



**MEETING OF THE TOWN BOARD**

**Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, February 12, 2019 6:30 p.m.**

- I. REGULAR MEETING CALLED TO ORDER** – Mayor William Karspeck Called into session 6:30 p.m.
- II. PLEDGE OF ALLEGIANCE** – Mayor William Karspeck
- III. ROLL CALL** – Mayor Karspeck, Mayor Pro Tem Hindman, Trustee Tomassi, Trustee Hardy, Trustee Dower, Trustee Laak and Trustee Alaback were present.
- IV. CITIZEN PARTICIPATION –**

Linnea Reckase of Berthoud Kids and Community the residents did pass the 1% sales tax increase back in November, which the voters were saying they want these amenities. She talked about the campaign finance of Mayor Karspeck and Trustee Tomassi. She also talked about PORT members who are abutted to Waggener Farm Park that have no record in their minutes abstaining from voting on Waggener Farm Park.

Karen Fletcher of Berthoud received the copy of the written response to Farmstead Phase I. She was disappointed that it was not on the agenda for discussion. She feels that the process is flawed and a disconnect between the community and the board.

Joe Rogers of Berthoud agrees with Karen Fletcher statement.

Lonnie Stevens of Berthoud does not feel statements that are made have been in the best interest of the town, but for the developer. He would like the Board to put the same emphasis on the issues as they do protocol. Would like the Board to show they care. We need all of us to come together and not more division. Mr. Edwards developer of Farmstead is willing to work with the Community. He stated a replat of Phase 1 Farmstead could address all the issues and code violations.

Michael Patrick of Berthoud came to address the board about on-going discussions about development, particularly the one by Mary's Farm. He would like the Board to set a meeting for the Board and the Community to discuss how the community should be developed.

Brian Dodd of Berthoud came to inform the Board and Citizens that we have a high school swim team. He would like us to ensure the new swimming pool has to have six lanes for us to hold competitions and to practice.

David Leonard of Berthoud met with the developer and received the response from the Town concerning Farmstead. He still has some concerns. Felt that they were doing what the Town should have been doing before the Development which was advocating for the citizens of Berthoud. He feels that the Town is approving development too quickly without adequate consideration.

Diane Kuligowski of Berthoud would like to show her support for amending and clarifying the code for abandoned and inoperable vehicles. Her second point was notification for new development. There should be a greater effort at notifying the citizens. The signage on Hwy 56 is flimsy, does not feel it could get someone's attention. A sign near entrance Pioneer Park, internet communication on some of local pages to better communicate new development.

Mylan Karspeck of Berthoud has been working with twenty other citizens on a citizen's initiative to put guard rails around town's use of alternative financing mechanisms. There is a potential for misuse. This is to raise the bar for when they can be used properly.

- A. Requires a Vote of 3/4 of the Board of Trustees to incur or make payments in excess of 2 million dollars.
- B. Bars the use of these multi-year financing mechanisms if the Bond was recently rejected by the electorate in the previous two years.

The financial obligations in the initiative refer to COP, multi-year loans or transfer from Utilities Enterprise funds. The

initiative process is laid out in Title 31 Article 11 of Colorado Revised Statutes.

John Guthrie of Berthoud would like the community to consider free internet. Would like the community to understand what Gen-5 mobile communications would mean for Berthoud and its commuters. Also, would like the town to look at Community Patrols that make themselves aware to the youth before getting the police immediately involved, this would take volunteers. He also stated Berthoud has a great opportunity because of our location to make ourselves known to encourage face to face communications by providing first class service.

Ian Leslie of Berthoud spoke in regard to the Board of Conduct. Item 4 where it states: Individual Board members may request the Board to add items to future meeting agendas on a majority vote or consensus basis. Thinks this could lead to the tyranny of the majority. The US Supreme court requires four of the nine justices to bring something to be heard. Strongly urge that we take three board members to get an item on the agenda. This also leads to item 8 which states: After the majority has decided, the issue is closed, and the Board moves on to other issues. There is a potential that an issue can be brought back to the board several times after a decision has been made. A time limit should be set when issues can be brought back after a decision is made. The other item is where it says: The Board agrees that dysfunctional interpersonal interactions or public statements. What is a dysfunctional interaction? What is a public statement?

Will Edwards a representative of the Farmstead project. They had a neighborhood meeting and have a future meeting scheduled. They have also had a meeting with staff. They feel that they have come to some betterments one being the alley load that faces Mary's Farm will match Mary's Farm. The new plat rectifies the tree lawn width. They have also added a playground area and picnic tables that will have a soft surface trail. There was a concern with traffic. They plan on using barricades to control traffic. He also addressed the notice issue. They hired a local firm and they did comply with the notice requirements. They will be expanding their notice area in the future for all public meetings. He wanted everyone to know they can always receive comments at farmsteadberthoud.com.

Mayor Pro Tem Hindman addressed the room. The Farmstead Preliminary was approved by the previous Board that it is not the fault of the newest four Board members. Our new Administrator has implemented first and second readings. That was not happening in the last eight years. Feels the current Board is one of the best Boards that is concerned and cares. The noticing changed from 300 to 500 feet that is the most recent change to increase notification. There have been two development code updates since our new administration has taken over. They are being proactive in fixing some of the problems. They are reachable via cell phone and email.

## **V. SCHEDULED ITEMS**

### **1. Consent Agenda**

- a)** Approval of February 12, 2019 Agenda
- b)** Approval of Minutes – January 22, 2019
- c)** Designated Posting Places for Public Meetings
- d)** Perpetual Contract for CBT Units Previously Purchased in 2018

**Trustee Laak Motioned to combine and approve the items on the Consent Agenda. Mayor Pro Tem Hindman Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

### **2. Design Contract for Waggener Farm Park Phase 1**

Town Administrator Kirk introduced. The proposed fee estimate for completion of construction drawings is \$1,591,808.00. Other reimbursable costs such as travel, and printing are included in the estimated fee for an additional \$15,194.00. In the 2019 budget the Board approved \$1,950,000 for Waggener Farm Development. These funds are budgeted in the Park Development fund, the 1998 1% fund and the 2018 1% fund. In addition to the scope and fees included with this effort, staff will utilize other firms to conduct traffic analysis, topographical survey, geotechnical testing, and any other needed services in support of the project.

**Trustee Tomassi Motioned to postpone Waggener Farm Park Phase 1. Mayor Karspeck Seconded the Motion. Trustee Hardy, Trustee Dower, Trustee Alaback, Trustee Laak, Mayor Pro Tem Hindman were NOT in FAVOR. Mayor Karspeck and Trustee Tomassi were in FAVOR. THE MOTION DID NOT CARRY.**

**Trustee Laak Motioned to approve the scope and fee preparation of construction drawings for Waggener Farm Park Phase 1 and direct staff to enter into an agreement with Barker Rinker Seacat Architecture for same. Mayor Pro Tem Hindman Seconded the Motion. Trustee Laak, Trustee Alaback, Trustee Dower, Mayor Pro Tem Hindman and Trustee Hardy were in FAVOR. Trustee Tomassi and Mayor Karspeck were NOT in FAVOR. THE MOTION CARRIED.**

### **3. Amendment Regarding Inoperable and Abandoned Vehicles 1<sup>st</sup> Reading**

Town Clerk Samora introduced. Ordinance 1258 amending and clarifying certain chapters of the Berthoud Municipal Code with respect to abandoned and inoperable vehicles and other matters. After the adoption of Ordinance 1250 staff and Larimer County Sheriff identified several items that need clarification in the new section on the Municipal Code.

The changes to the code that would result from the passage of this ordinance are as follows:

- The definition of “Inoperable Vehicle” in Chapter 16 is clarified to cite a specific paragraph in Chapter 17, so that the definition may only be interpreted in one way.
- The term “Screened” is added to the definitions in Chapter 16 to articulate what is considered screening.
- The amount of time allowed before a vehicle is presumed to be inoperable is reduced from 14 days to 7 days.
- The amount of time allowed before a vehicle can be presumed abandoned is reduced from 7 days to 48 hours.

This item will be brought back on February 26, 2019 for final adoption.

#### 4. Non-Statutory Board Appointed Committees

**Resolution 2019-02 a resolution of the Town of Berthoud, Larimer and Weld Counties, Colorado updating the membership, organization, procedure, functions, and duties of all non-statutory advisory committees.**

Town Administrator Kirk introduced. After direction from the Board staff has brought back Resolution 2019-02 with the following changes...

- Correcting the language regarding out-of-town committee members to be consistent with January 8 discussion. More specifically, upon passage of this resolution, any out-of-town committee members will no longer be eligible to serve on the committee. The initial term of any appointment made to fill a vacancy created by this resolution would be set with the intent of creating consistent staggered terms for future appointments. (Section 2(A)(5)(a))
- The role of the Board Liaison is described. (Section 3(A)(7))

**Mayor Pro Tem Hindman Motioned to approve Resolution 2019-02, a resolution of the Town Board, Town of Berthoud, updating the membership, organization, procedure, functions and duties of all non-statutory committees. With the changes that the Tree Board work in conjunction with the Town Arborist, AD Hoc committees be established on a case by case basis with the chair being voted on at the first meeting. Trustee Alaback Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

## VI. Elected Official Reports

**Trustee Hardy** introduced the Board Code of Conduct. The document has been asked for by members of the Board and by the public; because they have been heavily criticized for the way they have conducted themselves. The document came from one of the communities from the state and took some things from other communities Board of Conduct to come up with the final draft.

This would be a good document for them to reflect upon.

**Trustee Dower** thanked Trustee Hardy for getting together with her because she did feel uncomfortable with the original. She also thanked Trustee Tomassi for giving her examples. She feels this document is appropriate knowing that other towns have similar documents. This is a handout to help you check yourself.

**Attorney Bell** firm reviewed the document and asked the Board on some clarification to the document. He will bring a cleaned-up version back to the Board for review.

**Trustee Alaback** went to the Tree Board meeting. Trustee Laak sent an article from Boulder County a program connecting woodworkers and how they can utilize excess trees that have been cut down. Tree Board is worried about losing a lot of trees and it is expensive to dispose of those trees. They found that article interesting. **Arbor Day will be on the 20<sup>th</sup> of April 2019.** Their intent is to plant 50 trees. He would like to make sure we get the word out to bring in more people.

**Trustee Tomassi** reported last Wednesday Town Administrator Kirk, Trustee Tomassi, Marine Corp Veteran, and Army Veteran met to discuss the Adopt a Flag program. The flags would be displayed from Memorial Day to Veterans Day. The initial ground work would allow citizens of Berthoud to adopt a flag. They also be able to put up a banner that would have a photo of the veteran, their name, rank, and service. The banners would be on alternating poles in town. There will be a presentation to the board.

**Mayor Pro Tem Hindman** thanked Christian and Staff for last Friday's fun party. For the record, beat his wife at Skee-Ball. 

On another note he would like to see us to enforce snow removal ordinances especially in critical areas such as Mountain

Avenue and routes going to school. These routes should be cleared so people are safe.

**Trustee Dower** had nothing to report.

**Trustee Laak** said thanks to Michelle for helping Genevieve dial in her minute taking process. He also heard from Berthoud Concern Citizens and met with them on Sunday including Steve Schoo and three other primaries in the group. They are super frustrated. Told them that we have more in common with them than not. The meeting was a good meeting. Then there was a community meeting at Grace Place same day. The developer and citizens were at that meeting. The meeting had about 75 people there. It went as good as one could expect for a meeting that size. He has started inviting two community leaders to come to the Youth Advisory Commission. It has a great impact on the meeting.

**Mayor Karspeck** went to a North Front Range MPO meeting where they discussed an EV tax credit program. It requires dealerships to sell a certain percentage of electric vehicles a year. This is in seven other states. MPO would like to draft a resolution to oppose this. He will come back to a future meeting to discuss the program with the Board. He would like there be a formal way for us to form an AD Hoc committee. Similar to what he read in 1888 minutes.

**Attorney Bell** reported that Bargain Storage case was argued in District Court on Wednesday. There should a judgment in sixty days on this matter.

**Administrator Kirk** reported that there will be a new format to the Administrator Report. Also, RFP will be going out for July 4<sup>th</sup> Fireworks. It will come back to the Board for approval.

## VII. Executive Session

**Mayor Pro Tem Hindman** Motioned to enter into Executive Session pursuant to C.R.S §24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators; and, pursuant to C.R.S. §24-6-402(f)(I) for discussion of a personnel matter 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. Trustee Tomassi Seconded the Motion. **WITH ALL IN FAVOR THE MOTION CARRIED.**

Mayor Pro Tem Hindman reported that the Board has done a one-year evaluation of Town Administrator Kirk. The evaluation was overwhelmingly positive with the changes he has made. The Board would like to approve the Addendum to employment agreement of Administrator Kirk for commencing January 22, 2019. It would be a 5% raise to his existing contract. This is in addition to the 3% cost of living wage already in the employment contract. The Board would like to also authorize a 5% Bonus for 2018. Mayor Pro Tem Hindman made this a Motion approving the Addendum. Trustee Tomassi Seconded the Motion. **WITH ALL IN FAVOR THE MOTION CARRIED**

## VIII. ADJOURN AT 10:41 p.m.

*[Large blue ink signature over the line]*  
Town Clerk or Deputy Town Clerk

*[Signature of Winona Karspeck over the line]*  
Mayor Karspeck

