

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
MAY 8, 2007
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The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, May 8, 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 Louis Gervasi
Trustee Peder Thorstensen
Trustee Glen Buckingham
Trustee Chase Sommars

MEMBERS ABSENT: Trustee Michael Patrick

STAFF PRESENT: Town Administrator Jim White
Parks and Recreation Director Jeremy Olinger
Public Works Director Tony Huerta
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.

REPORT

Administrator White recognized long term town employee, Herman Sedillo, who is retiring from the Town on May 11, 2007. Public Works Director Huerta noted he has had the pleasure of working with Mr. Sedillo and have seen his caring and concern for the Town. He will be sorely missed.

Trustee Buckingham arrived at 7:04 p.m.

Mr. Sedillo thanked the Board for the opportunity to work with the Town over the past 18 years.

Mayor Karspeck presented Mr. Sedillo with a certificate of appreciation and read the information on the certificate.

Administrator White announced that the Little Thompson Museum will have a photo exhibit beginning Saturday, May 12, 2007 at the Northern Colorado Water Conservancy District.

Administrator White noted the Town bulletin board which is carried on Channel 16 has been replaced. We are in the process of getting all the information reloaded, and are also working to make improvements in our audio equipment.

Administrator White announced that the Town hosted 24 people from the International Institute of Education through the U. S. State Department. The group had a meeting at Town Hall, then a luncheon at the Berthoud Bed and Breakfast where they participated in a meeting of the Economic Development Committee.

Administrator White announced that the Berthoud Clean-up Day is scheduled for May 19, 2007, from 8:00 a.m. to 1:00 p.m. at Turner Middle School. He distributed flyers to the Board and gave copies to the press. No tires are allowed, but appliances will be accepted if the freon has been removed. There will also be a mobile shredding truck on site and shredding will be done for \$5 per container. Free pickup services are available for elderly and handicapped residents, but the Town needs to be contacted no later than Thursday, May 17, 2007 at 5:00 p.m. to schedule a pickup.

CONSENT AGENDA

The consent agenda consisted of the minutes of April 24, 2007, the bills allowed for April 2007, and a liquor license renewal for Kwik Korner.

Mayor Pro-Tem Ashcraft moved to approve the consent agenda as submitted. Second by Trustee Buckingham. The motion passed unanimously.

WILDFIRE REQUEST FOR FEE WAIVER

Administrator White noted that over the past few years, the Town of Berthoud has continually needed to tighten its fiscal belt. In this financial environment, we have been forced to eliminate contributions we have made to organizations during better times. He noted that many requests we received have been for small amounts and all for good causes. He noted if you waive fees for one group, you need to do it for all.

Administrator White noted that staff contacted other municipalities and some give a discount for organizations that have been designated a 501(c)(3).

Administrator White explained that Wildfire is asking the Town to waive the cost to include a flyer in the mailings of our seasonal recreation brochures. The costs included reflect the cost for advertisements placed in these brochures and he felt that allowing an organization to use our mailing for free is inconsistent when we are charging for ads in the brochure. He noted that we offered Wildfire a reduced price to be included as part of the mailing.

Liz Kearney addressed the Board and provided a summation of the activities that Wildfire has accomplished over the past five years. She thanked the Board for the support they have received in the past. She noted that adding their flyer will not increase the Town's cost for mailing since it will not affect the cost of the postage. She noted the ads in the brochures are for businesses that are for profit. She suggested criteria to allow for the waiver of fees: 1) the business must be a 501(c)(3), 2) the business must be in operation for five years; and 3) the events or services are available community-wide.

Trustee Buckingham noted that the Board has been very supportive of Wildfire over the past five years. He noted that staff is struggling with where to draw lines. If you limit fee waivers to

501(c)(3) organizations, that would exclude other organizations that might need assistance. He noted Wildfire is not asking the Town for out-of-pocket funds, since the flyer does not increase our postage. He suggested setting a monetary level for fee waivers and when an organization exceeds that amount, they are responsible for all further fees during a defined period.

Trustee Gervasi asked the amount of fees that are involved. Administrator White outlined the fees that would be waived, including the cost to hang and remove a banner, park rental fees for the summer movies and the charge for sending the staffer.

Trustee Gervasi noted the Board has waived much more significant fees for Habitat. Trustee Buckingham noted there were discussions after the last meeting with Habitat which centered around how fees will be handled in the future. There were suggestions regarding how Habitat can pay their own way, rather than having fees waived, because the Town has to pay any fees that are waived. The Board may not support further requests by Habitat to waive their fees.

Mayor Pro-Tem Ashcraft noted he agrees with both sides of the argument. He commended Wildfire for the activities and events they have brought to Berthoud. He also agreed with Trustee Buckingham's comments about making assistance to organizations more equitable. However, the Town is not in a position to waive fees at this time. He noted he hopes there is a day in the future when the budget is not so tight, and the Town can partner with organizations and offer assistance.

Mayor Karspeck noted Wildfire is a good program and the problem is where to draw the line. There are a lot of good organizations in Berthoud that could use assistance and there are many that the Town has made contributions to in the past. We have discontinued these contributions due to the financial condition of the Town. He felt if you contribute to one organization, that will bring others in to ask for the same thing, and the Town does not have funds available to meet those requests.

Administrator White noted that in the past, Berthoud has been generous in waiving the fees charged to use the parks. It was good to be able to do that, but we have been faced with significant bills to keep the parks repaired and usable, and it is necessary to charge reasonable fees to keep up with those expenses.

Trustee Buckingham suggested one thing that makes Wildfire unique is that if they were not doing events, the Town would have to be doing more events for our residents. That makes them different than some of the other organizations in Town. He pointed out that Habitat has a retail outlet to bring in funds, which Wildfire does not have. He asked if there is a mailing coming up where this fee waiver would apply. Administrator White noted there is not a mailing being planned at this time.

Trustee Buckingham asked Administrator White to come back to the Board with a plan that would provide assistance to this type organization without having a significant financial impact on the Town.

REQUEST FOR SEWER SERVICE EXCLUSION

Public Works Director Huerta asked for an extension for this item, since negotiations are continuing between the developer, the City of Loveland and the Town of Berthoud.

TRANSPORTATION MASTER PLAN UPDATE

Public Works Director Huerta updated the Board on the status of this project, explaining that the percentages in the agreement we signed in March 2007 are different. The amount contributed by CDOT has been increased from 82% to 82.79%, which will reduce the amount the Town is responsible for by \$668.

Huerta noted the Town sent out requests for proposals to four agencies. Two responded, DMJM Harris, Inc. came in with a proposal for \$99,444, and HDR, Inc. came in with a proposal of \$65,000.00. In reviewing both proposals, it was felt that HDR is well qualified to do this update. They are experienced and knowledgeable about the needs of the Town, and staff would like to recommend that HDR be awarded the contract.

Mayor Karspeck asked if HDR has done projects similar to this in the area. Huerta noted they provided a list of similar projects in the area, and he offered to contact those references.

Mayor Pro-Tem Ashcraft noted this is a significant difference in bids. He encouraged staff to check references and talking to municipalities that have used these companies.

Trustee Buckingham asked about the two companies that did not respond. Public Works Director Huerta noted he received comments from Carter & Burgess and they indicated that their present workload did not allow them to pursue additional projects.

Mayor Karspeck suggested this could be approved with the condition that references be checked and the response be appropriate.

Mayor Pro-Tem Ashcraft moved to approve the selection of HDR, Inc. to provide the services necessary to update the Town's Transportation Master Plan, and enter into a contract with HDR, Inc. to perform said update for an amount not to exceed \$65,000, pending a reference check. Second by Trustee Gervasi. The motion passed unanimously.

MEMORANDUM OF UNDERSTANDING WITH BFD

Administrator White noted the Berthoud Fire District is requesting the Town Board's approval of a Memorandum of Understanding between the Berthoud Fire District and the Town of Berthoud. This MOU would strengthen the Town of Berthoud's position in the area of emergency preparedness in light of recent federal and state emergency preparedness regulations. The Fire Chief would assume the role of District Manager of our local Emergency Management program. He noted staff is recommending approval.

Mayor Karspeck noted the Chief was present to discuss this with the Board and has been very cooperative in the development of this agreement.

Trustee Gervasi moved to approve the MOU between the Berthoud Fire District and the Town of Berthoud to provide a basis for our local emergency preparedness plan and program. Second by Trustee Thorstensen. The motion passed unanimously.

**PUBLIC HEARING – ORDINANCE RE: COLLINS
PARK PUD VACATING RIGHT OF WAY**

Mayor Karspeck noted this request was approved by the Board on November 28, 2006, and this is a housekeeping issue. The Board needs to approve the Ordinance that makes this official. He read the title of the ordinance and opened the floor for public comment. There was none.

Trustee Gervasi expressed concern that there is limited parking for this facility and he felt that might become an issue. Attorney Fickel noted the amount of parking is not affected by this ordinance. Trustee Buckingham pointed out that there are parks in Berthoud that have no parking spaces. This facility will benefit a lot of people in Berthoud.

Trustee Buckingham moved to approve Ordinance 1062, vacating the reservation of future right-of-way, Lot 3, Block 7, Collins Park PUD. Second by Trustee Sommars. The motion passed unanimously.

RESOLUTION REGARDING CEMETERY FEES

Town Clerk Cowdin noted the last time cemetery fees were reviewed in Berthoud was 13 years ago. We are not breaking even in cemetery because of the costs involved. We have 89 spaces available in the old part of the cemetery, but the costs involved in the care of and opening and closing for those spaces are significantly higher than what we are collecting. She noted a review was done of cemeteries operated by surrounding towns, and the prices we are proposing are in line with those charged by other Towns, but we are keeping our prices slightly lower to encourage people to use our cemetery.

Mayor Karspeck noted it is difficult to budget for the cemetery, but it is important that it remain available to the resident of Berthoud.

Trustee Buckingham thanked staff for bringing this to the Board. He noted this was discussed by the Finance Committee and staff was asked to begin work on the reclamation of unused spaces in the old part of the cemetery and to look at appropriate fee adjustments. He suggested these fees should be reviewed more frequently to keep them up-to-date.

Mayor Karspeck asked for an explanation regarding how the fees are collected. Town Clerk Cowdin noted the cost of the lot and perpetual care can be paid pre-need. Opening and closing costs can only be paid at the time of need. We have families that purchased spaces many years ago, and they are required to pay the current opening and closing.

Trustee Buckingham moved to approve Resolution 13-07, establishing a revised Fee Schedule for Greenlawn Cemetery. Second by Mayor Pro-Tem Ashcraft. The motion passed unanimously.

EXECUTIVE SESSION

Mayor Karspeck noted the Board needs to adjourn to an Executive Session for privileged attorney-client conferences regarding Poudre Valley REA and an Insurance Claim and for negotiations regarding Poudre Valley REA.

Trustee Sommars moved to adjourn to the Executive Session. Second by Trustee Gervasi. The motion passed unanimously.

The Board adjourned to an Executive Session at 8:20 p.m., reconvened at 8:50 and with no further business adjourned immediately.

Mayor Milan Karspeck

Deputy Town Clerk Charlene Reed