



TOWN OF WELLINGTON

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BOARD OF TRUSTEES

October 11, 2016

LEEPER CENTER – 3800 WILSON AVE.

WORK SESSION – Budget 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 (time limit of 3 minutes per person)

CORRESPONDENCE

PRESENTATIONS

CONSENT AGENDA

- Board of Trustee Minutes for September 27, 2016
- Planning Commission Minutes for September 12, 2016
- Municipal Court Report for October 5, 2016
- Boxelder Basin Regional Stormwater Authority Minutes for August 11, 2016
- Boxelder Basin Regional Stormwater Authority Minutes for August 31, 2016

WATER ENTERPRISE BOARD

1. Ordinance 1-2016WE – Amending Utility Code – Concerning Billing Procedures

NEW BUSINESS

1. Mayor & Trustee Resignations
2. Filling Vacated Seats on Town Board & Planning Commission
3. Introduction of Draft 2017 Budget
4. Purchase Request – Generator for LED Display Sign
5. Discussion – Boxelder Stormwater Authority
6. Bills for Approval
7. Town Attorney Update
8. Town Administrator Update

SCHEDULING OF WORK SESSIONS

OTHER

9. Executive Session - Town's membership in the Boxelder Stormwater Authority for conferences with the attorney(s) for the town board for the purpose of receiving legal advice on specific legal questions related to claims against the Authority and the Town as allowed by CRS §24-6-402(4)(b).

BOARD OF TRUSTEES
REGULAR BOARD MEETING
October 11, 2016

The Regular Board Meeting was called to order at 7:32 p.m. October 11, 2016 at the Leeper Center 3800 Wilson Ave, Wellington CO.

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

TRUSTEES ABSENT: JACK BRINKHOFF

PRESIDING: TIM SINGEWALD, MAYOR PRO-TEM

ALSO PRESENT: LARRY LORENTZEN, TOWN ADMINISTRATOR
RYAN ABBOTT, ASSISTANT TOWN ADMINISTRATOR
MIKE CUMMINS, FINANCE DIRECTOR
JIM MILLER, PUBLIC WORKS SUPERINTENDENT
BRAD MARCH, TOWN ATTORNEY
DON SILAR, TOWN ENGINEER

Additions to or deletions from the agenda

None

Conflicts of Interest

None

Public to be heard on non-agenda items.

None

Correspondence

None

Presentations

None

Consent Agenda

- Board of Trustee Minutes for September 27, 2016
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Trustee Sattler had a question about the Planning Commission minutes regarding Mr. Bridges. Mr. Lorentzen said that correction would have to go back to the Planning Commission.

Mayor Pro-Tem Singewald asked if the letter Mr. Michelson was referring to in the Board of Trustees Minutes from September 27th page 5 was in the packet. Mr. Lorentzen said it had been submitted to the Planning Commission and was handed out at the Board Meeting.

TRUSTEE SATTLER MOVED AND TRUSTEE MICHAEL SECONDED to approve the consent agenda subject to correction of the Planning Commission Minutes for September 12th. Roll call was taken and the motion passed unanimously.

Mayor Pro-Tem Singewald asked if it was necessary to take roll call on all the items. He asked if a ye or nay would be quicker. Mr. March felt with the type of items that are being voted on it would be best to take a roll call. He would look into which way would be best.

WATER ENTERPRISE BOARD

Mr. March said there are still items that need to be changed before this is approved. He will be meeting with staff on this tomorrow.

1. Ordinance 1-2016WE – Amending Utility Code – Concerning Billing Procedures

TRUSTEE SATTLER MOVED AND TRUSTEE COX SECONDED to table Ordinance 1-2016WE until the next meeting. Roll call was taken and the motion passed Trustee Harless voted against.

NEW BUSINESS

1. Mayor and Trustee Resignations

Mayor Pro-Tem Singewald asked that this be taken as two issues. He said the Board had received a resignation letter from Mayor Jack Brinkhoff. He spoke about Mr. Brinkhoff's service to the Town as Mayor. The first issue is to accept the resignation. Mr. March explained when a resignation goes into effect. He suggested that the Board accept the resignation.

TRUSTEE MICHEL MOVED AND TRUSTEE HARLESS SECONDED to accept the resignation of Jack Brinkhoff as Mayor. Roll call was taken and the motion passed unanimously.

Mayor Pro-Tem Singewald said they received a legal opinion of what action could be taken to fill the Mayor position. Open the position for application, appointment, or special election. He asked for opinions.

TRUSTEE SATTLER MOVED that Tim Singewald be appointed as Mayor.

Trustee Macdonald asked if this needed to be opened to the public for comment. Mr. March suggested getting public input on the motion. He mentioned that the position had not been posted. Trustee Michel felt it would be a good idea to see who might be interested in the position before we fill it.

Chuck Cross, of 4202 Alder Creek, asked Trustee Singewald where the location of his primary residence. Trustee Singewald said he lives in town and he does own property in the county. Mr. Cross felt that this decision should be made by the voters not just the Board of Trustees.

Mr. March pointed out a case regarding residency the court concluded if the person has the intent on residing within the town then they are a resident. The resignation that is being considered involves a member whose intent is to move out of town.

Lonnie Brockman, of 8850 Crossfire Drive, stated that he is a neighbor of Trustee Singewald and could verify that not only does Trustee Singewald live in town he also owns several other properties in town. He supports how Trustee Singewald does his job.

TRUSTEE SATTLER MOVED AND TRUSTEE MACDONALD SECONDED to appoint Tim Singewald as Mayor. Roll call was taken and the motion passed. Trustee Michel voted against.

Mr. March said the agenda was posted with regard to resignations not appointments. He said that there had not been a posting for the openings. He suggested re-affirming the position at the next meeting.

Trustee Singewald gave a statement about his back ground, why he selected Wellington, how he has helped his subdivision and what could be expected of him over the next year and four months. He spoke about the great job that Mr. Brinkhoff did for the town and hope to do as well. He is looking at divesting his interest in other obligations so he can give this position his full attention.

Mr. March said appointments were on the agenda as the next item. He suggested the second resignation should be next in order before filling any other vacancies.

Mayor Singewald said a second resignation was submitted, and subsequently rescinded. He asked Trustee Macdonald if that was correct and did she still reside in Wellington. Trustee Macdonald said that was correct and that she does reside in Wellington. Mr. March said Roberts Rules of order states a resignation occurs on being tendered, it can be withdrawn before it is accepted, but the Board has to agree that the resignation can be withdrawn.

TRUSTEE MICHEL MOVED AND TRUSTEE COX SECONDED to allow the resignation to be withdrawn. Roll call was taken motion passed Trustee Harless voted against and Trustee Macdonald abstained.

2. Filling Vacated Seats on Town Board and Planning Commission

Mayor Singewald said the next item would be to fill the Mayor Pro-Tem position.

TRUSTEE SATTLER MOVED AND TRUSTEE MACDONALD SECONDED to appoint Travis Harless as Mayor Pro-tem. Roll call was taken and the motion passed. Trustee Michel voted against.

Mayor Singewald said there is a vacancy on the Board of Trustee. Can we put a notice out for applications? There was a discussion on how long to keep application open before filling the vacancy. Mr. Lorentzen said the notice could be put in the November water bill. The opening would also be posted on the Website, Facebook and normal posting locations. It was decided to have a deadline for applications by November 14 so they can be put in the packet for November 22, 2016.

Mayor Singewald asked if he would be filling the opening on the Planning Commission. Mr. Lorentzen said that as Mayor he would serve on the Planning Commission.

3. Introduction of Draft 2017 Budget

Mr. Cummins explained that this presentation of the draft budget is for the State regulations. Work on the budget will continue in the work sessions. The Board is asked to accept the submittal of the draft budget.

TRUSTEE MICHEL MOVED AND TRUSTEE SATTLER SECONDED to acknowledge the presentation of the 2017 draft budget. Roll call was taken and the motion passed unanimously.

4. Purchase Request – Generator for LED Display Sign

Mr. Miller recommended the purchase of the Honda 3000 because of sound and reliability. It would be contained in a box on the sign trailer.

Trustee Sattler asked if this unit was more power than needed. Mr. Miller said the sign is rated at 2200 watts and this unit is rated for 2800 Watts so it should not be maxed out. Trustee Harless agreed that having a larger unit would be best.

TRUSTEE MACDONALD MOVED AND TRUSTEE MICHEL SECONDED to approve the purchase request for Honda 3000 generator in the amount of \$1999.00. Roll call was taken and the motion passed unanimously.

5. Discussion – Boxelder Stormwater Authority

Trustee Harless reviewed the information that was discussed in a meeting with Mayor Singewald, Mr. March, Mr. Lorentzen and Jeffery Kahn. He said it looks like the Boxelder Stormwater Authority (Authority) will have a short fall based on situations with litigation and cost of project completion. There was a discussion about upcoming staff only meetings. It is unclear why the meetings were being structured in this manner and the Board wanted to have at least one member at the meetings. Mr. March said he could pass that request on.

Mayor Singewald explained to the public what has been going on with this Authority and who our representatives are. He gave a history on how the Authority was initiated and how it has evolved. He gave a review of the projects and costs to the entities participating in the Authority. There have been issues with how each entity collects their portion of the contributions to the Authority and the accounting of these funds. The town recently had a third party look at the properties that are designated within the boundaries of the Authority to see if they are being assessed correctly.

Trustee Harless addressed some of the original reasons for the Authority projects. He mentioned that he and Mayor Singewald were not in agreement with the Authority on how things are being run and are not happy with the accessibility to information gathered by the Authority. Mayor Singewald mentioned that the original contribution from the town was supposed to be Three Million and is now over Seven Million.

Trustee Macdonald asked what they envision would be the ultimate solution for resolution. Trustee Harless said if the Authority has incurred more debt than the entities approved then they are required to ask for approval to incur more debt. If not, then they have broken the Inter-Governmental Agreement. He felt that by having staff meetings, mentioned earlier, that the Authority is attempting to circumvent the members.

Mr. March showed the agenda for those meetings.

6. Bills for Approval

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Quality Well and Pump	\$ 1,228.40
4 Rivers Equipment	1,338.27
Konica Minolta	2,453.69
March, Olive & Pharris, LLC	4,110.00
DPC	4,123.13
Dana Kepner	4,462.04
Wright Waster Engineers, Inc.	6,420.22
NALCO	7,359.40
Wells Fargo Bank	<u>36,747.29</u>
	\$ 68,242.44

Trustee Sattler asked for clarification of the Konica Minolta bill. He asked what time period this bill is for and is this the most cost effective. Trustee Harless said the time period is a quarter of a year. He mentioned that we lease the equipment and that covers service and supplies for the copier.

TRUSTEE MACDONALD MOVED AND TRUSTEE MICHEL SECONDED to approve the bills in the amount of \$68,242.44. Roll call was taken and the motion passed unanimously.

7. Town Attorney Update

Mr. March said he has been working on the following:

- Personnel manual with Mr. Abbott
- Utility Billing Code
- Advertising policy for use of LED sign
- Sign code

He said he needed to meet with Mr. Lorentzen on information that he received from the CML conference.

8. Town Administrator Update

Mr. Lorentzen updated the Board on the following:

- Garfield Storm Sewer Project – Issues with getting an easement on the Padilla property. He suggested proceeding with a condemnation process. Mayor Singewald asked when would there be an update on the trail design since that property was being looked at. Mr. Lorentzen said Mr. Padilla will not let another surveyor on his property. Mr. March said the Board needs to authorize condemnation proceedings. We would need to make an offer first. He would meet with Don Shannon about the cost and the span of an appraisal. There was further discussion about the possible trail location. Mr. March will have a report at the next Board meeting.

Next Planning Commission – November 7th

- Public Hearing on proposed changes to the Downtown Commercial district with regard to residential.
- Geier Subdivision Preliminary Plat
- Conditional use and Site Plan for Vessey Funeral Home on lot 6 of Bonfire Subdivision. This would be for a mortuary and crematorium.
- Issues dealing with North Poudre Irrigation with regard to storm water drainage that goes to their ditches.
- Punch list for ECI regarding completion and repair of the Wellington Community Park project. Mr. Abbott said he, Mr. Miller and Mr. Lorentzen did a walk through with Ted from ECI and Jim from Bath and put together a list of the issues that need to be fixed. Waiting to hear from Bath on a timeline to fix the issues. He said they will continue to keep on top of this issue.

Scheduling of Work Session

Budget at 6:30pm.

Other

Trustee Harless

- Asked about the Road Closure on McClellan. Mr. Lorentzen said if it is not being worked on it should be open. He would check to see what the schedule is.
- Said he received a notice about his trees hanging over the street. He mentioned that the Centennial Park trees also need to be trimmed.

Regular Board Meeting

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- He asked if Trustee compensation could be based on attendance at the meeting. Mr. Lorentzen said it could be modified, but it would go into effect after the next election. Mr. March was asked to draft something.
- He asked if there was any concern about having the November 8th meeting on Election day. No concern to change the meeting.

Trustee Macdonald

- Thanked Jim and Public Works for keeping the rocks clean around the entrance signs and filling the pot holes around Eyestone Elementary School.

Trustee Cox

- Asked for an update from Wright Engineering. Mr. March said he needed to follow up with Mr. Wright. Mr. Lorentzen said he received an email asking for more information.

Mayor Singewald

- Asked if staff could look into a Bluetooth microphone system.
- He would like to work with the town on ideas and plans to be more proactive than reactive.

Executive Session

Mr. March said the executive session pursuant to CRS§ 24-6-402(4)(b) for the purpose of receiving legal advice.

TRUSTEE MACDONALD MOVED AND TRUSTEE SATTLER SECONDED to go into executive session at 8:52 pm. Roll call was taken and the motion passed unanimously.

Mr. March said the Board of Trustees came out of executive session at 9:48pm Roll call was taken and all members were present. Issues about the Boxelder Basin Regional Stormwater Authority were discussed for legal opinion. He and the Mayor would certify that meeting was with council in writing.

TRUSTEE SATTLER MOVED AND TRUSTEE MACDONALD SECONDED to adjourn the meeting. Roll call was taken and the motion passed unanimously. Meeting adjourned at 9:50pm.

Respectfully submitted:

Cynthia Sullivan, CMC
Deputy Town Clerk