



TOWN OF WELLINGTON

3735 CLEVELAND AVENUE
P.O. BOX 127
WELLINGTON, CO 80549
TOWN HALL (970) 568-3381
FAX (970) 568-9354

BOARD OF TRUSTEES

January 26, 2016

LEEPER CENTER – 3800 WILSON AVE.

REGULAR MEETING – 7:30 PM

AGENDA

CALL TO ORDER - PLEDGE OF ALLEGIANCE

ROLL CALL

ADDITIONS TO OR DELETIONS FROM THE AGENDA

CONFLICTS OF INTEREST

PUBLIC TO BE HEARD ON NON-AGENDA ITEMS

CORRESPONDENCE

PRESENTATIONS

Presentation to Lee Tucker

CONSENT AGENDA

- Board of Trustee Minutes for January 12, 2016
- Community Activities Commission Minutes for December 14, 2015
- Larimer County Sheriff's Report for December, 2015
- Boxelder Basin Regional Stormwater Authority Minutes for September 10, 23 & 30; October 28; and November 10 & 23, 2015

LIQUOR LICENSE REVIEW BOARD

T-Bar Inn Renewal

NEW BUSINESS

1. Request for Fee Waiver - 4-H Dance Group – Valerie Crego
2. Preliminary Plat – Wellington Downs
3. Ordinance 1-2016 - Conditional Use – Mini, Boat & RV Storage Bonfire 2nd Lots 5 & 6 – Temporary Use Portable Concrete Plant, Lot 7, Block 2 Bonfire 2nd Filing
4. Ordinance 2-2016 - Conditional Use Redman Storage
5. Ordinance 3-2016 – Minor Subdivision & Conditional Use – Boxelder Commons Subdivision Pool
6. Appoint Lisa Glennon to Park Advisory Board
7. Purchase Request – School Zone Flashing light
8. Purchase Request – Town Hall Roof
9. Discussion – I-25 Mill levy back fill – IGA
10. Discussion – Community Activities Commission – Trustee Macdonald
11. Bills for Approval
12. Town Attorney Update
13. Town Administrator Update

SCHEDULING OF WORK SESSIONS

OTHER

14. Executive Session

ADJOURN

BOARD OF TRUSTEES
REGULAR BOARD MEETING
January 26, 2016

The Regular Board Meeting was called to order at 7:30 p.m. January 26, 2016 at the Leeper Center 3800 Wilson Ave, Wellington CO.

TRUSTEES PRESENT: TRAVIS HARLESS, TIM SINGEWALD, ASHLEY MACDONALD, LARRY NOEL, and JACK BRINKHOFF MATT MICHEL (arrived at 7:40pm.)

TRUSTEES ABSENT: RAYMOND BILLINGTON

PRESIDING: JACK BRINKHOFF, MAYOR

ALSO PRESENT: LARRY LORENTZEN, TOWN ADMINISTRATOR
CYNTHIA SULLIVAN, DEPUTY CLERK
MIKE CUMMINS, FINANCE DIRECTOR
JIM MILLER, PUBLIC WORKS SUPERINTENDENT
KATHY BORNHOFT, LIBRARY DIRECTOR
BRAD MARCH, TOWN ATTORNEY
DON SILAR, TOWN ENGINEER

Additions to or deletions from the agenda

Trustee Harless would like to have an item on the next meeting to discuss districting for elections.

Conflicts of Interest

None

Public to be heard on non-agenda items.

Jay Readinger, representing a Pickle Ball Group, submitted more information about the striping of one of the tennis courts as 4 pickle ball courts. He contacted a few companies about the painting. The company who had put in the courts had given a bid of \$5,000.00 which included covering the existing stripes before putting down the new court design. He felt this was not necessary. He received a quote from Fine Lines at \$250 per court with \$100 to paint over which equals \$350.00. He received a quote from Evergreen Tennis in the amount of \$1,200.00. Mayor Brinkhoff asked that he submit the quotes to Mr. Lorentzen so it can be placed on the next agenda for action.

Correspondence

None

Presentations

Trustee Macdonald presented a plaque to Lee Tucker recognizing his years on the Boxelder Bain Regional Stormwater Authority Board.

Consent Agenda

- Board of Trustee Minutes for January 12, 2016
- Community Activities Commission Minutes for December 14, 2015
- Larimer County Sheriff's Report for December, 2015
- Boxelder Basin Regional Stormwater Authority Minutes for September 10, 23, & 30; October 28; and November 10 & 23, 2015

Trustee Singewald asked that we try to get the Boxelder Basin Regional Stormwater Authority minutes in a timely fashion. Mr. Lorentzen said he was getting the Boxelder Basin Regional Stormwater Authority minutes from their website and it had not been updated for a while. Trustee Singewald asked that the attorney send a letter to the Authority requesting that we get the minutes. Trustee Singewald stated he would also like to have more detail of the items brought up by the Board in the OTHER section of the minutes. Ms. Sullivan said she would add more detail. There was discussion about having audio available for the public.

TRUSTEE SINGEWALD MOVED AND TRUSTEE NOEL SECONDED to approve the consent agenda. Roll call was taken and the motion passed unanimously.

Mayor Brinkhoff closed the Regular Board Meeting at 7:47pm and opened the Liquor License Review Board. Roll call was taken and all members were present except Trustee Billington.

LIQUOR LICENSE REVIEW BOARD

T-Bar Inn Renewal

Mr. Lorentzen said there was a disclosure from the owners about a DUI received by Brenda Thompson. Mr. March said disclosure of infractions are required, but are not a basis for denial of the renewal.

Mr. March pointed out that the lease agreement states the lease term is indefinite. We need an expiration date added before the paperwork is sent to the state.

Trustee Singewald asked about the number of calls on the Sheriff's report. Mr. March compared it with the total from the previous year. He said the violations went from 13 in 2014 to 31 in 2015.

TRUSTEE HARLESS MOVED AND TRUSTEE NOEL SECONDED to approve the liquor license renewal for T-Bar with correction on the lease term. Roll call was taken and the motion passed unanimously.

Mayor Brinkhoff closed the Regular Board Meeting at 7:51pm and reopened the Regular Board Meeting. Roll call was taken and all members were present except Trustee Billington.

NEW BUSINESS

1. Request for Fee Waiver – 4 H Dance – Valerie Crego

Mrs. Crego, requested the use of the Leeper Center for their dance group without fees. Mayor Brinkhoff asked her to contact Diane Stanton to set up the dates.

TRUSTEE SINGEWALD MOVED AND TRUSTEE MACDONALD SECONDED to waive Leeper rental fees for the 4-H Dance Group. Roll call was taken and the motion passed unanimously.

2. Preliminary Plat – Wellington Downs

Applicant represented by Andrew Gerk

Mr. Lorentzen said this project went to the Planning Commission in November and has gone through 3 additional meetings and a work session to make changes that would meet the needs of the community. He went through the following staff recommendations.

Staff Recommendations

- 1) The Plat be identified as a Planned Unit Development (PUD).
- 2) Streets be named in accordance with County Street Naming IGA
- 3) The Zoning Map be updated to reflect changes in the final plat layout with Highway Commercial, Multifamily, Medium Density Single family, and P-Public for the Fire District parcel.
- 4) A traffic study to be completed and access permit be submitted to Colorado Department of Transportation (CDOT) for improvements to the intersection with the Frontage Road.
- 5) The landscape plan include details of irrigation from the non-potable well to improvements of all open space tracts.
- 6) The Development Agreement include standard language for a non-potable irrigation system to be owned and maintained by the HOA for all outside water with the open spaces be irrigated and landscaped and the Town receive water for one single family lot assessment.

Planning Commission recommendations:

- 1) The PUD Plan include restrictions on Tract A to commercial uses(no residential)
- 2) A trail system connection between Tract C and Tract F, and between Tract F and Tract E be accomplished with a modified street section with a combination of a detached 5 foot wide sidewalk and street bicycle lanes.
- 3) A Traffic Study and CDOT access permit Study and CDOT access permit application be completed prior to submitting the final plat.

Mr. Gerk reviewed the current plan addressing what changes were made from the original submittal which included the reduction of multifamily units; a lot for a future fire department substation; commercial lots parks, landscaping and trails. Mr. Gerk said some of the public comments at those meetings were about engineering reports for drainage and traffic. They were waiting for the preliminary plat to be approved before having the engineers work on these studies. He passed out additional information detailing the items that he mentioned above including drawings of the multifamily units. Mr. Gerk describe where the trail system would be located. He read the wording from the Municipal Code on what could be included in PUD.

Mr. March that the dedication on the plat of streets and public right-of-ways needs to include the parks on the final plat. The Town would also need a deed for the public areas. It was pointed out that the labeling of the Tracts did not match the plat.

Mr. Lorentzen said he sent out a copy of the traffic study that shows the increase of traffic from this subdivision would require that signalization be done on the overpass. He suggested a condition be added for the construction of signals at the interchange as part of the offsite improvements. Trustee Singewald asked if this study had been sent to CDOT. Mr. Lorentzen said they will have to include it with their access permit for the frontage road. There was further discussion about the traffic issues. Mr. Lorentzen said there are timing issues that will have to be looked at with regard to these signals and the signal at Cleveland.

Ted Gantek, of 7303 Dunes, had a question about the impact fees. Mayor Brinkhoff said the impact fee would be looked at as the road impact fee. Mr. Gantek mentioned the issue his subdivision is having with cracking and settling of the driveways. He said that they had the same company that is developing this subdivision. Mayor Brinkhoff said the town only deals with the sidewalk when doing our public infrastructure inspections. Anything beyond the sidewalk would be between the homeowner and the developer. Mr. Gantek asked about the landscape plan with regard to the tree planting location so close to

the homes. Mr. Lorentzen said the landscaping plan being discussed for this development are the plantings on the public properties not the homes. The town does not require the developer to landscape residential lots. The home owners association would put together any landscaping requirements for the residential lots.

TRUSTEE MACDONALD MOVED AND TRUSTEE NOEL SECONDED to approve the preliminary plat for Wellington Downs subject to the changes noted by Mr. March and staff recommendations. Roll call was taken and the motion passed unanimously.

3. Ordinance 1-2016 – Conditional Use – Mini, Boat and RV Storage Bonfire 2nd Lots 5 & 6 – Temporary Use Portable Concrete Plant, Lot 7, Block 2 Bonfire 2nd Filing

Applicant Doug Walker

Planning Commission Recommendation:

For Storage

- 1) No building permit shall be issued prior to construction acceptance of the on-site and off-site public infrastructure and paving of at least the portion of Bonfire Drive accessing the property.
- 2) All stored vehicles to have current license plates/tags, and be operable. The standard rental agreement must contain language that failure of the vehicle owner to maintain this status will be considered a default.
- 3) Design requirements, sewer tap and service fees for a proposed RV dump station will have to be separately negotiated and approved by the Town.
- 4) A photometric lighting plan and landscape plan indicating type and number of plantings complying with town standards be submitted for approval by staff prior to building permit for storage units or use of outdoor storage spaces.

For Concrete Plant

- 1) Rock and cement deliveries to the plant be routed down CR 7 from the Owl Canyon interchange rather than up 6th street from the Cleveland Avenue interchange.
- 2) The plant eliminate any dust from blowing from the site.
- 3) The temporary use approval terminate in one year.

Trustee Harless asked what the time period would be of the temporary concrete plant. Mr. Walker said one year from the time the plant is pulled on site. Probably in March. Mayor Brinkhoff noted they would be using the concrete mostly onsite. They will be looking at offsite opportunities and if they see a need they will look at a more permanent site in an industrial zoned area.

Trustee Singewald asked how they would suppress the dust. Mr. Walker said they will have water trucks onsite for dust control and they have a Colorado permit for dust control. Trustee Singewald asked if the truck caring the rock could dump rock on the road. Mr. Walker said that the trucks are belly dump trucks. Mr. Lorentzen said the code enforcement officer would be able to require dust control if necessary.

TRUSTEE SINGEWALD MOVED AND TRUSTEE MACDONALD SECONDED to approve Ordinance 1-2016 an ordinance relating to the conditional use/site plan – Storage units and outdoor storage – Lots 5 & 6, Bonfire 2nd and Temporary conditional use for off-site concrete deliveries. Roll call was taken and the motion passed unanimously.

4. Ordinance 2-2016 – Conditional Use Redman Storage

Applicant: Travis Redmon

Staff Recommendations

- 1) The driveway be paved with asphalt or concrete through the gate to keep from tracking onto Washington Avenue.
- 2) The fence along Washington and CR 9 be straightened with wood or steel posts other than the existing t-posts.
- 3) On-site storm water detention be designed and constructed as approved by the Town Engineer.

Mr. Redmon showed the Board the project design and address the recommendations.

Trustee Harless asked if they found out who owned the ditch. Mr. March said that is noted on the plat.

TRUSTEE MICHAEL MOVED AND TRUSTEE NOEL SECONDED to approve Ordinance 2-2016 conditional use/site plan – Redmon mixed use residential and storage containers with staff recommendations. Roll call was taken and the motion passed unanimously.

5. Ordinance 3-2016 – Minor Subdivision & Conditional Use – Boxelder Commons Subdivision Pool

Applicant: Harvest Village Holdings – not in attendance at meeting.

Mr. Lorentzen explained the developer wanted to take 4 lots and combine them for use as a subdivision pool that would be managed by the Homeowner Association. He pointed out the design in the packet. It will only have on street parking and foot/bike traffic.

Mr. March mentioned the reduction in water tap fees for non-potable irrigation for this subdivision wanting to make sure the pool would not receive the tap reduction. Mr. Lorentzen stated he believed the agreement was specifically in the reduction was for single family residences.

TRUSTEE MACDONALD MOVED AND TRUSTEE NOEL SECONDED to approve Ordinance 3-2016 minor subdivision and conditional use – Harvest Village Community Pool. Roll call was taken and the motion passed with Trustee Harless abstaining.

6. Appoint Lisa Glennon to Park Advisory Board

Mayor Brinkhoff said he received another application in the mail which was received within the deadline. He would like to wait for the appointment until the Park Advisory Board has reviewed both applications.

TRUSTEE SINGEWALD MOVED AND TRUSTEE MACDONALD SECONDED to table appointment. Roll call was taken and the motion passed with Trustee Harless voting against.

7. Purchase Request – School Zone Flashing Light

Mr. Lorentzen said these were requested by the Schools and the Sheriff's Department and was budgeted for this year. He said they would be placed on the south end of the school zone on north Sixth and on both ends of the school zone on south Third. We received two quotes. Traffic Signal Controls in the amount of \$6,915.00 as the best and have been good at getting us parts. Mayor Brinkhoff asked how long it would

be to get them installed. Mr. Lorentzen said if approved they will be ordered tomorrow. They should be up in a month depending on the connection to the electrical. Trustee Singewald asked if there are three lights. Mr. Lorentzen said there is already one on the north end by Washington and Sixth that would not be replaced. Two of the lights would be solar and one electric that would be connected to the electric for the irrigation system controller on Third Street.

TRUSTEE MICHEL MOVED AND TRUSTEE HARLESS SECONDED to approve the purchase request of flashers from Traffic Signal Controls, Inc. in the amount of \$6,915.00. Roll call was taken and the motion passed unanimously.

8. Purchase Request – Town Hall Roof

Mr. Cummins explained the issues with leaks in the roof. He said Mr. Miller has contacted several companies and a few have come out to look at the project. We have only received one bid in the amount of \$18,502.11. He said a claim has been filed with the insurance carrier and an adjuster was scheduled. Mr. Cummins said the request is for the \$18,502.11 and we will still look for a lower bid. Since this is a flat roof and it is a membrane system it is harder to fine companies. There were a couple of companies suggested. Mr. Cummins said he would pass on the names to Mr. Miller.

TRUSTEE MICHEL MOVED AND TRUSTEE NOEL SECONDED to approve the purchase request for new town hall roof in the amount of \$19,000.00 with at least three bids. Roll call was taken and the motion passed with Trustee Macdonald voting against.

9. Discussion – I-25 Mill Levy Back Fill - IGA

Mr. March suggested the item be tabled because the I-25 Bridge Grant was not received and we are waiting for more information on what the County would like to do instead with the increased mill levy.

Item was tabled.

10. Discussion – Community Activities Commission (CAC)–Trustee Macdonald

Trustee Macdonald said the CAC is requesting an increase to the budget to cover items that use to be covered under a different fund such as porta potties and trash removal. Music in the Park is another item that cost more and had less return than expected. They are looking at working with Main Street Program and Julianne Harvey (Framers Market) for these programs. She said CAC is asking for \$33,000.00 for the budget but would like to meet with the Board to look at the programs being run and prioritize which events to support. The main events of the year are 4th of July and Easter Egg Hunt which continue to grow each year. She said the main issue is having enough volunteers at the events. There was discussion about reducing the programs. Trustee Singewald asked about the financial report notes about items being missed. Trustee Macdonald said those are items that were not placed in the CAC budget last year, but were taken out of other funds. Wendell Nelson said the Chamber of Commerce is looking at working with the other groups and their members as to who would be able to help with the programs. The programs they looked at eliminating were Valentine’s Day Dance, Harvest Day and Concerts in the Park. There was discussion about advertising. The Board approved the reduction in number of events with no increase to the budget for CAC. Trustee Harless asked that we bring these items up when we meet with the Main Street Program.

11. Bills for Approval

North Front Range Water Quality Planning Assoc.	\$ 1,241.00
JVA Consulting Engineers .	1,500.00

Timber Line Electric & Control	1,614.20
Sensus	1,617.45
Nationwide Chemical Products	2,602.00
Overdrive	3,000.00
Bryan Ehrlich	3,031.00
Anton Collins Mitchell, LLP	3,125.00
NALCO	7,358.16
Soilogic	9,627.50
Wealth Management Group	36,413.75
Dietzler Construction Corp.	133,186.15
Wells Fargo	<u>161,776.88</u>
	\$ 366,093.09

Trustee Singewald asked why the Dietzler bill shows the balance to finish at 34,110.50. Mr. Lorentzen said there were change orders for the retaining wall that was approved by the Board. The final line item amount was calculated on the amount of materials used not as a lump sum. Trustee Singewald asked if this was the final bill. Larry said we still have the retainage and there were some liquidated damages that they would probably be appealing. Mr. Silar explained what liquidated damages are and how the State would have to sign off and on how much would need to be paid. Trustee Singewald commented on how change orders are done. Mr. Lorentzen said this was a State project with federal money so we had to follow their format.

Mayor Brinkhoff asked about the North Front Range Water Quality Planning Assoc. bill. Mr. Lorentzen explained that is the association we worked with for the wastewater plant expansion.

TRUSTEE SINGEWALD MOVED AND TRUSTEE MICHEL SECONDED to approve the bills in the amount of \$366,093.09. Roll call was taken and the motion passed unanimously.

12. Town Attorney Update

Mr. March updated the Board on the following:

- Clarified questions about the ditch ownership issues.
- Addressed reported incidents regarding T-Bar application. He said that the responsibility of the Board with regard to liquor licensing is that the applicant has good moral character. There is a statutory definition with regard to moral turpitude. He mentioned an issue with one of the owners of Ridley's regarding false reporting. Since the individual would not be directly managing the facility it may not affect the license. He wanted it to be noted on record.
- Renewed Friends of the Park 501c3.
- Need to look at franchise agreement with Source Gas.
- Peck – building permit to reconstruct the trailer on existing frame has been given to Safebuilt for review.
- He did research on Seaworth water and evaporation pond and ownership of Stecil reservoir.
- Sent memo to Larry about Park Meadows well.
- Sent out emails and reminders for Larry's evaluation.

13. Town Administrator Update

Larry updated the Board on the following:

- Planning Commission upcoming work session on multi-family residential as conditional use in commercial zoning and reconstruction of buildings that are non-conforming.
- Interviews for new Assistant Town Administrator Friday February 19, 2016.
- Update on Windsor Ditch. Issues on the lining under the bridge. Windsor Ditch Board Meeting in Eaton on Feb. 5th.
- Mr. McGee met with the Fort Collins Engineers about variance applications to the Railroad for the Garfield drainage project. Looking to submit application by the second week in February. Trustee Singewald asked that when they talk to Mr. Padilla about the storm drainage easement that we also talk to him about an easement for a trail. He would like to be at that meeting.
- Sheriff's department has opened the position for the Desk Deputy. Mr. Lorentzen said that the equipment for the digital printing would be too expensive and that it would be required if we were to process concealed weapon permit applications.
- Larry also mentioned the Park Meadows well on Travis Redmon's property.
- Meeting next week with staff and engineers to prioritize the infrastructure and paving projects for this year.

14. Executive Session

Not needed.

Scheduling of Work Session

Work session with Main Street.

Mayor Brinkhoff mentioned a meeting with the Fire Department on February 3th at 6:00pm.

Other

Trustee Harless

- *Safebuilt Contract – He received concerns about the consistence of the service and asked about renewal.*
- *Asked if they could in design the signals for future growth or reconstruction of the bridge. Mr. Silar addressed how the design for the signals would be done.*

Trustee Michel

- *Concerns about traffic on Sixth Street southbound from Washington. Lines for the schools are backing up on Wilson and around corner onto Sixth Street. Is there a way to put in a pull off? Mr. Lorentzen said that can be looked at as part of the street widening.*
- *Question about the access off the Frontage Road and Crittenton. Mr. Lorentzen said there is not enough space on the frontage road to put in an acceleration lane to the north until the Wich property is annexed and developed.*

Trustee Singewald

- *CDOT funding – Changing gasoline tax from Federal to State.*
- *Street lights at Washington and Sixth streets. Mr. Lorentzen said he tried to contact Xcel.*
- *Report about calculations of impervious surface for commercial properties. Mr. Lorentzen said we can look at doing some recalculation.*
- *Asked how many candidates submitted petitions for the election. Ms. Sullivan said 11 people picked up packets and 9 turned in petitions, but they have not all been cured. It is*

the most applicants that we have had in a non-mayoral election year. She said several of the candidates are at this meeting.

- *Mentioned the increase in property taxes and the negative impact it might have on the school mill levy ballot question.*

Trustee Macdonald

- *Soldier request of exemption on the water billing. – She contacted the Soldier Sendoff group and it did not fit their criteria. They came up with the idea of a box on the bill to round up for the donation. She was checking with Mr. Cummins on this idea.*
- *Meet with Carolyn Reed about the Schools updates. They will be voting on Option A or B location of future schools. Look at IGA with Poudre School District. There was further discussion about financing projects.*
- *Internet update – Mr. March is working on wording for a ballot question. Trustee Harless gave an update on the information he received at a Chamber meeting.*

Mayor Brinkhoff

- *Boys and Girls Club Breakfast – February 18, 2016 at 6:00a.m. Embassy Suites Loveland. Discussion about donation.*
- *Asked for a discussion on the next meeting about Election Districting*

TRUSTEE MACDONALD MOVED AND TRUSTEE MICHEL SECONDED to adjourn the meeting. Roll call was taken and the motion passed unanimously. Meeting adjourned at 10:08pm.

ATTEST:

Cynthia Sullivan, CMC
Deputy Town Clerk