

**BOARD OF TRUSTEES  
REGULAR MEETING  
APRIL 8, 2014  
BOARD ROOM  
6:30 P.M.**

Board Members Present: Mayor David Gregg  
Mayor Pro Tem Jan Dowker  
Trustee Suzie White  
Trustee Dick Shepard  
Trustee Thomas Jones  
Trustee Paul Alaback  
Trustee John Bauer

Staff Members Present: Town Administrator Mike Hart  
Town Clerk Mary Cowdin  
Accountant Faith Smith  
Engineer Stephanie Brothers  
Attorney Greg Bell  
Administrative Clerk Jory Haslett  
Business Development Manager Ron Schneider

Mayor Gregg led the Pledge of Allegiance.

**Citizen Participation**

None.

**Consent Agenda**

The Consent Agenda consisted of the March 25, 2014 minutes.

**Trustee Bauer moved to approve the Consent Agenda. Trustee Shepard seconded the motion. The motion passed unanimously.**

**Proclamations – Arbor Day & Day of Recognition for National Service**

Mayor Gregg read into the record and signed an Arbor Day Proclamation and a Mayors Day of Recognition for National Service. Arbor Day will be observed on April 24, 2014 and Mayors Day of Recognition for National Service was observed on April 1, 2014.

Trustee Alaback stated that on April 26, 2014 there will be a tree planting in Fickel Park.

Carrie Olenick representing Volunteers of American, 405 Canyon Avenue in Fort Collins, addressed the Board and gave a brief update of the projects that AmeriCorps and Senior Corps are working on in the region.

#### **Resolution for Medical Benefits**

Accountant Smith presented the WRAP Benefit Plan regarding the employee benefits for the Town of Berthoud. A way to be in compliance with the Affordable Health Care Act is to adopt a WRAP document, which includes information regarding COBRA, HIPPA, FMLA and USERRA.

**Trustee Jones moved to approve Resolution 3-14 regarding the Wrap Document. Trustee Shepard seconded the motion. The motion passed unanimously.**

#### **Transfort Funding Exchange**

Carl Gannon from the City of Fort Collins TransFort addressed the Board and explained the funding exchange between the Town of Berthoud and the City of Fort Collins. The funding exchange will allow the Town to continue the BATS operation without Federal Transportation Agency (FTA) requirements. The Town will cede all rights as a recipient of FTA funding of \$28,164 to the City of Fort Collins in exchange for local funds from the City of Fort Collins in the amount of \$30,000.

**Trustee Shepard moved to approve Staff's recommendation to allow the Town Administrator to sign the letter with the City of Fort Collins for the Funding Exchange. Trustee Bauer seconded the motion. The motion passed unanimously.**

#### **Ordinance Adopting Town of Berthoud Municipal Code**

Clerk Cowdin presented the final draft of the revised Municipal Code to the Board.

Trustee Alaback asked if the Municipal Code allows the Town to contract for the Police Department Services. Attorney Bell stated that upon internal review, they decided that it did allow for contract services. However, he stated that in the future, that section of code may want to specifically allow for contract services.

Trustee White asked for clarification on items related to Medical Marijuana facilities and food truck vendors.

Trustee Alaback asked for clarification on taps outside of the Town's corporate limits.

**Trustee Shepard moved to adopt Ordinance 1178 adopting the Town of Berthoud Municipal Code as presented. Trustee Jones seconded the motion. The motion passed unanimously.**

**Resolution re: Update of Town of Berthoud Personnel Manual**

Clerk Cowdin presented the updated Town of Berthoud Personnel Manual to the Board.

Mayor Pro Tem Dowker asked if CIRSA was involved in the process. Attorney Bell explained that CIRSA was not involved, but any issues of concern from CIRCA were addressed.

Trustee Bauer asked how the police department will adhere to the manual. Administrator Hart explained that they will adhere to Larimer County guidelines and there are provisions in the contract to address staff issues.

Sgt. Jim Anderson explained that there are personnel policies in place through the Larimer County that the officers will be required to adhere to as well as a separate set of policies specific to the Sheriff's Department. He noted that the policies specific to LCSO are very stringent guidelines.

Trustee White suggested that the Town Manager have a performance evaluation completed by the Board once a year. She also asked questions regarding comp-time and sick leave carry over, as well as the possibility of short-term disability.

Trustee White asked for clarification on substance testing after a motor vehicle accident. Attorney Bell clarified that testing would be required if the accident occurred during the course of performing Town of Berthoud job duties. She also asked that the Town Manager "shall", instead of "may", immediately require testing and that controlled substances be added to definition of illegal use of drugs. She asked that Attorney Bell review that section for additional clarity.

Dana Foley, 877 Welch Avenue, stated that the Town has the ability to prohibit the use of marijuana because it remains illegal under federal law; however there is a related case currently under review at the Colorado State Supreme Court. He also gave several recommendations regarding physical impairment policy.

Trustee White for clarification of the credit card use policy.

**Trustee Bauer moved to Resolution 4-14 adopting the Town of Berthoud Personnel Manual as presented. Trustee Shepard seconded the motion. The motion passed unanimously.**

**Reports**

Administrator Hart reported on the upcoming CML conference in June. He also asked that committee appointments be made at the April 29, 2014 meeting with the exception of Trustee Shepard's seat on the Planning Commission due to the meeting schedule.

Administrator Hart reported on the proposed BMX property sale that fell through. The formerly interested party requested reimbursement from the Town in exchange for the reports that were conducted on the site, which then could be used by the Town in future marketing. Mayor Gregg stated that another interested party may be willing to pay the previous party for the report if they know it is available, instead of the Town making the reimbursement.

Administrator Hart reported on a request from a western subdivision regarding a possible link into the Town sewer system. Mayor Gregg requested that the issue be addressed as an agenda item at a future meeting.

Administrator Hart reported that the agreement with LCSO was approved by the Larimer County Commissioners and that County Line Road is now open. He also reported on the IGA with Larimer County and a proposed overlay zone that would allow for impact fees. Town Staff is currently in discussions with Larimer County officials. He also reminded the Board that May 29, 2014 is the Elected Officials meetings in Fort Collins.

Attorney Bell reported that on the "tire pile" issue and the letter was sent to the tenant and owner of the property. He also reported that the Xcel route discussions are almost complete and that Xcel is requesting a letter of support from the Town to be delivered to the county.

Trustee Shepard suggested that in the future when there is an initiative on the ballot like the last election, that the Town produce a "blue book" in order to clarify the issues for the citizens.

Trustee White stated that she feels that Administrator Hart needs an assistant to help give him the time to be proactive, instead of reactive.

Mayor Pro Tem Dowker reported on the North Front Range MPO meeting where Rural Alternatives For Transportation (RAFT) was awarded \$9,000 toward the purchase of a van for the program. The Statewide Transportation Advisory Committee (STAC) meeting will be held on Friday.

Trustee Bauer reported on the I-25 Coalition meeting held on March 5, 2014 regarding RAMP funding.

Trustee Jones thanked the Board and stated that being a Trustee has been a good experience and a blessing to him. He stated that a lot has been accomplished in the last four years and looks forward to seeing the work continued with the new Board.

Trustee Alaback stated that there was information on the Emerald Ash Borer on the back of the summer recreation flyer. He attended the committee meeting for the reorganization of the

Farmer's Market. They anticipate beginning in June and running into September with updated rules regarding vendors. He also reported on an upcoming event at Chimney Hollow Open Space.

### **Trustee Recognition**

Mayor Gregg recognized Trustee Shepard, Trustee Bauer and Trustee Jones and their contributions to the Town. Administrator Hart thanked the outgoing Trustees for their help and support. Trustees Shepard, Bauer and Jones also addressed Town Staff and the Board.

### **Oath of Office**

Clerk Cowdin administered the Oath of Office to the newly elected members of the Board; Jennifer Baker, Michael Henning, and Chris Buckridge.

### **Staff Appointments**

Mayor Gregg presented the staff appointment recommendations for the Board's approval as follows:

Town Clerk:	Mary Cowdin
Deputy Town Clerk:	Tamiko Brewster
Town Treasurer:	Mary Cowdin
Town Administrator:	Mike Hart
Municipal Judge:	John Easley
Chief of Police:	LCSO Sgt. Jim Anderson
Town Attorney:	Bell, Gould & Scott, P.C.

**Mayor Pro Tem Dowker moved to approve Resolution 5-14 approving staff appointments as presented. Trustee White seconded the motion. The motion passed unanimously.**

### **Committee/Board Liaison Appointments**

Administrator Hart requested that the Board make a Trustee Appointment to the Planning and Zoning Commission. Mayor Gregg appointed Trustee White to the Planning and Zoning Commission.

### **Reports**

Business Development Director Ron Schneider reported on ad featuring Berthoud that will run in the United Hemisphere magazine.

Mayor Gregg adjourned the meeting at 8:57 PM.

A handwritten signature in blue ink, appearing to read "David Gregg", written over a horizontal line.

Mayor David Gregg

A handwritten signature in black ink, appearing to read "Jory Kate Haslett", written over a horizontal line.

Jory Kate Haslett  
Administrative Clerk