



**BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
DECEMBER 12, 2017  
BOARD ROOM, 6:30 P.M.**

**1. Call to Order**

**2. Roll Call**

Christian Samora, Town Clerk, called the roll call. Mayor Mulvihill, Pro Tempore Buckridge, Trustee Baker, Trustee Dunkelberger, Trustee Karspeck, Trustee Laak, Mike Hart, Michelle Adams and Gregg Bell were present at the meeting.

**3. Pledge of Allegiance**

Mayor Mulvihill led the Pledge of Allegiance.

**4. Motion to Approve Agenda**

**Pro-Tempore Buckridge motioned to approve the agenda with the addition of an action item to follow the Executive Session regarding the appointment of the Town Administrator. Trustee Baker seconded. With all in favor, THE MOTION CARRIED.**

**5. Citizen Participation**

Monica Zigner of Berthoud stated that she wanted to share the success of the Berthoud Local Market. She stated that they wanted to thank the Board for the second year in a row that they were in Fickle Park. She stated that the event brings in over \$1,500 in sales tax and over \$150,000 in gross revenues. The SNAP benefits are now being accepted as well as double up food bucks.

They will be looking to hire a market director and there will be a need to raise 8-10k dollars to do so. They have discussed raising the vendor fees to accomplish that. She requested help from the Town with either a rental fee and/or an additional facilities.

Vicky McClain of Berthoud explained that LiveWell Colorado was founded in 2013 and they want to inspire lifestyle changes that promote health. She explained that double up food bucks double the buying power for individuals that use SNAP benefits. The funds are matched up to \$20.

Trustee Baker asked if WIC benefits are accepted. McClain stated that WIC is not currently accepted. However, the qualifications for WIC and SNAP are the same.

Trustee Hindman thanked both Zigner and McClain, he stated that the farmer's market is an asset for the community. Trustee Laak agreed.

Wynn Maggie of Berthoud stated that she agreed with the comments that had already been stated. She stated that she wanted to highlight that the market was a valuable cultural event. She thanked the Town and was appreciative that the Town has been supportive of the market. It was a notable example of a public/private partnership.

Maggie Jones of Berthoud stated that she presented that the fourth and final platting required a park on the property. She stated that the platting is a contract between the community and the developer and by not requiring Titan home to finish the section, it has set a horrible president. She stated that she would like to see the issue on a future agenda to investigate why the requirements of the plat were not completed.

Rick Rupp of Berthoud stated that he wanted to thank the Board for the crosswalks and pedestrian crossing. He stated that what has been done has been an immense improvement. He stated that he lives downtown and his wife has been attacked by a dog several times while walking their dog. He stated that he has researched the Berthoud code and the Loveland code. He stated that the code speaks of having control of the dog. He stated that Loveland's code was very to-the-point. He stated that he was fairly sure that Berthoud was the only place without a dog park. He stated that Berthoud has open space and asked the Board could see what could be done with open space.

#### 6. Consent Agenda

All matters listed under Item 6, Consent Agenda, 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. Minutes: November 9, November 14, November 21 & November 28, 2017
- B. Financials for October 2017
- C. Bills Allowed for October 2017

**Pro-Tempore Buckridge motioned to combine and approve the items on the Consent Agenda. Karspeck seconded the motion. With all in favor, THE MOTION CARRIED.**

#### 7. Platte River Water Purchase

Brothers/Zilis

Paul Zilis, the Town Water Attorney, gave an introduction and provided background information.

Trustee Laak asked for further explanation about using the water again.

Zilis explained that the water can be used, returned to the river and the Town is allowed or reuse the water from a water rights perspective.

Trustee Karspeck asked for further clarification regarding the water rights. Zilis clarified how water can be recaptured and used again, even if it is from a different point.

**Trustee Laak motioned to approve the water purchase agreement. Pro-Tempore Buckridge seconded the motion. With all in favor, THE MOTION CARRIED.**

#### 8. Larimer County Sheriff's Office Contract Renewal

Anderson

Jim Anderson, Larimer County Police Sargent, gave an introduction and provided background information. Anderson explained that they needed to add one more person to the Berthoud Squad, but did not want to make a substantial change.

Laak stated that there was not any mention of the Code Enforcement Officer. Anderson clarified that Code Enforcement was an employee of the Town. Anderson stated that the corporal is James Westerfield.

Trustee Laak asked about the contract referencing animal control issues. Anderson stated that there have been a lot of issues and he agreed that there should be a leash law in Town.

Baker stated that recognizing the growth in the community, it appears there should be more patrol officers. Ian Stewart with the Larimer County Sheriff's Office stated that Berthoud is very understaffed, but they

understand that they need to ask for things in pieces. Stewart stated that there are 370 calls in Wellington and over 500 calls in Berthoud for one officer.

Baker stated that the number of households has greatly increased. Stewart stated that this new person will be the first position that is more than just basic coverage.

Mulvihill asked if it was the geography or the number of calls. Stewart stated that it is both and as the Town expands to the east, it will be more challenging.

Mayor Mulvihill asked if there was an issue with the eastern portion being in Weld County. Stewart stated that Larimer will provide coverage to Berthoud regardless of where it is.

Pro-Tempore Buckridge stated that the safety and wellbeing of the citizens is the number one priority.

Trustee Hindman stated that Larimer is doing an excellent job. He stated that he was not supportive of losing the Police Department. Hindman stated that making a long-term plan is key.

Trustee Karspeck agreed with Hindman stating that growth is not paying for itself.

Karspeck asked if a leash law meant you couldn't play with a dog in the park. Anderson stated it could be written to suit the Town's needs.

**Trustee Hindman motioned to approve the 2018 Statement of Work and Budget Agreement between the Larimer County Sheriff's Office and the Town of Berthoud, and to authorize the Interim Town Administrator to execute the agreement on behalf of the Town. Trustee Baker seconded the motion. With all in favor, THE MOTION CARRIED.**

9. Larimer County Sheriff's Office Annual Update Anderson

Anderson stated that he wanted to do an overview of what had been done. He stated that he lived in Berthoud and he takes it personally to do an excellent job. Anderson stated that he has really enjoyed working with Jeremy Olinger and Christian Samora. In addition, Anderson gave an overview of changes and accomplishments that have been made in the last year.

Five Minute Break.

10. 2018 Mill Levy – Public Hearing Leach

Cindy Leach, Senior Accountant gave an introduction and provided background information.

Mayor Mulvihill opened the public hearing.

No Public Comment.

Mayor Mulvihill closed the public hearing.

**Pro-Tempore Buckridge motioned to approve Ordinance 1228, an ordinance of the Town Board of the Town of Berthoud, levying taxes for the year 2018 to defray the costs of the Municipal Government of the Town of Berthoud, Colorado, for the fiscal year beginning January 1, 2018 and ending December 31, 2018. Trustee Laak seconded the motion. With all in favor, THE MOTION CARRIED.**

11. Code Language Update for Elections Samora

Christian Samora, Town Clerk, gave an introduction and provided background information.

Mayor Mulvihill opened the public hearing.

No Public Comment.

Mayor Mulvihill closed the public hearing.

**Pro-Tempore Buckridge motioned to approve Ordinance 1229, an ordinance of the Town Board of the Town of Berthoud, Colorado repealing and re-enacting section 3.8-1 and 3.8-2 of the Town of Berthoud Municipal Code regarding deadlines for affidavits for write-in candidates and the cancellation of elections. Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.**

12. 2018 Mail Ballot Election

Samora

Christian Samora, Town Clerk, gave an introduction and provided background information.

**Trustee Hindman motioned to approve Resolution 18, Series 2017, a Resolution of the Town Board of the Town of Berthoud, Colorado directing the Town Clerk of the Town of Berthoud to conduct the Regular Municipal Election scheduled for April 3, 2018 as a mail ballot election. Trustee Baker seconded the motion. With all in favor, THE MOTION CARRIED.**

13. I-25 Land Acquisition

Elish

Walt Elish, Economic Development Director, gave an introduction and provided background information.

Mulvihill asked if it was contingent upon the three due diligence items. Greg Bell, Town Attorney, stated that the contract could be modified to include the items; the current proposed contracts has too short of a timeline to accommodate.

Bell stated that he had a conversation with Zilis, The Town would not own the gate, but it would be accessible without using the right-of-way.

**Trustee Hindman motioned to approve and authorize that Interim Town Administrator to complete the purchase process and execute the purchase contract subject to the outcome of the due diligence. Trustee Laak seconded the motion.**

14. Executive Session: Contract Negotiations

**Mayor Mulvihill motioned that the Town Board enter into executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of contract negotiations regarding the appointment of a new Town Administrator position. Pro-Tempore Buckridge seconded the motion. With all in favor, THE MOTION CARRIED.**

15. Town Administrator Action Item

Bell stated that at the Board direction he worked with Rohre development a contract with the recommendations of staff and the public. The contract has been presented and discussed with the top candidate, Chris Kirk.

**Hindman motioned to approve the employment contract between the Town of Berthoud and Chris Kirk for the Town Administrator position. Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.**

Chris Kirk thanked the Town Board for the confidence and the unanimous vote. He stated that he would love to accept and is excited to get started with the team.

16. Agenda Review/Reports

Trustee Hindman reported that there was a PORT meeting. The Open Lands Manager from Loveland Received awards using soft surface trails and using volunteers. They did a survey and figured out how to quickly create what the citizens wanted.

Trustee Hindman also referenced the bus tour with Brothers, Anderson, Olinger and Klemm. He felt it was very helpful and very constructive.

Trustee Baker stated that there was an NPO meeting. Tom Donley is co-chair, and Mayor from Windsor will be the chair.

Laak stated that he never received a clear answer as to how to prevent developers from planting Ash trees.

Trustee Laak asked if there has been a change in policy as to replying to the citizens. Hindman stated that during the retreat they agreed that they would acknowledge the comments from the public. Laak stated that at a time the Board would give them feedback.

Baker stated that with each of the Trustees making a comment, it quickly turns into an agenda item that has not been noticed.

Laak stated that he felt the Board should acknowledge the citizens.

Laak stated that he mentioned to Jeremy that perhaps the Town needs to make sure the building generator was occasionally started.

Trustee Dunkelberger stated that she went to the gathering on Monday night. The YAC commission welcomed three new members. The president has resigned because he will be going out of state to attend college.

They are passing out Kelsey's cupcakes as a reminder to have awareness for suicide during the fall and winter months.

Karspeck stated that he has heard that Jeremy has been doing an excellent job. He stated that the highlight was the bus tour and it was a relief to have a conversation with staff.

He stated that he appreciated the work that Samora has done to organize the Town's records.

Buckridge thanked the staff and the Board for the work that was done while he was gone on vacation.

Mayor Mulvihill stated that staff was working to have a Christmas party off site, which has not been done for many years. He stated that the Trustees have excess money in their budget. The entire Board was in agreement. Mulvihill agreed that Olinger and Samora are doing an excellent job.

Freese has been working with Olinger on an RFP for the PORT committee to develop a master plan for the trails and the pool site.

17. Adjourn

The meeting adjourned at 9:12 P.M.

Approved this 9<sup>th</sup> day of January, 2018

ATTEST:

Michelle J Adams Deputy Town Clerk

Steve Mulvihill Town of Berthoud Mayor

