

**BOARD OF TRUSTEES  
REGULAR MEETING  
June 27, 2017  
BOARD ROOM, 6:30 P.M.**

**1. CALL TO ORDER**

Mayor Mulvihill called the regular June 27, 2017 Board of Trustees meeting to order at 6:33 p.m. in the Board Room.

**2. ROLL CALL**

Kathy Webb, Administrative Assistant to the Town Clerk, called the roll. Those present were: Mayor Mulvihill, Mayor Pro Tem Buckridge, Trustee Hindman, Trustee Baker, Trustee Dunkelberger, Trustee Karspeck and Trustee Laak.

**3. PLEDGE OF ALLEGIANCE**

Mayor Mulvihill led the Pledge of Allegiance.

**4. MOTION TO APPROVE AGENDA**

Mayor Pro Tem Buckridge moved to approve the agenda, accepting changes to the order of the agenda, seconded by Trustee Dunkelberger. Motion carried 7:0.

**5. CITIZEN PARTICIPATION**

None.

**6. CONSENT AGENDA**

The Consent Agenda consisted of the June 13, 2017 minutes.

Trustee Laak moved to approve the Consent Agenda, seconded by Trustee Dunkelberger. The motion carried 7:0.

**7. LETA**

Sergeant Jim Anderson of the Larimer County Sheriff's Office (Berthoud Squad) introduced Kimberly Culp with the Larimer Emergency Telephone Authority (LETA) to present on the process and procedure of this resource. Information Only.

Sergeant Anderson pointed out LETA911 was an important tool that could be used for West Nile Virus (WNV) notifications and community alerts.

Mrs. Culp, spoke about the 911 Authority being funded by monthly surcharges and was therefore free to the public. Berthoud is a partner. She presented on the various services LETA911 provides throughout Larimer County and recommended that citizens both opt in via text and register online through

LETA911.org. Social Media integration with LETA911.org will be available by the end of the week for the Berthoud area community.

Trustee Laak asked about pictometry and how you access that system. Mrs. Culp answered that this system is only for government uses.

Mayor Mulvihill asked about clarification about the text notification. Mrs. Culp responded both Community Alerts and West Nile Virus notifications are available under the one keyword Berthoud.

Trustee Karspeck thanked Mrs. Culp and Sergeant Anderson. Mayor Pro Tem Buckridge echoed the sentiment.

Board directed staff to promote community opt-in via various social media platforms and in print, Town website, the newsletter that is included with the monthly utility bills, and every social media outlet possible.

Sergeant Anderson remarked that the Berthoud area has the lowest sign up/opt-in rate by community for Larimer County. He added that he would soon coordinate an effort with Berthoud Fire for LETA911 training and commented that Administrative Assistant Webb would assist him.

#### **8. PROPOSED LEASES – OLD TOWN HALL**

Walt Elish, Business Development Director, presented on this topic.  
He introduced Nathan Kline with LC Real Estate Group.

Tierra Development, LLC dba Triton Communities would like to pursue a two-year lease in old Town Hall, with a move in date of September 1, 2017. Mr. Kline pitched that it would behoove the Town to have a general contractor in the space.

Bonnie K. Smith would like to secure a three-year lease, with term beginning on October 1, 2017, with the option for extension.

Mayor Pro Tem Buckridge and Trustee Hindman asked about the entryway. Mr. Kline replied that each tenant would have access to bathrooms and have their own entrance. Discussion was held regarding rent for each office, plans for janitorial services, shared areas and extra expenses including utilities.

Mayor Mulvihill asked where monies will be deposited and reflected in budget to which Town Senior Accountant Leach and Town Manager Hart suggested a separate line item. Mayor Mulvihill inquired about funds being reserved for purpose to be determined by the Board.

Mr. Kline answered that each lease could have their own specific terms. He proposed rent with prorated utilities based on square footage, unless leasing small offices in which he suggested to build utilities the terms, based on a fair rate. Mr. Kline suggested to staff to utilize Greg Bell as the Town Attorney, to draft small lease agreements.

Debate was held in regard to lease terms, retaining flexibility options, offering use of the shed for additional storage, retaining space for the Robotics Team, office co-sharing space and the possibility of a management firm to handle contracts and maintenance.

Mr. Kline wanted on record that the Robotics team is a great use of the space.

Town Manager Hart suggested that Senior Accountant Leach manage the lease terms for old Town Hall, and if a management firm is needed, to come back before the Board.

**Trustee Hindman motioned to direct staff to approve the proposed leases and authorize staff to approve short term co-sharing leases of remaining offices, with specific space allocated for use by the Berthoud Robotic Team; allowing for flexibility of future negotiations should changes need to occur, with profits set aside in a separate general fund. Seconded by Trustee Karspeck. Motion carried 5:2 with Mayor Pro Tem Buckridge and Trustee Dunkelberger opposed.**

Adjourned for a break at 7:52 p.m.  
Meeting resumed at 8:03 p.m.

## **11. Community Center Update**

Mike Hart, Town Administrator, presented on this item.

Town Administrator Hart gave a brief history of the proposed build of a Community Center at Waggener Park, using the blueprints for Milliken's facility; explaining that an outside opportunity arose with the possibility of obtaining gap funding but required an impending grant application deadline of August 1, 2017.

Administrator Hart commented that Community Development Director Curt Freese obtained commitments from all groups involved ensuring they would help staff meet the August 1<sup>st</sup> deadline; however, staff needed direction by tomorrow because it would require spending one hundred and fifty thousand dollars to complete preliminary site work. An alternative would be to wait for a Spring deadline cycle instead.

MR. Hart explained that Senior Accountant Leach has looked at the proposed lease- purchase arrangement and there is about a three hundred and fifty-thousand-dollar cap and keeps the budget tight for the next five years. He went on to explain possible funding arrangements and the Town was looking at possibly three million dollars in principle.

Mayor Pro Tem Buckridge and Trustee Karspeck asked Administrator Hart about the Jones Estate monies. He replied that if the Town had plans and began with development by mid December 2017, the Jones Estate funds would still be available if the Board decided to wait for a Spring grant cycle instead, as long as the Town commitment was in place.

Discussion was held regarding financing this project.

Trustee Hindman presented the Trust Agreement from the Jones Estate, bequeathing the Town five hundred thousand dollars for the construction of a recreation facility. Copy obtained for record. Mayor Mulvihill remarked that Attorney Fickel had already stated that it will be earmarked for scholarships if not used for a recreation facility by the expiration date.

Trustee Laak asked for clarification in regard to Community Development Director's estimate of six to seven million dollars for completion and whether it included the grounds. Trustee Laak proceeded to inquire about Boys and Girls Club. Administrator Hart responded that Director Freese was directed to inquire about Open Lands eligibility which was the only reason Boys and Girls Club are mentioned in his remarks. Trustee Laak also raised concerns about the cost of staffing the facility. Mr. Hart reiterated that the Town's estimate of a three hundred fifty-thousand-dollar cap included one hundred and fifty thousand dollars dedicated to operating costs and the remainder dedicated toward the lease payments. Mr. Laak also raised concerns that the PORT Plan is not being included.

Trustee Dunkelberger passed on the opportunity to comment.

Trustee Karspeck asked for clarification on the 1% Fund being dedicated solely to Parks, Open Space, Transportation, Library and Recreation Center. Administrator Hart responded with how a Recreation Center differs from a Community Center and the effects it has on the grant process. He continued that limited operating hours would keep costs down.

Mayor Pro Tem Buckridge questioned to the importance of a Recreation Center; the top five items for the PORT Committee survey were focused on current concerns. A Recreation Center is not mentioned yet he proceeded to point out that of the thirteen items listed on the PORT Committee survey, twelve would be supported by a facility of this type. Finance options were discussed and Mr. Buckridge commented that he was concerned about spending one hundred fifty thousand dollars for plans, but no guarantee a community center would get built.

Trustee Baker echoed concern about the financial obligation with no guarantee of outcome.

Discussion was held regarding the 1% Fund, financing and obtaining input from the PORT Committee.

Senior Accountant Leach clarified how the 1% Fund is set aside in the Town budget.

Further discussion was held among Board members.

**Public Comment:**

Paul Alaback, 705 7<sup>th</sup> St., Berthoud, CO 80513:

Voiced his concern about the financial obligations and conflicting information. Mr. Alaback believes the public deserves to be part of the decision of local parks, he continued by pointing out that Berthoud has some flexibility since the deadline isn't until December to continue to pursue funding from the Jones Estate. He commented that it was debatable if Berthoud needed a facility at this time, whereas Milliken already had infrastructure to support a center. He also stated that the property is the *front door* to the community.

Tom Patterson, 935 10<sup>th</sup> St., Berthoud, CO 80513:

Urged the Town to consider the area near the habitat homes, voiced his concerns about the possibility of interest rates being raised, and the Town's ability to pursue grants without a guaranteed outcome. He concluded by pointing out that the proposed recreation center would cut into local businesses as Berthoud already has two gyms, and he is concerned about drainage on the proposed site.

Maureen Dower, 1608 Hollyberry St., Berthoud, CO 80513:

Provide the Board with an explanation of how the definitions of a recreation center, field house and community center differ. She proceeded by commenting that from her research she found that Milliken spent close to 7.5 million on their facility with 5 million allocated to the building, and the remaining 2.5 million dedicated to the surrounding turf/ grounds.

Jane Waggener Vielehr, 980 Mountain Ave., Berthoud, CO 80513:

Went into the history of the property. The parcel was originally farmed by her great grandfather in the late 1800's and worked by members of the family until it was sold to the Town in 2008. She stated that the piece of land "is what it is" because of the labor, dedication, and love of the land that the family put in, going on to say that the Park is an "amazing piece of greenspace of the middle of Berthoud." Her brother, Mike, who sold the property to the Town, recognized that the farm was no longer profitable as it was becoming encroached by development. She explained that the family protected part of the property by a Conservation Easement, allowing building on the north end. She spoke about the vision of kids being able to play and the community taking the opportunity to view the incredible sunsets from the property. Ms. Vielehr recognized that the Park is currently surrounded by the Town, but echoed the sentiment that it is the *front door* to Berthoud, would rather keep the space open for outdoor recreational activities, not being opposed to potential parking lot. She spoke about the potential skate park, farmers market and trails while honoring this "historic ...rare gem." Ms. Vielehr went on to voice her appreciation for the deliberate efforts of the Town Board.

Len Guldenpfennig, 1000 Lake Ave., Berthoud, CO 80513

Speaking as current Chairman of the PORT Committee, he thanked Mayor Pro Tem Buckridge for conveying the PORT Committee survey results. He continued that the PORT Committee has not yet had the opportunity to meet on this topic but would like to point out that the Jones Trust money going to scholarships, if not used, isn't "a bad thing." He pointed out that the proposed one hundred and fifty thousand dollars could be better spent on the improvement of existing parks and outdoor space. Mr. Guldenpfennig urged staff to slow down before committing Town resources to reasonable projects.

Milan Karspeck, 706 8<sup>th</sup> St., Berthoud, CO 80513:

Spoke about a month not being enough time and urged the Board to forego the DOLA grant opportunity. He continued by pointing out the Town still had until December to decide on how to decide about how the money in the Jones Trust could be best spent.

Trustee Laak commented that he was glad to be part of this Town, especially tonight.

Trustee Dunkelberger appreciates staff's efforts but still would like to slow down and wait, echoed scholarships for kids in the community isn't "a bad thing."

Trustee Karspeck thanked staff, and citizens who spoke. He reiterated where he stood two weeks ago, and especially with Jane. Mr. Karspeck spoke to the conservation roots and making the area as environmentally as low impact as possible. He would like to see a land use plan with the community identity and agricultural history considered. He then read parts of the Town's 2007 and 2014 Comprehensive Plan.

Mayor Pro Tem Buckridge thanked the community for turning out, and pushed for evaluation of the site based on potential endowment. He stated he's concerned if the Board doesn't act, the Jones Estate money could be lost.

Trustee Baker also thanked all who came and spoke and felt that the Board was gambling with the potential one hundred and fifty thousand dollars at stake. She echoed sentiments from the audience; the Community Center made sense in Milliken but questioned whether it made sense for Berthoud.

Trustee Hindman commented that he too appreciates everyone's participation and all the emails. He compared the space to New York Central Park and the legacy it evoked, Berthoud Central Park. He went on to comment that he believed the process is everything, and the PORT Committee needs to be included on this decision. He believes the Town doesn't have revenue for this plan now. He also commented that the Town could look at a TABOR initiative in the future.

Mayor Mulvihill admitted he was impacted greatly by what Jane shared, we can't build another Waggener Park, and he suggested allowing the PORT Committee to put together a master plan for Waggener Park.

Town Administrator Hart closed with recommending the Board put breaks on plans to continue with the DOLA grant opportunity at this point.

**Trustee Laak, moved to direct staff (through PORT Committee) to make a master plan for Waggener Park. Motion carried 7:0.**

Mayor Pro Tem Buckridge thanked Community Development Director Freese and staff for their hard work. Town Administrator Hart directed Director Freese to send a thank- you note to all those he met with during the site plan review process.

## **10. SPARTAN RAILROAD CROSSING**

Stephanie Brothers, Town Engineer, introduced Kelly Abaray, representative from HDR assisting in facilitating with BNSF Railway.

Ms. Abaray spoke about the proposed relocation of the crossing and implementing a quiet zone, which would reduce noise significantly; moving the railway crossing north due to safety issue it would add 100 foot medians and active warning devices, improving safety.

Discussion was held.

**Trustee Hindman moved to allow staff to move forward with Spartan Crossing request with BNSF Railway. Seconded by Trustee Karspeck. Motion carried 7:0.**

## **9. TRANSPORTATION PLAN UPDATE**

Stephanie Brothers, Town Engineer, presented on the Streets pavement projects for 2017 and introduced Streets Superintendent Scott Klemm whom offered insight into the use of striping materials and thermoplastics.

Discussion was held for the purpose of clarification.

**Mayor Pro Tem Buckridge moved to authorize staff to approve contracts for the 2017 Street Improvement Plan, by waiving purchase policies in the best interest of the Town, and to award necessary contracts. Seconded by Trustee Hindman. Motion carried 7:0**

## **12. REPORTS**

Trustee Laak had no report.

Trustee Dunkelberger reminded the Board that Youth Advisory Committee would be meeting next week.

Trustee Karspeck commented that the CML Conference was informative. Complimented Scott Klemm on his work on behalf of the Town.

Mayor Pro Tem Buckridge attended his first Farmers Market, and brought up the possibility of subcommittees sharing booth space in the future.

Trustee Baker echoed Trustee Karspeck's sentiments as she found CML very helpful and informative, she learned a lot. She indicated that she will be sending internet links out to other Board members.

Trustee Hindman also found the CML conference to be energizing and inspiring, really fun.

Mayor Mulvihill will email internet links to other Board members.

Town Attorney Bell stated that there are currently sixty-two applicants for Town Administrator before the Board with a deadline of July 5<sup>th</sup> soon approaching.

Town Administrator Hart commented that the Town is also making strides toward placing the banner poles safely in Town and passed out the Town Manager Report (copy obtained for record) and introduced Senior Accountant, Cindy Leach who spoke briefly about the budget process and directed the Board to look over the proposed schedule.

## **13. AGENDA REVIEW**

None.

**14. ADJOURN**

There being no further business to come before the Board at this time, the meeting was adjourned at 10:42 p.m.

Approved this 11 day of July, 2017.

APPROVED BY:

ATTEST:

  
Mayor Steve Mulvihill

  
Kathy Webb, Administrative Assistant

