

**BOARD OF TRUSTEES
REGULAR MEETING
April 23, 2013
BOARD ROOM
7:00 P.M.**

Board Members Present:

Mayor David Gregg
Mayor Pro Tem Jan Dowker
Trustee Thomas Jones
Trustee John Bauer
Trustee Suzie White
Mayor David Gregg
Trustee Paul Alaback

Absent:

Trustee Dick Shepard Arrived at 7:24 PM

Staff Members Present:

Town Administrator Mike Hart
Planner Tim Katers
Engineer Stephanie Brothers
Parks & Recreation Director Jeremy Olinger
Town Clerk Mary Cowdin
Administrative Clerk Jory Haslett
Economic Development Director Ron Schneider

The Mayor Gregg led the Pledge of Allegiance.

Citizen Participation

None.

Consent Agenda

Trustee White asked Administrator Hart why there was an addendum to the current Little Thompson Water District contract instead of another agreement.

Administrator Hart explained that staff is working on a new agreement with Little Thompson Water to be in place when the current one expires in September; however this Addendum will allow Little Thompson to continue to treat water for the Town in the meantime.

Trustee Bauer moved to approve the Consent Agenda. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously. Trustee Shepard was absent.

Arbor Day Proclamation

Parks and Rec Director Jeremy Olinger presented the Arbor Day proclamation which Mayor Gregg read and signed.

John Goreski, the Tree Advisory Committee chair, who resides at 604 E. CR 10 addressed and thanked the Board for their support of Arbor Day. Mr. Goreski provided details of the Arbor Day Celebration in Fickel Park on Saturday April 27th and also gave a bit of history of Berthoud's 30 years as Tree City USA.

River Glen Wastewater Proposal

Administrator Hart introduced the River Glen Wastewater proposal. River Glen is a subdivision south of Berthoud and discussions began about 18 months ago to bring River Glen residents on as wastewater customers of the Town. A special taxing district was created by the River Glen HOA that will borrow funds for construction of the system to connect with the Town in the form of a 20 year loan. Upon the pay-off of the loan, the HOA will turn the system over to Town. Staff is currently working on a rate structure that will be presented to the Board for approval.

Ed Schem, from the Larimer County Health Department, addressed the Board and gave background information about the River Glen situation. Mr. Schem explained that more stringent discharge standards are affecting small subdivision wastewater collection systems. The goal is consolidate and reduce the number of plants to provide for better treatment of wastewater. He reported that Larimer County is one of few counties in the state that helps rural communities with consolidation situations.

Trustee Bauer asked if the rates for the River Glen customers will be adjusted on a yearly basis like in-town customers and if another expansion of the wastewater plant is required, how will River Glen become a part of the funding mechanism. Administrator Hart explained that these issues will be addressed when the rate structure is presented to the Board.

Administrator Hart stated that staff has reviewed several rate structures and flat rates would be much easier. The goal is for the proposed rate structures to be as simple as possible as well as fair and equitable.

Trustee Bauer moved to direct Staff to input the complete rates, fees, charges, and exhibits into the agreements and return the documents to the Board for formal approval. Trustee Jones seconded the motion. The motion passed unanimously.

Extension of Special Use Review – 1015 2nd Street

Planner Katers explained that the CBI has not returned the background checks that are required for Herb's Medicinals medical marijuana license and Use by Special Review. Staff is requesting the consideration of a 90 day extension to allow for the completion of the application.

Trustee White asked if there can be a conditioned period of time after background checks are received until approval of the application.

Town Clerk Cowdin explained that it will take longer than 10 days after the background checks are received for the posting and scheduling of the meeting.

Planner Katers explained that the requested 90 day extension is for the Town to complete the process of reviewing the application.

Trustee Bauer moved to allow H&J Services, dba Herb's Medicinals, to extend the waiver for an additional 90 days for the completion of the application processing and licensing for a medical marijuana license. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.

Transit Vision

Engineer Brothers introduced Kurt Ravenschlag, the General Manager of Transfort for the City of Fort Collins.

Mr. Ravenschlag presented the North Front Range Transit Study. The partners in the study were the City of Fort Collins, Larimer County, NFRMPO, the City of Loveland and the Town of Berthoud.

Mr. Ravenschlag explained that the goal of the study was not about expanding transit, but more about opportunities to work together to better serve customers.

Fort Collins contracts with Yellow Cab for para-transit services and the study found that Loveland would also save by contracting. However, similar contracting would cost more for Berthoud. The study also revealed that it makes more sense for maintenance activities to stay in communities.

The study concluded that IGAs are favored because communities lose autonomy with the creation of transportation districts.

Mr. Ravenschlag stated that a formal Letter of Recommendation was submitted to the participants of the study.

Trustee Bauer asked Engineer Brothers if the cost of BATS was being absorbed in part by in-kind donations and if the in-kind donations were considered in study. He noted that the results of the study don't call for solid funding options, but are based upon IGA and municipal commitments for funding.

Mayor Pro Tem Dowker stated that none of the existing programs would lose funding if an IGA is created, but the IGAs could share overlap. She asked Mr. Ravenschlag how the costs are defined in the study.

Mr. Ravenschlag explained that the costs would be similar to how FLEX is currently structured and would allow municipalities to purchase a number of service hours that best fit their needs. He noted that there seems to be more desire for the cities to choose the level of service they want to provide.

Administrator Hart stated that services to the rural community needs to be addressed as well.

Trustee Shepard stated that it would be a complicated IGA and asked about regulatory compliance issues, which is challenging for small communities and requires a lot of administrative oversight.

Mr. Ravenschlag stated that the study participants looked at the Poudre Fire Authority and Loveland Fire & Rescue mountain area fire control consolidation as a model consolidating transit operations under one IGA.

Mr. Ravenschlag stated that currently the study is now being presented and they are trying to determine the interest level to facilitate further dialogue and meetings. He stated that other elected boards have given general support to continue the dialogue.

Trustee Bauer asked if it will require more funding to continue the dialogue. Mr. Ravenschlag explained that the previous funding was for the consultant study and the task force is envisioned to be comprised of staff members and elected representatives from communities, which would not require a large budget.

James Gaspard, a member of the steering committee, addressed the Board. Mr. Gaspard has a background in private transit and stated that Berthoud could benefit from a halo effect from Fort Collins, as the Mason Street Corridor project has been successful. Fort Collins' success can allow Berthoud to be aggressive in pursuing grants.

Chamber of Commerce Presentation

Business Development Manager Schneider presented the Chamber of Commerce request to reinstate funding for 2013.

Becky Justice-Hemmann, Chamber representative, addressed the Board. Ms. Justice-Hemmann reported that the Chamber has elected to terminate the Main Street program in favor of developing a Downtown Development Authority or similar organization that would work best for Mountain Avenue.

Administrator Hart explained that the Downtown Colorado program will allow the Town and the Chamber to request the same grants for which Main Street was eligible.

Ms. Justice-Hemmann reported that the Chamber is collaborating with other organizations on Berthoud events. They are working to move the Farmer's Market to Fickel Park and they also intend to pursue the signage projects that were started with the Main Street program.

Mayor Pro Tem Dowker asked for an estimation of how Town funds are being spent.

Ms. Justice-Hemmann explained that \$20,000 is requested for the remainder of 2013 for the President's salary, who plans to start in mid-June. She stated that the Chamber will probably ask for funds again in 2014, with all monies requested to go to salaries.

Mayor Gregg asked about the Chamber's plan for self-support. Ms. Justice-Hemmann explained that their model is the Town of Windsor, who supports their chamber annually with \$25,000 per year.

Administrator Hart noted that they are still waiting on good financials from the Chamber's CPA and reported that Attorney Bell recommends a different arrangement with the Chamber going forward. He recommends that the Town give the money in the form of a grant to the Chamber and the Chamber disperses it as salary.

Administrator Hart stated that the Town will have the Chamber's financials after May 15th and it is Staff's recommendation that Town provide a monthly grant to the Chamber for the remainder of 2013.

Mayor Pro Tem Dowker stated that the Windsor Chamber provides a report to the Windsor Town Board regularly.

Trustee White asked if the Board could receive monthly reports from the Chamber to ensure accountability.

Mayor Gregg suggested a monthly staff report from Economic Development Director Schneider on the Chamber's progress.

Administrator Hart noted that until the new Chamber President arrives, the Town will not be paying any money to the Chamber.

Library Board Appointment

Administrator Hart reviewed the process of the Library Board appointments and reminded the Board that the Town and County both approve the recommended appointments of the Library Board. The recommended appointments come first to the Town then on to County for approval.

Trustee Bauer noted that this is the second appointee that has not been a Berthoud resident for more than a year, but he has not had a chance to meet the individual that is recommended. He pointed out that there is nothing currently in library law or in the Library by-laws about residency requirements. However, library law dictates that vacancies be filled before new appointments are made, so the term of this recommended appointee should be from January 1, 2012 to December 31, 2015.

Administrator Hart asked Trustee Bauer will draft a memo to the Library regarding following the library law in regard to vacancy terms.

Trustee Shepard moved to approve the appointment of N. Joshua Dart to the Berthoud Community Library District Board to fill the existing vacancy left by Paul Pointer for a term that expires on December 31, 2015. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.

Reports

Trustee Alaback reported that it was his first year attending the Berthoud Bash and he was impressed with the generosity of the people in Berthoud.

Trustee Alaback also reported that he met with the Boulder Agriculture Heritage Program and received ideas for the Waggener Farm Park. He has also been networking with schools on STEM programs and open space restoration activities.

Trustee Shepard reported that there have been two or three more Comprehensive Plan review meetings and progress continues to be made. Trustee Shepard thanked the Chamber Board and Chamber members for their continued work.

Trustee White reported that the Pioneer Park volunteer day has been moved to May 4. She also reported that she attended a CML meeting regarding the benefit of IGAs that she would like to discuss with the Board.

Mayor Gregg reported that he is working with Engineer Brothers and Jim Birdsall to move some boulders from Louisville to Pioneer Park.

Mayor Pro Tem Dowker reported that she attended the 287 Corridor and NFRMPO meetings. She noted that the NFRMPO meeting will be in Berthoud on May 2nd at the Community Center.

Becky Justice-Hemmann reported that the school board meeting will be at Berthoud High on Wednesday.

Trustee Bauer stated that he is noticing an increase of cars blocking the FLEX pick-up area at Highway 56 and 2nd Street. Administrator Hart stated that he will ask the Police Department to follow up.

Administrator Hart reported that Engineer Brothers would notify FLEX that the Town planned to put up shelters at the pick-up locations.

Administrator Hart reported that the community meeting is next Tuesday at 6:30 PM at Community Center and is designed to be an exchange of information with the community.

Administrator Hart reported that the Berthoud Clean Up date is May 18th from 8 AM until 12 PM or until the bins are full. There is no hazardous material or electronics drop-off this year, but the Town will give out information about where to take them. Branches and tree limbs can be dropped off at the cemetery.

Administrator Hart further reported that June 1st is Berthoud Day and will celebrate Berthoud's 125th birthday.

He reported that the 287 Corridor meeting is Thursday afternoon and that train horns continue to be an issue.

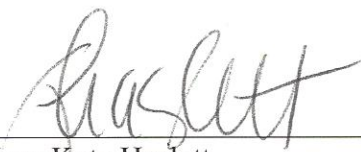
The Board discussed shirts worn for the parade and it was decided that Board members will pay for their own shirts and that Mayor Pro Tem Dowker and Clerk Cowdin will choose the color and style.

Administrator Hart reported that they plan to interview a water/wastewater operator in May that will re-fill the position that was eliminated when the plant was closed.

Administrator Hart also reported that the Town is not leasing water for fracking purposes. The Town can't release any kind of billing data for customers, but can release data related to customer class. The leased water has to be used within Northern Water district boundaries and currently there are 9 million gallons billed through the Town's bulk water meter and 350 million gallons leased back to surrounding agricultural community.

Mayor Gregg adjourned the meeting at 9:20 PM.



Mayor David Gregg

Jory Kate Haslett
Administrative Clerk