

**BOARD OF TRUSTEES  
MARCH 31, 2009  
BOARD ROOM  
7:00 P.M.**

**Board Members Present:**

**Mayor Tom Patterson  
Mayor Pro-Tem David Gregg  
Trustee John Bauer  
Trustee Michael Patrick  
Trustee Dick Shepard  
Trustee Glen Buckingham  
Trustee Jeff Hindman**

**Staff Members Present:**

**Town Administrator Jim White  
Town Planner Tim Katers  
Public Works Director Tony Huerta  
Town Attorney Bruce Fickel  
John Seyer**

**Mayor Patterson called the meeting to order at 7:00 p.m.**

**Pledge of Allegiance**

Mayor Patterson led the Pledge of Allegiance.

**SPECIAL MEETING**

**CONSENT AGENDA**

- |     |               |                     |
|-----|---------------|---------------------|
| 1a. | Bills Allowed | March 2009          |
| 1b. | Minutes       | March 10 & 17, 2009 |

Motion to approve the Consent Agenda item Bills Allowed by Mayor Pro-Tem David Gregg, seconded by Trustee John Bauer. Motion passed unanimously.

Motion to approve the minutes of the March 10, 2009 meeting by Trustee Glenn Buckingham, seconded by Trustee Dick Shepard. Motion approved with one abstention (Trustee Patrick.)

Motion to approve the minutes of the March 17, 2009 meeting by Trustee Dick Shepard, seconded by Trustee Glenn Buckingham. Motion approved with one abstention (Trustee Bauer.)

#### APPOINTMENTS TO VOLUNTEER BOARDS AND COMMISSIONS

Administrator White presented this item. Public Works Director Tony Huerta recommended appointment of Tom Gavin and Eric Moe. Mr. Gavin introduced himself and gave a brief personal history. Mr. Moe introduced himself and gave a brief personal history. Both indicated an interest in serving on the Utility Advisory Board. Motion to appoint Mr. Gavin and Mr. Moe to the Utility Advisory Board by Trustee John Bauer, seconded by Trustee Glenn Buckingham. Motion passed unanimously.

Administrator White reported that the interview committee was split on a recommendation for appointment to the Berthoud Economic Resource Team. Trustee Buckingham stated that both candidates are well qualified. Becky Hemmann, BERT chair, recommended Barb Mitteis. Trustee Buckingham recommended Karen Gavin. Trustee Shepard recused himself due to knowing one of the candidates. Motion by Trustee Buckingham to amend the current definition of BERT committee to sixteen members and appointment of both candidates. Motion seconded by Trustee Patrick. Motion approved unanimously.

#### PUBLIC COMMENT

Jay Klug brought a sample of discolored water that occurred at his home on March 21, 2009. Mayor Patterson explained that there was an incorrect solution of potassium permanganate in the water. Trustee Hindman requested information from staff as to whether water is safe. PW Director Huerta stated that there is no history of this being unsafe to consume. Trustee Buckingham asked what caused the malfunction. Public Works Director Huerta stated that there was a pump malfunction and there is a system in place to immediately notify staff to respond. Trustee Hindman requested staff contact the Public Health Department to obtain information on the possible side effects of excess potassium in the water. Public Works Director Huerta stated that he had researched the issue and there were no safety issues. Mayor Patterson stated that there needs to be a spring action to close pumps when there is a failure and a protocol to immediately flush a hydrant downstream. Public Works Director Huerta stated that staff did begin flushing hydrants after the incident. Trustee Buckingham recommended a redundant system. Public Works Director Huerta indicated we had the water tested and staff will address the mechanical issues.

Carolyn Creager, owner of Berthoud Athletic Club. She expressed appreciation for the people serving on the Board. She stated she received a letter from BERT that was not professional in nature. Ms. Krieger stated that all involved parties need to resolve their issues and move forward to represent the entire community.

Scott Crossen stated that the actions that have occurred in the last few weeks have been disconcerting. He stated that all the party's involved need to pull together in a positive manner. Mr. Crossen stated that he feels Mr. White is an honorable person and is representing the Town well.

Dorian Ryan-Tacy spoke regarding the numerous letters that have been circulating. She stated that with the current economic crisis there will not be businesses coming to town. Ms. Tacy also questioned why the Town is spending money on a consultant when the economy is preventing businesses from relocating to Berthoud. She also stated that all the divisiveness is not doing anyone any good. Ms. Tacy stated that having BERT chaired by a member of the press is not in the best interest of the Town and is a conflict of interest.

#### MAINSTREET DESIGN COMMITTEE RE: ROUNDABOUT

Scott Banzhaff representing the Main Street Committee announced that a CDOT grant to be used for improvements at the roundabout is close to being approved. Recommendations are listed in the handout on specifics of integrating into the current project. Trustee Bauer disclosed membership on the Main Street Committee. Trustee Buckingham asked about the ideas for the center of the roundabout. He also asked about the pedestrian crossings. Trustee Patrick complimented all those involved in the grant application. Trustee Gregg also complimented those involved in the grant proposal. Trustee Bauer asked if the roundabout project has been let for bids. Public Works Director Huerta stated the project has not been let out for bids. Mr. Banzhaff is requesting that Muller Engineering be authorized to provide the figures needed to move the project forward. Trustee Hindman asked Public Works Director Huerta if there is anything on the list that would be a problem. Trustee Hindman referenced the letter that had been circulated alleging that Public Works Director Huerta has been a stumbling block in this grant process. Trustee Hindman stated that he wants a detailed response from Mr. Huerta.

Motion by Trustee Patrick to direct staff to cooperate with Main Street to accomplish (incorporate) as many of the recommendations as possible with a report back on those that are not possible. Trustee Buckingham requested that addition of direction that any impasse be brought back to the Board directly to be resolved. The packet should be ready to go by May 1, 2009. Motion seconded by Trustee Gregg. Motion passed unanimously. Mayor Patterson disclosed that his wife was the author of the letter regarding Mr. Huerta's actions.

#### EXECUTIVE SESSION - NEGOTIATIONS

Motion to adjourn to executive session at 8:05 p.m by Trustee Buckingham, seconded by Trustee Shepard. Motion passed unanimously.

The Board returned from Executive Session at 10: 30 p.m.

Town of Berthoud  
Special Meeting  
March 31, 2009  
Page 4 of 4

Motion by Trustee Bauer to direct the Town Attorney to prepare a new contract for the Town Administrator. Seconded by Trustee Buckingham. Motion passed six to one with Trustee Patrick voting no.

Meeting adjourned at 10:35 p.m.

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**Mayor Tom Patterson**

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**Linda Higuera**  
**Deputy Town Clerk**

Due to the late hour the items on the study session were postponed to a future date.