



BOARD OF TRUSTEES  
June 14, 2022  
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

**MINUTES**

A video recording of this meeting is available on the Town of Wellington's YouTube page at <https://www.youtube.com/channel/UCPgBl-EYjaSam4hF3mkoFNA>

**A. CALL TO ORDER**

Mayor Chaussee called the meeting to order at 6:30 p.m.

1. Pledge of Allegiance  
Mayor Chaussee asked that all rise for the pledge of allegiance.
2. Roll Call  
Mayor Calar Chaussee  
Mayor Pro Tem Ashley Macdonald  
Trustee Jon Gaiter  
Trustee Brian Mason  
Trustee Rebekka Kinney  
Trustee David Wiegand  
Trustee Shirrell Tietz

Also Present:

Patti Garcia, Town Administrator  
Dan Sapienza, March & Olive, LLC, Town Attorney  
Krystal Eucker, Town Clerk  
Cody Bird, Planning Director  
Bob Gowing, Public Works Director  
Dave Myer, Engineer  
Nate Ewert, Engineer  
Seargent Cherry, Larimer County Sheriff's Office  
Meagan Smith, Deputy Public Works Director  
Stephanie Anderson, Human Resources Manager  
Kelly Houghteling, Deputy Town Administrator  
Charity Campfield, Finance Director  
Hallie Sheldon, Management Analyst

3. Amendments to Agenda  
Mayor Chaussee asked if there were any amendments to the agenda this evening.

**Trustee Tietz moved to amend the agenda by removing item D.1, Reconsideration WaterNow Alliance Memorandum of Understanding; Trustee Wiegand seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Tietz, Wiegand**

**Nays – Kinney, Mason, Macdonald, Chaussee  
Motion failed.**

There were no amendments made to the agenda.

4. Conflict of Interest

Mayor Chaussee asked if there were any conflicts of interest this evening; there were no conflicts of interest.

**B. COMMUNITY PARTICIPATION**

1. Public Comment

Ms. Sapienza informed the public that the hearing for the Lamb Annexation was held at the May 24, 2022 Board of Trustees meeting, at which time considerable public comment was given. No additional information, including public comment at this time may be legally considered by the Board of Trustees and its decision-making on that agenda item. No additional public comment should be given on that agenda item at this time.

The meeting was opened for public comment; Russ Brewer, Kelly DeVries, Hannah Michaud, Kristi Cannon, Linda, Knaack, Brian Michaud, Lowrey Moyer, Reginald Westphal, Lisa Chollet, Karen Eiffert, Eric Hayes, Blair Petersen, Melanie Murphy and Jesy Andreen,

**C. CONSENT AGENDA**

1. Minutes of the May 24, 2022 Board of Trustees Meeting
2. Lightning Protection for Water Treatment & Water Reclamation Facilities
3. Resolution No. 23-2022 - A Resolution of the Board of Trustees of the Town of Wellington Making Appointments to the Wellington Finance Committee
4. Resolution No. 24-2022 - A Resolution of the Board of Trustees of the Town of Wellington Making Appointments to the Community Activities Commission
5. Resolution No. 25-2022 - A Resolution of the Board of Trustees of the Town of Wellington Designating Names of Certain Parks within the Town of Wellington

**Trustee Kinney moved to approve the consent agenda; Trustee Wiegand seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

**D. ACTION ITEMS**

1. Reconsideration WaterNow Alliance Memorandum of Understanding

Trustee Tietz made a motion on point of order with the understanding that under Robert's Rules, the Board is past its time to reconsider.

Mr. Sapienza gave his legal opinion regarding the point of order and reconsider.

A point of order does not need to be seconded so the point of order was properly called. If there is additional information regarding the explanation of the point of order that can be done and then the decision is made by the chair of the board. If the chair agrees that this is not in order, then it is not

in order. If the chair believes this is in order, then a point of appeal is made and seconded. The point of appeal is then debated.

Mr. Sapienza's gave his opinion on why this matter is in order. Under Robert's Rules, motions to reconsider are covered by section 37. Section 37:10 b) states in part, "in a session of one day - such as an ordinary meeting of a club or one day convention - the motion to reconsider it can be made only on the same day the vote to be reconsidered was taken. In a convention or session of more than one day, reconsideration can be moved only on the same day the original vote was taken or on the next succeeding day within the session on which a business meeting is held." Under the practice of this Board in the past, it was interpreted that each meeting is part of a larger session and those sessions spread from election to election. The election in April is the dividing point between sessions. Having a session that is more than one meeting, per Robert's Rules, the motion to reconsider can be considered the next day at which there is a meeting, essentially at the next meeting.

**Mayor Chaussee stated his decision on the point of order is no, agreeing with the opinion of Mr. Sapienza.**

**Trustee Gaiter raised a point of appeal to the Mayor's decision on the point of order; Trustee Tietz seconded the point of appeal. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Tietz, Wiegand**

**Nays – Kinney, Mason, Macdonald, Chaussee**

**Motion failed.**

Mr. Sapienza informed the Board that at the May 24, 2022 Town of Wellington Board of Trustees meeting, Trustee Mason moved to reconsider the May 10, 2022 motion to adopt the WaterNow Alliance MOU for technical assistance on water communications. That May 10, 2022 motion failed by a vote of 3-4, with Trustee Mason voting with the prevailing side. On May 24, 2022, the motion to reconsider was made during Board Updates, a portion of the meeting where action is not taken. Accordingly, it was decided that the motion to reconsider could not be taken up at that time. Per Robert's Rules, the motion to reconsider can be called up at a later time.

The meeting was opened for public comment: Linda Knaack, Kristi Cannon, Lowrey Moyer, Brian Michaud, Lisa Chollet, Eric Hayes, Reginald Westphal, Blair Petersen, Kelly DeVires, Ali McGuinnis, Jesy Andreen, Melanie Murphy, Karen Eiffert and Barb Holgren made comments.

**Roll call on the motion to reconsider from May 10, 2022 resulted as follows:**

**Yays – Kinney, Mason, Macdonald, Chaussee**

**Nays – Gaiter, Tietz, Wiegand**

**Motion carried.**

**Mayor Pro Tem Macdonald moved to approve the WaterNow Alliance Project Accelerator Grant Memorandum of Understanding; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Kinney, Mason, Macdonald, Chaussee**

**Nays – Gaiter, Tietz, Wiegand**

**Motion carried.**

The Board took a short recess from 8:35 p.m. to 8:44 p.m.

2. Ordinance No. 12-2022: An Ordinance Conditionally Annexing the Lamb Annexation into the Town of Wellington

Mr. Bird informed the Board that this item was continued to this evening from May 10, 2022. At the May 24, 2022 Board of Trustees meeting, the Board was presented with an application request for annexation of a property along 6th Street. At that meeting, the Board of Trustees conducted a public hearing and public testimony was received. The public hearing was also closed at that meeting.

A link to the recording of the May 24, 2022 Board of Trustees meeting was included in the packet material.

Mr. Sapienza commented that in making a decision on this item, that decision needs to be based on the record and that record was created at that public hearing.

The Board will also need to disclose any additional ex-parte communications since the May 24, 2022 meeting; no ex-parte communications were disclosed.

Mr. Sapienza informed the Board that an important piece to this agenda item is that the Board adopt findings of fact, assign a zoning district classification and take action on the ordinance itself.

Trustee Macdonald stated she has viewed the public hearing recording.

**Trustee Mason moved to approve Ordinance 10-2022, An Ordinance Conditionally Annexing the Lamb Annexation into the Town of Wellington pursuant to the findings of fact found by the Planning Commission, findings #1, #2 and #5, Annexation of the Property, Zoning Based on the Findings and Updating the Official Town Maps; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – Gaiter**

**Motion carried.**

3. ADA Special Accommodations Funding Request for 4th of July

Ms. Houghteling informed the Board that the Town has received five special accommodation requests for various events in town and staff has worked with legal counsel and CIRSA to provide a response. Staff is seeking direction on requested accommodations that are not within the 2022 Town Budget. The total funding request is \$2,194.00.

The meeting was opened for public comment; Sawyer Eiffert and Karen Eiffert provided comments.

**Mayor Pro Tem Macdonald moved to approve the ADA Special Accommodations Funding Request in the not to exceed amount of \$4,000; Trustee Tietz seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

4. Resolution No. 26-2022 - A Resolution of the Board of Trustees Appointing a Town Treasurer

Ms. Garcia informed the Board that The Town of Wellington Municipal Code at Section 2-3-30 requires that the Board of Trustees appoint a Town Treasurer. Upon the resignation of the former Finance Director/Town Treasurer, the Board of Trustees authorized the use of a firm to conduct the recruitment for the position; interviews were held on May 13, 2022. Charity Campfield was recommended by all interview groups, including Ms. Macdonald and Mr. Gaiter, to be the next Finance Director/Town Treasurer for the Town of Wellington.

The meeting was opened for public comment; there was no public comment.

**Trustee Gaiter moved to approve Resolution 26-2022 - A Resolution of the Board of Trustees Appointing Charity Campfield as Town Treasurer; Mayor Pro Tem Macdonald seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

Mayor Chaussee closed the regular meeting at 9:31 and opened the Liquor License Authority.

## **E. LIQUOR LICENSE AUTHORITY**

### Roll Call

Mayor Calar Chaussee

Mayor Pro Tem Ashley Macdonald

Trustee Jon Gaiter

Trustee Brian Mason

Trustee Rebekka Kinney

Trustee David Wiegand

Trustee Shirrell Tietz

### 1. Consent Agenda

a. Fermented Malt Beverage Liquor License Renewal - Mini Mart, Inc, d/b/a Loaf 'N Jug

b. Hotel and Restaurant Liquor License Renewal - Donjon LLC, d/b/a Wellington Grill

**Trustee Kinney moved to approve the consent agenda; Mayor Pro Tem Macdonald seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

### 2. Special Event Liquor Permit - American Legion

Ms. Eucker informed the Board that American Legion Wellington Post 176 has submitted an Application for a Special Event Permit to serve malt, vinous and spirituous liquor on July 4, 2022 at Centennial Park in Wellington, CO. The American Legion has submitted all documentation for the permit including the application, premise map and permission for use of the premise, non-profit status with the Colorado Secretary of State and the special event questionnaire.

Alcohol sales will take place on July 4, 2022 from 11:00 a.m. - 5:00 p.m. Alcohol will be donated and purchased for the event. All servers of alcohol will be TIPS certified and will be employees of the breweries or Cantina Liquor. Food from BBQ Love Shack, Leave it to Cleaver and Hog Wild BBQ will be available within the licensed premise along with a snack table. Security for the licensed premise will include deputies from the Larimer County Sheriff's Office and American Legion Volunteers.

The meeting was opened for public comment; Lisa Chollet, Lowrey Moyer and Nic Redavid made comments.

**Mayor Pro Tem Macdonald moved to approve the Special Event Liquor Permit for the**

**American Legion; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – Gaiter**

**Motion carried.**

Mayor Chaussee closed the Liquor License Authority and resumed the regular meeting at 9:44 p.m.

## **F. REPORTS**

1. Town Attorney

Mr. Sapienza asked the Board for direction regarding the Marijuana Licensing Authority and potentially amending the ordinance in 2023. The consensus of the Board is to have a work session sooner rather than later.

2. Town Administrator

Ms. Garcia reviewed the Trustee Planning Calendar that was included in packet material.

3. Staff Communications

a. Board of Trustees Planning Calendar

4. Board Reports

Trustee Tietz proposed a letter to the Board requesting an additional SRO Officer for the Middle/high school. The Board supported the request of an additional SRO Officer.

Trustee Tietz commented about throwing candy from floats during the 4<sup>th</sup> of July parade. Through discussions with the Fire Department and the Sheriff's Office, the CAC determined that throwing candy from parade floats was a safety issue and it would be prohibited during the 4<sup>th</sup> of July parade.

Trustee Wiegand informed the Board that the behavioral health facility is 30% completed.

Trustee Kinney informed the Board that she attended a tour of the landfill with the Policy Council for Solid Waste and they were able to see the operations of the current landfill and drove the preferred trailer route to the new facility near Wellington.

Trustee Gaiter informed the Board that he did a ride-along with Seargent Cherry.

**Trustee Gaiter moved to continue the meeting to 10:30 to address the executive session items: Trustee Tietz seconded. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

## **G. EXECUTIVE SESSION**

1. Executive Session: For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to Section 24-6-402(4)(e), C.R.S. and the transfer or sale of real property pursuant to Section 24-6-402(4)(a), regarding potential sale of the Thimmig Property. As required by C.R.S. §24-6-402(2)(d.5)(II)(A) and (II) (E) the executive session proceedings will be electronically recorded and

the record will be preserved for 90 days through September 12, 2022.

2. Executive Session: For the purpose of considering the purchase, acquisition, lease, or transfer of real property pursuant to Section 24-6-402(4)(a), regarding potential property acquisitions within the Town of Wellington for municipal purposes. As required by C.R.S. §24-6-402(2)(d.5)(II)(A) and (II) (E) the executive session proceedings will be electronically recorded and the record will be preserved for 90 days through September 12, 2022.

**Trustee Gaiter moved to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to Section 24-6-402(4)(e), C.R.S. and the transfer or sale of real property pursuant to Section 24-6-402(4)(a), regarding potential sale of the Thimmig Property; Mayor Pro Tem Macdonald seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

The Board moved into the executive sessions at 10:10 p.m.

No official action was taken during the executive session.

**Mayor Pro Tem Macdonald moved to close the executive session; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

**Trustee Gaiter moved to continue the meeting to 10:45 to address the executive session items: Trustee Kinney seconded. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

**Trustee Gaiter moved to go into executive session for the purpose of considering the purchase, acquisition, lease, or transfer of real property pursuant to Section 24-6-402(4)(a), regarding potential property acquisitions within the Town of Wellington for municipal purposes; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

No official action was taken during the executive session.

**Trustee Gaiter moved to close the executive session; Mayor Pro Tem Macdonald seconded the motion. Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

The Board closed the executive sessions at 10:44 p.m.

**H. ADJOURN**

**Trustee Gaiter moved to adjourn the meeting; Mayor Pro Tem Macdonald seconded the motion.**

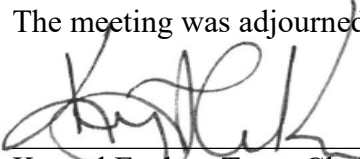
**Roll call on the vote resulted as follows:**

**Yays – Gaiter, Kinney, Mason, Tietz, Wiegand, Macdonald, Chaussee**

**Nays – None**

**Motion carried.**

The meeting was adjourned at 10:44 p.m.



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Krystal Eucker, Town Clerk