

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 26, 2007
Page 1 of 7

The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, June 26, 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
Library Director Sara Wright
Public Works Director Tony Huerta
Chief of Police Glen Johnson
Town Planner Robert Anderson
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 from the audience.

REPORTS

Mayor Pro-Tem Ashcraft reported on a video teleconference he participated in with Senator Wayne Allard regarding transportation funding. There have been changes in federal funding that may have an impact on BATS funding. The issue is that funding that has been used for operational expenses may now be restricted to use for capital purchases. Berthoud has been included in an area with Loveland and Fort Collins, and this change will have a significant impact on our program.

Mayor Pro-Tem Ashcraft noted he explained that we are a small town and it would not be beneficial to Berthoud to restrict the funds to capital purchases, rather than operational funding. Senator Allard agreed to discuss this with the Chair of the Transportation Committee, and we are trying to find a solution.

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 26, 2007
Page 2 of 7

Trustee Patrick asked if the change will have an immediate affect on our funding. Mayor Pro-Tem Ashcraft noted this bill was passed seven years ago, and is just now going into effect. If this problem is not corrected, it will have a substantial impact on our funding.

Trustee Patrick suggested we monitor this situation, because as a Board, we have an ongoing concern about providing this service to the residents of Berthoud. He also questioned the necessity of building a bus barn for a service that could go away.

Mayor Pro-Tem Ashcraft noted there is a bill on the floor that will resolve this problem for us, and we will need to stay on top of the progress of the bill. He noted the funding affected is one of our largest sources of operational funding.

Trustee Buckingham announced that a Historic Preservation Commission meeting will be held on Wednesday, June 27, 2007 in the Board Room at Town Hall. He invited members of the community to come and participate.

Administrator White noted the budget process is beginning. Worksheets have been distributed to the Department Directors and they are due back by the end of business on Wednesday.

Administrator White noted that the Town did not receive the GOCO grant we requested to replace our skate park. We will be requesting a summary of our strengths and weaknesses and we can reapply for this funding during the next grant cycle.

Administrator White announced several staff changes. Herman Sedillo retired from the Street Department and Mike Luth transferred from Water to Streets to fill that position. We have hired a replacement in the Water Department, Jake Prentice, who will start work on July 16, 2007. John Webber resigned his position in the Street Department and will be relocating. We have hired Donald Elwood to fill that position as of July 9, 2007. We are very pleased to have filled these positions.

Administrator White introduced Sara Wright, the new Director of the Library. She has been working at the Library for several months. Ms. Wright thanked the Board for the opportunity and noted she is very excited to be working for the Town.

Planner Anderson reported that the Planning and Zoning Commission plans to adopt the 2007 Berthoud Comprehensive Plan at their meeting on Thursday, June 28, 2007. He thanked the Board for their cooperation and parallel review of this plan and noted it will be coming before the Board on July 10, 2007 for the Board's endorsement.

Public Works Director Huerta updated the Board on a sewer spill that occurred on Wednesday, June 20. The sewer plan had a power outage resulting in a spill at the plant.

The majority of the spill was captured, but there was some spill into the irrigation ditch and into the river. This incident was reported to the State and we notified all downstream users. All posting was done and cleanup occurred. We have been testing the waters to make sure we have resolved any water quality matters and are working closely with the State of Colorado to get the report completed.

Mayor Karspeck asked if there was design deficiency that caused this to occur. Public Works Director Huerta noted that Poudre Valley REA had a power outage that caused the pumps to fail. We are not sure why the backup generator did not come on, but will be investigating to determine the cause.

Administrator White noted he and Mayor Pro-Tem Ashcraft will be attending the annual CML Conference, which begins on Wednesday, June 27, 2007.

CONSENT AGENDA

The consent agenda consisted of the minutes of the regular meeting held on June 12, 2007, the bills allowed for June 2007, the financial statement for May, 2007, and liquor license renewals for Hays Market and Log Cabin Liquors.

Trustee Sommars moved to approve the consent agenda as submitted. Second by Mayor Pro-Tem Ashcraft. Trustee Patrick abstained and all other members voted YES.

SET PUBLIC HEARING : ORDINANCE AMENDING CHAPTER 17, BERTHOUD MUNICIPAL CODE

Chief Johnson noted that Chapter 17 was approved without ordinances involving the crimes of Harassment and Tampering. We also omitted "wine" from the code. He asked the Board to set a public hearing to make this modifications.

Trustee Buckingham moved to set a Public Hearing for July 10, 2007 to consider changes to Chapter 17 of the Berthoud Municipal Code. Second by Trustee Sommars. The motion was approved unanimously.

Chief Johnson announced that we have hired another officer, Pablo Vazquez and he will be attending the next Board meeting to be sworn in. He noted our next search will be for a part-time Code Enforcement Officer.

2006 AUDIT

Mayor Karspeck noted the audit was reviewed at the last meeting, and staff is requesting formal acceptance of the audit.

Trustee Buckingham moved to accept the 2006 audit as presented by Anderson and Whitney and he commended them for providing a comprehensive and well prepared audit. Second by Mayor Pro-Tem Ashcraft. The motion passed unanimously.

**BERTHOUD PUBLIC LIBRARY: LEASE
AND MEMORANDUM OF UNDERSTANDING**

Administrator White noted the Town and the Library Board have worked hard over the past six months to develop documents that meet the needs of both parties. These documents will serve the Town and the Library until the Library is approved to become a district during the election in the fall.

Library Board Chairman, Katherine Churchill, addressed the Board. She noted these documents will be considered for approval by the Library Board on Thursday and we anticipate the full support of the Board.

Attorney Fickel concurred that this is an agreement that the Town can accept and it will provide guidelines for future operations.

Trustee Buckingham asked if this lease expires when the Library District is formed. Administrator White noted the lease can be terminated with six months notice by either party.

Trustee Buckingham moved to approve the lease between the Town of Berthoud and the Berthoud Library. Second by Trustee Sommars. The motion passed unanimously.

Administrator White summarized the terms of the proposed memorandum of understanding. He noted the three items included in the agreement involved the physical facility, personnel and the financial management of the Library. With regards to personnel, once library becomes a district, they will have complete authority. There were issues regarding insurance and it was decided that the language as written be the language that stays and Library will continue to function under the guidance of the Town. This will give them time to prepare to function as a separate entity.

Trustee Patrick suggested changes to the wording that would transfer responsibility for some of the issues if the Library becomes a district.

Attorney Fickel noted that if the Library District is approved, the Board will be eliminated and there will be an IGA between the Town and the library district that will replace these documents. This agreement will be in place until a District is formed.

Trustee Buckingham moved to approve the Memorandum of Understanding between the Town of Berthoud and the Berthoud Library. Second by Mayor Pro-Tem Ashcraft. The motion passed unanimously.

Mayor Karspeck noted the Library is asking for a show of support from the Board for forming a library district.

Trustee Buckingham moved to approve Resolution 15-07 in support of the formation of the Berthoud Community Library District. Second by Trustee Sommars. The motion passed unanimously.

REVERE OVERALL DEVELOPMENT PLAN

Planner Anderson noted staff identified several concerns during a review of the Revere Property. He explained the criteria that is provided at the ODP level, and he explained that any changes to the ODP that are not in compliance with the approved plan will require public notice, a recommendation by the Planning and Zoning Commission and the Board's approval.

Trustee Patrick noted if the conceptual drawing and the discussion that took place are not part of the application process, then why did they occur? He noted if the discussion was not a part of the process, then there is no need for the applicant to request a change. If the discussions and the plans presented are a part of the plan, then the applicant should take this request through the appropriate channels and request the change. He noted this level of detail should not be provided if it is not a part of the approval process. Planner Anderson noted we have made changes in how we go through the process now, but this was approved in the past.

Planner Anderson noted the applicant is requesting changes to the ODP, and they are present to present their request.

Roger Kenney of Kenney & Associates, LLC presented information regarding the changes planned for this development and he summarized the specific changes to the ODP being requested. He noted under the new plan, each site will be reviewed by the Board on an individual basis. He noted that at the ODP stage, it is not necessary to provide the extent of detail that was presented previously. He explained that to keep with the new concept, they would like to remove notes 3, 4 and 7 from the original ODP as they are very site specific.

Mayor Karspeck noted this entire plan was approved after an extensive public hearing process.

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 26, 2007
Page 6 of 7

Trustee Buckingham noted the Board and the residents of the community had strong feelings about this property since it is our western boundary. He felt the changes requested represent a significant change from the plan that was approved. He pointed out that there were reasons the Board approved the plan and now we are looking at something that is very different than the project that was approved.

Mayor Pro-Tem Ashcraft agreed that public input is important and if we are looking at a significant change, the applicant needs to go through the process again. The plan presented had the full support of the Board, and the changes being presented remove many of the features that were attractive to the Board. He agreed it would be appropriate to give the developer to come up with a plan and see if that is something the Board would be willing to consider.

Mr. Kenney noted with the initial plan, the development was going to have to be completed all at once. With this plan, each pad can be built separately, and that would allow the project to go forward.

Trustee Patrick noted the initial presentation was met with a high degree of affirmation by the Board. With this plan, we are moving from a focused development to a set of architectural guidelines and basic infrastructure. This is very different than what was originally proposed. This is a significant concern when we are discussing the one and only commercial development of this size in the community. This is very different concept than what was proposed and the initial proposal included a substantial number of amenities that would benefit the community.

Mayor Karspeck suggested the applicant request a change in the ODP and go through the process.

Mr. Kenney if they were requesting a change, they would be bringing the information that has been provided this evening for the Board to consider. Mayor Karspeck noted the applicant is required to comply with the Development Code and the Board would like to see specifics regarding what is being requested.

Trustee Buckingham noted the building densities that were approved in the ODP were a function of the plan. If you change the plans, then the building densities will need to be reviewed. If we start over in the process, there is not guarantee that the densities given to the prior plan will be given to the new plan.

Trustee Patrick noted the bottom line is that details were presented at the first hearing, and if you change the details, there may be changes in other areas, including densities. You do not get the density that was provided by the original presentation if you take away the features that supported those densities.

Mayor Pro-Tem Ashcraft noted the Board is very excited about this property and recognize that this is a very important commercial property for Berthoud.

HISTORIC PRESERVATION COMMISSION APPOINTMENTS

Trustee Buckingham noted the Board interviewed three applicants for two positions and he recommended Jill Boyd and Jeff Medanich to the Historic Preservation Commission. He provided information about the two applicants.

Trustee Buckingham noted the Historic Preservation Commission will be working to create a commercial historic district in Berthoud. Meeting will be held and the Commission will work with the property owners of our historic properties to get this done.

Trustee Sommars moved to appoint Jill Boyd and Jeff Medanich to the Historic Preservation Commission with terms to expire August 31, 2010. Second by Mayor Pro-Tem Ashcraft. The motion passed unanimously.

The Board reviewed future agendas, and noted that no meeting is scheduled for Tuesday, July 3, 2007.

With no further business, the meeting adjourned at 8:20 p.m.

Mayor Milan Karspeck

Deputy Clerk Charlene Reed