

BOARD OF TRUSTEES
March 26, 2020
LEEPER CENTER – 3800 WILSON AVE.

REGULAR MEETING – 6:30 PM

MINUTES

A. CALL TO ORDER

The Special Board Meeting was called to order at 6:30 p.m., 3-26-2020 conducted electronically per Ordinance 8-2020.

1. Pledge of Allegiance

2. Roll Call

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TRUSTEES PRESENT: JOHN JEROME, TIM WHITEHOUSE, JOHN EVANS, WYATT KNUTSON, DANIEL SATTLER, TROY HAMMAN

TRUSTEES ABSENT:

PRESIDING: TROY HAMMAN, MAYOR

ALSO PRESENT: ED CANNON, TOWN ADMINISTRATOR
KELLY HOUGHTELING, ASSISTANT TOWN MANAGER
CYNTHIA SULLIVAN, DEPUTY CLERK
BRAD MARCH, TOWN ATTORNEY OFFICE

B. ACTION ITEMS

1. Personnel Issues Town Administrator Position

Mayor Hamman said The Board of Trustees as part of the Town Administrator's evaluation process received evaluations from Board members and staff. Those evaluations were reviewed by the Board in executive session on March 24, 2020 with the Town Administrator's consent. Concerns were voiced surrounding the administrator's performance. This meeting is to allow the opportunity for Board members to take action regarding the administrator's contract. He said a motion will be made and outlined public participation.

Mayor Hamman opened for public comment input. Ms. Houghteling said questions and had been submitted prior to the meeting and will be included with the minutes. Listed below are public questions and comments from the meeting.

Brian Robertson What issues and performance evaluation has led to this emergency removal? A- Mayor Hamman said the evaluations were discussed in executive session. A majority of the Board members feel an action needed to be taken.

Jon Gaiter

1. What are the charges against the town administrator? Mr. March stated that by statute there was a need for the Board to present charges and offer a hearing, but that Mr. Cannon had waived these rights in writing so long as the Board was willing to make the severance payment called for by the Administrator's contract.

2. How many times was the Town Administrator talked to about his failures in these areas, and was it verbal or written? Trustee Sattler said the Town Administrator is being terminated without cause there are no charges or written warnings. Colorado is a no cause state.

3. We are currently in the middle of a global pandemic and our Town Administrator is a key part of our town's response. Why can't the Board wait 2 months until the crisis stabilizes to take this action? What part of the town is at risk if he remains? Trustee Sattler said Chief Green has an incident command and he could better respond to risks and steps that if any that need to be taken. He said roll of the incident command would not change. Trustee Whitehouse said the impact would not be on the incident command, but with town administration. Trustee Jerome said this action is based on the Town Administrator's evaluation. Trustee Whitehouse did not feel there was much of an evaluation.

Rebekka Kinney

We are in the middle of a crisis. In the middle of a global crisis that is devastating our town and businesses: How could anyone be in support of leaving our community without an administrative leader during this time? This type of change will cast doubt for all our staff and residents. This cannot be trusted as driven for the well-being of our town when it will cause chaos and stress during a critical time. I recognize there are concerns. We can manage legitimate concerns through constructive mediation methods or improvement plans as we focus now on surviving this storm. Her concerns were that the citizens should have the right to know what the issues have been and that even Board members have not had ample time to review the material. Trustee Sattler said there were issues and frustrations with Mr. Cannon that should not be discussed with the public. The town is still working on the safety of the community. There was further discussion on this issue and how the town will move forward.

BL - (Beth)

Why isn't Mr. Cannon commenting and why is the Board not answering questions. Mr. March explained how the executive session works and that action cannot be taken in executive session, so a special meeting was scheduled. The Board has had a couple of days since the executive session to review all the evaluations. Mr. March said the contract does allow for the Board to terminate the contract for no cause if the Board loses confidence in the Town Administrator.

Brian Robertson

Which Board members terms are expiring and being filled with this election? Mr. March said there is a vacancy on the board, Trustee Sattler, and Trustee Evans.

Hanna –

Whether this firing affects the town or not. I'm concerned that the board is willing to fire someone publicly without providing a reason. Further, doing so within a regular meeting instead of waiting to put it on the next agenda. I understand you may not be required to provide a reason, but the lack of accountability is concerning.

Jon Slutsky read a statement from four directors of the Wellington Chamber of commerce. (see attached statement) Mr. March stated that there was no action taken at the meeting after the executive session. Mr. Slutsky said their comment is to allow Mr. Cannon to continue his duties.

Travis Stevens

When was Mr. Cannon's evaluation initially? Mr. March said the evaluation on March 24 was the second evaluation since Mr. Cannon was hired.

Jason

Is the evaluation available to the public? Mr. March said as a personnel matter it is not available to the public.

Melissa Kamm

Who makes the final decision? Are you holding a meeting for the townspeople to be involved? If so, we cannot make an educated decision without the proper information. If not, why bother having this meeting and have us involved? Mr. March legally the purpose of the meeting is so the Board can take an action. One of the obligations of the Board is to hire or fire the Town Administrator.

Jon and Linda Knaack

Why does this need to happen immediately and so fast? The perceptions give the appearance of secret and so close to election? Does the current board not believe the new elected board would make good decisions based on facts? Mayor Hamman said this Board wanted to make that decision.

Justin Williamson

The Board is going to remove the town manager two weeks prior to an election during an emergency meeting where public input is difficult, and comments cannot be heard well. Boards response to removing the town manager during crisis was that nothing will change. But the town will be running with only the assistant administrator during a time of crisis, when normally both the town administrator and assistant administrator is busy.

Kent Allen

How can the community be assured this is not politically motivated? This action at this time, prior to an election that could swing the decision is highly questionable.

Brian Robertson

North Forty News article cites a few concerns: He gave himself a 12% raise without trustee approval; did not follow purchasing policy when hiring a company to design the town's logo; and tried to shift funds to hire an assistant and made changes to the budget without trustees' approval. Are those the foundation for this immediate action?

Mayor Hamman closed the public comment and brought it back to the board for comments.

Trustee Sattler stated this was not a behind closed door conspiracy. He lost confidence in Mr. Cannon as a Town Administrator and leader.

Trustee Evans said this is the process that the Board follows to evaluate the Town Administrator.

Trustee Jerome said this has been a year in the coming and he also has lost confidence.

Trustee Whitehouse said at this moment with the current crisis it is not the right thing to do to remove the town administrator.

Mayor Hamman said there has been contention between Mr. Cannon and a few of the Board members. This has been happening over the past year and the board has tried to address concerns and they have been brought up in meetings. He disagrees with the timing of this action.

TRUSTEE John Jerome Moved, AND TRUSTEE Wyatt Knutson seconded to Immediately Terminate Ed Cannon's Contract. Motion Passed four to two.

2. Appointment to Fill Vacancy Town Officer(s)

Mr. Cannon expressed his gratitude for the last three years and of the wonderful opportunity to work for the town of Wellington. When he was hired there were a lot of changes being made. There was a new Mayor, the Finance Director resigned, and the dismissal of the previous Town Administrator was pending. There was an issue with taste and odor of the water and issues with the Boxelder Stormwater Authority. He was approached by the Board and Mayor to be progressive and the Business Community about problems working with the Town. He spoke about policies that were evaluated and put into place and functions that were brought in house instead of contracting the services out. He is proud of innovations made by staff. The partnership with businesses has become stronger and Economic development is moving forward. He respects the Board's decision based on the procedures. He expressed thanks for the opportunity to work with the community.

Mayor Hamman thanked Mr. Cannon for his service.

Mr. March said the next action is to appoint someone to serve as Interim Administrator/Clerk. Mr. March advised that he had been asked to speak with Kelly Houghteling, the current Deputy Administrator about serving as Interim Town Administrator/Clerk, that she has been recommended by Mr. Cannon and Had expressed a willingness to assume the position on an interim basis.

Gary Green said the Fire Protection District has full faith in the abilities of Ms. Houghteling.

Mr. Gaiter asked if the Board has had conversations with Ms. Houghteling to insure, she can take on this position as well as continue in with the job she is currently doing? Mr. March said he has had that discussion and she feels she can handle both positions. Mayor Hamman said the board has evaluated Ms. Houghteling and she is prepared and qualified.

Sgt. Rairdon said the Sheriff's office also is confident of Ms. Houghteling ability.

TRUSTEE JOHN EVANS MOVED, AND TRUSTEE JOHN JEROME SECONDED appointment of Kelly Houghteling to the position of Interim Town Administrator/Clerk. Motion passed unanimously.

C. ADJOURN

Seeing no further business, the Board adjourned at 7:32 p.m.