



TOWN OF WELLINGTON  
3735 CLEVELAND AVENUE  
P.O. BOX 127  
WELLINGTON, CO 80549  
TOWN HALL (970) 568-3381  
FAX (970) 568-9354

**BOARD OF TRUSTEES  
March 26, 2019  
LEEPER CENTER – 3800 WILSON AVE.**

**WORK SESSION – 6:30 PM**

**Agenda**

1. Water Treatment Plant Value Recommendations
2. Water Treatment Plant Financing Recommendations

**REGULAR MEETING – 7:30 PM**

**AGENDA**

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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

- a. Larimer County Sheriff's Office Report for February 2019
- b. Wellington Colorado Main Streets Program Report for March 2019

2. CONSENT AGENDA

- a. Board of Trustee Minutes for March 12, 2019
- b. Work Session Minutes for March 19, 2019
- c. Appointment of JC Cox to Parks Advisory Board
- d. Appointment of Lorilyn Bockelman to Parks Advisory Board

3. OLD BUSINESS

- a. Ordinance 1-2019 – Public Hearing: Conditional Use for Wireless Tower
- b. Amendment to Resolution 6-2019 and 1-2019 WE

4. NEW BUSINESS

- a. Public Hearing: Conditional Use for Vet Clinic at 3738 Cleveland
- b. Sage Meadows Development Agreement Amendment
- c. Ordinance 2-2019 – Water Treatment Plant Loan

5. STAFF REPORTS

- a. Town Attorney Update
- b. Town Administrator Update
- c. Trustee Update

6. EXECUTIVE SESSION

- a. Employment Contract for Town Administrator

ADJOURN

The Regular Board Meeting was called to order at 7:30 p.m. March 26, 2019 at the Leeper Center 3800 Wilson Ave, Wellington CO.

TRUSTEES PRESENT: WYATT KNUTSON, JOHN JEROME, TIM WHITEHOUSE,  
DANIEL SATTLER, TROY HAMMAN, and  
MATT MICHEL (arrived at 7:40 p.m.)

TRUSTEES ABSENT: JOHN EVANS

PRESIDING: TROY HAMMAN, MAYOR

ALSO, PRESENT: ED CANNON, TOWN ADMINISTRATOR  
KELLY HOUGHTELING, ASSISTANT TOWN ADMINISTRATOR  
CYNTHIA SULLIVAN, DEPUTY CLERK  
PETE BRANDJORD, FINANCE DIRECTOR  
BOB GOWING, PUBLIC WORKS DIRECTOR  
CODY BIRD, TOWN PLANNER  
BRAD MARCH, TOWN ATTORNEY  
MARK OBERSCHMIDT, TOWN ENGINEER

Additions to or deletions from the agenda

None

Conflicts of Interest

Trustee Knutson said he had a conflict with Item 4b for Sage Meadows.

Public to be heard on non-agenda items.

None

1. CORRESPONDANCE AND MINUTES FROM COMMITTEES AND BOARD

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TRUSTEE SATTLER MOVED, AND TRUSTEE WHITEHOUSE SECONDED to approve the Consent Agenda. Roll call was taken and the motion passed unanimously.

3. OLD BUSINESS

- a. Ordinance 1-2019 – Public Hearing Conditional Use for Wireless Tower

Mayor Hamman reviewed how the testimony would be taken in the public hearing.

Mr. Bird reviewed the process for the hearing. He said the request is for a 50-foot mono-pole tower on Lot 7 Wellington Business Center. He gave the history of the process through the Planning Commission and the Board of Trustees. This hearing was a continuation of the January 22, 2019 hearing that was continued to allow for notification of additional property owners in adjacent areas. Staff is recommending the following conditions if approved: Drainage, easements, and screening fence height and materials. Trustee Whitehouse asked about the 300 ft criteria from residential lots. Mr. Bird said there are 3 undeveloped residential lots that would be less than 300 feet away from the tower site as proposed. The applicant was requesting a reduction to allow the tower to be approximately 270 ft from these 3 residential properties.

Phillip Hartman representing Ascent Broadband and Matt Mullet, representing the property owner, addressed the Board of Trustees regarding the approval of this project. Mr. Mullet explained why the tower was appropriate for this development and would benefit the town. Mr. Hartman clarified that this was not 5G cellular technology, but rather it is microwave internet that is delivered as line of site. It is low power wireless internet. He explained the request for the variance of the 300-foot setback. Mr. Hartman explained that the equipment and facility they are proposing is required to comply with certain FCC regulations, but no licensing is required.

Public hearing opened at 7:48 p.m. and closed at 8:43 p.m.

Public Hearing Testimony:

For: Bruce Barrett

Against: Alan Winick, Judy Winick, Bob Williams, Aaron Genova, Jennifer Perry, Dylan Perry, Virginia Farver, Rosemary Niichell, Greg Pratz, Aaron Moats, Tom Niichell, Cindi Peck, Mollie Ristoff, Darren Robeson, and Dan Testa.

Main issues of concern: other location, fiber optic is less intrusive, exposure to open areas like parks, decreased property values, appearance, health issues, insurance, monitoring of emissions, FCC standards and microwave emissions.

There were comments on the application regarding design for winds, width of the antenna from the pole, and backup power.

Ms. Peck spoke about deficiencies in the application for conditional use based on the applications failure to meet the town code. She quoted from the 2018 fire code and suggested the Board of Trustees review the recent application to Larimer County for a microwave tower and the County's regulations.

\* supplemental materials distributed at the hearing were presented and will be maintained in the clerk's records.

Closing comments from applicant and staff.

Mr. Hartman reiterated that their proposed use is not 5G technology, but internet service. The board was advised that the Fire Department has reviewed the application and backup power for the facility is a low power battery. The developer has consulted an engineering firm in relation to the drainage easement and received a letter regarding the design. Mr. Mullet said the height of the other buildings around this property are 30 feet tall, so the tower would be less visible after other buildings are constructed. He pointed out other towers that can be seen around town.

The Board asked questions about FCC regulations, other proposed towers in the area, location on the property and color.

Mr. March reviewed the code and conditional use process that the Board would use to make their decision. There was discussion on whether this would be considered wireless telecommunications or not.

Mr. Bird explained that staff considered a 50 ft. tower to be consistent with the provisions for wireless telecommunications and recommended the applicant follow the procedures for conditional use.

Trustee Michel asked if the Board could establish a setback distance different from the minimum 300 feet. Mr. Bird said the Board could identify a different setback with explanation of the distance needs.

Mayor Hamman felt that there were several issues that needed to be resolved before action could be taken. Mr. Bird explained that the applicant submitted an application for a building permit. He talked about the process of the application and need for plans. The application and plans were reviewed in accordance with the town's adopted building codes and the plans were approved; however, the permit was not issued pending the outcome of this review. He addressed the comments from the public hearing. There was discussion about gathering additional information.

Mr. Sattler addressed the Board of Trustee's responsibilities when acting in a quasi-judicial capacity.

Mayor Hamman asked the applicant if they would object to tabling this issue to allow further clarification of FCC requirements and questions concerning the application. The applicant was not willing to postpone.

TRUSTEE JEROME MOVED, AND TRUSTEE SATTLER SECONDED approval Ordinance 1-2019 as presented. Roll call was taken and the motion failed 2 for and 4 against. No other motions were offered.

Recess was taken from 9:38 to 9:45 p.m.

b. Amendment to Resolution 6-2019 and 1-2019 WE

Mr. Cannon explained that there was an error in the title of the loan source. It should be the Colorado Drinking Water Revolving Fund (DWRP).

TRUSTEE MICHEL MOVED, AND TRUSTEE JEROME SECONDED authorizing correction to Resolutions 6-2019 and 1-2019 WE. Roll call was taken and the motion passed unanimously.

4. NEW BUSINESS

a. Public Hearing Conditional Use for Vet Clinic at 3738 Cleveland Ave.

Mr. Bird presented the application is for a conditional use request to allow a veterinary clinic for small animals with retail in the downtown commercial district. The applicant was informed that Veterinary facilities, small animal clinics were not uses allowed by right or conditional use in the downtown commercial district. The Planning Commission's motion was to allow the conditional use and the vote was 2 to 2, the motion failed. Staff recommended for denial due to zoning. The applicant addressed the concerns of staff regarding issues such as traffic, noise, odor and waste management. There was discussion about the zoning requirements and conditional use review criteria.

Kevin Huffman, applicant, addressed issues regarding community need and available locations. This building needs to be renovated and they would put money into the building for reduced lease rate. He explained how they would deal with parking and noise. Animal would be taken out to a concrete pad and vinyl fencing would be erected in the back to allow an area for animals relieve themselves. Feces would be picked up immediately and the pad would be rinsed off into the sewer system. The applicant cited an example similar to this from Fort Collins.

Public hearing opened at 10:12 p.m. and closed at 10:25 p.m.

Public Hearing Testimony:

For: JC Cox, Patty Kumnrow, Eric Junger and Peter Pronko

Against: Wendell Nelson, Aaron Genova, Ted Craig, and Jonnie Genova.

Main issues or concerns: Pros – refurbishing building, occupancy of empty building, need for another vet clinic. Cons – not a good fit with neighboring businesses.

Mr. Bird stated that the comprehensive plan vision for this area is a commercial, retail and entertainment district and downtown commercial zoning does not allow for this use. He said if the Board approves the conditional use, conditions can be attached which mitigate potential adverse impacts of the proposed use.

Mr. Huffman answered questions about the concrete area at the rear of the building, the disposal of animal waste and handling of stray animals that may be dropped off at the facility.

Mr. Cannon stated animal waste placed in the sewer and storm drainage systems is a violation . He also expressed concern with collection of excrement and odors associated with urine soaking into fence materials. He commented on building vacancy and preservation of commercial properties.

TRUSTEE MICHEL MOVED, AND TRUSTEE WHITEHOUSE SECONDED to approve the Conditional use for veterinary clinic at 3738 Cleveland Avenue. Roll call was taken motion failed with a vote of 2 for and 4 against.

b. Sage Meadows Development Agreement Amendment

Mr. Bird said this is an amendment to the Development Agreement for Sage Meadows Subdivision addressing the following items: upsizing the sanitary sewer line, railroad crossing improvement escrow funds, changes to the phasing of the development, and timing of turn lane improvements on State Highway 1 access. There was discussion about the cost of the

railroad crossing and what it would include. Mr. Bird explained that the amendment allows the developer to put money into escrow so building permits could be issued before construction on the railroad crossing is complete and the money would be available when the railroad is ready to get started on the work.

TRUSTEE WHITEHOUSE MOVED, AND TRUSTEE SATTLER SECONDED to approve agreement amendment for Sage Meadows Development Agreement. Roll call was taken and the motion passed Trustee Knutson abstained.

c. Ordinance 2-2019 – Water Treatment Plant Loan

Mr. Brandjord gave an overview regarding the amount of the loan, the interest rate, and the time line for the submittal of the application.

TRUSTEE WHITEHOUSE MOVED, AND TRUSTEE KNUTSON SECONDED to approve Ordinance 2-2019 – Water Treatment Plant Loan. Roll call was taken and the motion passed 4 for and 2 against.

5. STAFF REPORTS

- a. Town Attorney Update - None
- b. Town Administrator Update – Mr. Cannon mentioned Trustee Jerome’s participation in the emergency shelter during the blizzard.
- c. Trustee Update

6. EXECUTIVE SESSION

- a. Employment Contract for Town Administrator

Mr. Cannon asked that this be tabled due to the time. He requested that it be in open meeting on the April 9<sup>th</sup> meeting.

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

Respectfully submitted:

Cynthia Sullivan, CMC  
Deputy Town Clerk