



TOWN OF WELLINGTON

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BOARD OF TRUSTEES

February 23, 2016

LEEPER CENTER – 3800 WILSON AVE.

Work Session –Main Street Program - 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

CONSENT AGENDA

- Board of Trustee Minutes for February 9, 2016
- Boxelder Basin Regional Stormwater Authority Minutes for December 21, 2015

NEW BUSINESS

1. Resolution 4-2016 - Final Acceptance Cottonwood Park
2. Resolution 5-2016 – Buffalo Creek Parkway Street Closure
3. Resolution 6-2016 – Referring Question to Voters- Right to Provide Broadband Services
4. Purchase Request - Mowers
5. Update – Windsor Ditch Pedestrian Crossing
6. Town Administrator- Evaluation
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
February 23, 2016

Following a work session on Benefits the Regular Board Meeting was called to order at 7:30p.m. February 23, 2016 at the Leeper Center 3800 Wilson Ave, Wellington CO.

TRUSTEES PRESENT: TRAVIS HARLESS, TIM SINGEWALD, LARRY NOEL
and JACK BRINKHOFF, ASHLEY MACDONALD

TRUSTEES ABSENT: MATT MICHEL and RAYMOND BILLINGTON

PRESIDING: JACK BRINKHOFF, MAYOR

ALSO PRESENT: LARRY LORENTZEN, TOWN ADMINISTRATOR
CYNTHIA SULLIVAN, DEPUTY CLERK
JIM MILLER, PUBLIC WORKS SUPERINTENDENT
BRAD MARCH, TOWN ATTORNEY
DON SILAR, TOWN ENGINEER

Additions to or deletions from the agenda

None

Conflicts of Interest

Trustee Singewald said he might have a conflict with item 3.

Public to be heard on non-agenda items.

Chad Zadina, of Tabby Road Animal Hospital, addressed the Board regarding the need for animal control coverage in the evenings and on weekends. He suggested that since his business is open 24 hours it might be helpful if they provide that service. Mayor Brinkhoff asked what the current process is when Mr. Norden is not on duty. Mr. Lorentzen said if an animal is at large during those hours they would not get picked up unless they were vicious or cause harm. The Sheriff's office or any town official can contact the Humane Society to take the call. The town pays a fee to the Humane Society to cover those off time. He said we could look at adding information on the answering machine and the website on who to contact for after-hours issue. Mr. March said the difficulty is a third parties' liability. The town staff is covered by governmental immunity. Trustee Singewald brought up an issue about barking dogs on weekends. Mr. March said there is a procedure where an individual keeps a log of the barking for a few days and turns that into Mr. Norden. He can then contact the owner about the complaint. Mayor Brinkhoff said this is an issue that the Board would look into.

Chuck Cross, of 4702 Alder Creek, addressed the Board on an issue of perceived conflict of interest. He gave an example of the board approving a street closure for a yard sale and a board members spouse selling an item. That board member then receives a benefit from the street closure that he/she voted for. His main concern was with issues that are voted on that benefits a subdivision where the board member is also on the Homeowners Association (HOA) Board. He felt this conflict not only should be disclosed but the member should either resign from the Board or from the HOA Board. Trustee Singewald thought that as long as the Board member discloses the conflict and the rest of the Board agrees that it is not an issue that the Board member could continue as part of the discussion. Mayor Brinkhoff said the process that we have in place is if a member has a conflict of interest and they must disclose that fact and would sit out of the items discussion and abstain from voting on the item. Trustee Harless asked how this could affect a quorum. Mr. March said if members of a Board disclose the conflict and recuse themselves from the vote then it does not affect the quorum. He said the conflict would have to be looked at on a case by case basis.

Kent Allen, of 6863 McClellan Rd., asked if the traffic study for Wellington Downs is available. Mr. Lorentzen said he could email a copy of the traffic study to Mr. Allen. Mr. Allen also asked if there was an update on the overpass issues and discussions with Colorado Department of Transportation(CDOT). Mr. Lorentzen said there was a meeting with CDOT today that included members from the Town Board, the Main Street Program. He said before Wellington Downs development can come back for final application they will need to submit a design for the signal light on the overpass. CDOT is already doing the study to look at the warrants of putting a signal on the overpass.

Bruce Schierwagen of 3556 Polk Cir E, asked if there is anything the town could do to about the internet service in town and is there any way to get a rebate from TDS on the loss of service. Mr. March said the town franchises cable television. Internet service is governed by federal law. This issue is on the agenda. He said he would look at the franchise agreement. The town does not currently have any recourse. Mr. Schierwagen asked if there is anything the community could do. Mayor Brinkhoff suggested contacting the news agency. Mr. Schierwagen asked if they could put together a petition. Mr. March suggested that a petition be directed to the Board of Trustees.

Correspondence

None

Presentations

None

Proclamations

None

Consent Agenda

- Board of Trustee Minutes for February 9, 2016
- Boxelder Basin Regional Storm Water Minutes for December 21, 2015

TRUSTEE SINGEWALD MOVED AND TRUSTEE MACDONALD SECONDED to approve the consent with correction. Roll call was taken and the motion passed Trustee Macdonald voted against.

NEW BUSINESS

1. Resolution 4-2016 – Final Acceptance Cottonwood Park

Mr. Lorentzen gave the history on the development. Travis Redmon purchased the development when the warranty period started in October of 2013. The punch list items have been completed.

TRUSTEE SINGEWALD MOVED AND TRUSTEE MACDONALD SECONDED to adopt Resolution 4-2016 accepting improvements within Cottonwood Park for ownership and future maintenance and release of security. Roll call was taken and the motion passed unanimously.

2. Resolution 5-2016 – Buffalo Creek Parkway Street Closure

Mayor Brinkhoff said this is a request for street closure of Buffalo Creek Parkway for a neighborhood celebration of the opening of Wellington Community Park.

The closure would be of Buffalo Creek Parkway from Iron Horse Way to Stamped Drive on June 18, 2016 from 9:00am to 5:00pm.

TRUSTEE MACDONALD MOVED AND TRUSTEE NOEL SECONDED to adopt Resolution 5-2016 approving closure of a portion of Buffalo Creek Parkway on June 18, 2016. Roll call was taken and the motion passed Trustee Singewald abstained.

3. Resolution 6-2016 – Referring Question to Voters-Right to Provide Broadband Services

Mr. March said the purpose is to highlight to voters that this is an exploratory effort. The town would not be doing this right away, but it allows the town the option of researching the possibility of providing the service in the future. He said the federal government wants to have internet provided nationally. State Bill 152 brings that ability down to the local level. This issue would be taken to the voters. It would allow the town the opportunity to provide the service if wanted.

Trustee Macdonald wanted to clarify that the intent of this action was not to provide broadband service immediately, but to give the town the ability to do so. She mentioned that the Chamber has been doing research on this service and has met with Affinity. Trustee Harless spoke about the need for a third party to come in and put in the infrastructure needed to provide a service. Wendell Nelson, representing the Chamber of Commerce, spoke with Luke Kroack from ANM with regard to the cost of providing Wi-Fi town wide. He would share the numbers with the Board when he gets more information.

There were some clarifications on the wording in the resolution.

TRUSTEE MACDONALD MOVED AND TRUSTEE HARLESS SECONDED to adopt Resolution 6-2016 with clerical changes. Roll call was taken and the motion passed unanimously.

4. Purchase Request - Mowers

Mr. Miller said the request is for two mowers. He said we budgeted for one new mower but received a quote for two that came in for less than what was budgeted. He reviewed the quotes that were received. The intent was to spread out the purchase of two mowers over two years, but this deal will allow us to get both mowers now. Trustee Singewald asked if they would be getting rid of older equipment. Mr. Miller said they are putting together a list of equipment for sale.

TRUSTEE SINGEWALD MOVED AND TRUSTEE MACDONALD SECONDED to approve the purchase request of two John Deer mowers from 4Rivers Equipment in the amount of \$17,985.00. Roll call was taken and the motion passed unanimously.

5. Update – Windsor Ditch Pedestrian Crossing

Mr. March met with the attorneys for the Ditch Board and they want to pipe the ditch. Mr. Lorentzen explained that they want to increase the size of the flume on the east side of Wellington Pointe and run an eight-foot pipe to the west about 100 feet. He said next year they would extend the pipe up to the point that we planned to put the second crossing. Mr. March stated that the Ditch company would then give us the crossings for our trails. Mr. Lorentzen said they would like the town to participate in the cost of the new pipe. Mayor Brinkhoff asked what the time frame would be. Mr. Lorentzen said they are looking to do the work in July. Trustee Singewald asked if they would pipe the ditch to County Road 9. Mr. Lorentzen said they will start at the flume and work their way west, but it could be several years before they get to County Road 9. He would be meeting with their engineer about the design and how far to the west they would be piping.

6. Town Administrator - Evaluation

Mr. March said had received all but one evaluation. He would put together the information and send it out to the Board.

Grainger	\$ 1,213.20
Larimer County Underground Water Users Association	1,322.00
PlayPower	2,198.00
City of Fort Collins	3,122.64
Interstates Construction Services	4,551.99
JVA Consulting Engineers	8,098.50
North Poudre Irrigation Company	9,000.00
Stantec	15,879.60
Wellington Colorado Main Streets Program	18,750.00
First National Bank	22,454.99
ECI Site Construction Management, Inc.	<u>139,729.43</u>
	\$ 226,320.35

TRUSTEE SINGEWALD MOVED AND TRUSTEE MACDONALD SECONDED to approve the bills in the amount of \$226,320.35 Roll call was taken and the motion passed unanimously.

4. Town Attorney Update

Mr. March updated the Board on the following:

- Discussions with North Poudre about Stuchell Reservoir and over billing.
- Seaworth water meeting last week with Larry and Jeff Cohn on Thursday and with Stantec on Friday. Process is moving forward. The Board received an update on the cost. Trustee Singewald thought that several water sources would be looked at and would like to see a comparison so the Board could decide on which source would be best. Mr. March said we have been talking to representatives from several water sources. He said we are still gathering information. Trustee Macdonald said it might be possible to select more than one source.
- Meeting with Doug Walker about the development agreement for the Bonfire Development. The issue has been regarding the ability to apply money from the Letter of Credit(LOC) for specific items such as covering damages. Trustee Harless said if this is our standard document, then why are they any different than other developers. Mr. March said this is going through a bank that is trying to minimize the risk. There was a suggestion about using insurance instead of using the LOC.
- Meetings relative to the I-25 underpass and the damages issues. Dietzler has requested mediation. Stantec is preparing the documentation needed. Mr. March said he has been calling the state about the mediation. His concern is that mediation would cost more than the amount of the damages. Mr. Lorentzen said the Board approved the payment of the last bill, but Stantec has not signed off on the payment because of the damages. We have to make sure we do everything required by the state, so we don't lose the grant money associated with the project.

5. Town Administrator Update

Larry updated the Board on the following:

- Interviews last Friday with applicants for Town Administrator Assistant. Waiting for back ground check before offering the position. Should be making the offer within a week. Trustee Singewald asked if any of the applicants had been to a Board of Trustees meeting. Mr. Lorentzen said no, but they all had looked at the website and had read minutes from meetings.
- Park Advisory Board would like to have a grand opening of Wellington Community Park on June 4th. Update on the progress of the work on the park.
- The Sheriff's department would be doing interviews for the Front Desk Deputy tomorrow.

- Meeting with CDOT
 - Restriping Cleveland with a middle turn lane around mid-summer.
 - Accesses onto Cleveland and Highway One. Policy on new accesses.
 - Study regarding the signalization of the interchange. Possible striping of the northbound off ramp lanes.
- Planning Commission will be looking at a development in The Knolls for a learning center and multi-family units. Concerns from The Knolls HOA about multi-family.
- Conversation with Brendan Willits planner for Poudre R-1 about their choice of Curtis Bridges property between 62E and 64 on the west side of Highway One.

Trustee Singewald asked about an electric line coming into the pump house. He also mentioned that Bath put in the valves for the timers and irrigation in this pump house. Mr. Lorentzen said he and Mr. Miller would meet with Trustee Singewald and look at it.

Trustee Singewald asked if there was an update on the Boxelder Basin Regional Stormwater Authority board position. Trustee Harless said the next meeting is in March.

There was a question about the snow removal on Cleveland once the middle lane striping is done. Mr. Lorentzen said the state would still plow to the middle and would have to come back and clear out the left turn lanes.

6. Executive Session

None

Scheduling of Work Session

The work session was scheduled for information provided for Building Permit Applications 6:30pm.

Other

Trustee Harless would like to update the packet for new commercial and get it on the website.

Trustee Harless asked for an update about the water control service issues. Would it be possible to allow the vender to connect remote access? Mr. Silar said he would look into what is available, but this system is currently under warranty.

Trustee Harless asked about the engineer stamp on construction plans. Mr. Lorentzen said there are certain things in the code and state statute that are required to be stamped by engineers. He said commercial can be more specific then residential.

Mayor Brinkhoff said he received a price of \$1,000.00 from Mr. Erlich for the broadcast the audio for 4th of July. Trustee Harless asked how far would the signal reach. Mayor Brinkhoff said he could check if there is an interest. Trustee Singewald thought the amount was too high.

TRUSTEE SINGEWALD MOVED AND TRUSTEE HARLESS SECONDED to adjourn the meeting. Roll call was taken and the motion passed unanimously. Meeting adjourned at 9:15pm.

ATTEST:

Cynthia Sullivan, CMC
Deputy Town Clerk