



BOARD OF TRUSTEES
December 17, 2024
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Work Session Agenda

The Zoom information below is for online viewing and listening only.

Join Zoom Meeting

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A. ITEMS

1. 2022 Draft Audit

- Presentation: Jim Hinkle, CPA - Hinkle & Company, PC

2. Board of Trustee Draft Bylaws

- Presentation: Dan Sapienza, Poudre Legal Advisors LLC

3. Board of Trustee Planning Calendar

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.



Board of Trustees Meeting

Date: December 17, 2024
Subject: 2022 Draft Audit

- **Presentation: Jim Hinkle, CPA - Hinkle & Company, PC**

BACKGROUND / DISCUSSION

Attached is the memo received from Jim Hinkle regarding the status of the 2022 audit and his participation in the Board's work session on Tuesday, December 17. While the draft of the financial statements is not yet complete and will not be provided in advance of the meeting, Mr. Hinkle will still be in attendance, present to the Board, and will be available for questions. He notes there are no issues with routine transactions recorded in the GL (cash receipting, cash disbursements); however, there is additional verification and review needed regarding beginning fund balances. Mr. Hinkle will be on-site tomorrow to meet with the Town's Finance Director and Controller, and Mr. Don Rhodes will be advising remotely.

STAFF RECOMMENDATION

N/A

ATTACHMENTS

1. Board presentation info_Jim Hinkle

Board Presentation

From Jim Hinkle <jim@hinklecpas.com>

Date Mon 12/16/2024 3:20 PM

To Nic Redavid <redavidni@wellingtoncolorado.gov>

Nic:

Per our discussion, the draft of the financial statements is not complete. However, we are very close, likely by the end of the week.

For my discussion with the Board members; I intend to discuss the process of the audit, what has been completed and what is still outstanding. I will discuss the types of issues that are causing the delay in completing the audit. Further, I will discuss from my perspective what has added to the delay of the fiscal year 2022 and 2023 audit delays and what our plan is to complete these two audits. Thus far into the audit, we do not have any issues with routine transactions recorded in the general ledger. The issues surround non-cash, non-routine transactions.

I will be available to answer any questions. Thank you.

Yours Truly,

Hinkle & Company, PC

James D. Hinkle, CPA/ABV, CVA, CFF, MAFF, CM&AA

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Board of Trustees Meeting

Date: December 17, 2024
Subject: Board of Trustee Draft Bylaws

- **Presentation:** Dan Sapienza, Poudre Legal Advisors LLC

BACKGROUND / DISCUSSION

Introduction

On August 27, 2024, the Board of Trustees adopted Ordinance No. 09-2024 and Resolution No. 41-2024, amending the Wellington Town Code to remove the requirement that meetings be conducted under Robert's Rules of Order. In place of Robert's Rules, the Board adopted Bob's Rules, a set of rules of order developed and published by the Colorado Municipal League. This shift was aimed at streamlining board procedures and aligning the Town's governance model with best practices.

The next step in this effort to modernize the Board's governance structure is the proposed adoption of formal Bylaws. Bylaws serve as a comprehensive set of written policies governing the Board's purpose, structure, leadership, and internal operations. By clearly defining rules and expectations, the Bylaws promote consistency, transparency, and efficiency in Board operations.

Development of the Bylaws

The draft Bylaws were prepared by the Town Attorney in coordination with the Town Administrator and Town Clerk. The draft reflects the Board's prior discussions and existing Board practices while incorporating new provisions aimed at increasing efficiency and procedural clarity. While many provisions align with current practices, some sections introduce new concepts.

Summary of Bylaws

1. **Purpose and Scope of Bylaws:** Establishes the foundational rules and overarching scope of the Board's operations, ensuring alignment with applicable laws.
2. **Structure of the Board:** Defines the composition of the Board, roles of the Mayor, Mayor Pro Tem, and Trustees, and the general organizational structure.
3. **Agenda and Board Packet Preparation:** Outlines procedures for preparing meeting agendas and Board packets, including submission timelines and requirements for agenda items.
4. **Meetings:** Details the types of meetings (regular, special, work sessions, and virtual), meeting schedules, and procedures for public notice.
5. **Quorum and Attendance:** Specifies quorum requirements for meetings and attendance expectations for Board members, including rules for virtual attendance.
6. **Order of Business:** Establishes the typical order of business for Board meetings.
7. **Public Participation:** Defines procedures for public comment during Board meetings, including guidelines for decorum and limits on disruptive conduct.
8. **Voting:** Outlines voting procedures for Trustees, including roll call votes, abstentions, and procedures for tie votes.
9. **Executive Sessions:** Provides the process for entering executive sessions, confidentiality obligations, and voting procedures to initiate such sessions.



10. **Ordinances and Resolutions:** Describes procedures for the introduction, review, and passage of ordinances and resolutions.
11. **Proclamations:** Defines the process for issuing proclamations on behalf of the Town.
12. **Public Hearings:** Sets procedures for public hearings conducted by the Board.
13. **Confidentiality and Ethics:** Establishes confidentiality rules for Trustees.

Interaction with Bob's Rules of Order

For additional guidance on how these Bylaws integrate with Bob's Rules of Order, Trustees may refer to the section titled "Integration with Bylaws" in Bob's Rules. While this document is not included here, it is available upon request from Town staff.

The Bylaws supplement Bob's Rules by providing specific procedural guidance unique to the Town of Wellington's needs. Bob's Rules offer a general framework, while the Bylaws tailor that framework to address the specific roles, responsibilities, and processes applicable to this Board.

Next Steps

At this Work Session, staff will provide an overview of the draft Bylaws, explaining their purpose, key provisions, and anticipated benefits. The Board will then have the opportunity to discuss and ask questions.

STAFF RECOMMENDATION

The goal of this Work Session is to achieve Board consensus on the proposed Bylaws. Once consensus is reached, a final version of the Bylaws will be prepared for adoption by Resolution at a future meeting.

If you have any questions or wish to request additional materials prior to the Work Session (such as Bob's Rules of Order), please contact Dan Sapienza.

ATTACHMENTS

1. Draft Board of Trustees Bylaws

Bylaws of the Board of Trustees
Town of Wellington, Colorado
Draft December 2024

1) Purpose and Scope of Bylaws.

- a) These bylaws establish the rules, responsibilities, and procedures governing the Town of Wellington Board of Trustees, ensuring efficient operations, transparency, and adherence to applicable laws and policies.
- b) These bylaws are not intended to override or conflict with any federal, state, or local laws. If any part of these bylaws is found to be inconsistent with such laws, that part will no longer be valid.

2) Structure of the Board. The Board of Trustees is the legislative body of the Town of Wellington and is comprised of the Mayor and six Trustees, one of whom is chosen by the Board as Mayor Pro Tem.

- a) **Mayor's Duties.** The Mayor presides over all meetings of the Board of Trustees as chair and performs duties required of the Mayor by statute or ordinance, or by the Rules or Order adopted by the Board of Trustees.

- i) The Mayor will, at the designated date and time, call the Board of Trustees to order and, upon determining that there is a quorum, proceed with business.

- b) **Mayor Pro Tem.** In the absence or inability of the Mayor to serve, the Mayor Pro Tem presides and has all powers and duties of the Mayor.

- c) **Members' Duties.**

- i) Trustees should be on time for all meetings and promptly return from any recess or break.
 - ii) Each Trustee is responsible for thoroughly reviewing the agenda and all material within the Board Packet prior to each meeting.
 - iii) Trustees should contact the Town Administrator within a reasonable time prior to the meeting with any questions identified in their review of the Agenda and Board Packet, so staff may be prepared to respond.

3) Agenda and Board Packet Preparation.

- a) **Meeting Agendas.** All meeting agendas are prepared by the Town Administrator at the direction of the Mayor.

- i) **Order Setting.** The Mayor may set the order of the agenda.

- ii) **Publication of Agenda.** Board agendas will be posted to the Town website and at such place as is designated by the Board of

Trustees by Resolution each year at least twenty-four (24) hours before the meeting .

- (1) As standard procedure, agenda items will not be added or deleted after the agenda has been published, but such may occur with the consent of the Mayor and in accordance with applicable laws such as open meetings notice requirements.

iii) Agenda Items Requested by Trustees.

- (1) At any regular meeting, at least two Trustees may request that an item be added to the agenda for a future meeting.
- (2) Items requested in this manner will be scheduled for a meeting occurring no sooner than three weeks from the date of the request, unless a majority of the Trustees present determine that the item requires more urgent placement.
- (3) Materials for inclusion in the Board Packet must be submitted to the Town Administrator no later than two (2) weeks prior to a business meeting or work session.
- (4) If the preparation of the agenda item is expected to require significant staff time, as determined by the Town Administrator, the item must be approved by a majority of the Trustees present before being added to the agenda.

4) Meetings

- a) **Regular Meetings.** Regular meetings are the forum for formal Board of Trustees action and an opportunity for public input and comment.
 - i) The Mayor may cancel or reschedule any regular meeting with at least 48 hours' notice to Trustees, except that at least one (1) regular meeting will be held per month.
- b) **Work Sessions.** Work sessions provide the Board of Trustees an opportunity to explore and discuss in detail matters that have been placed on the work session agenda.
 - i) No formal action may be taken at work sessions.
 - ii) Members of the public, speakers, or other persons (not including Town staff or consultants) at work sessions will be allowed to address the Board of Trustees only with the approval of the Mayor or their designee.
- c) **Special Meetings.** Special meetings may be either business meetings or work sessions and are called as necessity arises.

- i) The Town Administrator may call a special meeting on the request of the Mayor or any three (3) members of the Board of Trustees. No business may be conducted at a special meeting except that specifically provided for in the notice.
- d) **Virtual Meetings.** Virtual Meetings may be either business meetings or work sessions and may only be held when meeting in person would not be prudent due to a public health emergency or other unforeseen circumstances affecting the Town.
 - i) Virtual Meetings may only be held in compliance with Wellington Municipal Code Section 2-2-85.

5) Quorum and Attendance

- a) **Quorum.** A quorum is a majority of the members of the Board of Trustees in office at the time for the transaction of business.
 - i) Except in cases of all-virtual meetings held pursuant to the Municipal Code, virtual attendance by Trustees does not count toward quorum. For example, if there are no vacancies in office and only three Trustees are present in person, with one Trustee attending virtually, quorum does not exist.
- b) **Attendance at Board of Trustees Meetings.**
 - i) It is the responsibility of each Board member to contact the Town Clerk, Town Administrator, or Mayor as soon as it is known that the member will not attend a meeting of the Board of Trustees.
 - ii) Excessive absences, as determined by the Board of Trustees, may be considered cause for removal by the Board of Trustees pursuant to the Wellington Municipal Code.
 - iii) Virtual attendance by Trustees is allowed, but should be minimized to the extent possible. Virtual attendees may participate in debate and may vote on legislative matters. No virtual attendee may participate in or vote on any quasi-judicial matter.

6) Order of Business.

- a) **Modification of Order of Business.** Unless an objection is raised by a Trustee, the Mayor may proceed out of order. In case of objection, the agenda's order will not be changed unless approved by a majority of Board of Trustees present. A Trustee may move to consider an item out of order, with the approval of a majority of Trustees.
- b) **Business Meetings.** The Board of Trustees will generally consider business in the following order:

- i) Call to Order
 - (1) Pledge of Allegiance
 - (2) Roll Call
 - (3) Amendments to the Agenda
 - (4) Conflicts of Interest
- ii) Community Participation
 - (1) Proclamations, Recognitions, Awards
 - (2) Public Comment on non-agenda items
- iii) Presentations (non-action items)
- iv) Consent Agenda. Prior to the motion to approve, a Board member may request removal of an item on the Consent Agenda. Except with approval of a majority of Trustees, items removed will be considered after all other items under Action Items on the agenda.
- v) Action Items. (Ordinances, Resolutions, Town projects, Town policies, Contracts, etc.)
 - (1) Introduction by staff.
 - (2) Questions from Trustees
 - (3) Public Comment
 - (4) Discussion
 - (5) Motion
 - (6) Discussion
 - (7) Vote
- vi) Reports
 - (1) Town Attorney Report
 - (2) Town Administrator Report
 - (3) Board Report. Trustees should limit discussion during Reports to a brief review of the matter.
 - (4) Staff reports
- vii) Adjournment
- c) **Work Sessions.** After the call to order, Board of Trustees will generally consider business in the following order:
 - i) Work Session Agenda Items

- ii) Adjournment
- d) **Extension of Time.** At 10:00 p.m., if the regular meeting of the Board of Trustees has not adjourned, the Board of Trustees will follow these procedures:
 - i) All agenda items not previously considered will be continued to an hour and day set by the Board of Trustees; or
 - ii) The Board of Trustees may extend proceedings by majority vote for up to thirty-minutes at a time.
- 7) **Public Participation.** Regular Board meetings and work sessions are open to the public. At regular Board meetings, provision is made for public comment so interested individuals may present their views directly to the Board of Trustees
 - a) **Non-Agenda Items.** Members of the public will have the opportunity to comment on any matter not on an agenda at the beginning of any regular business meeting and on particular agenda items prior to board action.
 - b) **Action Items.** At regular and special Board meetings, provision is made for public comment on all Action Items so interested individuals may present their views directly to the Board of Trustees prior to any vote.
 - c) **Process for Public Comment.** All individuals desiring to address the Board of Trustees on any agenda item or other business must provide their name and address (or neighborhood) before offering their comments, either in writing or orally.
 - i) All individuals must observe proper decorum and avoid the use of abusive or profane language in the meeting room and when addressing the Board of Trustees. In the event that abusive or profane language is used or an individual otherwise disrupts the meeting, such individual may be removed from the meeting room.
 - ii) Comments should be addressed to the board not other members of the public or staff.
 - iii) Trustees and staff will not respond to Public Comments or questions. Following the public comment period, if a Trustee or staff member believes that a response is necessary, they may request the floor to respond at that time.
 - d) **Removal for Disorderly Conduct.** In the event any person(s) interrupts the business of the Town Board of Trustees or causes a disorder, the Mayor may require such person to cease such behavior and/or leave the Board of Trustees meeting room. Should such person fail to comply, the Mayor may request law enforcement be summoned to remove such person or persons.

- e) **Public Comment Received Prior to Meeting.** Communications from the public to the Board received at 4p.m. preceding a 6:30pm meeting will be provided to the Trustees electronically in advance of the corresponding meeting. In addition, such items will be published following the meeting in an packet addendum or amendment.
- 8) **Voting.** Every Trustee, including the Mayor, must vote unless: a) the matter concerns the Trustee's own conduct; or b) the Trustee has a conflict of interest, which, by applicable law, requires Trustee to abstain from voting. In those instances, the Trustee may not participate in the discussion of the issue.
 - a) **Roll Call Votes.** Votes on ordinances, resolutions, and for the appropriation of funds are taken by roll call vote, where each board member individually indicates their vote either in favor of or in opposition to the item. All votes are announced by the Mayor with the assistance of the Town Clerk.
 - i) Roll call votes are recorded in the minutes and indicate the names of the Board members who voted in favor and in opposition.
 - ii) The order of a roll call vote will rotate with each vote taken.
 - iii) For passage, a majority of all Trustees present must vote in the affirmative, unless another proportion is necessary by these bylaws, the Rules of Order, or law.
 - iv) In case of a tie vote on any motion, the motion will be considered defeated.
 - b) **Voting by Consent.** Procedural items and other motions not indicated above may be considered with the consent of Trustees, where the Mayor requests consent of the members and the item is adopted unless there is an objection. If a member objects, the matter will be considered by roll call vote.
 - c) **Continuance Before Vote.** In the case of a Quasi-Judicial matter where the applicant is present but fewer than all Trustees are present, the Mayor may, prior to calling for a vote, ask such person whether the applicant wishes to continue the matter until all Trustees are present. The decision of the applicant is determinative. In the event the applicant is not present, Trustees present may decide whether to proceed on the item.
- 9) **Executive Sessions.** Executive sessions are held in accordance with state statute at either a regular or special meeting.
 - a) **No Action.** No formal action can occur at an executive session.
 - b) **Motion.** The motion to enter into an executive session must describe as specifically as possible the subject of the executive session so long as

such description does not disclose any information that would potentially harm the public interest.

- c) **Roll Call.** Voting on a motion to enter into an executive session will be by Roll Call vote, requiring an affirmative vote of two-thirds (2/3) of all members.

10) Ordinances and Resolutions

- a) **Introduction.** The text of all ordinances and resolutions, except emergency ordinances, will be provided to the Board of Trustees at least twenty-four (24) hours prior to the meeting at which the ordinance or resolution is to be considered. Emergency ordinances may be provided to the Board of Trustees in the meeting.
- b) **Review.** All proposed ordinances and resolutions must be reviewed by the Town Administrator and the Town Attorney prior to their being provided to the Board.

11) Proclamations. Proclamations from the Town are issued for ceremonial and recognition purposes to promote cultural, social, economic, or intellectual welfare of the community. The proclamation must align with the Town of Wellington's mission, vision and values. A proclamation is an official expression of the Town of Wellington's sentiments. A proclamation is not intended to serve as a forum for public expression.

- a) **Proclamation Topics.** Topics of Proclamations are limited to:
 - i) Promotion of public awareness of an issue relevant to the community;
 - ii) Support for an art, charitable or cultural celebration within the community;
 - iii) Recognition of an understanding accomplishment or contribution of individual or group within the Town;
 - iv) Support for a nationally recognized event or activity relevant to the Town; and
 - v) To bring public attention to an issue or opportunity important for the community overall.
- b) **Proclamations will NOT be issued for:**
 - i) Matters of Town policy;

- ii) Campaigns, acknowledgements, or events contrary to City adopted laws, policies, or strategic plan;
 - iii) Matters of politics, religion or individual conviction;
 - iv) A cause that may be subject to strongly divergent views or significant differences of opinions within the Town;
 - v) An advertisement or commercial promotion; or
 - vi) Multiple proclamations for the same organization or subject matter.
- c) Requesting a Proclamation.** Proclamations may be requested by Members of the Board of Trustees, Individual community members, local community organizations, town staff and regional/national organizations with a direct connection to the Town. Such request must include local contact information for the requestor and the complete text of the requested proclamation.
- d) Process to Request a Proclamation.** Eligible parties may submit a proclamation request by e-mail to the Town Clerk or by filling out the form on the Town Clerk's Website.
- e) Proclamation Timeframe.** Proclamation requests should be submitted at least three (3) weeks before the start of the day/week/month being recognized. Every attempt will be made to ensure that proclamations are issued just before or at the very beginning of the time period being recognized.
- f) Proclamation Review Process.** Proclamations will be reviewed as follows:
- i) The Town Clerk will maintain a listing of annual proclamations;
 - ii) The Board of Trustees may provide approval at the beginning of each year (in January), based on past proclamations, a list of 5-10 proclamations for the coming year;
 - iii) Proclamation requests pursuant to this policy may be made throughout the year;
 - iv) Requests will be reviewed by the Town Clerk's Office to ensure that all submission requirements are met; and

- v) If the submission requirements are met, but if the proposed proclamation has not been preapproved by the Board, the proclamation must be consented to by each member of the Board of Trustees.

g) Trustee Review and Consent Process. Proposed proclamations that are not pre-approved are to be provided to Trustees via email.

- i) Trustees will respond to the Town Clerk with a statement of whether they consent to the proclamation or not. Not reason must be given for the Trustee's decision and the decisions should be sent exclusively to the Town Clerk via email.
- ii) The Town Clerk will send the draft of the proclamation first to the Mayor only. If the mayor does not consent to the proclamation, it will not move forward. If the mayor consents, it will be sent to the remaining Trustees for review.

h) Changes to Proposed Proclamations. If at any stage of the proclamation request and approval process the text of the proposed proclamation is changed for any reason, the proclamation review must be restarted. For example, if during Trustee review a change is required, the draft must then be approved by the original requestor, reviewed by the Town Clerk, sent to the Mayor, and if consented to by the Mayor, sent to all Trustees for review.

12)Public Hearings. This section applies to all Town Boards conducting public hearings, including the Board of Trustees, the Planning Commission, and the Board of Zoning Adjustment.

a) Hearing Procedures. The meeting will be chaired by the Mayor or board chairperson and conducted in accordance with the procedures set forth in the Town of Wellington Land Use Code.

b) Testimony and Debate.

- i) The Mayor/Chairperson has the authority to limit debate to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.
- ii) When the number of persons wishing to speak may unduly prolong the hearing, the Mayor/Chairperson may impose a time limit upon each speaker.

- iii) The Mayor/Chairperson will require all such persons to promise and agree that all statements and evidence they present will be the truth.
- iv) Any person speaking may be questioned by a member of the board or, where appropriate, by members of Town staff, or an attorney or representative of one in opposition to such person.
- v) All testimony in support, or opposition, or questions must be directed through the Mayor/Chairperson, who will direct the appropriate person to respond.
- c) **Burden of Proof.** The property owner, applicant or proponent or representative(s) of the project/issue before the board, must present evidence and describe the nature of the request. The burden of presenting the case for the proponent of the project/issue is upon such proponent or its representative, not the Town staff.
- d) **Rebuttal.** The property owner, applicant or proponent or representative(s) of the project/issue will be afforded an opportunity for brief rebuttal statements/evidence following public input.
- e) **Continuance.** If final action is not to be taken at the same time as the public hearing, the Mayor/Chairperson will advise the audience/public when the matter will be considered.
- f) **Partial Absence.** If a board member is absent during any portion of a public hearing, he/she will not be eligible to vote on the matter unless he/she has listened to and reviewed the entire record of the hearing.
- g) **Virtual Participation.** Except as part of a virtual meeting held with proper notice to the applicant, no board member may vote on a quasi-judicial matter via remote participation.

13) Confidentiality and Ethics

- a) **Confidentiality.** It is a conflict of interest and a violation of this policy for any member of the Board of Trustees to disclose any confidences of the Town, any matter discussed in executive session, or any matter which is subject to the attorney-client privilege between the Town and the Town Attorney, unless a majority of the Board of Trustees determines that such disclosure should be made.
 - i) A decision to breach confidentiality, or to waive a privilege, such as the attorney- client privilege, may only be made by Board of Trustees acting as a whole, whenever the confidentiality requirement or the privilege applies to the Town as a whole or to Board of Trustees as a whole. Any Trustee who individually breaches such confidentiality, or who purports to waive such a

privilege will be considered to be acting outside the performance of Trustee's authority, and will be subject to any consequential liability for such act.

Board of Trustees Meeting

Date: December 17, 2024
Subject: Board of Trustee Planning Calendar

BACKGROUND / DISCUSSION

N/A

STAFF RECOMMENDATION

N/A

ATTACHMENTS

1. BOT Planning Calendar 2025



BOARD OF TRUSTEES PLANNING CALENDAR

December 17, 2024 6:30 p.m.	Board of Trustees Work Session
December 24, 2024	Meeting Cancelled
January 14, 2025	Board of Trustees Regular Meeting
January 21, 2025	Board of Trustees Joint Work Session Main Street & Chamber
January 28, 2025	Board of Trustees Regular Meeting
February 11, 2025	Board of Trustees Regular Meeting
February 18, 2025	Board of Trustees Joint Work Session Board of County Commissioners
February 25, 2025	Board of Trustees Regular Meeting
March 11, 2025	Board of Trustees Regular Meeting
March 18, 2025	Board of Trustees Work Session
March 25, 2025	Board of Trustees Regular Meeting

Future Work Session Topics

Other Meetings/Events

Egg Hunt - April 19, 2025
Earth Day with Main Street - April 22, 2025
Town Yard Sale - June 7, 2025
Town Clean up - June 14, 2025
CML Annual conference – June 24-June 27, 2025
Fourth of July – July 4, 2025

This document is subject to change without notice