HEARING – ORDINANCE AMENDING WATER RATES**

Mayor Karspeck noted that the floor was not opened for public comment during the discussion of the revision to the water rates. He opened the floor for comments regarding the water rate ordinance amendment.

Stan Heller noted there have been significant increases over the past several years and he asked how many more increases the Board anticipates.

Administrator White noted this is not an additional increase, this is just a revision to bring two specific rates in line with all other rates that were passed in November. The Board will continue to review our water and wastewater rates annually, and future increases will be made, as necessary, to meet our debt requirements.

**Trustee Buckingham moved to approve Ordinance 1052 with the amended language. Second by Trustee Sommars. The motion passed unanimously.**

#### **CONTINUATION OF PUBLIC HEARING – O'MALLEY GLEN ANNEXATION, REZONE AND OVERALL DEVELOPMENT PLAN**

Planner Anderson noted this is a request to continue the O'Malley Glen Annexation, Zoning, and Overall Development Plan (ODP) to the meeting on March 27, 2007.

**Mayor Pro-Tem Ashcraft moved to continue the O'Malley Glen Rezoning and ODP application to the regularly scheduled Board meeting on March 27, 2007. Second by Trustee Patrick. The motion passed unanimously.**

**SET PUBLIC HEARING FOR BROWN ANNEXATION & REZONE**

Planner Anderson noted Fairgrounds Business Park has submitted a petition for annexation to the Town for approximately 139.37 acres located at the northeast corner of LCR 17 and Bunyan Avenue.

**Trustee Buckingham moved to accept the Brown Annexation Petition and pass Resolution 7-07, setting a public hearing for April 10, 2007. Second by Trustee Sommars. The motion passed unanimously.**

**Trustee Buckingham moved to set the public hearing for the Brown Rezoning Petition for April 10, 2007. Second by Trustee Sommars. The motion passed unanimously.**

With no further business, the meeting adjourned at 8:00 p.m.

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Mayor Milan Karspeck

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Deputy Town Clerk Charlene Reed