



BOARD OF TRUSTEES
September 14, 2021
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

MINUTES

A. CALL TO ORDER

Mayor Hamman called the meeting to order at 6:34 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 – Arrived at 6:42 p.m.
Trustee Jon Gaiter
Trustee John Jerome
Trustee Rebekka Kinney
Trustee Ashley Macdonald – Absent
Trustee Tim Whitehouse

Also Present:

Patti Garcia, Town Administrator
Kelly Houghteling, Deputy Town Administrator
Dan Sapienza, March & Olive, LLC, Town Attorney
Cody Bird, Director of Planning
Bob Gowing, Director of Planning
Krystal Eucker, Town Clerk
Judi Tippetts, Finance Director
Hallie Sheldon, Management Analyst
Mahalia Henschel, Communication Specialist
Meegan Smith, Deputy Public Works Director

3. Amendments to Agenda
Mayor Hamman asked if there were any amendments to the agenda.
4. Conflict of Interest
Mayor Hamman asked if there were any conflicts of interest to which there was none.

B. COMMUNITY PARTICIPATION

1. Public Comment
Mayor Hannan opened the meeting for public comment to which there was none.
2. Presentation
There were no presentations this evening.

C. CONSENT AGENDA

1. Minutes of the August 24, 2021 Board of Trustees Meeting

Trustee Whitehouse moved to approve the consent calendar; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Whitehouse, Hamman

Nays – None

Motion carried.

D. ACTION ITEMS

1. Wellington Colorado Main Streets Program Funding Request - Road Closure

Ms. Cooper with the Wellington Colorado Main Streets Program addressed the Board to request funding assistance for the road closure of Cleaveland Avenue for the Trick or Treat Down Main Street event on October 31, 2021 from 2:00 – 6:00 p.m. The event will run from 3:00 – 5:00 p.m. but the road will be closed from 2:00 – 6:00. The total amount being requested is \$1,000. The Wellington Main Street Program and the Wellington Main Street Chamber of Commerce will be sharing the remaining cost of the road closure. The costs for the road closure was estimated to be \$4,000, however the company that has been used in the past has gone out of business. Alternative companies are being contact to provide that service. It is unknown what the cost will be with a difference company. The Wellington Fire Protection District has been notified of the road closure and a plan has been developed to ensure access for the Fire District.

Trustee Whitehouse inquired as to when they might be receiving a quote for road closure companies.

Ms. Cooper stated they just found out about Karns going out of business yesterday morning so there have been companies in Loveland and Greeley that have been contacted.

Mayor Hamman inquired if the \$1,000 is in addition to the \$4,000.

Ms. Cooper stated the \$1,000 is part of the \$4,000 with the hope that these companies have similar pricing.

Mayor Hamman inquired if there is a contingency if the price comes in high.

Ms. Cooper stated the Main Street Board has agreed to come up with the funds and proceeds from the .5K Fun Run that is in October will go to fund the road closure.

Ms. Garcia commented that an option the Board has to is provide a not to exceed amount to help fund the road closure.

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

Trustee Kinney moved to approve the Wellington Colorado Main Street Program Funding request at 1/3 of the cost to not exceed \$2,000; Trustee Whitehouse seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Whitehouse, Hamman

Nays – None

Motion carried.

2. Resolution No. 27-2021 - A Resolution of the Board of Trustees of the Town of Wellington, Colorado Authorizing the Temporary Closure of Portions of State Highway 1/Cleveland Avenue within the Town of Wellington during the Annual "Trick or Treat Down Main Street" Event on Sunday, October 31, 2021

Ms. Cooper stated the road closure for Trick or Treat Down Main Street will be similar to last year. Cleveland Avenue will be closed from 1st Street to 6th Street as well as access to the side streets. Traffic was rerouted down Highway 9 and then to 6th Street. The road is closed an hour before the event and closed an hour after the event to allow for set up and treat down.

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

Trustee Gaiter moved to approve the Resolution 27-2021; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Whitehouse, Hamman

Nays – None

Motion carried.

3. Wellington Colorado Boys and Girls Club of Larimer County Funding Request - 2022 Budget

Ms. Headrick with the Wellington Boys and Girls Club addressed the Board that informed them that when the shutdown happened in 2020, the Boys and Girls Club was committed to doing whatever it took to serve the community and that young people always had a safe place to go. In 2020, there were seven additional locations opened in Larimer County to make sure that kids could have access to services from the Boys and Girls Club even if transportation was an issue; this included both the elementary schools in Wellington.

In the last two years in Wellington, there have been 341 kids served between the ages of 6-18 at a fee of \$20 per year, per kid. That fee is kept low so that financial barriers do not hinder a child from access to the Boys and Girls Club. When the kids are at the Club, they have access to a number of programs and opportunities including meals, workforce development, character and leadership and academics to put them on a path to success.

During the pandemic, the Boys and Girls Club partnered with the Wellington Middle School to provide a remote learning center at the Middle School. In doing this, discussions took place on how a larger partnership could be when things returned to normal. As a result, on September 20, 2021 the first Eagles Club will be opened to serve Wellington Middle School which will essentially replace and enhance Eagles After Hours. It is anticipated that program will serve approximately 50 kids per day.

The Boys and Girls Club kids are asked on a regular basis on how they are doing and what their experience has been with the Boys and Girls Club. Through this survey, kids indicate strong connections to school, strong resiliency, social and emotional coping mechanisms as well as strong desires to leading healthy lifestyles and avoiding risky behaviors.

The Boys and Girls Club also serves as an economic driver by saving families on average of \$8,000-\$15,000 per year on after school childcare costs.

The budget to run the Wellington Boys and Girls Club which includes the Eagles Club is \$394,000 per year. The Wellington Boys and Girls Club is asking the Board of Trustees for an annual gift of \$25,000; \$5,000 for program supplies, \$3,000 to support transportation costs and \$17,000 to support front line staff member salaries.

Trustee Gaiter inquired as to what the Boys and Girls Club as received from Wellington in the past.

Ms. Headrick stated it has ranged between \$3,000 - \$5,000. Historically the funding has been around a program called Got What It Takes which was a workforce program held during the summer.

Mayor Hamman commented that he would like the Boys and Girls Club to come back each year with an update.

Trustee Kinney commented that the value of the Boys and Girls Club to the community is huge as Wellington does not have a lot of services that are provided in other areas.

Trustee Gaiter inquired as to the primary source of funding for the Boys and Girls Club.

Ms. Headrick stated for Wellington specific, Sage Homes has been a huge partner. They have helped with the building and operations cost. Funding comes from individuals and businesses and then from grants.

Trustee Gaiter commented that he agrees the Boys and Girls Club is a great program but is concerned making a jump to contributing \$25,000 when there are projects that the Town needs to have funding for.

Ms. Garcia commented that staff is working on the 2022 budget and will see what is available for funding this request and present that at the budget retreat.

4. Resolution No. 26-2021 - A Resolution Ratifying Adoption of the Wellington Comprehensive Plan 2021

Mr. Bird informed the Board that the Planning Commission is responsible for creating and adopting a comprehensive or master plan for the Town. The Comprehensive Plan guides land use decisions that affect the development of the Town and is the basis for zoning regulations, subdivision regulations and other regulations that implement the Town's long-range vision.

The Planning Commission began the process of updating the Comprehensive Plan in January 2020. Public input was collected through a series of public meetings, work sessions, publications, and various forms of in-person and online public engagement. A draft of the plan was released for public comment on March 9, 2021 and public comments received. Input from the public was incorporated into the plan and a revised draft plan was again released for public comment on June 18, 2021. The Planning Commission advertised and held a public hearing on July 12, 2021, and subsequently continued the public hearing to August 2, 2021 to allow additional public comment and stakeholder engagement. Following the close of the public hearing, the Planning Commission adopted the Wellington Comprehensive Plan 2021 on August 2, 2021.

The Board of Trustees is engaged in processes that are affected by the Comprehensive Plan and uses the Comprehensive Plan's recommendations and guidance when considering land use decisions. A draft resolution is attached with this report. The resolution is for the Board of Trustees to ratify the Planning Commission's adoption of the Wellington Comprehensive Plan 2021 as the official master plan for the Town.

Trustee Jerome inquired as to the vote ratio of the Planning Commission.

Mr. Bird stated the Planning Commission has one abstention from an individual that could not make all the meetings.

Trustee Gaiter commented that he had issues throughout the process. There was a group of individuals that had concerns about an area that was planned for commercial initially and their request to change that was granted. There was another group of individuals had concerns about how their neighborhood was planned and those changes were not granted. Trustee Gaiter commented that he has issues with how the Planning Commission handled that and that he does not feel

comfortable ratifying this.

Trustee Whitehouse inquired if there is a suggestion of something inappropriate.

Trustee Gaiter stated he would hope there is not but there was a difference in the way the request from Pheasant Run was handled to the request from the residents of the downtown neighborhood.

Trustee Kinney commented that there were over 2,000 comments from over 200 individuals that resulted in significant changes to throughout the document. The Planning Commission did their due diligence in pursuing every major theme that was provided to them through feedback. The content of the Comprehensive Plan is not necessarily this agenda item.

Mayor Hamman opened the meeting for public comment.

Christine Gaiter addressed the Board and stated the Planning Commission promised downtown residents that their concerns would be addressed in the land use code and it was just discovered that the land use code is approved by the Board of Trustees and not the Planning Commission. The downtown residents are asking that McKinely and Harrison be designated as part of the downtown neighborhood on the land use map and designate downtown neighborhood as low-density residential housing. Since the Board of Trustees oversees the land use code, we are asking that this request be put in writing.

Trustee Jerome commented that the Planning Commission is the body that approves the Comprehensive Plan so the Board of Trustees is not being asked to approve the document, the Trustees are being asked to ratify the Planning Commission's approval.

Mr. Sapienza stated that is correct.

Trustee Gaiter clarified that the Board of Trustees will not be honoring the word of the Planning Commission because at this point, we have not gone through the land use code.

Mayor Hamman stated that is correct as there is a process to go through with the land use code.

Trustee Jerome inquired if the Board of Trustees does not approve the ratification of the Comprehensive Plan, that it will still be an approved document.

Mr. Sapienza stated that under state statute, the master plan of the municipality is adopted by the Planning Commission so if the Board of Trustees does not ratify this, it is still the official policy of the Wellington.

Trustee Whitehouse moved to approve Resolution 26-2021; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Kinney, Jerome, Whitehouse, Knutson, Hamman

Nays – Gaiter

Motion carried.

5. Ordinance No. 10-2021 - An Ordinance Repealing, Revising and Readopting Article 13 of Chapter 2 of the Wellington Municipal Code Concerning the Wellington Parks and Recreation Advisory Board

Mr. Sapienza informed the Board that at the August 17, 2021 work session, the Trustees heard proposed changes to the boards and commissions of the Town of Wellington. The Parks Advisory Board has reviewed the proposed ordinance. The significant changes to the Parks Advisory Board include:

- Change the Parks Advisory Board to the Parks and Recreation Advisory Board;

- Update the residency requirement to state a member must live within the Wellington Growth Management Area (GMA). A review of current members and their addresses shows that all members live within the established GMA.
- The last change is moving the current Board of Trustee voting member to a liaison member role, and the addition of one voting member to have an odd number of voting members.

There was a concern addressed regarding the process of removal of a member and the text of the ordinance says members may be removed for inefficiency, neglect of duty or malfeasance upon written notice and after a public hearing during a regular or special meeting of the Board of Trustees. The concern was that is not very specific and there is no process for an automatic removal for any reason. The language is vague although it is standard and those concerns can be addressed in the bylaws of the board.

Trustee Whitehouse inquired if Mr. Campos is supportive of this change.

Mr. Sapienza stated he is not against this change.

Trustee Gaiter inquired if this is one of the boards that the terms were changed to four years.

Mr. Sapienza stated this is one of them.

Trustee Gaiter commented that he would like to see something defined in regard to inefficiency and neglect of duty.

Mr. Sapienza stated that a conversation was held at the Parks Advisory meeting and they believed that they should take a look at their own bylaws and the process of a recommendation for removal of their own member which would become an internal process for that board. Then that would come before the Board of Trustees for a public hearing.

Trustee Whitehouse inquired if the boards and commissions receive any guidance regarding their bylaws.

Mr. Sapienza stated the Parks Advisory Board do have bylaws in place and the Town is working to revise these boards so there could be assistance in amending their bylaws.

Ms. Garcia stated these ordinances are best left broad as people want to be part of the government process. Inefficiencies can be viewed in a number of different ways, so it is best to leave that language broad.

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

Trustee Jerome moved to approve Ordinance 10-2021; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Kinney, Jerome, Whitehouse, Knutson, Hamman

Nays – Gaiter

Motion carried.

E. REPORTS

1. Town Attorney

Mr. Sapienza informed the Board that he has been working on the regional opioid abatement governance structure. Many municipalities across the Country have sued the manufactures of the opioids and there is a multi-billion-dollar settlement that is being worked out. The funds would go directly to the State and then the Town would need to sign a MOU with the Attorney General's Office that we would want to participate in the structure. Municipalities of 10,000 or more would have a seat at the table to decide on how those funds would be use.

Mr. Sapienza also informed the Board that he will be on leave beginning September 29, 2021.

2. Town Administrator

Ms. Garcia informed the Board that the work session next week has been cancelled as the 60% items are not ready so the water treatment plant will be on October 12th and the wastewater treatment plant will be on October 26th.

3. Staff Communications

Mr. Gowing introduced Meagan Smith, the new Deputy Director of Public Works.

a. August 2021 Report of Bills

b. Larimer County Sheriff's Office Monthly Report - June 2021

4. Board Reports

Trustee Kinney informed the Board that she will be attending the CML Conference next week.

Trustee Whitehouse informed the Board that he participated in the Town Clean-up.

Trustee Jerome inquired about the Boxelder Creek incident.

Ms. Smith informed the Board that it was identified as discharge from a dairy and they had it sealed off and fixed that day.

a. Thimmig Property Discussion

Ms. Garcia informed the Board that Trustee Macdonald had requested an update on the Thimmig Property although since she is not at the meeting this evening, it would be moved to the next meeting.

F. EXECUTIVE SESSION

1. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to Section 24-6-402(4)(e), C.R.S. – regarding negotiations with North Poudre Irrigation Company. As required by C.R.S. §24-6-402(2)(d.5)(II)(A) and (II) (E) the executive session proceedings will be electronically recorded and the record will be preserved for 90 days through December 13, 2021.

Trustee Gaiter moved to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to Section 24-6-402(4)(e), C.R.S. – regarding negotiations with North Poudre Irrigation Company; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Motion carried.

The Board of Trustees moved into executive session at 7:48 p.m.

No official action was taken during the executive session.

Trustee Gaiter moved to close the executive session; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

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

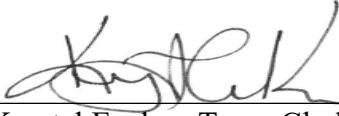
Nays – None

Motion carried.

The Board of Trustees closed the executive session at 8:13 p.m.

G. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:14 p.m.

A handwritten signature in black ink, appearing to read "Krystal Eucker", written over a horizontal line.

Krystal Eucker, Town Clerk