



BOARD OF TRUSTEES
July 23, 2019
LEEPER CENTER – 3800 WILSON AVE.
REGULAR MEETING – 6:30 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 item)

1. CORRESPONDENCE AND MINUTES FROM COMMITTEES AND BOARDS

Parks Advisory Board Minutes for May 15, 2019.

2. PROCLAMATION

a. 2020 Census Proclamation

3. CONSENT AGENDA

a. Board of Trustee Minutes for July 09, 2019

b. Work Session Summary for July 16, 2019

4. BUSINESS TO COME BEFORE THE BOARD

a. Fire District Impact Fee Agreement

b. Resolution 22-2019 Budget Amendment

c. Resolution 27-2019 Budget Amendment

d. Ordinance 10-2019 – Change in Court Penalties

e. 2019 Sanitary Sewer System and Waste Water Treatment Plant Master Plan

f. Purchase option on 3804 Cleveland

5. LIQUOR LICENSE REVIEW BOARD

a. Renewal for Sol De Jalisco

b. Renewal for Papas Table

6. STAFF REPORTS

a. Town Attorney Update

b. Town Administrator Update

c. Trustee Update

7. EXECUTIVE SESSION

Conferences with negotiators for the board as allowed pursuant to § 24-6-402(4) (e)(I) , for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators relative to the Thimmig property.

As required by C.R.S. §24-6-402(2)(d.5)(II)(B) and (II)(E) the executive session proceedings were electronically recorded and the record will be preserved for 90 days through October 21, 2019.

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 Tract F of the Columbine Subdivision. 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.

ADJOURN

BOARD OF TRUSTEES
REGULAR BOARD MEETING
July 23, 2019

The Regular Board Meeting was called to order at 7:32 p.m. July 23, 2019 at the Leeper Center 3800 Wilson Ave, Wellington CO.

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
BRAD MARCH, TOWN ATTORNEY OFFICE
DAVE MYER, TOWN ENGINEER
MIKE CARRANO, WASTE WATER SUPERINTENDENT

Additions to or deletions from the agenda

None

Conflicts of Interest

None

Public to be heard on non-agenda items.

Sean Byner, Stuart Wilson and Scott Brown asked to be placed on a future agenda to present a business plan for a medical marijuana dispensary. Mayor Hamman said since there is an ordinance against dispensaries. The requesting parties wanted to look at the procedure for changing an ordinance. Staff will review the information provided and contact them regarding the potential for placing the matter on the board's agenda.

1. CORRESPONDENCE AND MINUTES FROM COMMITTEES AND BOARDS

- a. Parks Advisory Board Minutes for May 15, 2019

2. PROCLAMATION

- a. 2020 Census Proclamation

Mayor Hamman read the Proclamation.

3. CONSENT AGENDA

- a. Board of Trustee Minutes for July 9, 2019
- b. Work Session Summary for July 16, 2019

TRUSTEE MICHEL MOVED, AND TRUSTEE EVANS SECONDED to approve consent agenda. Motion passed unanimously with, Trustee Whitehouse abstaining.

4. BUSINESS TO COME BEFORE THE BOARD

- a. Fire District Impact Fee Agreement

Fire Chief Gary Green presented the updated IGA for Fire District impact fees. Trustee Whitehouse asked if there would be an administrative fee. The IGA provides that the Town could charge an administrative fee.

TRUSTEE JEROME MOVED, AND TRUSTEE WHITEHOUSE SECONDED to approve the Fire District impact fee agreement. Motion passed with, Trustee Michel voting against.

- b. Resolution 22-2019 Budget Amendment

Mr. Brandjord explained that this budget amendment eliminates the categories of Administrative and Non-depreciable capital. This consolidation will make the budget more efficient and transparent. Through analysis of the budget a net savings of \$293,873 was realized over the last year.

TRUSTEE JEROME MOVED, AND TRUSTEE WHITEHOUSE SECONDED to approve Resolution 22-2019 amending the budget. Motion passed unanimously.

- c. Resolution 27-2019 Budget Amendment

Mr. Brandjord said the resolution is to reallocate budgetary savings and to apply the savings, including to purchase a staff vehicle. Areas where savings have been found including initial payment on the Water Treatment Facility loan, utility rate study and Waste Water Treatment Plant master plan.

Trustee Jerome asked if a comparison between purchase vs. paying mileage had been done. There was discussion on funds for the vehicle and for Economic Development. Mayor Hamman suggested taking the vehicle off the resolution and reviewing it for next year's budget.

Mr. March said the title of the resolution did not reflect the budget funds.

TRUSTEE JEROME MOVED, AND TRUSTEE WHITEHOUSE SECONDED to table resolution 27-2019 to August 13, 2019. Motion passed unanimously.

d. Ordinance 10-2019 – Change in Court Penalties

Mr. March said this ordinance modifies court fines and incarceration days in accordance with House Bill (HB) 1148. He noted that the matter was proposed as an emergency ordinance based on the effective date of the house bill.

Trustee Sattler pointed out a missing word in the third line of (b) which should have the word exceed.

TRUSTEE WHITEHOUSE MOVED, AND TRUSTEE JEROME SECONDED to approve Ordinance 10-2019 as an emergency ordinance of the Town Board of Trustees of the Town of Wellington, Colorado modifying incarceration and fine penalties with the noted correction. Motion passed unanimously.

e. 2019 Sanitary Sewer System and Waste Water Treatment Plant Master Plan

Mr. Gowing said that State requires that at 80% capacity the town needs to be in design phase and at 90% capacity in construction of a new facility. The proposed master plan is the first step in the design phase. He gave a background on the study for the master plan. He explained the process used to select the consultant.

Mr. Myer reviewed the criteria used to rank the proposals and the selection process. He explained why they are recommending a contract with Jacobs Engineering Group Inc.

Mr. Carrano said that staff originally thought that the town would not be at 80% for a couple more years. Now they feel the town will reach the 80% this year. He is hoping that the State will accept the Master plan as a first step in the design process.

Mr. Myer mentioned the draft contract in the packet. Trustee Jerome asked if the contract had been vetted through the Town Attorney. Mr. Gowing said this is our standard form contract. He said the Town Attorney has reviewed the wording but has not reviewed this specific contract.

Mayor Hamman asked if references had been checked. Mr. Myer said that was part of the statement of qualification (SOQ).

Trustee Knutson noted in the contract under professional liability it states 1 million and 1 million. He suggested it be 1 million and 2 million. Mr. Myer said that was specific for this contractor, but it could be changed if needed.

Trustee Sattler had a concern with the limitation of liability regarding consequential damages. Mr. March said the Board could approve subject to his review of the contract.

TRUSTEE SATTTLER MOVED, AND TRUSTEE KNUTSON SECONDED to approve the 2019 Sanitary Sewer System and Wastewater Treatment Plant Master Plan contract with Jacobs subject to Town Attorney review. Motion passed unanimously.

f. Purchase option on 3804 Cleveland

Mr. Cannon explained that the 3804 Cleveland Avenue has been leased by the town and that the lease contains a purchase option to buy the property. To exercise the purchase option the town must give a 90-day notice to the property owner and it was recommended that action to start the process to exercise the purchase option and to determine fair market value be taken in accordance with the option agreement.

TRUSTEE SATTTLER MOVED, AND TRUSTEE EVANS SECONDED to exercise the option to purchase 3804 Cleveland. Motion passed unanimously.

g. Reconsideration of B-Dams vote with action to be taken at August 13, 2019.

Trustee Jerome asked that if a motion was made and passed to reconsider the action taken relative to the B-Dams at the last Town Board meeting that action following the vote to reconsider be taken at the August 27th meeting.

TRUSTEE SATTTLER MOVED, AND TRUSTEE MICHEL SECONDED to reconsider the B-Dams vote with the understanding that in the event of an affirmative vote to reconsider that any further action be postponed and be taken at the August 27, 2019 meeting. Motion passed unanimously.

Mayor Hamman moved out of the regular session and into the Liquor License Review Board at 7:27 p.m. All members were present.

5. LIQUOR LICENSE REVIEW BOARD

a. Renewal for Sol De Jalisco

Mr. March said there were two concerns. First, Item 5 of the application may need to show that the applicants have interests in more than one liquor license in Colorado and, second that the lease agreement by which the parties control the property will expire prior to the next renewal, and the licensees should be aware of the need to update/extend the lease and provide information to the deputy clerk prior to expiration. The Owner will meet with Town Attorney.

TRUSTEE JEROME MOVED, AND TRUSTEE SATTTLER SECONDED to approve the renewal of the liquor license for Sol De Jalisco subject to corrections. Motion passed unanimously.

b. Renewal for Papa's Table

Mr. March had no issues with this application.

TRUSTEE SATTTLER MOVED, AND TRUSTEE JEROME SECONDED to approve the renewal of the liquor license for Papa's Table. Motion passed unanimously.

Mayor Hamman moved back into the regular board meeting at 7:40 p.m. All members present.

6. STAFF REPORTS

- a. Town Attorney Update-
- b. Town Administrator Update –

Mr. Cannon asked for explanation of the check for First National Bank of Omaha of \$10,000 for flash drives. Mr. Brandjord said that cec represented a total for the month from the PCard use for all purchases, not just for the purchase of flash drives which was one item of many purchases.

- c. Trustee Update

Trustee Evans mentioned the Community Build of the TOT Lot in Wellington Community Park. He would let the Board know the schedule.

Trustee Jerome asked for an update on the Trail. Mr. Gowing said staff would be meeting with a property owner on Thursday.

Trustee Sattler asked about the animal license revenue amount in the budget. Ms. Sullivan explained that the Town Hall works with Larimer County to collect the new and renewal fees on animal licenses. The town gets a portion of each license.

Trustee Jerome asked for an update on Economic Development in the monthly report.

7. EXECUTIVE SESSION

On motion by Mayor Hamman, seconded by Trustee Whitehouse, the board voted unanimously at 7:40 p.m. to go into executive session for the purposes of

- conferences with negotiators for the board as allowed pursuant to **§ 24-6-402(4)** (e)(I) , for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators relative to the Thimmig property.

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On motion by John Jerome, seconded by Dan Sattler, the board voted unanimously to come out of executive session at 9:06 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. The tape of the portion of executive session related to the Thimmig property will be preserved by the deputy clerk until October 21, 2019.

There being no further business the meeting adjourned at 9:06 p.m.

Respectfully submitted:

Cynthia Sullivan, CMC
Deputy Town Clerk