



TOWN OF WELLINGTON

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BOARD OF TRUSTEES
January 12, 2010
LEEPER CENTER – 3800 WILSON AVE.

REGULAR MEETING – 7:30 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

CORRESPONDENCE

Letter from Larimer County Commissioners – IGA on GMA

PRESENTATIONS

CONSENT AGENDA

- Board of Trustee Minutes for December 8, 2009
- Planning Commission Minutes for December 7, 2009
- Municipal Court Report for December 2, 2009
- Larimer County Sheriff's Report for December
- Boxelder Basin Stormwater Authority Minutes for November 19, 2009

LIBRARY BOARD

Directors Report

NEW BUSINESS

1. Resolution 1-2010 – Setting Posting Locations for Public Notices
2. Resolution 2-2010 – 3 Mile Plan
3. Senior Agreement for use of Leeper Center for 2010
4. Agreement with Larimer County Sheriff for Law Enforcement for 2010
5. Development Agreement for Public Improvements – Chicken Processing Plant Site
6. Agreement with BHA for Park Design Services
7. Discussion- Request from Mr. Zweygardt on Extension of Subdivision and Annexation Approvals
8. Bills for Approval
9. Town Attorney Update
10. Town Administrator Update

SCHEDULING OF WORK SESSIONS

OTHER

ADJOURN

BOARD OF TRUSTEES
REGULAR BOARD MEETING
January 12, 2010

The Regular Board Meeting was called to order at 7:35 p.m. January 12, 2010 at the Leeper Center 3800 Wilson Ave, Wellington CO.

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

TRUSTEES ABSENT: DAVID NOE

PRESIDING: LARRY NOEL, MAYOR

ALSO PRESENT: LARRY LORENTZEN, TOWN ADMINISTRATOR
CYNTHIA SULLIVAN, DEPUTY CLERK
BRAD MARCH, TOWN ATTORNEY
GENE ANNE TRANT, LIBRARY DIRECTOR
DON SILAR, TOWN ENGINEER

Additions to or deletions from the agenda

None

Conflicts of Interest

None

Public to be heard on non-agenda items.

Ellen Andersen, of 3750 Henderson Ave., said she had sent a letter to the Board regarding a house across the street from her home that has excessive trash. Mr. March said he would be sending a letter to the owner to clean the premises.

Correspondence

Letter from Larimer County Commissioners – IGA on GMA

Mr. March said there is a new County Commissioner and Planner. He thought it would be best to let them settle into their positions before we push forward on this issue.

Presentations

Mayor Noel introduced the new officer Sergeant Bill Howe.

Consent Agenda

- Board of Trustee Minutes for December 8, 2009
- Planning Commission Minutes for December 7, 2009
- Municipal Court Report for December 2, 2009
- Larimer County Sheriff's Report for December
- Boxelder Basin Stormwater Authority Minutes for November 19, 2009

Mr. March had one correction in the Board minutes regarding Mr. Seaworth. Mayor Noel asked when Mr. Seaworth's term expires. Mr. Lorentzen said April 1st.

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

Mayor Noel closed the Regular Board Meeting at 7:44 pm and opened the Library Board Meeting. Roll call was taken and all members were present except Trustee Noe.

LIBRARY BOARD

Ms. Trant said the new circulation system is running well. Library use is still increasing. She said the Friends of the Library are running their winter reading program.

Mayor Noel closed the Library Board Meeting at 7:47 pm and reopened the Regular Board Meeting. Roll call was taken and all members were present except Trustee Noe.

NEW BUSINESS

1. Resolution 1-2010 – Setting Posting Locations for Public Notices

Mr. Lorentzen said there were no changes to the list of locations.

Trustee Daknis asked that we remove the posting at Loaf N Jug and add a posting at Main Street Market.

TRUSTEE BRINKHOFF MOVED AND TRUSTEE DAKNIS SECONDED to approve Resolution 1-2010 setting forth the times and places for public notice postings with change from Loaf N Jug to Main Street Market. Roll call was taken and the motion passed unanimously.

2. Resolution 2-2010 – 3 Mile Plan

Mr. Lorentzen said this is also an annual renewal and it has to be in place for us to annex property. There are no changes in the plan.

TRUSTEE STEELY MOVED AND TRUSTEE DAKNIS SECONDED to approve Resolution 2-2010 adopting current Comprehensive Master Plan as the Three Mile Plan. Roll call was taken and the motion passed unanimously.

3. Senior Agreement for use of Leeper Center

Mr. Lorentzen said this renewal has no changes from previous years.

Trustee Daknis asked about the cupboards and asked if one could be left open and stocked with a few items.

TRUSTEE STEVENS MOVED AND TRUSTEE DAKNIS SECONDED to authorize the Mayor to sign agreement with the Seniors for the use of the Leeper Center. Roll call was taken and the motion passed unanimously.

4. Agreement with Larimer County Sheriff for Law Enforcement for 2010

Mr. Lorentzen said the total is a little less because we purchased computers and bikes last year. He said the only correction was with regard to the lease of the vehicles.

Trustee Daknis asked if any of the deputies changed. Sergeant Howe said just him.

TRUSTEE BRINKHOFF MOVED AND TRUSTEE STEVENS SECONDED to authorize Mayor to sign contract for Law Enforcement Services for 2010 in the amount of \$609,000. Roll call was taken and the motion passed unanimously.

5. Development Agreement for Public Improvements – Chicken Processing Plant Site

Mr. Lorentzen said the Planning Commission approved the site plan for a processing plant in the Lebsack Annexation parcel zoned industrial north of the Boxelder Business Park. He said this is a 30 acre parcel that has not been subdivided. The developer has submitted an application to subdivide an acre parcel off for this processing plant. He said the water line goes through this parcel and the sewer is about 100 ft. to the south and they would need to connect to it. He said there would be a driveway from this property west to connect with west 1st street. He said the development agreement basically covers the sewer line and possibly some storm drainage.

Mr. Lorentzen said the landscaping was addressed as part of the site plan approval. He said the developer would probably ask that a building permit be issued before they have completed the extension of the sewer line.

Derrel Baker, general contractor, asked for an addendum to the agreement to allow them to put in the utility lines while they are building the structure. He would also like to extend the time period to put in the road for six months from the time the CO is issued. Mayor Noel felt six months would be too long because that is getting close to fall when the plants shut down. After further discussion it was decided to extend the road completion until the July 15, 2010.

Trustee Brinkhoff asked if Northern Colorado Water had signed off to allow the use of town water. Mr. Lorentzen said we received a letter of approval from them today.

Mr. March suggested a provision regarding necessary easements for the utilities and road. He also was concerned about the owner of record and suggested that the agreement be signed by the owner.

Ted Craig, of 8779 Crossfire, commented on this type of use relating to lowering property values. He asked how much it would cost the town to do improvements. Mr. Lorentzen said that the development agreement being discussed will spell out what infrastructure needs to be put in and the entire cost is the burden of the developer.

Lonnie Brockman, of 8850 Crossfire, commented against the use of the property. Mr. March explained the different process between development in a light industrial and industrial zone.

Ellen Andersen, of 3750 Henderson Ave., commented that she used to live across the street from an enclosed chicken processing facility. She said she never had any problem with odor, noise or feathers.

There was a discussion about how to put additional restrictions and guidelines within the different zones.

Trustee Vieira commented that the town had done due diligence to advertise the meetings. We cannot make residents look at the information. He said we would like more input from the community.

TRUSTEE BRINKHOFF MOVED AND TRUSTEE STEELY SECONDED to authorize Mayor to Sign Development agreement for Chicken processing plant on Lebsack Annexation #2. Roll call was taken Trustees Steely, Vieira, Daknis, Brinkhoff and Mayor Noel voted for and Trustee Stevens voted against.

6. Agreement with BHA for Park Design Services

Mr. Silar gave an overview of project for the Buffalo Creek Park. He said the contract needs to be signed so design work can be started. He said during the design process the designers will give the Board updates and show how the plans are progressing. He introduced the representatives from BHA.

David Kasprzak and Roger Sherman, representing BHA were available for questions.

Trustee Brinkhoff asked what the time line once the agreement is signed. Mr. Silar said it would take about 6 months to go through the conceptual design and design development phase. Once those plans are approved by the board and the next contract is signed then they will start the construction drawings phase and be ready for construction bidding. Mr. Lorentzen explained the reason for the design at this time is to show that we have definite plans when we apply for GOCO grants.

TRUSTEE DAKNIS MOVED AND TRUSTEE BRINKHOFF SECONDED to authorize Mayor to sign agreement of professional services agreement with BHA for Buffalo Creek Park Design in the amount of \$135,000. Roll call was taken and the motion passed unanimously.

The Board took a recess at 8:58pm. The meeting resumed at 9:03pm.

7. Discussion – Request from Mr. Zwegardt on Extension of Subdivision and Annexation Approvals

Mr. Lorentzen said this letter is in response to the new code’s obsolete annexation provision for plats that have not been recorded as of January 1, 2010. He said that Mr. Zwegardt has a couple of properties that he is trying to sell and would like to sell them as zoned in the annexation. He said a developer or property owner could request an extension on the annexation. He said the problem with Boxelder Commons (residential) is changes have been made to the plat but he has not given it to Stantec for review because there is no development agreement. That would cover the cost of the engineering. There was discussion on what would need to be done before an extension could be approved. Mr. March updated the Board about the correspondence he has had with the developer and his lawyer. He suggested that the Board not take any action until there is a signed agreement.

No action was taken.

8. Bills for Approval

Evergreen / Accutest Mountain States	\$ 1,120.00
Home Depot	1,139.76
Colorado Municipal League	1,230.00
Sensus	1,320.00
Ace Hardware of Wellington	1,496.65
Caselle	1,998.00
Carnes Services, LLC	3,960.00
Dell	6,009.59
March, Olive & Pharris	10,473.50
Stantec	17,979.49
Wells Fargo	<u>179,274.18</u>
	\$ 226,001.17

TRUSTEE STEELY MOVED AND TRUSTEE BRINKHOFF SECONDED to approve the bills in the amount of \$226,001.17. Roll call was taken and the motion passed unanimously.

9. Town Attorney Update

Mr. March informed the Board that George Lutz has moved into a Care facility in Loveland.

Mr. March updated the Board on the following:

- Setting up a meeting with the new Sergeant and Deputies and go over some issues.
- Issue with defense of code regarding number of animals
- Stormwater Authority issues
- Needs to meet with Mr. Seaworth about water and storm water issues
- Met with representatives from the water district about the possibility of an emergency tap
- Meeting with Boys and Girls club. They received a gift from Advanced Tank of \$75,000 for expansion.

10. Town Administrator Update

Larry updated the Board on the following:

- Mr. Seaworth's term on the Stormwater Authority ends April 1st.
- The Boundary issues with the Stormwater Authority are heating up.
- Engineering moving forward on the Clark Reservoir project.
- Mirimont (Dr. Bender) had site plans approved from the Planning Commission for a new office building between the bank and Taco Johns in Coal Creek Subdivision. Work should start in April.
- No word from developers
- Lou Kinzli applied for a mixed use approval of the property on 6th and Cleveland for the residents and a portable drive up coffee shop. Larry said this would be a conditional use because it is zoned Community Commercial which does not allow drive up restaurants.

Trustee Daknis asked what the policy is on outside vendors. She was concerned about the blanket sales. She asked if they are sleeping in their vehicle. Larry explained that as long as the property is commercial the outside retail sales are acceptable. He said restrictions would have to be across the board and that would affect fruit and vegetable stands as well. Trustee Stevens said that the van does not stay on the property overnight.

Scheduling of Work Session

Work session was scheduled for 6:30pm with the Chamber of Commerce

Other

Trustee Daknis mentioned the Thursday after hours event at the Leeper Center to honor the Boys and Girls Club members.

Trustee Daknis mentioned the Boys and Girls endowment. They would like to look at a new location for their building instead of expanding the current building.

Trustee Brinkhoff said Wednesday morning would be the wrap up meeting for the Business and Development Advisory Committee. He would get a report to the Board at the next meeting.

Cynthia Sullivan mentioned the County workshop on aging. She asked if anyone was interested in attending. She would contact the County and let them know if anyone was going to attend.

TRUSTEE BRINKHOFF MOVED AND TRUSTEE STEELY SECONDED to adjourn the meeting. Roll call was taken and the motion passed unanimously. Meeting adjourned at 9:45pm.

ATTEST:

Regular Board Meeting
January 12, 2010
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Cynthia Sullivan, CMC
Deputy Town Clerk