



TOWN OF WELLINGTON

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REGULAR MEETING – 7:30 PM
BOARD OF TRUSTEES April 13,
2010 LEEPER CENTER – 3800 WILSON
AVE.

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

CORRESPONDENCE Letter from North Poudre
Irrigation Company US Cable

PRESENTATIONS Got What it Takes – Christie Bricher

CONSENT AGENDA

- Board of Trustee Minutes for March 23, 2010
- Planning Commission Minutes for March 1, 2010 & Special Meeting for March 15, 2010
- Larimer County Sheriff's Report for March
- Wellington Housing Authority Minutes for 1-7-10, 2-4-10 and 3-4-10.
- Stormwater Authority Minutes for 1-11-2010 and 2-11-2010

OLD BUSINESS

1. Preliminary Plat for Major Subdivision – Pieper Subdivision
2. Public Hearing – Zoning Code
 - a. Ordinance 2-2010 Prohibited Uses in Industrial Zone
3. Resolution 6 -2010 - Appointing County/Town Member to Boxelder Stormwater Authority Board

NEW BUSINESS

1. Oath of Office for Newly Elected Officials
2. Resolution 7-2010 - Appointing Mayor Pro-Tem
3. Resolution 8-2010 - Appointing Attorney, Administrator/Clerk, Treasurer and Judge
4. Resolution 9 -2010 - Appointing Members & Alternates to Board of Adjustments
5. Mayoral Appointment of Trustee to Planning Commission
6. CAC Resignation and Appointment of Member
7. Discussion – Vacancy on Housing Authority
8. Resolution 10-2010 reducing Permit Tap and Impact Fees – Miramont Family Medicine
9. Request for Reimbursement - Water tap at 3712 Cleveland Ave.
10. Purchase Request – Computer for Town Hall File Server
11. Discussion - Recognition for Heroic Action
12. Discussion - Possible Boys and Girls Club Location on Town Property
13. Discussion – Policy on Financial Support of Non-Profits
14. Bills for Approval
15. Town Attorney Update
16. Town Administrator Update

SCHEDULING OF WORK SESSIONS

OTHER ADJOURN

BOARD OF TRUSTEES
REGULAR BOARD MEETING
April 13, 2010

The Regular Board Meeting was called to order at 7:30 p.m. April 13, 2010 at the Leeper Center 3800 Wilson Ave, Wellington CO.

TRUSTEES PRESENT: MIKE STEELY, TRAVIS STEVENS, DAVID NOE TRAVIS VIEIRA, MISHIE DAKNIS, and JACK BRINKHOFF

TRUSTEES ABSENT: NONE

PRESIDING: LARRY NOEL, MAYOR

ALSO PRESENT: LARRY LORENTZEN, TOWN ADMINISTRATOR
CYNTHIA SULLIVAN, DEPUTY CLERK
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.

Chuck Mayhugh, representing Mountain West Pet Shows Incorporated, addressed the Board regarding the Wellington Pet Dog Show. This year it will be held on June 19th and located in Centennial Park. He has applied with CAC for the use of the sound system and chairs. Last year proceeds from the event were distributed to 10 pet rescue groups. We are pulling participants from all over Northern Colorado and Wyoming. He said they would like the park from 7:30am to 1:30pm.

John Fox, owner of Sixth Street Business Park Phase 4, addressed the Board concerning the undergrounding of utility lines along Sixth Street. He has been working with the town to get an agreement together for all the property owners that this affects. He said that the Board would be looking at this issue on the May 11th meeting, but the latest quote from Xcel expires on June 1st. His concern is that the property owners would not have enough time to sign the agreement with the Town before the June 1st deadline. He reviewed the items that still need to be clarified in the agreement for the property owners. Mr. March explained that the land owners would inter into a cooperative agreement whereby all would contribute at the time of the development of the land. The Town would up front money for the undergrounding of utilities along Sixth Street and Jefferson. He said we have received bids from Xcel. He said the initial bids were in the \$260,000 dollar range. The September bid was \$252,474 dollar bid. The Town has \$70,000 of reserves and some additional monies. The difference between the 70 and the 252 would be repaid to the Town. He said there were 4 concerns from the property owners. 1) The trigger for the collection of fees on a building permit would be if the permit was for an expansion of

existing building or new build on the property. 2) A time limit for this agreement to be in effect. The Board had suggested 10 to 15 years and decided on 10 years. 3) Interest rate of 4% that is payable when the building permit is pulled. 4) Square footage would be used to figure the repay amount. Trustee Vieira asked when Mr. March would have this available for the property owners to review. Mr. March said he would try to get it out next week.

Correspondence

Letter from North Poudre Irrigation Company

Mr. March gave his opinion on the letter was that the Town could buy additional water shares, but they want the town to use their contract water first. He felt this was a disincentive to buying any water.

US Cable

Mayor Noel said this is just a notice of additional channels being added.

Mr. Lorentzen mentioned a letter that was given to the Board prior to the meeting from Ellen Anderson regarding non compliant properties around town. There were pictures with the letter that were passed around by the Board members. He said these properties are in the old part of town where there are no covenants. He said we have a process to notify property owners and request them to become compliant. There was a discussion on how strict the enforcement should be. Mr. Lorentzen said that some of the properties have already been notified and some have already complied. Mr. March explained what actions could be taken. He said the Town has tried to work with people to fix the problems instead of working against them. There was further discussion on this issue. It was decided that Mr. March would send out notices to those that have not already been abated.

Presentations

Got What it Takes to Change Your Community – Christie Brucher

Christie Brucher, of 724 Gait Cir. said in the summer she works with middle school aged kids through the Boys and Girls Club to do community service. She said that for the last 2 years Larimer County funded this program and this year they have pulled out. She gave the Board an overview of the program. She said the Boys and Girls Club could give some of the money needed for this program, but we are still a little short. They would like to ask the Board for the rest of the money for the program. Trustee Daknis would like to see the Town support more youth programs. Trustee Brinkhoff asked how much they needed for the program. Ms. Brucher said they had \$7,500 last year. She said they worked 5 days a week for 4 hours a day. She said this year they would only be working 3 days a week. They would still need about \$7,000 and the Boys & Girls Club would be providing \$5,000, so what we need is \$2,000. Trustee Brinkhoff asked how soon they would need the money. Dave Rud, representing the Boys & Girls Club said they would need the money by June. Mr. Lorentzen said that item 13 is a discussion of policy on financial support of nonprofits. Mr. Lee Tucker gave a cash donation. Don Brown of 11527 NCR 13 said he could put together some work and training for the youth at his business in town.

Consent Agenda

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TRUSTEE NOE MOVED AND TRUSTEE VIEIRA SECONDED to approve the consent agenda. Roll call was taken and the motion passed unanimously.

OLD BUSINESS

1. Preliminary Plat for Major Subdivision – Pieper Subdivision

Jim Pieper, representing Pieper Enterprises, did not understand why the process is taking so long. He wants to get started with the building. Mr. Lorentzen explained that the building permit was not contingent on the subdivision of the property into 2 lots. He reviewed the process of the subdivision of the property. He said all the criteria for this process were received on Friday. He said that the process could be completed by the May 11th meeting. Trustee Vieira asked if they could get the permit. Mr. Lorentzen said they need to get the development agreement signed and submit all the plans for the building permit. Darrel Baker, contractor, stated that the plans for the interior of the building are not complete because USDA has to review them. He said what they would like is to get Footer & Foundation (F & F) permit. Mr. Lorentzen said we need a separate application for just the F & F. Mr. Baker asked how long that would take. Mr. Lorentzen said approximately 10 days. He said the other information we need is the number on the water and sewer usage. Trustee Brinkhoff asked what needed to be done at this meeting. Mr. Lorentzen said everything for the preliminary plan has been submitted and could be approved. Then we can start on the final plat approval.

TRUSTEE BRINKHOFF MOVED AND TRUSTEE DAKNIS SECONDED to approve Preliminary Plat for major subdivision for Pieper Subdivision. Roll call was taken and the motion passed unanimously.

2. Public Hearing – Zoning Code

Mr. Lorentzen explained that the Planning Commission reviewed the criteria for the zoning code and recommended changes to the industrial zoning district. Their recommendation included specific uses that would be prohibited and uses that would be considered conditional. Trustee Stevens asked for clarification on conditional use. Mr. Lorentzen said that a conditional use means the applicant has to go through a process with the Planning Commission and the Town Board at which time they can set conditions on the project.

William Schneider, 3740 Cleveland Ave., asked for clarification on electric power. Mr. Lorentzen said it is Electric power generation for distribution. So you could not put a power plant in the industrial zone. Mr. Schneider asked about green energy.

Roger Marshal, 3266 Iron Horse Way, asked if there were conditions put on the poultry processing plant. Mr. Lorentzen said processing plant went into an industrial zone that was a use by right and did not have specific conditions. Mr. Marshal asked if they would have to pave roads. Mr. Lorentzen said there are standard conditions for any development that they would have to do, such as, paving roads and landscaping plan. He said there are codes governing odor and noise that can be abated.

Lonnie Brockman, 8850 Crossfire Dr., made a statement that a same project could not be reviewed within 1 year. Mr. Lorentzen explained that the project is in a different zone on a different property and the first application was withdrawn.

TRUSTEE BRINKHOFF MOVED AND TRUSTEE NOE SECONDED to approve Ordinance 2-2010 amending permitted uses in industrial zone with amendment that Electric power generation for wholesale distribution but not retail. Roll call was taken and the motion passed unanimously.

3. Resolution 6-2010 – Appointing County /Town Member to Boxelder Stormwater Authority Board
Mayor Noel said that Lee Tucker has been recommended as the county/town member to the Board.

TRUSTEE STEVENS MOVED AND TRUSTEE DAKNIS SECONDED to adopt Resolution 6-2010 appointing Lee Tucker for joint member as agreed to by Mayor Noel and Commissioner Gaiter. Roll call was taken and the motion passed unanimously.

Mayor Noel called for a recess at 8:35pm and reconvened the meeting at 8:45pm.

NEW BUSINESS

Trustee Daknis made a presentation to Larry Noel for his many years of service as Trustee and Mayor.

1. Oath of Office for Newly Elected Officials

Mr. Lorentzen administered the oath of office to Mayor Travis Vieira, Trustee Mike Steely, Trustee Travis Stevens and Trustee Ernest Cienfuegos-Baca.

2. Resolution 7-2010 – Appointing Mayor Pro-Tem

Mayor Vieira welcomed the returning and new Trustees and thanked Larry Noel for his service.

Mayor Vieira asked for nominations for the Mayor Pro-Tem

TRUSTEE NOE MOVED AND TRUSTEE STEELY SECONDED to nominate Travis Stevens. Roll call was taken and the motion passed unanimously.

3. Resolution 8-2010 – Appointing Attorney, Administrator/Clerk, Treasurer and Judge

Mr. March asked that Sara Stieben be added as one of the Town Attorneys.

TRUSTEE BRINKHOFF MOVED AND TRUSTEE DAKNIS SECONDED to approve Resolution 8-2010 appointing town officers – Administrator Larry Lorentzen, Treasurer Michael Cummins, Attorney Brad March, and Judge Theresa Ablao to include Sara Stieben. Roll call was taken and the motion passed unanimously.

4. Resolution 9-2010 – Appointing Members and Alternates of Board of Adjustments

Trustee Noe pointed out a correction in the resolution title.

Mr. Lorentzen explained that there are 3 members whose terms are up and need to be reappointed. We need to appoint 2 alternate members from the Board of Trustees.

Trustee Daknis nominated Mike Steely. Trustee Stevens nominated Ernest Cienfuegos-Baca.

TRUSTEE DAKNIS MOVED AND TRUSTEE NOE SECONDED to approve resolution 9-2010 appointing members and alternates to Board of Adjustments with Mike Steely as alternate 1 and Ernest Cienfuegos-Baca as alternate 2 with corrections. Roll call was taken and the motion passed unanimously.

5. Mayoral Appointment of Trustee to Planning Commission

Mayor Vieira asked Trustee Brinkhoff if he would serve on the planning commission. Jack said he would.

TRUSTEE NOE MOVED AND TRUSTEE STEVENS SECONDED to approve the appointment of Jack Brinkhoff to Planning Commission. Roll call was taken and the motion passed unanimously.

5b Appointment of new Mayor and Trustees to Library Board

Mayor Vieira appointed himself and Trustee Cienfuegos-Baca to the Library Board.

TRUSTEE NOE MOVED AND TRUSTEE STEELY SECONDED to approve the appointment of Mayor Vieira and Trustee Cienfuegos-Baca to the Library Board. Roll call was taken and the motion passed unanimously.

6. CAC Resignation and Appointment of Member

Mayor Vieira said we have received a resignation letter for Vicky Andersen and an application from Arlene Schiffman.

TRUSTEE BRINKHOFF MOVED AND TRUSTEE STEELY SECONDED to accept resignation of Vicky Andersen and to appoint Arlene Schiffman to the Community Activities Commission. Roll call was taken and the motion passed unanimously.

7. Discussion – Vacancy on Housing Authority

Mayor Vieira said the By-Laws do not allow more than one Board of Trustee Member to be on the Housing Authority.

Trustee Cienfuegos-Baca said he would resign from the Housing Authority. Trustee Daknis would be staying on the Housing Authority.

8. Resolution 10-2010 reducing Permit Tap and Impact Fees – Miramont Family Medicine

Dave Hildreth and John Bender were present for questions.

Mr. Lorentzen said applicant of the Miramont Family Medical Center have asked for relief under our resolution providing incentives to businesses with 5 or more employees. He said \$2500 was budgeted in the water and sewer fund for incentives. We can also look at a 10% reduction in the building permit

inspection fees. He said we also have \$1000 in the storm water fund. His recommendation is to use \$1250 out of each of the water and sewer fund, \$1000 out of the storm water fund and the 10% discount on the inspection fees of \$403.12 for a total of \$2,903.12. This will leave us a little money for the next request.

Mayor Vieira asked if resolution 9-2009 could be used to defer the fees. Mr. Lorentzen said yes it could be used, but it takes a minimum of 10 days to process and this group would like to move forward right away.

Mr. Bender said based on information about building permit fees we were not prepared for the accrual cost of the permit. He said their request is for relief from water and sewer taps. He also mentioned that they currently have 5 employees and expect to have up to 10 employees within the first year in the new building. He mentioned that they could reduce the size of the water tap, but that would reduce the amount of pressure we have available. He asked if they could have the one inch tap, but only pay for a $\frac{3}{4}$ inch tap. There was discussion about how to run the water line the least expensive way.

Jessica Jaques, investor and employee for Miramont, read a letter from Dr. Jan Wexelman.

Mr. Schneider asked the Board to help this business expand and stay in this community.

Mr. Brown felt that the Board needs to financially support the businesses that are looking at coming to town.

Richard Seaworth, of 4283 White Deer Lane, said he has been working with the medical community for several years and feels that it is a necessity for our community. He gave background on the issues between Cheyenne and Fort Collins medical entities.

Mayor Vieira asked how much of a gap is there between the amount on the permit and what they can pay. Mr. Lorentzen said there is about \$15,000 in taxes. If they go to a $\frac{3}{4}$ inch tap there is about \$8,000 savings and \$3,000 reduction in impact fees which comes to \$4,000 difference. He said if you approve resolution with \$2,500 for water and sewer, \$1000 out of the storm drainage and 10% reduction in building permit fees. These should meet the difference. He explained that the reduction in fees provided to business have to come out of the general fund. We could over run the water and sewer fund and amend the budget later. The problem is that we offered incentives to builders who are sitting with empty building and we have not been able to resupply our reserves. The next step we will be looking at is to increase utility rates to the residents. He said if we have any further requests he suggest that we have an agreement with the business that if they are to sell the building or go out of business we could recoup the fees from the new owner.

Mayor Vieira asked about the taxes. Mr. Lorentzen said that is the item that they were not expecting, but the taxes would have to be paid for the material whether it is to the town or the supplier. Mayor Vieira asked if the taxes were estimated. Mr. Lorentzen said they are based on an estimate. The builder does have the ability to defer the city taxes until the end of the project and come in with the actual amount that was spent and we could collect at that time. Mayor Vieira asked if the business could pay the taxes

monthly as the materials are purchased. Dina Hildreth, Miramont employee, said they could pay at the end of the project. There was further discussion about the taxes.

Trustee Brinkhoff reiterated that the town would decrease the water and sewer by \$2,500 each and \$1,000 for storm drainage. He said they would have a $\frac{3}{4}$ inch water tap.

Trustee Stevens asked how the repay would work if they pull out. Mr. March said we could record a covenant against the property and behind the loan. We would need the bank to sign off on this obligation if the property is sold. This would also cover the town if there is a foreclosure.

TRUSTEE BRINKHOFF MOVED AND TRUSTEE DAKNIS SECONDED to approve resolution 10-2010 reducing \$403.12 on building inspection fee, \$2,500 on water tap, \$2,500 on sewer tap fees, and \$1,000 on storm water with the agreement they could upsize their water line to feed the tap and have legal covenants written against the property to allow the town to recoup the monies for the utilities in the case of foreclosure or sale within the next 5 years. Roll call was taken and the motion passed unanimously.

Mayor Vieira asked Ms. Sullivan if there is a form they could fill out for the taxes. Ms. Sullivan said she has sent them the form for the deferral of the towns use taxes. Mr. Lorentzen said as long as they finish in six months then we look at the total amount paid for materials and assess the amount required for taxes. Ms. Sullivan said she would refigure all the fees and contact Dave Hildreth tomorrow.

9. Request for Reimbursement – Water tap at 3712 Cleveland Ave

Mr. Lorentzen gave the history on the service at this property. He said they had to replace the tap and change it from a $\frac{1}{2}$ inch to a $\frac{3}{4}$ inch tap. They had to spend about \$4,000 to replace the service line and fix the main where it had been busted. Mr. Bodkins suggested reimbursing up to an amount that it would cost public to replace the tap. The recommendation is to reimburse them \$1,200.

Trustee Brinkhoff asked if River of Life had agreed on this amount. Mr. Lorentzen said he had expected them to attend the meeting.

TRUSTEE DAKNIS MOVED AND TRUSTEE STEVENS SECONDED to approve reimbursement of a portion of costs in the amount of \$1,200 for 3712 Cleveland. Roll call was taken and the motion passed unanimously.

10. Purchase Request – Computer for Town Hall File Server

Mr. Lorentzen said we are getting an upgrade on our financial software and we need more power on the server. The current server is 4 years old and it would take about the same amount to upgrade it as to buy a new one.

Trustee Daknis asked if this would allow us to do the emailing we have been looking at. Mr. Lorentzen said no that is through the group wise. There was further discussion about the email system and the connection to the T-1 line.

TRUSTEE DAKNIS MOVED AND TRUSTEE BRINKHOFF SECONDED to approve purchase of a new Dell File server and installation in the amount of \$4,712.00. Roll call was taken and the motion passed unanimously.

11. Discussion – Recognition for Heroic Action

Trustee Brinkhoff suggested recognizing two local boys who saved their mother by calling 911 and waiting for medical services.

Mr. March said we could have a Mayors proclamation. Trustee Daknis suggested giving a medal with a ribbon. She would check at Finish Line for the medals.

Mayor Vieira asked Mr. March to write up the proclamation for the next meeting.

12. Discussion – Possible Boys & Girls club Location on Town Property

Trustee Daknis said a group has been working with Kathy Wright at possible location for a larger facility for the Boys and Girls Club. Mr. Rud said we need to have a location for the facility so we could start promoting it. He said Chuck Mayhugh would be doing the design. Trustee Daknis said they would like to have the old waste treatment plant area for the facility. She said it would be more like a community center with access for the Recreation department. Mr. March asked who owns or would own the property. He said the town could give a letter of intent that is not binding. He said there are a lot of details that need to be discussed before the town could commit to the use of the property. Mr. March asked if there were any issues with respect to this property. Mr. Lorentzen said that in the parks master plan the lagoon area would stay as open fields, but the south end of the property might be large enough for a facility.

Trustee Cienfuegos-Baca said he understood that the town currently donates the use of the facility and maintains it and that the Boys & Girls Club was having difficulty with operating costs. If we build how will the Boys and Girls Club staff and maintain it. Mr. Rud said part of the capital campaign is to figure the cost of construction and double that. The additional monies would become an endowment to help cover operating costs. Trustee Cienfuegos-Baca asked if this would take the place of a community center. The answer was no but it could be shared.

Mr. March said he would get with the group and see how we need to write a letter. Then it would be brought back to the Board.

13. Discussion – Policy on Financial Support of Non-Profits

Trustee Daknis said she would like to see the Board put in a line item for support for youth programs. She suggested using the \$2,500 that the town has been spending to NCEDC and ear mark it for this program.

Mr. Lorentzen said the policy that the town has is not to give directly to non-profit organizations, but to support them with facilities and maintenance. He said once you open to giving to non-profit organizations the there will be more groups coming in to ask for money. He said some communities set up a fund at budget time and those organizations that want monies have to request it at this time.

Mr. March said that the Town could look at community development block grants for this type of program. He said you have to qualify for the monies.

Trustee Brinkhoff said could we do this one this year and set up a fund when we do our budget. Mr. Lorentzen said this program has done work for the town in the past and we could give them the \$2,500 and qualify it by saying that the town would get \$2,500 worth of work from this group.

It was decided to put it on the next meeting for action.

14. Bills for Approval

USA Blue Book	\$ 1,016.73
Sharp Bros. Seed Co.	1,942.50
Municipal Treatment Equipment Inc.	3,250.00
Dana Kepner	6,110.97
C & M Air Cooled Engine, Inc.	8,195.00
CDM Electric	9,605.16
Stantec	11,958.25
Colorado Water Resources & Power Development Authority	36,747.29
NCP	1,134.98
Pro-Design Specialties Inc.	1,393.00
Front Range Steel	<u>3,454.00</u>
	\$ 84,807.88

TRUSTEE STEELY MOVED AND TRUSTEE NOE SECONDED to approve the bills in the amount of \$78,825.90. Roll call was taken and the motion passed unanimously.

15. Town Attorney Update

Mr. March updated the Board on the following:

- Xcel – Should have the franchise agreement at the May 11th meeting
- Ownership of some of the underground water in the Knolls from the Baskerville Estate (estimated value of 4 million)
- Issues with North Poudre
- 3W Water and the creation of a special district to go to County Board in May.
- Scheduling a meeting with Mr. Pieper on his issues.
- Looking at letter of credit for the Knolls – Issue still the sprinkler system
There was further discussion on the need to pull the LOC

16. Town Administrator Update

Larry updated the Board on the following:

- The Medical Clinic has started putting water and sewer line in and will probably want to start on the permit in about a week. There was further discussion on this issue.
- Advanced Tank has started their new building

- Meeting with John Fox about his property

Trustee Daknis said that town hall looks nice. She said that Larry and Mike needed some low cost cabinets. Larry said that Diane did most of the work.

Don Silar said they had not received any new information from the Railroad Company.

Scheduling of Work Session

Nothing for next meeting. May 11th joint meeting with Planning Commissioner and BHA about the revised plan on the park. Possible meeting 2nd week in May with CDOT airport division. Mr. March said we also need to look at the Medical Marijuana issue once the legislative stuff is ready.

Other

Trustee Stevens asked if Barbeque guy is licensed. Cynthia said no. She said they would have Steve contact them.

Trustee Daknis said Thank You to The Wellington.

Trustee Brinkhoff wanted to address the letter about the sign for the Bike Race. Larry said the money would come from the CAC budget. Trustee Brinkhoff said it is on the CAC agenda for Monday.

TRUSTEE NOE MOVED AND TRUSTEE BRINKHOFF SECONDED to adjourn the meeting. Roll call was taken and the motion passed unanimously. Meeting adjourned at 11:00pm.

ATTEST:

Cynthia Sullivan, CMC
Deputy Town Clerk