



BOARD OF TRUSTEES
September 24, 2019
LEEPER CENTER – 3800 WILSON AVE.

REGULAR MEETING – 6:30 PM

AGENDA

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Amendments to Agenda

B. COMMUNITY PARTICIPATION

Public Comment - Individuals wishing to participate in Public Comments (non-agenda item) are requested to sign up on the form provided on the podium. When you are recognized, step to the podium, state your name and address then speak to the Town Board of Trustees. Please limit comments to three (3) minutes.

C. CONSENT AGENDA

1. Minutes from Board of Trustees Meeting September 10, 2019
2. Parks Advisory Board Minutes for June 19, 2019

D. ACTION ITEMS

1. Main Street Report
2. Main Street \$2,500 Flower Program request for 2020
3. Main Street \$75,000 Funding Request for 2020
4. Wilson Well
 - a. Update
 - b. 2019 Wilson Wells Improvement Project: Award contract for Engineering Design Services
5. B-Dam Agreement
6. Resolution 30-2019 – Finding Substantial Compliance for Annexation of Lane Property into the Town of Wellington and Establishing a Public Hearing
7. Ordinance 11-2019 - Conditional Use Approval for Motor Vehicle Service and Repair Business on Lot 1, Boxelder Business Park
8. Ordinance 12-2019 - Conditional Use Approval for an In-home Child Care Center on Lot 11, Block 5, The Meadows

9. Ordinance 13-2019 - Conditional Use Approval for an In-home Child Care Center on Lot 2, Block 7, The Meadows
10. Ordinance 14-2019 - Conditional Use Approval for an In-home Child Care Center on Lot 9, Block 15, The Meadows
11. Resolution 31-2019 Establishing Court Fees
12. Resolution 32-2019 – - Adopting the Town of Wellington 2020-2024 Capital Improvement Plan
13. Contract Award: Wellington Community Park Ballfield Dugout Covers

E. REPORTS

1. Town Attorney
2. Town Administrator
 - Town Administrator Update
3. Staff Communications
4. Board

F. EXECUTIVE SESSION

Attorney Advice

1. Conferences with an attorney for the local public body pursuant to § 24-6-402(4) (b), for the purpose of receiving legal advice relative to water acquisition and supply and contract negotiations. The executive session will not be recorded and an attorney certification will be provided as required by C.R.S. §24-6-402(2)(d.5)(II)(B) that the discussion that discussions in the executive session constitute privileged attorney-client communications. Exclusive negotiation agreement between the Town of Wellington; Wellington Operating Company; Pomoco, LLC; Wellington Water Works; and Liodier,LLC.

G. ADDITIONAL ACTION

1. Consideration of letter of intent between the Town of Wellington; Wellington Operating Company; Pomoco, LLC; Wellington Water Works; and Liodier,LLC for acquisition of rights in the Wellington Oil Field.

ADJOURN

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting the Deputy Clerk at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.

BOARD OF TRUSTEES
REGULAR BOARD MEETING

September 24, 2019

A. CALL TO ORDER

The Regular Board Meeting was called to order at 6:30 p.m. August 27, 2019 at the Leeper Center, 3800 Wilson Ave, Wellington CO.

1. Pledge of Allegiance

2. Roll Call

TRUSTEES PRESENT: WYATT KNUTSON, MATT MICHEL, JOHN JEROME, TIM WHITEHOUSE, JOHN EVANS, DANIEL SATTLER, and TROY HAMMAN

TRUSTEES ABSENT: None

PRESIDING: TROY HAMMAN, MAYOR

ALSO, PRESENT: ED CANNON, TOWN ADMINISTRATOR
KELLY HOUGHTELING, ASSISTANT TOWN ADMINISTRATOR
CYNTHIA SULLIVAN, DEPUTY CLERK
PETE BRANDJORD, FINANCE DIRECTOR
CODY BIRD, TOWN PLANNER
BOB GOWING, PUBLIC WORKS DIRECTOR
MICHELLE VANCE, ECONOMIC DEVELOPMENT MANAGER
DAVE MYER, TOWN ENGINEER
DANIEL JONES, WATER TREATMENT PLANT OPERATOR
MICHAEL CARRANO, WASTEWATER TREATMENT PLANT SUPERITENDENT
BRAD MARCH, TOWN ATTORNEY OFFICE

3. Amendments to Agenda

4. Conflicts of Interest

B. COMMUNITY PARTICIPATION

1. Public Comment – None

2. Presentation

Mayor Hamman read a Thank You note from the Chamber of Commerce.

Mayor Hamman recognized Diane Stanton for reaching 20 years of service to the Town. Mr. Cannon presented Ms. Stanton with a certificate of appreciation.

Mayor Hamman thanked the volunteers and Trustees Jerome and Whitehouse for helping with the Tot Lot Community Build.

C. CONSENT AGENDA

- a. Board of Trustee Minutes from September 10, 2019
- b. Parks Advisory Board Minutes from June 19, 2019

TRUSTEE KNUTSON MOVED, AND TRUSTEE SATTTLER SECONDED to approve consent agenda. Motion passed Trustee Whitehouse abstained.

D. ACTION ITEMS

1. Main Streets Report

Kallie Cooper, new Main Street Executive Director, presented Main Streets requests for money for the Downtown flower planters and for the Main Streets budget for 2020. Mayor Hamman asked if Main Streets were going to move into the house with the Economic Development Manager. Ms. Cooper said that would be a discussion item at the next Main Streets Board meeting.

2. Main Streets \$2,500 Flower Planter

TRUSTEE SATTTLER MOVED, AND TRUSTEE EVANS SECONDED to approve the \$2,500 flower program requested by the Main Streets Program. Motion passed unanimously.

3. Main Streets \$75,000 Funding Request for 2020

TRUSTEE SATTTLER MOVED, AND TRUSTEE EVANS SECONDED to approve the funding request for \$75,000 for Main Streets Program of 2020. Motion passed unanimously.

4. Wilson Wells

a. Update

Mr. Myer gave a progress report on the Wilson Wells Project. The major item is to get the Reverse Osmosis (RO) running by May 2020. This will require new piping, pumps, valves, variable frequency drives (VFD's), and upgrade to 3 phase electrical. The process for the Request for Quote of engineering design services for replacement of the pumps was reviewed. Mr. Myer explained what work the staff has done and will be doing.

b. 2019 Wilson Wells Improvement Project: Award contract for Engineering Design Services

Trustee Whitehouse asked what the lead time is for ordering the pumps. Mr. Myer said from 2 to 6 weeks. The timeline for project completion is by May 1st, 2020.

There was discussion about funding. Mr. Myer said they would provide the board with monthly updates.

TRUSTEE MICHEL MOVED, AND TRUSTEE WHITEHOUSE SECONDED to authorize the project and execution of the contract with Farnsworth Group for engineering design services on the 2019 Wilson Wells Improvement Project in the amount not to exceed \$34,492. Motion passed unanimously.

5. B-Dam Agreement

Mayor Hamman said this was discussed at a work session.

TRUSTEE WHITEHOUSE MOVED, AND TRUSTEE KNUTSON SECONDED to approve and authorize Mayor to sign the B Dam agreement with a cost of \$50,000. Motion passed 5 for and 2 against Trustees Jerome and Michel opposed.

6. Resolution 30-2019 – Finding Substantial Compliance for Annexation of Lane Property to the Town of Wellington and Establishing a Public Hearing

Mr. Bird gave a history on the previous attempt to annex this property. The applicant made changes so the property was not divided in the middle. This resolution establishes that the application for annexation meets all the Town criteria, sets the time for a public hearing and sets in motion the process for notification for the hearing.

TRUSTEE SATTLER MOVED, AND TRUSTEE KNUTSON SECONDED to approve Resolution 30-2019 finding substantial compliance of an annexation petition to annex the Country Lane Acres Annexation to the Town of Wellington and establish the required public hearing date for November 12, 2019. Motion passed unanimously.

7. Ordinance 11-2019 – Conditional Use Approval for Motor Vehicle Service and Repair Business on Lot 1, Boxelder Business Park

Mr. Bird explained that this application is for a motor vehicle service and repair business in the light industrial zone. The current code only allows this as a conditional use. The Planning Commission approved the application with the following conditions: 1) Owner to maintain parking lot including signage designating - customer / employee / vehicles waiting for work. 2) No junked vehicles. The right to continue the conditional use will terminate in the case that use of the property or ownership changes.

Mr. Bird said the Planning Commission will be reviewing zoning codes and the approval process would probably be changed in the future.

Trustee Sattler asked if there needed to be a distinction between minor and major repair. Mr. Bird explained the definition for Motor Vehicle Service and Repair Business is the language from the Municipal Code.

TRUSTEE KNUTSON MOVED, AND TRUSTEE SATTLER SECONDED to approve Ordinance 11-2019 – Conditional Use for Motor Vehicle Service and Repair Business Located at 9062 W First Street. Motion passed unanimously.

Mr. Bird said the next three items deal with conditional use for In-home Child Care. He gave an overview of the process and covered the conditions that are relevant to all three items. Each item would be discussed and voted on separately.

8. Ordinance 12-2019 – Conditional Use approval for an In-home Child Care Center on Lot 11, Block 5, The Meadows.

Mr. Bird said the applicant has met the requirements of the Town.

Trustee Knutson asked how the fire department inspections have been going. Kirsten Normington-Mellin spoke for the group and said the inspections were going well.

Mayor Hamman opened the hearing to the public.

Kirsten Normington-Mellin, of 7078 McClellan, said by Municipal Code definition a Child Care Center does not include the 3 types of in-home licenses. She asked if the 3 types of in-home licenses were required to

have conditional uses?

Lisa Sadar, Quality Resources Manager, Early Childhood Council of Larimer County (ECCLC), commented on how communities should deal with in-home family care regarding building, fire and zoning codes. The State has stringent requirements and that should be enough. It was her opinion that the Town should make it easier to allow in-home child care.

Mayor Hamman closed the public hearing.

Mr. Bird said he would check to see if there is a conflict in the code.

TRUSTEE WHITEHOUSE MOVED, AND TRUSTEE EVANS SECONDED to approve Ordinance 12 – 2019 conditional use for an In-home Child Care Center (7 or more children in care) on Lot 11, Block 5, The Meadows. Motion passed unanimously.

9. Ordinance 13-2019 – Conditional Use Approval for an In-home Child Care Center on Lot 2, Block 7, The Meadows

Mayor Hamman opened the hearing to the public.

Ms. Normington-Mellin compared Wellington's regulations to Loveland's. She gave an overview of her facility and said she had to give up a client because their after-school care needs would put her over the limited number of children. She mentioned that the State requires 35 square feet per child.

Alicia MacArthur, 6887 McClellan, said she has children who are in school, but too young to go to the Boys and Girls Club. She asked if the Town was looking at part-time care. Trustee Whitehouse said the Town has put a lot of effort to find a solution that works, but it would not satisfy everyone.

Mayor Hamman closed the public hearing.

TRUSTEE SATTTLER MOVED, AND TRUSTEE KNUTSON SECONDED to approve Ordinance No. 13-2019 – Conditional Use for an In-home Child Care Center (7 or more children in care) on Lot 2, Block 7, The Meadows. Motion passed unanimously.

10. Ordinance 14-2019 – Conditional Use Approval for an In-home Child Care Center on Lot 9, Block 15, The Meadows

Mr. Bird said the applicant was not able to attend the meeting. Trustee Jerome asked if this was one of the child cares that was approved for the one-year period. Mr. Bird said it was.

Mayor Hamman asked if there was any public comment, seeing none he asked for a motion.

TRUSTEE SATTTLER MOVED, AND TRUSTEE KNUTSON SECONDED to approve Ordinance No. 14-2019 – Conditional Use for an In-home Child Care Center (7 or more children in care) on Lot 9, Block 15, The Meadows. Motion passed unanimously.

11. Resolution 31-2019 – Establishing Court Fees

Mr. March said fee changes were suggested by the Judge and are comparable with other jurisdictions.

TRUSTEE SATTTLER MOVED, AND TRUSTEE KNUTSON SECONDED to approve Resolution 31-2019 Establishing Court Fees. Motion passed unanimously.

12. Resolution 32-2019 – Adopting the Town of Wellington 2020-2024 Capital Improvement Plan

Trustee Sattler asked if the changes suggested in the work session had been incorporated in the CIP.

Mr. Brandjord said he still needed to reduce the amount on the vehicle. The Recreation Center was taken off, but the study stayed and was moved up to 2021. The EV station was on as a place holder until more information becomes available.

Kathy Wydallis, 3405 Revere Court West, felt it was premature to put in an EV Station. If needed the gas stations should do it. Taxpayers have already paid for rebates on electrical cars. If one is put in who pays for it.

TRUSTEE EVANS MOVED, AND TRUSTEE SATTLER SECONDED to approve Resolution 32-2019 adopting the 2020-2024 Capital Improvement Plan with conditions. Motion passed unanimously.

13. Contract Award: Wellington Community Park Ballfield Dugout Covers.

Ms. Houghteling reviewed the bids for the dugout cover equipment.

Trustee Whitehouse asked if the amount captured the work that would be done by staff. Mr. Gowing said it did not. He said there would be two additional covers submitted in the budget for next year.

Kathy Wydallis said the Parks Advisory Board was glad to see this would be done this year.

TRUSTEE SATTLER MOVED, AND TRUSTEE KNUTSON SECONDED to approve the award of the construction of ballfield dugout covers at Wellington Community Park in the amount of \$33,380 to Shelter Specialists, LLC. Motion passed unanimously.

E. REPORTS

1. Town Attorney

Mr. March said the Town had negotiated a confidentiality agreement and have a letter of intent and option with Wellington Operating Company and Brad Palmeroy for an evaluation of the feasibility to purchase the water source. The confidentiality agreement has been signed the letter of intent has not.

2. Town Administrator

Mr. Cannon mentioned the CML District meeting on Thursday October 3 in Windsor from 4:00-7:30pm. Please let Mr. Cannon know if you want to attend.

3. Staff Communications

4. Board

F. EXECUTIVE SESSION

Attorney Advice

On motion by John Jerome, seconded by Tim Whitehouse, the board voted unanimously at 8:00 p.m. to go into executive session for the purposes of conferences with an attorney for the local public body pursuant to § 24-6-402(4) (b), for the purpose of receiving legal advice relative to acquisition and supply of water and contract negotiations. The executive session will not be recorded, and an attorney certification will be provided

as required by C.R.S. §24-6-402(2) (d.5) (II)(B) that discussion in executive session constitute privileged attorney-client communications. Exclusive negotiation agreement between the Town of Wellington; Wellington Operating Company; Pomoco, LLC; Wellington Water Works; and Liodier, LLC.

On motion by Wyatt Knutson, seconded by Matt Michel, the board voted unanimously to come out of executive session at 8:25 p.m. It was announced that the board did not adopt any proposed policy, position, resolution, rule, regulation, or take any other formal action while in executive session. Certifications will be provided to the Clerk.

There being no further business the meeting adjourned at 8:26 p.m.

Respectfully submitted:

Cynthia Sullivan, CMC
Deputy Town Clerk