



MEETING MINUTES OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, February 27, 2018 6:30 p.m.

I. REGULAR MEETING CALLED TO ORDER

The meeting was called to order by Mayor Steve Mulvihill.

II. PLEDGE OF ALLEGIANCE

Mayor Steve Mulvihill led the pledge of allegiance.

III. ROLL CALL – Mayor Steve Mulvihill

Michelle Adams, Deputy Town Clerk, called the roll call. Mayor Mulvihill, Pro-Tempore Buckridge, Trustee Baker, Trustee Karspeck, Trustee Hindman, Trustee Dunkelberger, Trustee Laak, Christopher Kirk, Christian Samora and Jedd Scott were present at the meeting.

IV. CITIZEN PARTICIPATION

John Vancil of Berthoud spoke regarding the dirt haulers and the gravel trucks traveling on Welch Avenue to avoid the round-a-bout on Mountain Avenue and First Street. Mr. Vancil stated that it is a safety issue and gave suggestions on how the Town could resolve it. Mr. Vancil suggested that signs be posted on Town street to indicate weight restrictions.

V. SCHEDULED ITEMS

1. Consent Agenda

(Christian Samora)

Consent Agenda items are considered to be routine by the Town Board and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.

- a) Approval of Agenda
- b) Approval of Minutes: February 27, 2018

Pro-Tempore Buckridge motioned to approve the items on the Consent Agenda. Trustee Dunkelberger seconded the motion, with all in favor THE MOTION CARRIED.

2. Agreement with Wenk Associates for the Berthoud Reservoir Master Plan

(Jeremy Olinger)

Jeremy Olinger gave an introduction to the Berthoud Reservoir Master Plan and Wenk Associates. The proposal includes, among other things, public outreach and meetings, identification of desired recreational amenities for the park, multiple concept alternatives for consideration, a master plan, and an estimate of probable construction cost.

The second part will be the Unified Trails.

Chris Kirk explained how the decision was made for the two consultants.

Trustee Hindman stated he sees this as a positive step.

Trustee Laak stated this would be great if we can have action out of this.

Pro-Tempore Buckridge stated he is glad they see the importance of working with staff, P.O.R.T, and the public. That he is happy with what he sees.

Trustee Karspeck stated he was glad to see this.

Mayor Mulvihill stated that this was exciting to see it move forward and that he liked that staff was using two firms.

Trustee Hindman stated good job and great to see the speed in moving this forward.

Trustee Hindman motioned to authorize the Town Administrator to enter into a time and materials agreement with WENK Associates, for an amount not to exceed \$25,830 without prior written authorization, for the development of a Master Plan for Berthoud Reservoir, and authorize the Town Administrator to negotiate and approve any unforeseen expenditures related to the agreement in an amount not to exceed 10% (or \$2,583.00). Trustee Baker seconded the motion, with all in favor THE MOTION CARRIED.

3. Agreement with Stanley Consultants for the Unified Trails Master Plan

(Jeremy Olinger)

Jeremy Olinger gave an introduction for the Unified Trails Master Plan and Stanley Consultants. Stating that they would be doing a digital overview of the existing and new trails along with prioritizing those trails. The proposal includes, among other things, public outreach and meetings, creation of trail maps, guidelines for trail standards, a matrix of project priorities, estimated construction costs, and a recommended trail maintenance plan.

Trustee Baker asked if they would be working on a bridge for 10E going over Highway 287 if that would-be part of the scope.

Chris Kirk stated this is more for a recreational plan; however, we can look into that.

Len, Chairman of the P.O.R.T Committee, stated he was on board with both of these projects.

Trustee Laak asked if we could use volunteer help and how we can leverage that. Ask that we put that on the groups radar screen for volunteers. That we can put that together for the Public Information Part of the meetings.

Trustee Karspeck asked about private property since his experience is they are not always cooperative.

Len stated that they are challenges but we can overcome them.

Chris Kirk stated we need to have a balance between what we want and what we can do. This is an aspirational vision that will require a lot of public comment.

Jeff Hindman wanted to look at expediting the proposal and get it done by August in time for the November election. He stated that P.O.R.T survey showed an overwhelming want for these amenities and feels we will have the support from the community.

Mayor Mulvihill thanked the staff and the P.O.R.T committee and for the board members involved, very good to see this going in a positive way.

Trustee Laak motioned to authorize the Town Administrator to enter into a time and materials agreement with Stanley Consultants, for an amount not to exceed \$20,654 without prior written authorization, for the development of a Master Plan for Unified Trails, and authorize the Town Administrator to negotiate and approve any unforeseen expenditures related to the agreement in an amount not to exceed 10% (or \$2,065.40). Trustee Hindman seconded the motion, with all in favor THE MOTION CARRIED.

4. Purchase of Additional Skate Park Equipment

(Jeremy Olinger)

Jeremy Olinger gave an introduction. Jeremy also stated that this issue before the board is a safety concern that was brought to the park staff attention. That any improvements done need to be done by ARC because of warranty and insurance. The P.O.R.T committee is on board to improve the safety.

Mayor Mulvihill asked that the Town Administrator please address the funding situation.

Chris Kirk stated this was not part of the adopted budget that there are some options. He suggested that we look at doing the banner poles at a different time.

Trustee Karspeck asked if skaters brought this issue?

Jeremy Olinger stated that Trustee Hindman had brought the issue to their attention.

Trustee Hindman stated that the skaters demonstrated the safety concern to him.

Trustee Laak stated that the use of the park has skyrocket. There is zero maintenance cost to give something to do when there is not a lot for them to do and it is a great safe place for them.

Trustee Baker stated she agreed with Laak. The improvements are needed. How can we reach a wider demographic? We need to reach that demographic.

Trustee Laak replied to Jen that he just went down and asked them what they wanted.

Chris Kirk suggested we could do a survey through the schools and that there is lots of ways to engage the youth.

Board of Trustees discussed on future projects such as the skate park that we focus on the bigger picture and not the cost that is right before them. They stated the cost went from not costing very much to costing the town more than originally discussed when it first came to the board.

Mayor Mulvihill stated we have little choice this is a safety issue.

There was discussion on where we would give up covering the cost. It came back to the budget for the banner poles as earlier suggested.

Trustee Laak motioned to approve the P.O.R.T committee recommendation to expend \$13,864 on additional ramp equipment creating a safer and larger landing area for the park users. Trustee Dunkelberger seconded the motion, with all in favor THE MOTION CARRIED.

5. Elected Official Compensation, 1st Reading

(Chris Kirk)

Chris Kirk introduced the Elected Official compensation and stated that it would require an ordinance change. That the current rate we have now is lower than in other areas. Things that the board needs to look at is...

Is this appropriate level for what they are doing?

That the compensation is for future board members when to make it effective.

Do they set a cap amount or a monthly rate?

Mayor Mulvihill ask Chris to make a suggestion.

Chris Kirk suggested that they increase compensation to \$150.00 per meeting for Trustees and \$200.00 per meeting for the Mayor with a cap of \$300 a month for Trustees and \$400 a month for Mayor. He also stated for budgeting purposes that we make it effective in 2020.

The board discussed the suggestion that Chris had made. They also discussed how that will affect future board members and current board members if they did the change immediately, along with what they do individually as board members. Chris Kirk helped them understand that the town does reimburse hotel, meals and mileage for meetings such as the CML meeting coming up.

Trustee Hindman stated that he would sustain from voting on this issue.

The board directed the staff to bring back the proposed ordinance to the next board meeting.

6. Court of Record, 1st Reading

(Jed Scott)

Jed Scott introduced the court of record and the benefits to be a court of record.

The Board discussed the value in being a court of record.

Mayor Mulvihill asked what that would cost us?

Christian Samora answered that the only change which is a change we already need to make is moving the room antenna system for the wireless microphone system which would be about \$500.00.

The Board discussed more of the benefits and that there was no real down side to this. The Board then agreed to proceed to the next meeting with the new ordinance.

7. Oil & Gas Lease

(Jed Scott)

Jed Scott introduced the Oil and Gas Lease and the history of how it came in front to the Board. Jed stated that the proposed resolution states what we are asking for. There are three main items...

Basic Lease Terms

Royalty of 18.75%

Mayor sign any final lease agreement

Witter with Aztec Exploration came up and spoke. He stated that they have decided to move forward and March 1, 2018 is the deadline submit the application for this.

Trustee Laak asked what pooling is?

Witter stated that this is a controversial issue. You have to pool no matter what to drill a well. He explained the pooling laws. They have force pool to legally drill the wells. It is controversial because they can horizontally drill.

Trustee Hindman asked where the drilling would take place.

Witter replied that the drilling would take place at Highway 56 and Newell Lake.

Trustee Buckridge asked that Attorney Scott explain the surface use limitations

Jed Scott explained that part of the negotiations that they would ask Aztec for no more surface use and no future surface use.

Trustee Buckridge noticed that the setbacks have been changed from 200 feet to 500 feet.

Jed Scott replied yes.

Mayor Mulvihill ask the Attorney to share the down side to not doing this.

Jed Scott replied it is to avoid force pooling. However, we do not have a crystal ball to foresee in the future.

The Board discussed with Attorney Scott to get more clarification on what that means for the Town of Berthoud.

Jed Scott replied...

We will receive a \$87,000 cash bonus immediately

It is a 3-year lease. If they renew they would have to pay the same bonus again.

Our royalty is 18.75% which is the highest Aztec can do.

Trustee Buckridge motioned to approve Resolution 12, Series of 2018, a resolution of the Town Board, Town of Berthoud, authorizing the Town Attorney to negotiate the terms of an oil and gas lease for leasing certain mineral interests held by the

Town of Berthoud and authorizing the Mayor to execute the same. Trustee Dunkelberger seconded the motion, with all in favor THE MOTION CARRIED.

VI. Elected Official Reports

Trustee Hindman reported Open Lands advisory board was held. Kelly Rolland's left her position as open lands director. They are restructuring some things. They are going to a Capital improvement plan. Hindman will receive a digital copy of that. The big thing on the horizon is the new lake that is slightly smaller than Carter. Started in 2003 and is a 20 million dollar invested to get through the approval process. Experience Berthoud was fantastic.

Trustee Baker reported wished she could have attended the Experience Berthoud Event she heard good things. She had a Planning and Zoning Meeting and they went over Creekside and PrairieStar and the Farmstead Concept Plan. This upcoming Thursday is the MPO meeting.

Trustee Buckridge reported that he had nothing to report.

Trustee Karspeck reported that he went to the PAC waste shed collation meeting. Larimer County decided a tier one route about recycling they have to go through one more stakeholder meeting. He was only there for the beginning of Experience Berthoud and thought staff did a good job on their presentations.

Trustee Dunkelberger reported that she attended the same Plan and Zoning meeting as Trustee Baker. That she has Youth Advisory Commission meeting this Thursday and that they will be working with Thompson Team United and how to rise above Social Media. They are also working on a Mural that will be done March 29 and will be at the Day of Kindness and touring all the schools. Day of Kindness is the 31st of March.

Trustee Laak reported had a good Tree Board meeting Monday night. The Forest management plan is done. There was concern with the miss-information on Berthoud Community Facebook page concerning the EAB. They also discussed how to roll out the plan and assist the home owners in treating their trees. Experience Berthoud was great what broke his heart was the Thompson School District and their budget. He hopes we can do more to support their efforts.

Mayor Mulvihill reported Experience Berthoud was enlightening. The ROTC approached him about maintain the graves of the Veterans in the town cemetery. That would be public service for the ROTC.

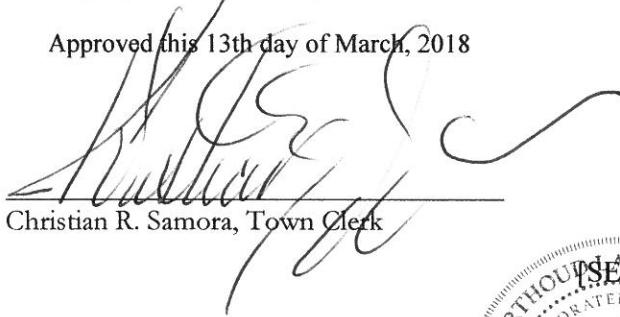
Chris Kirk reported that the administrative reports will be on the town website on the Trustee documents page. Met with Chief Charles from the Berthoud Fire District. They are having funding challenges and will be working on new funding strategies that they will bring to the board. He talked to local residents about pedestrian safety and bicycle safety. That he had some ideas about that he will discuss later. There has been an increase focus on safety amongst staff. CIRSA reported that in 2015 we scored low, 2016 we scored 79 and for 2017 we scored 116 out of 120.

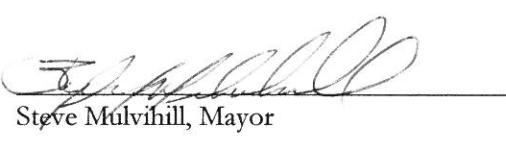
VII. AGENDA REVIEW

VIII. ADJOURN

The meeting adjourned at 8:50 p.m.

Approved this 13th day of March, 2018


Christian R. Samora, Town Clerk


Steve Mulvihill, Mayor

