

TOWN OF BERTHOUD  
BOARD OF TRUSTEES  
REGULAR MEETING  
APRIL 8, 2008  
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The Board of Trustees met for a regular meeting on Tuesday, April 8, 2008 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 Michael Patrick

STAFF PRESENT: Town Administrator Jim White  
Town Clerk Mary Cowdin  
Chief of Police Glenn Johnson  
Police Officer Tom Carline  
Planning Director Robert Anderson  
Public Works Director Tony Huerta  
Town Attorney Bruce Fickel  
Deputy Town Clerk Charlene Reed

Board members sang "Happy Birthday" to Town Attorney Bruce Fickel.

**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 that the Berthoud Economic Development Committee met on Monday, April 7, 2008 to establish goals and objectives. The group hopes to meet with the new Board and discuss their plans for Berthoud.

Administrator White introduced the Town's new police officer, Tom Carline. Mayor Karspeck issued the oath of office to Tomas Carline and welcomed him to Berthoud. Officer Carline thanked the Board for the opportunity. Chief Johnson noted that Officer Carline previously lived in Colorado and has returned home. He was an instructor at the Trinidad State College and we are fortunate to have him on the force.

Administrator White announced that the next meeting of the Board will be held on Monday, April 14, 2008, at 7:00 p.m., instead of our normal meeting on Tuesday.

Administrator White announced that Building Official Patrick Buckley has resigned and will be relocating to Commerce City. Mayor Karspeck noted we have been pleased to have him on staff.

Administrator White announced that Administrative Assistant Lisa Underhill is leaving her position with the Town. Ms. Underhill thanked the Board for the opportunity and noted she enjoyed working at the Town.

Administrator White announced that he will be leaving on vacation on Tuesday, April 15, 2008.

### **CONSENT AGENDA**

The consent agenda consisted of the minutes of the regular meeting on March 25, 2008, the bills allowed for March 2008, the liquor license renewal for John Dough's Pizzeria and a special event liquor license for the Chamber of Commerce for Berthoud Day.

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

### **PUBLIC HEARING – ORDINANCE RE: BOARD OF TRUSTEES COMPENSATION**

Mayor Karspeck opened the public hearing.

Attorney Fickel noted the transition period from one sitting Town Board to an incoming Board is good opportunity for the outgoing Board to contemplate the issue of Board compensation. The outgoing Board has the ability to change the compensation for a new Board, but the new Board cannot increase its own compensation. He explained that a survey was done of board compensation in the area, and presented the information. While the intention is not to make this a fully compensated position, he recommended that funds should be sufficient to pay someone to care for children if a single parent wanted to participate. He also noted that some of the current members are giving the money back to the Town or to charity. Board members discussed options and decided to change the compensation.

**Trustee Gervasi moved to approve Ordinance 1083, increasing compensation to \$75.00 per meeting and to increase the additional monthly stipend for the Mayor to \$115 per month. Second by Trustee Buckingham.**

Mayor Karspeck opened the floor for public comment and there was none.

**The motion passed with one abstention.**

**PUBLIC HEARING – ORDINANCE AMENDING DEVELOPMENT CODE  
RE: DARK SKY DESIGN STANDARDS & GUIDELINES (BY REFERENCE)**

Mayor Karspeck opened the public hearing to consider amending the development code regarding dark sky design standards and guidelines, noting these will be adopted by reference.

Planner Anderson explained that if the Board adopts this ordinance, decisions will need to be made regarding whether to require these changes for existing residents. He suggested two possible solutions, to require lights to be converted as they become obsolete and are replaced, or to set a time limit and specifically budget replacement money and goals for replacement. A decision also needs to be made regarding holiday lighting.

Mayor Karspeck opened the floor for public comment.

Maggie Jones of 311 South 8<sup>th</sup> Street expressed concern over the cost to residents of Berthoud if this ordinance is passed and this is required. She asked the Board to recognize that increased costs make it hard for the people living in Berthoud and is driving residents away.

Andrea Schweitzer, a member of the Board of Directors of the Little Thompson Observatory, addressed the Board. She thanked the community for considering this ordinance and pointed out that good quality, efficient lighting may be a little more expensive, but it reduces energy costs over the life of the fixture. She also noted that good lighting is good for business when it is well designed. She noted they want Berthoud to be safe for families and residents.

Planner Anderson proposed replacement language to ordinance which would grandfather existing residences and allow holiday lighting.

**Trustee Buckingham moved to adopt Ordinance 1084 with the changes recommended. Second by Mayor Pro-Tem Ashcraft. The motion passed unanimously.**

**SET PUBLIC HEARING ORDINANCE AMENDING DEVELOPMENT  
CODE REGARDING COMPLIANCE WITH THE LAND USE PLAN**

Attorney Fickel noted this proposed ordinance allows the Town to annex areas outside of Town which may or may not be included in the Comprehensive Plan, but prevents development in these areas until they are included in the plan.

**Trustee Buckingham moved to set the public hearing to consider an ordinance amending Section 30-8-130 of the Development Code regarding annexations for May 13, 2008. Second by Trustee Thorstensen. The motion passed unanimously.**

#### **STATUS OF UTILITY CAPACITY.**

Public Works Director Huerta presented a report regarding the Town's utility capacity. In 2007, the Water Treatment Plant treated 341,235,000 gallons of water, with an approximate average daily production of 934,891 gallons per day or 23% of the 4 million gallon-per-day design capacity of the plant. The high demand days were 2,931,000 gallons, or 73% of the design capacity in July, and two days in June, with 2,498,000, or 62%, and 2,402,000 gallons, or 60%. The Thomas C. Jones Water Reclamation Facility treated 188,462,000 gallons of influent in 2007, with an average of 516,334 gallons, or approximately 26% of the 2 million gallon-per-day design capacity of the facility. The maximum daily flows occurred in April and in July at 558,000 gallons, or 28% of design capacity. He noted that both plants have adequate capacity to meet the Town's current user needs, as well as the needs created by the Town's projected growth rates.

Board members asked what triggers a need for expansion. Public Works Director Huerta noted the industry standard for wastewater facilities is to that once you reach 85% of peak capacity over three event scenarios within a year, you need to start planning and be prepared to begin construction when you reach 90%. We have not had an incident where our plant reached 85% of capacity.

Board members expressed concerns about the need to pay for another water plant and the impact of further bonding on the residents of the Town. It was noted that if the rate structure collected by the Town is adequate, then funds will be available when the time comes to build another plant, and there should not be a need to bond for the entire cost of the plant

It was also noted that there has been discussion to install higher speed filters in the water plant that would increase our capacity, and offset the need for a new plant. Public Works Director Huerta noted the filters are expensive, but considerably less than the cost to construct a plant.

#### **MOUNTAIN AVENUE PHASE I CONSTRUCTION MANAGEMENT SERVICES CONTRACT RECOMMENDATION**

Public Works Director noted that the Town received five proposals for Phase 1 of the Mountain Avenue improvement project. He distributed a summary of the five proposals and staff's recommendations.

Trustee Ashcraft recused himself from this discussion, as he has the possibility of being involved.

Public Works Director Huerta indicated references were checked on the top two bidders, and he indicated that he has personally worked with both of these firms. Staff is recommending the bid from JR Engineering, for \$168,461.

**Trustee Patrick moved to approve Staff's recommendation to approve JR Engineering as project construction manager for the Mountain Avenue, Phase 1 project. Second by Trustee Buckingham. The motion was approved unanimously.**

### **PARKING – MOUNTAIN AVE BETWEEN 2<sup>ND</sup> & 3<sup>RD</sup> ST**

Police Chief Johnson noted that while parking time for most business areas of Mountain Avenue is currently unregulated, the exception is parking from 2<sup>nd</sup> to 3<sup>rd</sup> Street, where the limit is 45 minutes. This does not address the needs for short period parking for some of the businesses, nor does it benefit the businesses on the block that would benefit from longer time allotments. He suggested that the 45 limit be removed and the area be changed to a two hour limit with the spaces directly in front of Berthoud Wine and Spirits and the Brick Oven Pizza have spaces with 15 minute parking allowed. He noted that one business in the area, Indigo Sky, asked for 30 minute parking.

Trustee Gervasi moved to change the time allowed for parking for up to four spaces directly in front of Berthoud Wine and Spirits and Brick Oven Pizza to fifteen minutes and to remove all other time limiting signage. Second by Trustee Buckingham. The motion passed unanimously.

### **APPROVAL OF ADMINISTRATOR CONTRACT**

Mayor Karspeck noted that Town Administrator Jim White's performance review has been concluded. The Board met on March 25, 2008 and negotiated changes to his contract, with the pertinent changes including:

- 1) A one-year extension of the existing contract effective April 8, 2008 through May 9, 2009, contingent on annual appropriation of funds;
- 2) Increase annual salary to \$95,000;
- 3) All other contract stipulations remain the same.

Trustee Buckingham moved to approve the extension of Town Administrator Jim White's contract as submitted. Second by Mayor Pro-Tem Ashcraft. The motion passed unanimously.

**TRUSTEE RECOGNITION**

Mayor Karspeck commended the current Board on their activities during their terms of office and highlighted activities that occurred. He then presented his recommendations to the new Board.

Town Administrator White commended Mayor Karspeck for his eight years as mayor and his total of 14 years service to the Town. Mayor Karspeck said it was an honor to be allowed to be a part of the Board for the past fourteen years.

Mayor Karspeck presented awards to Mayor Pro-Tem Ashcraft for eight years service, Trustee Louis Gervasi for four years service and Trustee Peder Thorstensen for eight years service.

With no further business before the Board, the current Board stepped down and the meeting adjourned at 9:30 p.m.

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Mayor Milan Karspeck

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Deputy Town Clerk Charlene Reed

The meeting reconvened with the new Board at 9:35 p.m.

MEMBERS PRESENT:     Trustee John Bauer  
                              Trustee David Gregg  
                              Trustee Glen Buckingham  
                              Trustee Michael Patrick

MEMBERS ABSENT:     Mayor Elect Tom Patterson  
                              Trustee Elect Jeff Hindman

**OATH OF OFFICE**

Administrator White noted that new Mayor Elect Tom Patterson and Trustee Elect Jeff Hindman are out of town and will be sworn in on April 14, 2008.

Attorney Fickel swore in new Board members David Gregg and John Bauer.

**APPOINTMENTS**

Administrator White distributed a memo from Mayor Elect Tom Patterson requesting that David Gregg be appointed Mayor Pro-Tem. He noted that Jeff Hindman also requested that he be considered for the position.

**Trustee Bauer moved to appoint Trustee David Gregg as Mayor Pro-Tem. Second by Trustee Buckingham. All members voted YES.**

**Mayor Pro-Tem Gregg moved to approve the following staff appointments:**

<b>Jim White</b>	<b>Town Administrator</b>
<b>Mary Cowdin</b>	<b>Town Clerk</b>
<b>Bruce Fickel</b>	<b>Town Attorney</b>
<b>Glenn Johnson</b>	<b>Chief of Police</b>
<b>John Easley</b>	<b>Municipal Judge</b>
<b>Tony Huerta</b>	<b>Public Works Director</b>
<b>Robert Anderson</b>	<b>Town Planner</b>
<b>Charlene Reed</b>	<b>Clerk Pro-Tem</b>
<b>Mike Bonafide</b>	<b>Assistant Municipal Judge</b>

**Second by Trustee Buckingham. The motion passed unanimously.**

It was noted that the position of building official was not included, due to a current vacancy.

With no further business, the meeting adjourned at 9:50 p.m.

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Mayor Pro-Tem David Gregg

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Deputy Town Clerk Charlene Reed