



BOARD OF TRUSTEES
January 12, 2021
6:30 PM

Regular Meeting

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance
Mayor Hamman asked that all rise for the pledge of allegiance.

2. Roll Call
Mayor Troy Hamman
Mayor Pro Tem Wyatt Knutson
Trustee Jon Gaiter
Trustee John Jerome
Trustee Rebekka Kinney
Trustee Ashley Macdonald
Trustee Tim Whitehouse

Also Present:

Patti Garcia, Town Administrator
Brad March, Town Attorney
Judi Tippetts, Finance Director
Cody Bird, Director of Planning
Hallie Sheldon, Management Analyst
Bob Gowing, Director of Public Works
Krystal Eucker, Town Clerk
Jim Miller, Public Works Superintendent
DJ Jones, Water Treatment Superintendent
Michael Rairdon, Larimer County Sheriff's Office Patrol Sergeant
Lori Woodruff, Human Resources Manager
Mahalia Henschel, Communications Specialist

3. Amendments to Agenda
Mayor Hamman asked if there were any amendments to this evening's agenda to which there was none.
4. Conflict of Interest
Mayor Hamman asked if there were any conflicts of interest on this evening's agenda to which there was none.

B. COMMUNITY PARTICIPATION

1. Public Comment
Mayor Hamman opened the meeting up for public comment.

Shirrell Tietz, 4525 Ingalls Drive, Wellington CO inquired if there was going to be any discussion regarding the dispensary this evening.

Mayor Hamman stated that discussion will be done in an executive session this evening.

C. CONSENT AGENDA

1. Minutes of the December 22, 2020 Board of Trustees Meeting
Trustee Gaiter moved to approve the consent agenda; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:
Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays – None
Motion carried.

D. ACTION ITEMS

1. Elgin Street Sweeper Purchase Request
Mr. Gowing informed the Board that a street sweeper was an approved budget item. The street sweeper is coming in a little below the budget amount at \$244,000.00.

Trustee Jerome inquired as to what will happen with the old street sweeper.

Mr. Gowing stated it will be sold although the piece of equipment is not worth much.

Trustee Gaiter inquired as to what the Midwest Auto Lube and the In-Cab Boom Tilt are in the quote.

Mr. Miller stated Auto Lube is an automatic greasing system as this piece of equipment has a lot of moving parts. It will automatically grease the bearings and the moving parts as it is going down the road. The In-Cab Boom Tilt is an air system that keeps the dust out.

Mayor Hamman opened the meeting up for public comment to which there was none.

Trustee Jerome moved to approve the Elgin Street Sweeper Purchase not to exceed \$244,000.00; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:
Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays – None
Motion carried.

2. Vactor Sewer Cleaner Purchase Request
Mr. Gowing informed the Board that the sewer cleaner was an approved budget item in the sewer fund. The sewer cleaner came in under budget as well at \$490,453.00.

Trustee Jerome inquired if this is a new piece of equipment that the Town has never owned.

Mr. Miller stated the Town does have a sewer cleaner that is over 20 years old; this piece of equipment keeps the Town in compliance with the State.

Mr. Gowing stated we are required to respond to things like overflows within 24 hours.

Trustee Jerome inquired if this one will be liquidated as well.

Per Mr. Miller; yes.

Trustee Gaiter inquired about the two options to consider on the quote and if those could be explained.

Mr. Miller stated the Warthog is a piece of equipment that goes on the end of the vac truck;

the Town has one now that has been rebuilt three times but it is an amazing piece of equipment that is very helpful in the middle of the night. The communications system allows us to download data into a PDF to see how much is being done in a timely manner as far as cleaning.

Mayor Hamman opened the meeting up for public comment to which there was none.

**Trustee Jerome moved to approve the Vactor Sewer Cleaner purchase not to exceed \$490,453.00; Trustee Macdonald seconded the motion. Roll call on the vote resulted as follows:
Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays – None
Motion carried.**

3. Resolution No. 01-2021 - A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings

Ms. Eucker informed the Board that according to state statutes, the public place or places for posting notices shall be designated annually by the local public body at their first regular meeting of the calendar year. The designated posting place will be the Town's website although if the website is not available, the front door of Town Hall will then be the designated posting place. The front door of Town Hall is the alternate designated posting place; however, town staff will post meeting notices there in addition to the website. This resolution does not prohibit the posting of notices in other forms.

Mayor Hamman inquired if this is something that is done every year.

Per Ms. Eucker, yes.

Trustee Macdonald inquired if the Board has passed a resolution designating the website as the public posting place.

Mr. March stated he believed that at last year's meeting, it was discussed to use the website as the State changed their laws to encourage website use.

Trustee Gaiter confirmed that the website is the primary place to post but we will be posting at Town Hall as well.

Per Ms. Eucker, that's correct.

Mayor Hamman opened the meeting up for public comment to which there was none.

**Trustee Gaiter moved to approve Resolution No. 01-2021; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:
Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays – None
Motion carried.**

4. Resolution No. 02-2021 – A Resolution Adopting a 3-Mile Plan for Municipal Annexations

Mr. Bird informed the Board that State law requires municipalities to have a plan in place for the area 3-miles from the Town's boundary prior to annexing any land within the 3-mile area. The Town Planning Commission adopted the 2014 Update to the Comprehensive Master Plan by Resolution No. 1-2014PC and was ratified by the Town Board by Resolution 24-2014. The 2014 Comprehensive Master Plan has served as the Town's 3-Mile Plan since adoption in 2014. Designation of the Comprehensive Master Plan for the 3-Mile Plan for annexations meets the state law requirement and is sufficient to meet the Town's annexation needs for the upcoming year.

Trustee Jerome inquired if the odd shape of the Town's boundary is based off the Town's ability to provide services to those areas without too much trouble.

Mr. Bird stated that is part of the reason.

Mayor Hamman opened the meeting for public comment.

Christine Gaiter, 8132 4th Street, Wellington, CO inquired as to why the GMA comes in and out and not a fixed radius from the town or cut out some properties and leave some in.

Mr. Bird stated it is all based on the situation of the properties like following property or parcel lines instead of roadways or areas that have reservoirs. The Town also considers municipal infrastructure and the if it is feasible to extend services into those areas.

Shirrell Tietz, 4525 Ingalls Drive, Wellington, CO inquired if the growth management area turns that area into incorporated or unincorporated Wellington; if this area is incorporated, will individuals getting building permits be required to follow Wellington's code or will they be grandfathered in; there is State wildlife area in the growth management area so will that be lost if that is annexed into town.

Mr. Bird stated the map that shows the growth management area is clarifying where the Town might consider annexations within the next year. Adopting of this resolution does not actually annex new territory into Town. Permitting and state wildlife is not really what the Board is considering this evening.

Dan Waters 1601 ECR 72, Wellington, CO inquired as how this will affect farmers in the County.

Mr. Bird stated this resolution and map is identifying areas that could be considered for annexations within the next year. There are no current proposed changes that would impact properties in unincorporated Larimer County. If the Town would consider an annexation in the next year, it would typically be at the request of the property owner.

Melissa Whitehouse, 3922 Grant Avenue, Wellington, CO thanked Mr. Bird for his explanation and that nothing will get annexed without a request from the property owner. Ms. Whitehouse inquired if anyone has expressed interest in the Owl Canyon Road interchange.

Mr. Bird stated there are not any pending requests for annexation in that sector around Owl Canyon Road.

Cam Tietz, 4525 Ingalls Drive, Wellington, CO inquired if the landowner will need to give permission for a property to be annexed into town limits and inquired if it would be practical approach to look at growth plans in conjunction with Fort Collins.

Mr. Bird stated the Town typically only considers requests for annexation from the property owner; it is uncommon for the Town to approach the property owner.

Mr. Bird stated the Town can consider regional partnerships for utility services although there are often pros and cons to those partnerships. The City of Fort Collins is not the only service provider for certain utilities in the vicinity of Wellington and those options are being evaluated as part of the comprehensive plan update.

Mayor Hamman commented that the growth management area establishes a buffer between municipalities; the growth management areas are important to allow for partnerships as well.

Trustee Whitehouse inquired if Wellington is required to have other municipalities and counties sign off on the growth management areas.

Mr. Bird stated what is before the Board this evening is simply looking at the already adopted growth management area for the Town that was adopted in 2014 and identifying that

as the area that the Town would consider annexations requests from over the next year. Mr. Bird stated if the Town was proposing to change its growth management area which may happen with the comprehensive plan update, that would require some coordination with the county and surrounding jurisdictions for any changes and we would follow that course of action when the appropriate time comes along.

Mayor Pro Tem Knutson moved to approve Resolution No. 02-2021; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

E. REPORTS

1. Town Attorney

None.

2. Town Administrator

Ms. Garcia informed the Board that the strategic plan survey will be closing on the 30th. There are currently 67 responses which is huge since there was not much time for the survey. Also, Josh Fudge with Larimer County will be attending a meeting soon to go over the indirect costs related to the Larimer County Sheriff's Office contract. Mr. Fudge is a Budget Director with the County. The Director of the Library and the Manager of Recreation will be attending a meeting to introduce themselves to the Board.

3. Staff Communications

None.

4. Board Reports

Trustee Gaiter commented that the Community Activities Commission (CAC) is beginning to plan for the 4th of July event and they are concerned with space for individuals at Centennial Park. The CAC would like to hear from the Board of Trustee if the event should stay at Centennial Park or move to a different location. That decision doesn't need to be made this evening although it may be something to start thinking about.

Mayor Hamman inquired if they are coming up with different options themselves.

Trustee Gaiter stated there have been some ideas tossed around although there has not been much effort put into that at this point.

Mayor Hamman commented that he felt it would be appropriate for the CAC to come up with some options as that is what the CAC is about.

Trustee Kinney commented that she is excited these events are being planned.

F. EXECUTIVE SESSION

1. Conferences with an attorney for the Town pursuant to § 24-6-402(4) (b), for the purpose of receiving legal advice relative to pending suits involving voter initiative matters. The executive session will not be recorded and an attorney certification will be provided as required by C.R.S. §24-6-402(2)(d.5)(II)(B) confirmation that discussions in the executive session constitute privileged attorney-client communications.

Trustee Jerome moved to go into executive session pursuant to § 24-6-402(4) (b), for the purpose of receiving legal advice relative to pending suits involving voter initiative matters;

Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:
Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays – None
Motion carried.

The Board of Trustees moved into executive session at 7:13 p.m.

Trustee Jerome moved to close the executive session; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:
Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays – None
Motion carried.

The executive session was closed at 7:42 p.m. and the regular meeting resumed.

G. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:43 p.m.

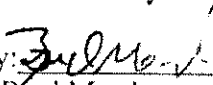


Krystal Eucker, Town Clerk

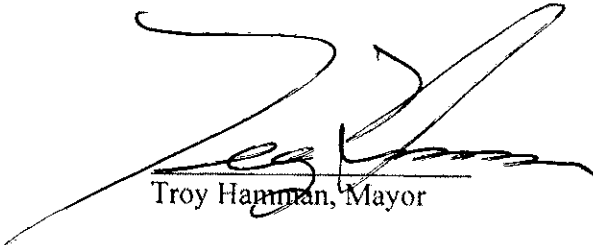
ATTORNEY CERTIFICATION RELATED TO JANUARY 12, 2021
EXECUTIVE SESSION OF THE MEETING OF THE BOARD OF TRUSTEES OF
THE TOWN OF WELLINGTON, COLORADO

The undersigned as Town Attorney of the Town of Wellington, Colorado certifies, pursuant to CRS §24-6-402(4)(b) and (d) of the Board of Trustees of the Town of Wellington, Colorado at its regular meeting on January 12, 2021, properly convened, in executive session, for conferences with the Town Attorney for the purpose of receiving legal advice on specific legal questions related to possible settlement of claims raised in actions filed before the Larimer County District Court involving the initiated petition for the sale of marijuana. Pursuant to C.R.S. §24-6-402(4)(a) and (b) and (d.5) (II) (B) it is the opinion of the undersigned attorney that the discussions which occurred during the executive session constituted a privileged attorney-client communication. No record was kept or required to be kept of the discussions. This statement shall be included with the written minutes of the referenced meeting. This statement is also signed by the Mayor of the Town of Wellington, attesting that the executive session was not recorded and was confined to the topics authorized for discussion in executive session pursuant to §24-6-402(4)(d.5) (II) (B).

March & Olive, LLC
Town Attorney

By: 

J. Brad March,



Troy Hamman, Mayor