



MEETING MINUTES OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, September 22, 2020 6:30 p.m.

This was a VIRTUAL MEETING hosted by Zoom

REGULAR MEETING CALLED TO ORDER – Mayor William Karspeck at 6:30 p.m.

I. PLEDGE OF ALLEGIANCE – Mayor William Karspeck

Mayor Karspeck led the Pledge of Allegiance.

II. ROLL CALL – Mayor William Karspeck

The following Board Members were present:

William Karspeck, Mayor
Maureen Dower, Mayor Pro-Tem
Jeff Hindman, Trustee
Tim Hardy, Trustee
Lonnie Stevens, Trustee
Mike Grace, Trustee
May Soricelli, Trustee

The following were also present:

Chris Kirk, Town Administrator
Christian Samora, Town Clerk
Erin Smith, Town Attorney

III. CITIZEN PARTICIPATION

Leslie Tassi of Berthoud

Brian Laak of Berthoud

IV. SCHEDULED ITEMS

1. Consent Agenda

(Christian Samora)

Consent Agenda items are 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) September 22, 2020 Meeting Agenda
- b) September 8, Meeting Minutes

Trustee Stevens moved to combine and approve the items on the Consent Agenda. Trustee Grace seconded the motion. In a 7-0 roll call vote, THE MOTION CARRIED.

2. PORT Committee Appointments

(Town Board)

Trustee Hindman moved to appoint Chris Kurtz, Jill Legault for 3-year, Marc Millet, and Karl Ayers for two- year to the Port Committee. Trustee Stevens seconded the motion. In a 7-0 roll call vote, THE MOTION CARRIED.

3. Metro Down Payment Assistance Program

(Chris Kirk)

Andrew Johnson sponsor of Metro DPA: He came back to address the questions the Board had at the September 8, 2020 Board meeting. The educational classes do address the taxes and some of the expenses to the homebuyer, but they do not get into the specifics of a Metropolitan District. The curriculum is set by HUD. He also addressed that if a homebuyer is unable to make payment it goes through the steps and processes for foreclosure, which is the same for any other institution, that there is no exposure to the Town or the program. Department of Housing and Urban Development is an umbrella organization, under which you will find Fannie Mae, Freddie Mac, FHA and VA. To recap the program is about people who have other regular credit qualifications to do any style of loan. The Metro

Down Payment Assistance Program provides the down payment from three to five percent at the closing table for those that qualify.

Trustee Hardy moved to approve Resolution 2020-13 Authorizing and Approving Berthoud's participation in the Metro Mortgage Assistance Plus Program and authorized the execution of the delegation and participation agreement and other documents in connection therewith. Mayor Pro Tem Dower seconded the motion. In a 7-0 roll call vote, THE MOTION CARRIED.

4. Contribution to Larimer County regarding COVID-19 Testing

(Chris Kirk)

Town Administrator Kirk introduced: Larimer County reached out to the Town for support to help reduce turnaround time for the COVID-19 test process. The county is asking each municipality to contribute funds to support that effort from our CARES ACT Funding. The funding request of support is based on population.

Board ask staff to have a link to testing facilities.

Trustee Grace moved to authorize staff to contribute up to \$20,000.00 to Larimer County, to support local COVID-19 test processing at CSU. Trustee Hindman seconded the motion. In a 7-0 roll call vote, THE MOTION CARRIED.

5. Chamber of Commerce Agreement

(Walt Elish)

Economic Director Elish introduced: This is another Community related small business assistance program. This is directly related to assisting small businesses through programs that work to assist the small business needs. Staff feels that the programs are better provided through the Berthoud Area Chamber of Commerce. The funding will come from the CARES ACT Fund. Small businesses do not have to be a member of the Chamber of Commerce to take advantage of the program. This information will go out in the promotional material that is being worked on.

Trustee Stevens moved to approve the Service Agreement between the Town of Berthoud and the Berthoud Area Chamber of Commerce. Trustee Hardy seconded the motion. In a 7-0 roll call vote, THE MOTION CARRIED.

6. Board Discussion and Direction

(Chris Kirk)

Town Administrator Kirk requested direction from the board. There have been several concerns expressed by citizens and trustees on the fact that blue and black lives matter rallies that happened back in July and August. More specific that citizens provided comment to the board and to the town about their experience, which they felt threatened or unsafe because of the actions of other attendees. They also expressed their belief that more could have been done by the Town and the Sheriff's Department to create a safe environment in which they could express their first amendment rights. After considering the issue and the goal of protecting public safety and protecting peoples right to free speech. That thought is that it would be appropriate to better understand what occurred at the rallies and where we could approve. Two options were presented: To have Larimer County Sheriff Office do a review of the two events or have an independent review of the rallies. The primary goal of either of these options would to identify and initiate any policy changes.

Town Attorney Smith introduced Bill Amato a firm to do the review. Bill Amato gave the board information on the scope of work that their firm does. Attorney Smith stated that this particular type of work is very specific and very few have the qualifications and expertise that this firm has to offer.

The following citizens participated in the discussion...

Ryan Armagost of Berthoud
Andrea Sutton of Berthoud
Ellyn Sanford of Berthoud
Mike Solter of Berthoud
Tanner Spracklen of Berthoud
David Garman of Berthoud
Joe Rogers of Berthoud
Linnea Reckase of Berthoud
Jan Dowker of Berthoud

Shara L. Larson of Berthoud
Brian Laak of Berthoud
Thomas Jones of Berthoud
Neana Winslow of Berthoud
Laurie Hindman of Berthoud
Aaron Perry of Berthoud
Adam Stephen of Berthoud
Brian Barry of Berthoud

During the event of the motion it was amended twice then brought back to the following original motion made.

Trustee Stevens moved to direct staff to request that the Larimer County Sheriff's Office review the two rallies to determine if law or policy was violated to be done in 90 days. Trustee Soricelli seconded the motion. In a 6-1 roll call vote, THE MOTION CARRIED.

V. ELECTED OFFICIAL REPORTS

Trustee Hardy: He reiterated the complaint and concern on Fourth Street.

He mentioned he saw a news story on ballot boxes and how some were for local elections and some for federal. He would like to see us put a cover on the one in town hall and give direction on to vote so there is no confusion.

He also spoke with a John Beck, who lives next to Waggener Farm Park. His yard butts up against Waggener Farm Park. Trustee Hardy stated that his concern was that the grade of dirt is higher than what he would like to see. He is also concerned that it will devalue his property. Trustee Hardy wanted staff to be aware of this concern.

He also mentioned that there is still a seat on the Historic Preservation that is open.

Main Street will not have a meeting until next week.

Trustee Hindman: Stated the tree-scape on Mountain Avenue along the south side of Waggener Farm Park is now incredibly different and how different it is to have trees in the tree lawn. He feels Josh and team did an incredible job. Hindman referenced an editorial by Trustee Soricelli that was published by the newspaper. He continued to state that he felt the editorial contained false claims and was not appropriate. Hindman referenced a letter to the editor that the Berthoud Surveyor would not print and requested that it be attached to the minutes.

Trustee Soricelli: Nothing to report.

Trustee Stevens: Nothing to report, he would like to hire Mr. Amato's firm for contract review.

Trustee Grace: Nothing to report, just wanted staff to know there is no dog poop bags.

Mayor Pro Tem Dower: Stated she wanted to echo that the trees look great on Mountain Avenue over by Waggener Farm Park.

She supports Trustee Stevens request for hiring Mr. Amato's firm for contract review.

Mayor Karspeck: Stated that he also echoes the trees comment. He was happy that Josh and Evan did twenty-seven trees in a week.

He attended the Front Range Passenger Rail Meeting online. There was no new information to report.

Attorney Smith: Recommends the use of Mr. Amato firm in connection with negotiations and review the contract.

This will be brought back at a future Board Meeting.

VI. ADJOURN

The meeting adjourned at 10:55p.m.

Town Clerk or Deputy Town Clerk

William Karspeck, Mayor



To the Editor:

I am writing to correct several inaccurate statements and false accusations in last week's editorial by Trustee Soricelli.

1) It is completely false to claim that I orchestrated public comment at any past Board meeting. That is slander and a real insult to the concerned citizens who spoke to the Board about how they were threatened and intimidated at the pro-equality rally on August 1st. To then state that I am unethical in my public service to the Town is just unbelievable. This is my 15th year of service as an elected representative of the citizens and businesses of Berthoud. My record shows a consistent high standard of ethics and transparency. If anyone is going to allege improper actions by a Board member, they really should have something to back that up.

2) My concerns and questions about both rallies were brought to the Town Administrator and Town Attorney immediately after both events. That is how it works. Trustees communicate with the one person we supervise, The Town Administrator. The Administrator communicates with staff. It would be inappropriate for Board members to contact Sgt. Anderson or his supervisors directly.

3) The assertion that any citizen of our Town is putting themselves in a dangerous situation by simply going to Fickel Park with a sign is ludicrous. That is free speech and anyone exercising that right deserves to be protected by our law enforcement agency. Those attending the rally on August 1st were threatened, bullied, and intimidated repeatedly by numerous aggressive individuals, many with guns. That is not behavior that concerned citizens of Berthoud should be subjected to.

4) Repeating the false claim that the Town Board or staff is contemplating restarting a local police department is simple false. Trustee Soricelli knows this.

This type of false information given to residents and businesses is just wrong and very damaging to our Town. Citizens deserve accurate information from their elected leaders, not baseless political attacks. That is the problem in Washington and at the State level. We do not need to lower our local government body to those standards.

Trustee Soricelli should correct the record and apologize to the entire Board, and the citizens who took the time to air their concerns at Citizen Participation. Trustee Soricelli missed 4 meetings in her first 3.5 months in office including the citizen comment with concerns about the pro-equality rally. Debating town issues with your colleagues via editorial instead of during a public meeting is inappropriate.

Anyone with questions and concerns may call me anytime 303-819-7199.

Sincerely,

Jeff Hindman – Trustee
348 Turner Ave
Berthoud, CO

303-819-7199

Everyone was safe when they got home

Dear Berthoud community,
I am addressing you as an elected representative of the Town of Berthoud. Recently, a fellow board member coordinated testimonies against the Larimer County Sheriff's Office, calling in to question their integrity and openly criticized their approach to handling the Black Lives Matter rally in town. This unethical approach to handling a concern has potential to damage our town's amazing partnership with the Larimer County Sheriff's Office.

I absolutely heard and understand how certain community members

felt unsafe during these rallies, however, there are a few points I would like to make.

First, these complaints could have easily been brought to Sergeant Jim Anderson, patrol sergeant for the Berthoud LCSO squad, for clarification on how these types of events are handled from

Guest
Columnist



**May
Soricelli**

a tactical perspective. Working with law enforcement personally, I know that they not only achieved success as everyone went home safely, but they also utilize measures to diffuse and de-escalate situations at large gatherings such as this, and at the events in question, they were successful.

Secondly, after speaking with other town board members, I understand there is an ideal that Berthoud "should be a safe place." However, we live in a cultural climate in America right now that is heightened, and we can see from the news that rallies of any kind can turn dangerous. Therefore, while exercising our freedom of speech and freedom to protest, we must also exercise discretion and not hold law enforcement accountable for the dangerous positions we put ourselves in.

I think it speaks well of the Sheriff's Office's effectiveness in policing our community, that members of the community believed Berthoud would be miraculously insulated from the same type of antagonism we are seeing in other places. I think it is a sobering wake up call for our community that Berthoud is not immune, and we need to step up in working together, having grace with one another and making allowance for different opinions in a way that is both productive and respectful. No matter what our political stance is, I urge our

town board and citizens to look at the amazing work done by our sheriff's office since they contracted with us.

Furthermore, the Town of Berthoud cannot afford their own police agency half the caliber of the Sheriff's Office. In addition, we cannot afford in these tumultuous times to burn a bridge with our law enforcement officers as they serve us diligently and need our upmost respect and support and partnership to fight the good fight for peace and protection in our community. I am not saying that we discard accountability. I am simply stating that we need to take a long, hard look at the impeccable character of those serving us and allow that to be the premise for how we view the recent isolated complaint that been levied.

I urge fellow board members to give the Sheriff's Office the benefit of the doubt in these unprecedented times, based on their professional track record in town, and allow proper representation of all entities, including public feedback from all sides, if there ever is a question of performance.

Editor's note: You may comment on this issue to the trustees at: karspeck@berthoud.org; mdower@berthoud.org; mgrace@berthoud.org; thardy@berthoud.org; jhindman@berthoud.org; lstevens@berthoud.org; lstevens@berthoud.org/.