



BOARD OF TRUSTEES
August 23, 2023
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Special Meeting Minutes

A. CALL TO ORDER

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

1. Pledge of Allegiance
Mayor Chaussee asked all to rise for the Pledge of Allegiance.
2. Roll Call
Mayor Chaussee asked for a roll call. The Clerk noted a quorum with the following:
Chaussee – present.
Macdonald – present.
Dailey – present.
Gaiter – present.
Mason – present.
Tietz – present.
Wiegand – present.
3. Amendments to Agenda
Mayor Chaussee asked if there were any amendments to the agenda; there were none.
4. Conflict of Interest
Mayor Chaussee asked if there were any conflicts of interest on agenda items; there were none.

B. COMMUNITY PARTICIPATION

1. Public Comment
Mayor Chaussee called for public comment on non-agenda items; there were none.

C. ACTION ITEMS

1. Connell Asphalt Plant Appeal

Summary Introduction

Mr. Dan Sapienza, the Town Attorney, presented this item to the Board, noted the purpose of the hearing was to consider an appeal to the June 5, 2023 decision of the Town's Planning Commission on the Connell Resources, Inc. Site Plan Application, and introduced the Interested Parties – the Appellant, Mr. Ben and Mrs. Ayla Leistikow, represented by Mr. Jeffrey Cullers (Appellant); and the Appellee, the President of Connell Resources Inc., Mr. John Warren, represented by Ms. Carolynne White (Appellee).

Conflicts of Interest

Mr. Sapienza asked the Board to disclose any conflicts of interest relating to this item; there were none.

Ex Parte Communications

Mr. Sapienza then asked the Board to disclose ex parte communications. Trustees Tietz, Mason, and Gaiter disclosed ex parte communications.

Preliminary Procedural Issues

Mr. Sapienza then discussed procedures for the Appeal Hearing and invited the interested parties to address preliminary procedural issues.

The Appellee, represented by Ms. Carolynne White, addressed a preliminary procedural issue and filed an Exhibit with the Town Clerk (Exhibit 1).

The Board then discussed this issue with the Appellant.

Staff Introduction

Mr. Sapienza provided an introduction for this appeal, including: 1) a discussion on quasi-judicial proceedings for Appeal Hearings; 2) the Town's Municipal Code (MC) and Land Use Code (LUC); 3) the purpose, scope, and review criteria for the Board's decision; 4) a summary of the events leading to the hearing, and; 5) the procedures to be followed for the hearing.

Mayor Chaussee directed the Clerk to set a 30-minute timer for the following presentations.

Appellant Presentation

Mr. Jeffrey Cullers, representing the Appellant, presented the Appellant's position to the Board.

Appellee Presentation

Ms. Carolynne White, representing the Appellee, presented the Appellee's position to the Board.

Appellant Rebuttal

Mr. Cullers presented a rebuttal to the Board.

Staff Statements

Mr. Sapienza provided additional staff statements regarding the format and procedures of Board deliberations.

Mayor Chaussee called for a 5-minute recess at 7:57 p.m.

Mayor Chaussee called the meeting back to order at 8:06 p.m.

Deliberation by the Board

Mayor Chaussee invited deliberations from the Board of Trustees and proposed an organization of the discussion. The Board deliberated on this issue, considering the record, presentations, rebuttal, MC and LUC, and additional comments from the Appellant, Appellee, and Town Staff.

Mayor Chaussee called for a 5-minute recess at 9:35 p.m.

Mayor Chaussee called the meeting back to order at 9:43 p.m.

Mr. Sapienza requested additional guidance from the Board, and the Board conducted further deliberations at the direction of Mayor Chaussee.

Motion and Vote

Trustee Gaiter moved to reverse the decision of the Planning Commission – to approve the Site Plan for Connell Resources – based on the finding of fact that: given the Appellant’s Item #1, the asphalt plant is a heavy industrial use that will produce and curate toxic chemicals that is governed by the Town’s Land Use Code, Municipal Code Sec. 15-4-30(v)(2) which states “any heavy industrial use producing and curating toxic chemicals or conducting animal slaughtering shall be located at least 2,640 feet from any residential district, religious land use, or school,” and; that the Planning Commission did err in not applying the setback therein given facts in the Antea Report in the record, beginning on pg. 738 and including chemicals listed on pg. 745 of the Packet, and; that it is very clear from the air study that these toxic chemicals produced and curated by the proposed hot-mix asphalt plant, while these are proposed to be maintained at safe levels by permit, the Town’s Land Use Code does not specify a clear level. Mayor Pro Tem Macdonald seconded.

Yeas: Gaiter, Macdonald, Wiegand, Tietz
Nays: Mason, Dailey, Chaussee

With a vote of 4 in-favor, 3 against, the motion carries and the decision of the Planning Commission on the June 5, 2023 Connell Resources Site Plan Application was reversed given the stated findings of fact.

D. REPORTS

Mayor Chaussee called for reports.

1. Town Attorney
No report.
2. Town Administrator
No report.
3. Staff Communications
No report.
4. Board Reports
No report.

E. ADJOURN

Mayor Chaussee called for a motion to adjourn. Upon the motion noted, seconded, and unanimously carried, Mayor Chaussee adjourned the meeting at 9:55 p.m.


Ethan Muhs, Town Clerk

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.



August 23rd

Town Planning meeting 6:30 PM @ Leeper Center for Asphalt Plant behind Wellington Community Park

PLANNING BOARD APPEAL TO BOARD OF TRUSTEES

The planning board approved a site plan for the Connell Asphalt plant, but the appeal to Trustees shows multiple Land Use Code Violations.

We are fighting that a 2,640ft setback still applies to this plant for producing toxic chemicals, along with additional setback issues and missing documentation. The full appeal can be seen here as part of the packet

<https://www.townofwellington.com/ArchiveCenter/ViewFile/Item/769>

HEALTH IMPACT, AIR, NOISE POLLUTION, AND LOSS OF PROPERTY VALUE

Asphalt fumes are known air toxics according to the Colorado Health Department. Exposure to these air toxins may cause, cancer, central nervous system problems, liver damage, respiratory problems, and skin irritation.

ADDITIONAL ISSUES

- Asphalt plant heavy production does not follow the variance they received at the Adjustment Board
- Truck Welding and Truck Wash is within 250 foot setback for light industrial
- Contractor and contractor storage is within a 100 foot setback
- The planning commission failed to properly measure setbacks from closest building
- Emissions will leave the site breaking land use code 3.04.C.1
- Dimensioned elevation drawings or renderings, including front, back, and side elevations shall be submitted with all site plan applications to illustrate conformance with the regulations herein were not provided

EMAIL YOUR BOARD OF TRUSTEES OR OTHER OFFICIALS

Senator Janice Marchman- Janice.marchman.senate@coleg.gov

John Kefalas- jkefalas@larimer.org

Coloradoan reporter Pat Ferrier- patferrier@coloradoan.com

Denver 7 News- newstips@denver7.com

CBS News 4 contact form- <https://www.cbsnews.com/colorado/contact/>

Email takeactionwellington@gmail.com for more information