



MEETING MINUTES OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, February 11, 2020 6:30 p.m.

I. REGULAR MEETING CALLED TO ORDER – Mayor William Karspeck

Mayor Karspeck called the meeting to order at 6:30 PM.

II. PLEDGE OF ALLEGIANCE – Mayor William Karspeck

Mayor Karspeck led the pledge of allegiance.

III. ROLL CALL – Mayor William Karspeck

The following Board Members were present:

Will Karspeck, Mayor
Jeff Hindman, Mayor Pro-Tem
Brian Laak, Trustee
Tim Hardy, Trustee
Maureen Dower, Trustee
Kelsey Byron, Trustee

The following Board Members were absent:

Paul Alaback, Trustee

The following were also present:

Chris Kirk, Town Administrator
Christian Samora, Town Clerk
Erin Smith, Town Attorney
Curt Freese, Community Development Director

IV. CITIZEN PARTICIPATION

There was not any citizen participation.

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) February 11, 2020 Meeting Agenda
- b) January 14, 2020 Meeting Minutes
- c) January 28, 2020 Meeting Minutes
- d) Resolution 2020-02 Designating Posting Places for Public Notices for Meetings and Public Business

Trustee Laak motioned to combine and approve the items on the Consent Agenda. Pro-Tem Hindman seconded the motion.

With all in favor, THE MOTION CARRIED.

2. Norton & Smith P.C. Letter of Engagement

(Chris Kirk)

Resolution 2020-03 A resolution of the Town Board of the Town of Berthoud, Colorado appointing a Municipal Attorney

Administrator Kirk gave an introduction and provided background information. Bell, Gould, Linder and Scott provided a letter in advance of the meeting, which was distributed to the Town Board.

Erin Smith explained that she has represented various organizations, but primarily represents municipal officials. Smith introduced Alicia Garcia, an Attorney; and Mandi Kirk, a Paralegal.

Both Alicia Garcia and Mandi Kirk will assist in meeting the Town's needs and ensuring that Smith is on track.

Trustee Dower asked what size municipalities Smith represents.

Smith stated that Alma and Cripple Creek are current clients. In the past she has represented Castle Pines North, Federal Heights, Cherry Hills Village, Woodland Park and was an assistant attorney for the City of Lafayette.

Pro-Tem Hindman asked how the Municipal Court would be handled.

Smith stated that she would recommend that the Board retain the existing law firm for the near future. Smith stated that Garcia will become the prosecutor when she has more experience.

Administrator Kirk stated that approving the engagement with Norton and Smith would effectively terminate the current engagement with Bell Gould Linder and Scott. Kirk stated that a resolution was prepared to retain Bell Gould Linder and Scott for limited services. The resolution would be placed on the agenda 2/25 for ratification.

Trustee Laak asked what kind of overlap, or transition will take place between the two firms.

Smith stated that from time to time there will need to be contact between the firms. She stated that the prosecution would be a policy issue, which the prosecutor can often contact the Town Administrator and Police Chief to resolve. Although, she felt that it would be quite rare.

Pro-Tem Hindman asked if Smith was planning to implement office hours.

Smith stated that she would plan to be in the office during the afternoon before the meeting on the fourth Tuesday of each month. She stated that it takes about a year for an attorney to be in sync with everything and felt the office hours would help the transition to happen more smoothly.

Trustee Dower motioned to approve resolution 2020-03, a resolution of the Town Board, Town of Berthoud, appointing a Municipal Attorney. Trustee Laak seconded the motion.

Pro-Tem Hindman stated that it was interesting to have the interviews. He felt that of the three firms, Smith's answers distinguished her above the other firms.

With all in favor, THE MOTION CARRIED.

Pro-Tem Hindman motioned to approve resolution 2020-04, a resolution of the Town Board, Town of Berthoud, authorizing the engagement of Bell, Gould, Linder & Scott, P.C. for municipal prosecution and other legal services. Trustee Dower seconded the motion.

With all in favor, THE MOTION CARRIED.

Meeting Minutes February 11, 2020 Agenda

3. **Town Board Vacancy**

(Christian Samora)

Clerk Samora gave an introduction and provided background information. Samora explained the requirement of the law that pertains to filling a vacancy on the Town Board.

Mayor Karspeck stated that going through an application process may be a moot point with only having three meetings left. He stated that he felt it would be most fair to appoint someone already serving the Town, and suggested Kelsey Byron.

Trustee Laak agreed that Kelsey Byron would be a great choice.

Chris Kirk stated that Byron had stopped by Town Hall to ask what the process would be to apply for the vacancy on the Town Board.

Kelsey Byron introduced herself and explained the various ways that she was involved in the community and that she is currently serving on the Planning Commission as a volunteer.

Trustee Dower and Pro-Tem Hindman both felt comfortable with the appointment.

Pro-Tem Hindman motioned to appoint Kelsey Byron to fill the vacancy on the Town Board with a term ending on April 7, 2020. Trustee Hardy seconded the motion.

With all in favor, THE MOTION CARRIED.

There was a 10 Minute break to allow Clerk Samora time to prepare an Oath of Office for Ms. Byron's appointment.

Clerk Samora swore in Trustee Byron.

1. **Comprehensive Plan Committee**

(Curt Freese)

Community Development Director Freese gave an introduction and provided background information.

Administrator Kirk also provided additional context and background information.

All the present Board Members had interest in participating on the committee.

Pro-Tem Hindman stated that he was supportive of noticing the meeting as a public meeting. He stated that it may be best to have an odd number.

Kirk stated that it could be planned that there are bi monthly updates, or separate work sessions for everyone to participate in the conversation.

Trustee Byron motioned to appoint Trustee Hardy, Trustee Dower, Pro-Tem Hindman and Mayor Karspeck to serve on the Steering Committee and to accept the two Planning Commission Members and alternate as recommended by the Planning Commission. The motion was seconded by Trustee Laak.

With all in favor, THE MOTION CARRIED.

2. **Sales Tax Overage Ballot Issue**

(Chris Kirk)

Ordinance 1282 An ordinance of the Town of Berthoud, Colorado calling an election on April 7, 2020, and certifying ballot issues to ask voters whether the Town of Berthoud can retain sales and use tax revenue collected in 2019 in excess of the amount shown on the 2018 ballot issue and maintain the existing sales and use tax rate of 4.0%; setting the ballot title and content for the ballot issue; providing the effective date of this ordinance and setting forth details in relation thereto.

Administrator Kirk gave an introduction and provided background information.

Kirk stated that if the ordinance is approved on an emergency basis, it would be passed in time to appear on the April ballot.

The Board was in agreement to revise the language to include the specific allowable purposes that the tax revenues could be used for. The specific purposes were to be exactly what was listed in the approved 2018 ballot language.

The item was postponed until after the Welch Avenue Trail Connection Discussion and the Executive Session. The purpose of postponing the discussion until later in the meeting was to allow the Town attorney time to revise the ballot language.

3. **Welch Avenue/Neilson Greenway Trail Connection**

(Town Board)

Pro-Tem Hindman gave an introduction.

Trustee Byron asked if it was necessary that both property owners are noticed. Mayor Pro-Tem Hindman stated that the Town would have to buy the easement from the adjacent owners.

Mayor Karspeck stated that he was supportive of investigating the opportunity.

The Board was supportive of investigating the possibility.

All except Trustee Byron were supportive of investigating an easement.

VI. EXECUTIVE SESSION

Trustee Laak motioned Pursuant to C.R.S. § 24-6-402 (f)(I) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body of any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. And the following is provided for informational purposes: Town Administrator Annual Evaluation. Mayor Pro-Tem Hindman seconded.

With all in favor, THE MOTION CARRIED.

4. **Sales Tax Overage Ballot Issue**

Kirk stated that while the Board was in Executive Session, he and Smith revised the language as discussed.

Hindman motioned to approve Ordinance 1282, an ordinance of the Town of Berthoud, Colorado calling an election on April 7, 2020, and certifying ballot issues to ask voters whether the Town of Berthoud can retain sales and use tax revenue collected in 2019 in excess of the amount shown on the 2018 ballot issue and maintain the existing sales and use tax rate of 4.0%; setting the ballot title and content for the ballot issue; providing the effective date of this ordinance and setting forth details in relation thereto, as amended. Trustee Byron seconded the motion. With all in favor, THE MOTION CARRIED.

VII. ELECTED OFFICIAL REPORTS

Kirk reported that a Public Information Specialist has been hired. She will be a fantastic addition to the team. The new employee will be part-time to start with.

There will be a Metro District Study Session on March 3rd at 6:30 PM. Kirk stated that the oil and gas suspension will also need to be addressed before the current administrative suspension expires.

Trustee Dower reported that the PORT Tour was rescheduled for March 3, 2020 from 3:00 PM to 5:00 PM. Trustee Dower also requested that the meetings on the In-Focus schedule be adjusted so that meetings at the beginning of the month are included on the newsletter for the prior month. The purpose of making the adjustment is that the meetings have often already passed by the time the newsletter is mailed out.

Trustee Laak reported that the Youth Advisory Commission had a meeting. The commission discussed teen court and approved a transfer of funds to the Matthew Yannutz Fund.

Pro-Tem Hindman stated that the Historic Preservation Committee met on the previous night. He stated that the preservation and restoration of the Four Square Church should be a priority. Hindman stated that there was a tour of the church. He explained that the building looks to be in good condition structurally, but would need a lot of updates to be in compliant with current codes.

Pro-Tem Hindman was told the train depot would need to be moved to be restored. He stated that Curt Freese and Adam Olinger are working to find what the path forward on the matter would be.

Mayor Karspeck stated that the State Puppy Mill legislation did not make it past the Agriculture Sub Committee at the Capitol.

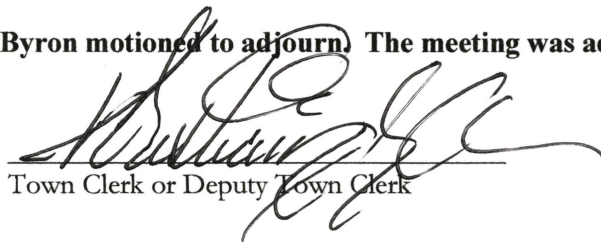
Mayor Karspeck also expressed appreciation for the Winter Party.

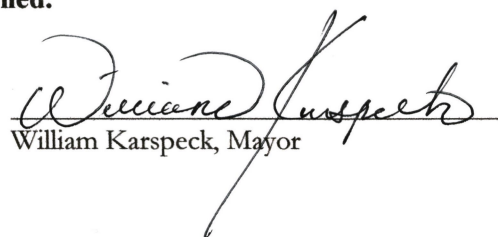
Mayor Karspeck stated that Berthoud is one of two areas where there is not enough room for a commuter rail to pass through. He stated that it is too narrow between the grain elevator and the building to the east.

Earth Works will make a presentation on 2/25/2020 at 6:30 PM.

VIII. ADJOURN

Trustee Byron motioned to adjourn. The meeting was adjourned.


Town Clerk or Deputy Town Clerk


William Karspeck, Mayor