



TOWN OF WELLINGTON

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BOARD OF TRUSTEES

April 26, 2016

LEEPER CENTER – 3800 WILSON AVE.

Work Session – Board Member responsibilities, Open Meeting, Open Records, Ethics and Conflict of Interest - 6:30pm

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

- LED Sign –Main Street Program
- Community Clean Up

CONSENT AGENDA

- Board of Trustee Minutes for March 22, 2016
- Board of Trustee Minutes for April 12, 2016
- CAC Minutes for March 21, 2016
- Larimer County Sheriff's Report for March

NEW BUSINESS

1. Geier Annexation
 - a. Resolution 18 - 2016 – Approving Annexation Proceedings
 - b. Ordinance 7 - 2016 – Geier Annexation
 - c. Annexation Agreement
2. Ordinance 8-2016 - Setting Utility Fees
3. Ordinance 9-2016 Amending Conflict of Interest Rules for Charitable Contributions
4. Cobra Head Street Light LED Conversion
5. Purchase Request - Thimmig Subdivision Plat
6. Engagement Letter – March Olive & Pharris, LLC
7. Bills for Approval
8. Town Attorney Update
9. Town Administrator Update

SCHEDULING OF WORK SESSIONS

OTHER

10. Executive Session

ADJOURN

BOARD OF TRUSTEES
REGULAR BOARD MEETING
April 26, 2016

Following a work session on Board Member responsibilities, Open Meeting, Open Records, Ethics and Conflict of Interest the Regular Board Meeting was called to order at 7:38p.m. April 26, 2016 at the Leeper Center 3800 Wilson Ave, Wellington CO.

TRUSTEES PRESENT: TRAVIS HARLESS, MATT MICHEL, TIM SINGEWALD,
ASHLEY MACDONALD, PAUL COX, DANIEL SATTLER
and JACK BRINKHOFF

TRUSTEES ABSENT: NONE

PRESIDING: JACK BRINKHOFF, MAYOR

ALSO PRESENT: LARRY LORENTZEN, TOWN ADMINISTRATOR
RYAN ABBOTT, ASSISTANT TOWN ADMINISTRATOR
CYNTHIA SULLIVAN, DEPUTY CLERK
MIKE CUMMINS, FINANCE DIRECTOR
BRAD MARCH, TOWN ATTORNEY
DON SILAR, TOWN ENGINEER

Additions to or deletions from the agenda

Mayor Brinkhoff suggested flipping the Presentations.

Conflicts of Interest

Trustee Macdonald had a conflict with the presentation on the Community Clean Up.

Public to be heard on non-agenda items.

Ben Parsons, member of the Chamber of Commerce, wanted to submit a special events permit for the 3rd annual disc tournament. The Old Colorado Brewery will be providing the beer. The event is Saturday August 27, 2016. Mayor Brinkhoff said last year they donated proceeds from this event to buy a picnic table.

Linda Siegfried, of 7362 Andover, asked if the Town had an Emergency Preparedness Plan. Mr. Lorentzen said we are included in the Larimer County Plan. Ms. Siegfried asked where the towns emergency shelter is located. Mr. Lorentzen said we have used the Leeper Center in the past for the Red Cross, but there is no designated tornado shelter. Ms. Siegfried asked if the town had a tornado warning system. Mr. Lorentzen said we do not have a siren, but we are working with the Fire District and reverse 911. He said staff would get a link up on the website. He said the plan is being updated and we are waiting for FEMA to approve it before it can be adopted. Trustee Singewald asked why we don't have a tornado shelter. Mr. March said we do not have a public building that has a basement. Ms. Siegfried asked if the Fire Department had a fire mitigation plan. Her concern was for the older part of town that has large trees and the homes are close together.

Chuck Cross, of 4202 Alder Creek, thanked Mr. March for looking into conflict of interest. He also thanked Mr. Lorentzen for his help with an issue where he responded on a Sunday.

Correspondence

None

Presentations

Community Clean Up – Leslie Macdonald

Miss Macdonald would like to have a Community Clean Up on June 4th from 10:30-11:30 am. Volunteers are wanted to participate. The meet up would be in Ridley's Market parking lot. She had a flyer promoting the event and a Facebook page. She said they would provide trash bags, gloves and bottles of water. Mr. March offered to donate some item. Trustee Sattler asked if there were other events on that day. Ms. Macdonald said that the Grand opening for the park and the Town wide garage sale are also that day. Ms. Sullivan asked what the name of the Facebook page was. Ms. Macdonald said Ashley Macdonald, Realtor – facebook.com. She said they are trying to get it out on social media. Mayor Brinkhoff asked Miss Macdonald to give the flyer to Ms. Sullivan.

LED Sign – Main Street Program

Wendy DuBord, Main Street Program Director, said at the work session in February there was a discussion about a joint purchase of the LED Sign by Main Street Program, Town of Wellington and the Fire Department. She said we have applied for a grant from Department of Local Affairs (DOLA). The grant would be for \$8,500.00 which is the cost of a used unit. The unit was located out front of the Leeper Center for demonstration. At this time the Board and public went outside to view the unit. When the meeting resumed Scott Dieck, representing Tech Tronics sign vender, said the unit that the Board viewed was built in 2005. The software can be downloaded on to a computer and then connected to the unit.

Trustee Sattler asked how secure is the connection. Mr. Dieck said there is a special plug that is kept in a water proof locked container.

Mr. March asked who would cover the insurance on the sign and who will own the unit. Ms. Dubord said probably the Fire Department since it will be housed it their station. She said ownership needs to be discussed. If the town gets the grant money, then the town could probably insure it. Mr. March asked if there is a policy on what and who could put notices on the sign. Ms. Dubord would look into policies from other municipalities.

Trustee Harless asked for the model number and if it would be user serviceable or would a technician have to be contacted. Mr. Dieck said it is user serviceable and it comes with extra modules.

Proclamations

None

Consent Agenda

- Board of Trustee Minutes for March 22, 2016
- Board of Trustee Minutes for April 12, 2016
- CAC Minutes for March 21, 2016
- Larimer County Sheriff's Report for March

Trustee Singewald said under Town Administrator Update of the April 12th minutes, there is a statement about the RFP for impervious surface. He asked what that was referring. Mr. Lorentzen said RFP was for the Boxelder Basin Regional Stormwater Authority. Trustee Singewald asked for that to be added to the minutes.

Trustee Harless said in the non-agenda item that Mr. Chismar requested the notification locations because so few people voted.

TRUSTEE MICHAEL MOVED AND TRUSTEE HARLESS SECONDED to approve the consent with correction. Roll call was taken and the motion passed Trustee Macdonald abstained.

NEW BUSINESS

1. Geier Annexation
 - a. Resolution 18-2016 – Approving Annexation Proceedings.
 - b. Ordinance 7-2016 – Geier Annexation
 - c. Annexation Agreement

Mr. March suggested that the public hearing be started and then continued to the next meeting, because there are questions about the zoning and the ability for Anadarko to have access to their mineral rights. There was further discussion about what could happen with regard to the mineral rights. Mr. Lorentzen suggested that the Board wait until this issue is resolved and the annexation and zoning could be acted on at the same time.

Mayor Brinkhoff opened up the public hearing.

Beka Corcket, of 4820 ECR 60, said her property borders the Geier Property. She said they purchased their property to use for agriculture. They are working with the developer to have a mutually beneficial space between the properties. She had concerns about how the development on the east side will get needed services. Mayor Brinkhoff said in the property south of Bomgaars there is a plan to designate a lot for a Fire Department substation. Ms. Crocket's question was how the town will keep people in town without businesses that attract people to stay in town.

Mr. March suggested closing the public hearing then continue it until the meeting on May 10.

TRUSTEE MICHEL MOVED AND TRUSTEE COX SECONDED to close the public hearing and continuing it at the next meeting on May 10. Roll call was taken and the motion passed unanimously.

2. Ordinance 8-2016 – Setting Utility Fees

Mr. March said the Board has typically set fees by resolution. With regard to fees that could be collected by a lien it would probably be best to set the fees by ordinance.

Trustee Singewald asked how many properties we have over 150,000 square feet that are part of the B Basin Fee Mr. Lorentzen said about 4 or 5. He explained that the intent was to use this as an incentive to bring in large commercial businesses. We still pay the full amount, but it is on a tiered system. This ordinance is to adopt what we already have in place. We could review the fees in the future and make changes as needed.

Trustee Singewald asked why the change to an ordinance. Mr. March explained it has to do with collection of the fees. We may not have some of the same rights under a resolution as under an ordinance. He was more concern with the collection utility fees.

Trustee Michel said we could change the water tap fees if we wanted. There was a discussion on how we decide how much the fees should be.

Trustee Harless asked if we want to change the fees would we have to amend the ordinance or adopt a new ordinance. Mr. March said it could be done either way. By amending a part of the ordinance or adopting a new ordinance and recinding the old ordinance. He said that ordinances have a higher standing then resolutions and would have more teeth if challenged.

Trustee Michael felt that the water tap fee for multi-family units is too high and should be lowered by \$2,000.00 making it \$10,600.00 for each additional unit.

Trustee Michel made a motion to adopt Ordinance 8-2016 with the change to lower the additional unit tap fee for multi-family by \$2,000.00. Mr. March suggested that supporting documentation for the change needed to be looked at. A fee study was done to set the fees. Trustee Michel felt the study was based on hypothetical information. Mr. March suggested adopting the ordinance as is and the validate the rate study for the multi-family and make a change next month. Trustee Sattler asked when the last fee study was done. Six months ago. Mr. Lorentzen said the last fee study did not look closely at multi-family and should be reviewed. Mayor Brinkhoff disagreed with the reduction of water tap fees, but understood why the request. Trustee Michel felt that the town needs more affordable housing but builders say the fees are too high. Mayor Brinkhoff noted that several multi-family projects have started without complaints about the fees. Trustee Singewald asked if there would be a conflict of interest for a realtor to make a motion about property that he might sell. Mr. March said this is why we need to verify the fees before changes are made. There was further discussion about fee studies.

Trustee Macdonald said she spoke to Clint Skutchan from the Fort Collins Board of realtors about affordable housing. Mr. Skutchan said that they need more affordable housing in Fort Collins, because they are having to send people to Wellington. She felt they needed to look at the quality of the studies we do so we don't have to repeat them.

Mr. Lorentzen commented that Fort Collins reduces their Multi-family fees so they can in fill development. Cost for transportation decreases when the development is more compact. When our Planning Commission had looked at this issue it was decided to look at larger lots and keep more of a rural development and not interested in incentives to draw in compact development and multi-family.

It was decided to look at the rates offered by other communities of similar size and located close to larger communities.

Trustee Michel withdrew his first motion.

TRUSTEE MICHEL MOVED AND TRUSTEE SATTLER SECONDED to approve Ordinance 8-2016 setting utility fees. Roll call was taken and the motion passed. Trustee Harless voted against.

3. Ordinance 9-2016 – Amending conflict of Interest Rules for Charitable Contributions

Mr. March read the memo on conflict with regard to soliciting donations of materials or money by staff or officials. Since we do want participation from the community, this would amend the rules to all for contributions to the town solicited by officials or staff.

Mayor Brinkhoff asked if the Board members were ok with a member declaring a conflict at the beginning of the meeting and sitting out of the conversation and vote of that item. There was discussion on how far to go when declaring a conflict. Mr. March said he would get the board the last approved conflict of interest ordinance from 1987. He suggested that if a board member felt the item being voted on would sway their vote then they should abstain. He spoke about how to bring up issues. There was further discussion. Mr. March read the following from the previous ordinance. The following are determined to be conflicts of interest, which are prohibited by the code for ethics.

No official or employee either in his own of in his own behalf or on behalf of any other person, shall have a financial interest or personal interest in a business or transaction with any public body.

A financial interest is defined by the code as follows:

Any interest, which shall yield directly or indirectly a monetary or other material benefit to the official or employee or to any other person employing or retaining the services of the official or employee.

Mr. March suggested reviewing the ordinance. There are two components of the ordinance. One is doing I violated it and the second is what is the penalty for the violation. He went over some of the penalty. Mr. March will bring back some propose changes for the ordinance.

Trustee Cox said if a Board Member felt that they have a conflict then let them abstain and do not discuss it. Mr. March agreed and mentioned that if a Board member has a conflict, like Trustee Macdonald had then they should excuse themselves and sit in the audience during that item. Trustee Macdonald said that Board members give their time and are not on the Board to collect a paycheck. Mr. March said the big issue is transparency.

Trustee Harless asked if there would be a retreat for the Board especially for the new members. Mr. March said he discussed this with Mr. Abbot and they can put something together if the board wants. Trustee Macdonald thought it would be a waste of time because nothing came out of the last one. Mr. Lorentzen explained that retreat could have outside facilitators or just be run by staff. He would bring it back for a discussion. Trustee Macdonald asked if the notes from the last retreat were available. Mr. Lorentzen said he had not found the information that Alisa had collected. Mr. March suggested that staff put together a list of topics and the board could add to them.

No action was taken on the ordinance.

4. Cobra Head Street Light Led Conversion

Mr. Lorentzen said Xcel wants to change the streetlights to LED bulbs. We could give them money up front and get a decrease of for a 13-year period or we just let them foot the cost. He recommended not paying up front. He asked for a consensus from the board.

Trustee Harless mentioned the energy assessment from the CSU group with regard to a solar farm by the wastewater treatment plant. Mr. Lorentzen said he had discussed that with Mr. Silar and it looked like they would only need half of the property. He sent information to the CSU group, but had not heard back from them. He said he would try to get in touch with them.

There was a consensus not to pay up front for the lighting.

5. Purchase Request – Thimmig Subdivision Plat

Mr. Lorentzen said at the last meeting there was a discussion about having Northern Engineering doing the Subdivision Plat because they had done the annexation plat. The quote we received was \$3,000.00. He wanted to check with the board before proceeding. There was a question on whether this cost would be split between the three entities. Mr. March gave the history on the project. He asked if the board wanted to asked the other entities if they could participate in the cost. Mr. Silar said the estimate was in the range. Mr. Lorentzen said the \$3,000.00 would be a not to exceed amount. We would only pay for the actual hours it takes to do the survey and plat. There was further discussion on this issue.

TRUSTEE MICHEL MOVED AND TRUSTEE SATTLER SECONDED to approve the quote from Northern Engineering in an amount not to exceed \$3,000.00 for the Thimmig Subdivision Plat. Roll call

was taken Trustees Harless, Michel, Cox, Sattler, and Mayor Brinkhoff voted for and Trustees Singewald and Macdonald voted against. Motion passed.

6. Engagement Letter – March Olive & Pharris, LLC

Mr. March said this letter is to update the engagement of March Olive and Pharris, LLC as the Town’s Attorneys. He said they have only raised their cost once since inception. They would have to notify the Board of any increase to the contract. He said it would go into effect as of September 1, 2016.

Trustee Harless asked if the contract has a time expiration. Mr. March said no they could fire him at will. There is not a termination clause.

Trustee Singewald said the wording is based on State statute and Town Code. Do the specific sections need to be added? Mr. March said no because that does not cover if the statute or code is changed.

TRUSTEE MICHEL MOVED AND TRUSTEE SINGEWALD SECONDED to accept the letter of engagement for March Olive and Pharris LLC and authorize Mayor to sign agreement. Roll call was taken and Trustee Macdonald abstained. the motion passed.

7. Bills for Approval

Dell	\$ 1,163.64
E-Z Pour Ready Mix	2,130.00
March, Olive & Pharris, LLC	3,768.50
Civic Plus	10,451.68
Timber Line Electric & Control	10,543.50
First National Bank	22,454.99
Stantec	32,109.72
Veris Environmental, LLC	38,000.00
Larimer County Sheriff’s Office	<u>227,030.48</u>
	\$ 347,652.51

Trustee Harless asked if the Civic Plus bill was for the second installment and what are the recurring fees. Mr. Abbott said yes it is the second installment and he needed to check with Ms. Lundy for the recurring fees.

Trustee Harless asked about the term dewatering in the Veris Environmental bill. Mr. Lorentzen said the cost also includes hauling off the sludge after it has been dewatered. Trustee Macdonald asked for a comparison of the last two years to see if this process is effective.

TRUSTEE MICHEL MOVED AND TRUSTEE MACDONALD SECONDED to approve the bills in the amount of \$347,652.51. Roll call was the taken motion passed unanimously.

8 Town Attorney Update

Mr. March updated the Board on the following:

- Friends of the parks memo – about the charitable certification with regard to being a private foundation. There was discussion about elected officials are not allowed to be a registered agent on a 501C3 designated organization.
- He has the 4th July videos

- Water rights – Contacting consultants about an independent review of possible water sources. Mr. March would get a couple of proposal.

9. Town Administrator Update

Larry updated the Board on the following:

At the Next Board Meeting

- Presentation by TDS – Baja about upgrades
- Presentation by Kiwanis Club –about a new club
- Public Hearing about multi-family change to conditional use in Commercial Designated zones.
- Lights on 6th and Washington – electrical line is owned by REA
- Meeting on the Garfield project – looking at where the water line needs to go and work on the cost estimates and set up the phasing plan to get a bid out this summer. Trustee Harless asked if there is a total cost estimate. Mr. Lorentzen said they are working on the budget and it would be for two years. He would bring it back to the board before it goes out to bid.
- Bonfire – Construction on Streets has started.
- Site Plan from Matt Mullet for Planning Commission.
- Meetings with Columbine Estates about detention pond.

Scheduling of Work Session

Trustee Harless asked if they wanted to meet with the Chamber. They thought it would take an hour.

Other

Trustee Harless said the Main Street Program is working on the sign that was demonstrated prior in the meeting. Peter Pronko said Main Street Program gave a presentation to the Parks Advisory Board about helping them put together the plans for a skate park on the south end of town. Their board voted to help facilitate this even though it is out of there district because Shane Armstrong has big involvement with skate park development. Trustee Macdonald said the public stated that they did not want the skate park moved. Mr. Pronko said they were not talking about moving the skate park but building a new one. They want to help the Parks Advisory Board because Shane has expertise in this area and has done the research. Trustee Macdonald said this was always supposed to be a collaborated effort, but thought Main Street should be concentrating on the main street. Mr. Pronko asked if this offer should be taken off the table. Trustee Macdonald said yes. Other board members wanted them to continue. Mayor Brinkhoff said two weeks ago the public stated that they did not want to move the skateboard park and here we are talking about moving it again. There was discussion about what the roles are for the entities. The use of Main Street was to help in getting grants. Trustee Singewald felt Trustee Macdonald was twisting what was said. Trustee Macdonald said she was calling an apple an apple. Trustee Singewald described what happened at the Park Advisory Board and a committee was formed with Shane as Chair to work with citizens on the skateboard park. Trustee Singewald said the Park Advisory Board is working on these issues and would be bring their recommendations to the Board. Trustee Macdonald is happy that citizens are getting involved, but her concern was that there was a fund raiser for the skateboard park and the money is not accounted for and Shane was a part of that group. Trustee Singewald asked if Trustee Macdonald was saying that someone took the money. Trustee Macdonald said the Wellington Flower Shop collected money for raffle tickets for a skateboard park and skateboards and she was asking for an accounting. There was discussion about having a paid employee working on the project. (Transcript of this section added to end of minutes)

Trustee Harless commented on payment to Board Members. He would like his pay to be donated.

Trustee Singewald asked that the subdivision map on the website be updated.

Trustee Singewald asked what the town could do to get the ditch piping started. Mr. March said we are waiting for results from water Board Meeting.

Trustee Singewald asked when is the walkthrough with ECI. Mr. Lorentzen said the walk though has been done and they will be shut down the park week of May 8 to fix items on the punch list.

Trustee Singewald asked about the vehicle inventory and the new water billing process. Mr. Lorentzen said that information is in the packet.

There was discussion about postal delivery.

Trustee Singewald had concerns about the Boxelder Basin Regional Stormwater Authority collection of back fees. Trustee Harless said there is a meeting tomorrow. Mr. March said he would check on this item with their attorney. There was further discussion. Trustee Macdonald asked for an independent audit. There was comment that an impervious surface audit.

Trustee Macdonald asked if any Board members would like to attend a dialog with Clint Skutchan on affordable housing. She gave an overview of the dialog. She asked for a consensus for her to attend this program as a representative of the Town. There was a consensus.

Trustee Macdonald said the curb cut at the entrance to Eyestone Elementary is really bad. Mr. Lorentzen said he would look at it.

Trustee Macdonald wanted to remind the Board members who are on other committees to participate.

10. Executive Session

None

TRUSTEE SINGEWALD MOVED AND TRUSTEE MICHAEL SECONDED to adjourn the meeting. Roll call was taken and the motion passed unanimously. Meeting adjourned at 10:27pm.

Respectfully submitted:

Cynthia Sullivan, CMC
Deputy Town Clerk

Beginning 2:16:56

Larry: Ashley, I think the concept here more was more that Shane has a connection to the skateboard, the skateboarders' group, and could facilitate a grassroots effort with the skateboarders.

Ashley: I understand.

Larry: To look at a new park.

Ashley: My concern with that grassroots effort is that last year they tricked (put) together a community thing to raise funds for a new skate park and those funds to this day are still not accounted for.

Larry: I understand.

Ashley: That is, that is, a big concern. And Shane was a part of that group.

Tim: What did you say? Did you just say someone absconded with funds?

Ashely: Yes. The Wellington Flower Shop collected money for raffle tickets for a skateboard park for a skateboard park, for skateboards.

Tim: I think you better be very careful saying that.

Ashley: Sure.

Jack: We're just asking for an accounting is all.

Ashley: I'm just asking for accounting. I've asked for accounting three separate times as to where the funds are.

Tim: I think we're getting a little out of where we want to be.

Ashley: Well.

Tim: I think we should stop that discussion right now.

Jack: So, Tim, I'm gonna bring it back. Like I said, the frustrations are that was how this has happened two weeks later. So if Shane wants to participate in that and he's not a paid member of the Mainstreet group and wants to participate, that's up to you guys and him. So, fair enough.

Peter: Ok, that's an important point because he is a paid staff member of Mainstreet.

Jack: Fair enough.

Peter: And.

Travis: So are you instructing them not to be associated.

Jack: I would say that would be a Board decision if they would want Shane to be a paid employee too.

Tim: Why?

Jack: I just think that would be a fair thing

Larry: Cause the Town's the one paying the wages. We're paying Shane. What it comes down to it.

Tim: Are we paying Shane directly?

Larry: No. We're covering most of the costs so it's still the Town money.

Tim: We're giving.

Larry: So, I think you do have some say so.

Tim: You're in gray areas again.

Peter: I just need to know whether to instruct Shane to not work on a new skate park under his employment agreement with Mainstreet, that if he does that it has to be volunteer program with the Parks Advisory Board. That needs to be clear.

Ashley: I think the Mainstreet group has better use of their time.

Jack: So, I am all for supporting the Mainstreet group and I am all for ...you know, impacting Mainstreet itself, that's wonderful. If he wants ... Cause, last year he was involved as a volunteer level, if he has outside desire that's great.

Tim: I think the point was made at the meeting that this was not to effect his job with Mainstreet this had to be something....

Peter: Those works were used. Yeah - It was not totally clear to me whether he could do this while he was under the hourly rate of Mainstreet or if he had to do it as a volunteer. We need to clarify that.

Jack: Yeah.

Peter: We will bring it up with our board.

Jack: If you could just clarify whether he is volunteering or he needs to be paid that would be fair

Tim: But, that is also working towards Mainstreet on the Centennial Park.

Peter: Absolutely that was our justification for doing it.

Ashley If it is a skatepark on main street that's great but if it is a skatepark on the south side of Town that's not main street.

Peter: I agree - and the motion that we presented to the Skatepark Board explicitly said that. This is outside of our purview we are only doing it to facilitate the development of Centennial Park.

Ashley: So I guess - what you are saying is that you are looking at a redesign of the Centennial Park to include a skatepark.

Travis: Negative.

Various: No.

Regular Board Meeting

April 26, 2016

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Matt: This discussion was about a parking lot it wasn't about the skatepark.

Ashley It wasn't about a parking lot.

Tim: You got some people trying to good – leave them alone.

Ashley: Yeah, You got some people trying to good leave them alone.

Jack: Alright, alright. Let's bring it back, this is counterproductive.

End: 2:21:00