



MEETING MINUTES OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, September 25, 2018 6:30 p.m.

- I. REGULAR MEETING CALLED TO ORDER** – Mayor William Karspeck
- II. PLEDGE OF ALLEGIANCE** – Mayor William Karspeck
- III. ROLL CALL** – Mayor William Karspeck

Town Clerk Samora called roll and the following were present: William Karspeck, Mayor; Jeff Hindman, Mayor Pro-Tem; Brian Laak, Trustee; Maureen Dower, Trustee; Tim Hardy, Trustee; Greg Bell, Town Attorney; and Chris Kirk, Town Administrator. Trustee Alaback was absent.

- IV. CITIZEN PARTICIPATION** – *3-minute time limit. Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

John Bevins of Berthoud stated that the Town's resources are precious. He referenced the ordinance dealing with trailers that are disconnected. He stated that the intent was to keep semi-trailers from being parked. He stated that the neighbor has discovered that when a trailer is disconnected, it is considered to be abandoned. He stated that anytime he drops the trailer, the neighbor takes photos and speaks to the authorities. He requested a ticket from Matt to get the process started.

Kirk will send the ordinance to the Board to review.

Gail Schumacher of Berthoud stated that she has been a parent in the Thomson School District since 2004. Has been active in volunteer roles for many years. She stated that she has been asked to be the co-chair for the Vote Yes campaign at Berthoud Schools. She stated that she is strongly in favor of the resolution and it should be supported unanimously. She stated that her daughter said the text book in the civics class is from 1998.

SCHEDULED ITEMS

- 1. Resolution Supporting Thompson Valley School Bond Ballot Issue**
Resolution 2018-28 proclaiming support for the Thompson Valley School District Bond and Mill Levy Initiatives

Kirk gave an introduction and provided background information.

Trustee Dower asked Mark Shaffer and David Levy how severe is the shortage funding is and what will the bond and levy cover. Levy stated that the \$149M ask is broken into 3 components. Lack of maintenance is one of the items. Many of the buildings have an average age of 50 years. Some of them have an age of 100 years. He stated that they are looking to add additional capacity in two of the elementary schools in Berthoud. The third component would be for a new school near the I25 corridor. He stated that a portion of the bond will go toward staff, curriculum and technology.

Dower asked for clarification on the cost of the mill levy. Levy stated that an assessed value of \$350k value would be about \$.72/day more than it is now.

Dower asked Schumacher if there was a large group of people helping with the campaign and if they needed more help. Schumacher stated that they always need more help.

Pro-Tem Hindman asked for an explanation of the racketing down that happens with Gallagher and TABOR.

Shaffer stated that Colorado has one of the most robust economies in the country. He stated that there is an automatic threshold where there is a rebate back to the taxpayers. He stated that they are less competitive with salaries and have \$93M in backlog maintenance. Pro-Tem Hindman stated that the actual mill levy right now is significantly lower than it used to be due to the State tax laws.

Pro-Tem Hindman asked why the marijuana money does not provide a fix for school funding. Shaffer stated that marijuana funding is distributed across the state. He stated that the marijuana money is not enough to cover the cost of building a new school. The marijuana tax money that is collected can only be used for buildings and not salaries.

Trustee Tomassi state that two years ago, the School District tried for a new mill levy. Has the school looked at what the additional cost will be now that interest rates are higher. Levy stated that the biggest issue is that construction costs are a lot higher than they were two years ago. He stated that they expect to pay about 3% on the interest rate. Levy stated that with inflation, the amount of money they have, is about 10% less than is has been in previous years.

Mayor Karspeck read the resolution aloud to the Board and the members of the public.

Pro-Tem Hindman motioned to approve Resolution 2018-28, a resolution of the Town Board, Town of Berthoud, proclaiming support for the Thompson Valley School District Bond and Mill Levy Initiatives. Trustee Hardy seconded the motion. With all in favor, THE MOTION CARRIED.

2. 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 September 25, 2018 Agenda

Trustee Laak motioned to approve the item on the consent agenda. Trustee Tomassi seconded the motion. With all in favor, THE MOTION CARRIED.

3. Main Street Berthoud Presentation

(John Guthrie)

Guthrie stated that he met with the Chamber of Commerce in Brush with the fully accredited program on the eastern side of Colorado. \$109M has been raised. He introduced Karen Fate of B-Town Automotive.

Guthrie stated that he is going to send a list to the Board of what they need from the Town. He stated that a Town contact must be listed and must be on the Board of Directors. They need three letters of support, the Town, the Chamber of Commerce and a third organization. He stated that the State will want to know who the main sponsor will be.

Guthrie stated that the director will be paid until the end of 2020, after that, other organizations will need to also contribute to the costs.

He stated that the last time Main Street was operating, over \$400k came into the Town to beautify the downtown corridor. He stated that it is important to help define where the County ends and the Town

begins.

Kirk suggested that Walt Elish would perhaps be the most appropriate.

Sergeant Anderson introduced the new corporal, Steve Wicker. Anderson stated that he is excited for the new corporal and that Wicker has been in charge of the Santa Cops program.

4. Pavement Maintenance Project Change Order

(Stephanie Brothers)

Brothers gave an introduction and provided background information. She explained that they have had an issue of the water meters being inside the homes. She stated that they are moving the pits to be near the sidewalk as opposed to being inside the home.

Trustee Tomassi asked when Colorado and Iowa Street will be done. Brothers stated that they have spoken to many of the residents. It would be in the next two years that those roads would be completed.

Trustee Tomassi stated that there is crumbled asphalt in some of those areas.

Pro-Tem Hindman stated that he was disappointed. He stated that he would like to see the work done to fix the lines and pave the streets in the spring.

Brothers stated that the Town is asking residents to make contact for a meter replacement.

Pro-Tem Hindman motioned to approve the change order. Trustee Tomassi seconded the motion. With all in Favor, the motion carried.

5. Regulations Regarding Junk and Abandoned Vehicles, 2nd Reading (Matthew Arrants)
Ordinance 1250 prohibiting accumulation of refuse and inoperable motor vehicles

Kirk gave an introduction and provided background information. Kirk explained the ordinance has been changed, so that it is repealing and replacing the entire chapter. He stated that a lot of the sections already exist in the code and are being readopted. Kirk stated that there have been clarifications regarding trash and that it needs to be sealed containers. There have been clarifications that materials at construction sites must be cleaned up every seven days.

Trustee Dower asked about Section 16.7 and if there was a typographical error in the definition of a weed.

Kirk stated that it is intended to tie back into the definitions since any plant could grow to become a weed.

Trustee Laak asked what the intent in Section 16.8 is. Kirk and Arrants stated that more often than not, the property owner is contacted.

Trustee Tomassi asked if someone could go to jail. Bell stated that it is simply quoting the maximum penalties allowed by State law and that it is within the powers of the Court. Bell stated that the Board could do what they wanted.

Kirk stated that it is allowing the leeway. Kirk stated that is possible, but is not probable.

Trustee Tomassi stated that he felt it was extreme.

Sergeant Anderson stated that is it the maximum and that it is an option. He stated that they have been fighting people to cut their weeds every summer. He stated that he wants to keep it in there because it's

the teeth. He stated that he did not think it would ever happen.

Trustee Laak asked if they could decide not to pay. Anderson stated that it is a summons and the judge sets the fine amount. Kirk stated that there are other items in the ordinance that such as illegal dumping. He stated that having the penalties is worth it. Kirk stated that if the judge sends someone to jail for not cutting weeds, then the ordinance would probably need to be changed.

Trustee Laak asked how things are discovered if it's in a closed yard.

Arrants stated that it could be from a complaint or other means.

Kirk stated that it could also be odors and other indicators like rodents.

Trustee Laak motioned to adopt Ordinance 1250, an ordinance of the Town Board, Town of Berthoud, prohibiting accumulation of refuse and inoperable motor vehicles. Trustee Hardy seconded the motion. With all in favor, THE MOTION CARRIED.

6. Development Code Update, 2nd Reading

(Curt Freese)

Ordinance 1252 amending various chapters in the Berthoud Development Code

Freese gave an introduction and explained the changes that were in the ordinance.

Mayor Karspeck opened a Public Hearing.

There was not any comment from the public.

Mayor Karspeck closed the public hearing.

Trustee Laak Motioned to adopt Ordinance 1252, an ordinance of the Town Board, Town of Berthoud, amending various chapters in the Berthoud Development Code. Trustee Hardy Seconded the motion. With all in favor, THE MOTION CARRIED.

7. Repeal of Loitering and Panhandling Regulations, 1st Reading

(Chris Kirk)

Ordinance 1253 decriminalizing loitering for the purpose of begging

Attorney Bell gave an introduction and provided background information.

Trustee Hardy motioned to approve Ordinance 1253, an ordinance of the Town Board, Town of Berthoud, decriminalizing loitering for the purpose of begging. Trustee Dower seconded the motion. With all in favor, THE MOTION CARRIED.

8. Aztec Oil and Gas Lease

(Chris Kirk)

Resolution 2018-30 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

Attorney Bell gave an introduction and provided background information. Bell stated that there is an initial payment and a royalty payment. Bell stated that the resolution would be \$180k and would give Jed Scott the ability to negotiate.

Trustee Dower stated that perhaps they should negotiate them adding more trees to the parks in the Town.

Tony Lopez from Aztec stated that the negotiation is in the surface plan and lease. He stated that the trees would be negotiated during the surface use agreement.

Freese stated that the code has already been changed to require the trees and fencing if the site is within the Town limits.

Trustee Tomassi motioned to approve Resolution 2018-30, 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 Dower seconded the motion. With all in favor, THE MOTION CARRIED.

9. **Impact Fees for Small Home/Cottage Development** (Chris Kirk)
Resolution 2018-31 adopting reduced fees for smaller dwellings and lots

Kirk gave an introduction and provided background information.

Trustee Hardy motioned to approve Resolution 2018-31, a resolution of the Town Board, Town of Berthoud adopting reduced fees for smaller dwellings and lots. Tomassi seconded the motion. With all in favor, THE MOTION CARRIED.

V. ELECTED OFFICIAL REPORTS

1. Town Board – Jeff Hindman, Brian Laak, Maureen Dower, Pete Tomassi, Tim Hardy and Paul Alaback.

Trustee Laak stated that he saw a lot of the members on the overlay tour. He stated that the four hours of the tour made it all worth it.

Hardy asked if it would be possible to lay trails using the Town's asphalt equipment. Kirk stated that they can take a look at it.

Trustee Dower stated that the overlay tour was excellent. She stated that the High School would like to maintain the round about coming into Town. Kirk stated that he would like to speak with them prior to it coming before the Town Board.

Pro-Tem Hindman stated that he had similar thoughts on the overlay tour. He stated that the lunch at One Point Six was an awesome lunch.

He attended the Berthoud Local Farm to Table dinner. He stated that the food was all locally sourced and prepared by the chef that is at One Point Six.

2. Mayor – William Karspeck

Karspeck stated that he also really enjoyed the tour and felt the consultant was very open minded.

There is a Safe Routes to School meeting next week.

Bell stated that everyone should look at the local ballot initiatives, as they can impact the Town.

Kirk stated that CML has also provided a lot of information. Kirk stated that the overlay tour was a great way to get feedback. The consultants will also be at Oktoberfest.

Mayor Karspeck stated that everyone did a good job at the meeting.

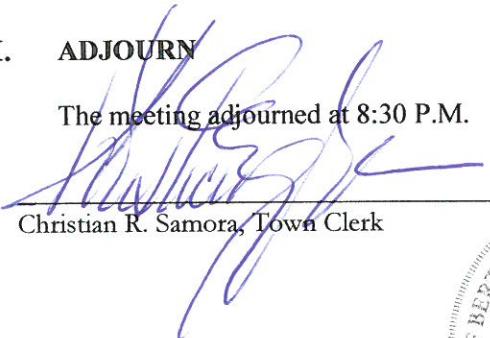
VI. EXECUTIVE SESSION

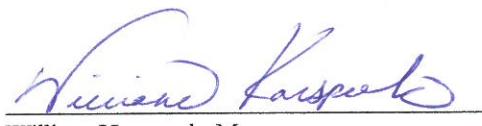
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Mayor Karspeck motioned to enter into Executive Session pursuant to C.R.S. § 24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators. And the following details are provided: Purchase of Water Units. Trustee Tomassi seconded the motion. With all in favor, THE MOTION CARRIED.

VII. ADJOURN

The meeting adjourned at 8:30 P.M.


Christian R. Samora, Town Clerk


William Karspeck, Mayor

