BOARD OF TRUSTEES
REGULAR BOARD MEETING
May 12, 2020
6:30 PM

A. **CALL TO ORDER**

Due to the COVID-19 state and local orders to stay at home and not gather, all Board Members and Staff attended the meeting remotely via Zoom teleconference per Ordinance 8-2020.

1. Pledge of Allegiance

2. Roll Call

TRUSTEES PRESENT:	JON GAITER, JOHN JEROME, REBEKKA KINNEY, WYATT KNUTSON, ASHLEY MACDONALD, TIM WHITEHOUSE, TROY HAMMAN
TRUSTEES ABSENT:	NONE
PRESIDING:	TROY HAMMAN, MAYOR
STAFF PRESENT:	KELLY HOUGHTELING, INTERIM TOWN ADMINISTRATOR CYNTHIA SULLIVAN, DEPUTY CLERK CODY BIRD, TOWN PLANNER BOB GOWING, PUBLIC WORKS DIRECTOR TYLER SEXTON, INTERIM FINANCE DIRECTOR JENNY JONES, PUBLIC WORKS EXECUTIVE ASSISTANT BRAD MARCH, TOWN ATTORNEY

3. Amendments to Agenda
   None

4. Conflicts of Interest
   None

B. **PUBLIC COMMENT**

1. Public Comment
   None

2. Presentation

   a. Colorado Municipal League Presentation
      Kevin Bommer

Kevin Bommer, Executive Director of the Colorado Municipal League, gave a presentation on the roles and responsibilities of his organization. He explained the general overview and history of the organization, and he stressed the importance of the CML's mission and vision related to Colorado municipalities. He stated the CML exists for the members because of the members, and it is important for cities and towns to stick together for a united Colorado. He discussed the council-manager form of government, and he discussed the importance of maintaining respect for the division of this form of government. He provided an overview of ten roles for local government to use daily, and how utilizing the roles discussed will help the community emerge stronger as we navigate through this global crisis.

Mayor Hamman asked for clarification in regards to his statement of voting yes or no without abstaining. Mr. Bommer discussed how a vote to abstain is not recorded as a no, but it can be viewed as a no vote to the public so it's important to clarify why you are abstaining.

Mr. March asked Mr. Bommer his thoughts on the upcoming 4th of July celebration in response to the public gathering limitations. Mr. Bommer anticipates local municipalities will make their decision based on what the current health order is in the weeks leading up to the holiday.

C. **CONSENT AGENDA**

1. **Board of Trustee Minutes from April 28, 2020**

TRUSTEE WYATT KNUTSON MOVED, AND TRUSTEE TIM WHITEHOUSE SECONDED to approve consent agenda. Motion passed unanimously.

D. **ACTION ITEMS**

1. **COVID-19 Update**
Staff Presentation: Kelly Houghteling, Interim Town Administrator

Ms. Houghteling presented an update on the current COVID-19 situation on a State, County, and Town level. For Colorado as whole, there are 19,879 cases with 987 deaths. On a County level, there are 471 cases with 20 deaths. On a Town of Wellington, level there are 16 cases with no deaths. She also discussed Larimer County reporting a 54% decrease in ICU beds in use and 30% decrease in ventilators in use. Larimer County has significantly increased testing capability from providing approximately 20 tests a day to 500 tests a day with a shortened results turn around to 24 hours.

Town Facilities are currently operating on a by appointment only basis. Plexiglass shields will be installed at Town Hall, Sheriff's Annex, and Library circulation counter. Once the plexiglass is installed, new hours of operation will be announced. Public Works Department administrative staff is still working primarily from home. The Streets Division has been separated into two main groups to operate out of two buildings. The Water and Wastewater Divisions have been separated into two shifts at each plant. The 1st shift will work Saturday - Wednesday morning, and the 2nd shift will work Wednesday afternoon- Sunday.

Ms. Houghteling also discussed the Serve 6.8 and Larimer County Sheriff's Office Fundraiser supporting our community by offering $10,000 in a matching grant fund. This Fundraiser is cosponsored and supported by the Wellington Main Streets program, the Chamber of Commerce, and the Town, and each donation made will enter the individual in to a drawing for a hand-crafted American flag generously donated by American Grains.

The Wellington Main Streets Program has a new initiative titled "show us your mask challenge" through June 1, 2020. Daily $5.00 gift card drawings will be take place, and each winner can use the gift card at a local downtown business. To enter the drawing, a resident will take a selfie wearing a mask in a downtown business, post it to Facebook or Instagram, and tag the Main Streets Program in the post.

The Wellington Food Bank is setting up operations at the Leeper Center on May 14, 2020 3:00 - 6:00 pm for any individuals in need of food assistance. The Wellington Boys & Girls Club will be serving meals for all Town kids on Monday and Friday from 4:00 - 6:00 pm, and Eyestone Elementary School will continue serving hot lunch Monday - Friday 1:00 - 2:00 pm.

2. **Annexation for Poudre School District**

Staff Presentation: Cody Bird, Planning Director

Mr. Bird presented a draft annexation agreement for the Poudre School District subdivision on the Northwest corner of County Road 9 and County Road 62E which is the site of the future middle/high school. The annexation agreement is a part of the land use process and condition of approval, and it ties it to subdivision requirements of the Town including the development agreement which will come at a later date. This annexation agreement is the next step in the process. The Board for the School District has not responded with comments and/or proposed revisions. If they do have comments and/or revisions, Mr. Bird stated he can bring those back to the Town Board for reconsideration, and the Town Board can table this to the May 26, 2020 meeting to allow the School District to provide comments and/or revisions before the Town Board takes action.

Mayor Hamman asked how the traffic study is going for the intersection by the school site. Mr. Bird stated the consultant is working on it, and he's expecting the timeline for completion of the traffic study to be this fall.

Trustee Jerome asked how many changes we have seen with the this annexation agreement. Mr. Bird said the previous changes were primarily made in regards to the water and traffic discussions. The presented draft is the first draft with those updated discussions. Trustee Jerome asked if Mr. Bird anticipated any change to come back from the School District. Mr. Bird expects some changes to come back, because there are a lot of statutory requirements the School District has to comply with. Mr. Bird doesn't expect any major comments and/or revisions to come back.

Trustee Whitehouse suggested to wait to take action after Mr. Bird receives potential comments and/or revisions. Mayor Hamman stated he didn't think the Board was taking action tonight. Trustee Whitehouse felt it was a possibility to take action or defer to the May 26, 2020 meeting. Mr. Bird clarified the Town Board can approve insubstantially in the current draft, or the Board can choose to defer to the May 26, 2020 meeting. Trustee Jerome and Mayor Hamman agreed with Trustee Whitehouse to wait to take action on the agreement.

Trustee Gaiter asked about the portion covering the road construction at County Road 9 and Highway 1 in regards to who is paying for what. He feels it is very open ended. Mr. Bird clarified the annexation agreement doesn't go in to the payment detail, but the School District will pay their share outlined in the study. The consultants will evaluate 3 conceptual designs with a cost level analysis which will result in the definition of the dollar amounts in the development agreement.

Trustee Gaiter asked if it was possible to not do the the cash in lieu option. Mr. Bird stated the School District does have some water shares, but their water portfolio may not have enough to meet Town requirements. Due to this, Mr. Bird stated their difference could be paid with the cash in lieu option, and he proposes to leave this option to find a good balance to meet the Town's needs, as well as the School District's needs. Mr. Gaiter asked if this would be a separate agreement brought to the Board. Mr. Bird clarified this would be covered in the future development agreement.

Trustee Whitehouse asked what their contribution consists of in regards to actual shares the Town can utilize and what does the cash portion consist of. Mr. Bird explained how the Town will continue to work with the School District with the water demand analysis to determine their water demands versus the shares they are able to contribute.

Trustee Whitehouse asked if Mr. Bird was considering an update on the cash in lieu policy to reflect the cost of the current market shares. Mr. Bird does feel this needs to happen, and he suggested acknowledging the market price for North Poudre shares instead of a defined price. Ms. Houghteling mentioned she did have a discussion with Bob Gowing, Public Works Director, about potential updates to the policy. Trustee Gaiter asked Ms. Houghteling how quickly this can be updated. She clarified this will be an ongoing conversation with high priority, but there is no exact date. Mayor Hamman wanted to ensure the Town will be receiving shares from the School District, and Mr. Bird clarified the Town will be asking for shares.

Trustee Kinney asked if delaying the draft annexation agreement would delay the project as a whole. Mr. Bird reassured the Board this agreement would not slow down the process. The School District is eager to wrap the annexation agreement up soon, because they are working at risk until it is completed.

Trustee Macdonald asked how long it will take from the annexation agreement process to the development agreement process. Mr. Bird expects things to move quickly on most items with the exception of the traffic study portion, and he expects this to be completed by late summer or early fall. He mentioned early results of the traffic study can be analyzed to we obligate a development agreement to pay a portion of the shares.

Trustee Kinney asked how the Town Board can help facilitate the School District comments and/or revisions to expedite the process. Mr. Bird stated their Board meets the same night as the Town Board so the draft didn't get on their agenda for tonight's meeting. They will have a dinner discussion to review the draft for comments and/or revisions.

TRUSTEE REBEKKA KINNEY MOVED, AND TRUSTEE JON GAITER SECONDED to table the annexation agreement to May 26, 2020. Motion passed unanimously.

3. **Resolution 15-2020 Appointments to the CAC and PAB**

Mr. March stated the CAC and PAB members are appointed by the mayor, and they are confirmed by the Town Board. Previously Town Board members were appointed to the CAC and PAB, and it is his understanding CAC was supportive of the appointees for the Committee.

Mayor Hamman asked if there are any other outstanding applications.

Ms. Houghteling asked Cynthia Sullivan if she has received any additional applications for appointment, and Ms. Sullivan stated she has only received one application from John Evans for the PAB.

JC Cox, chair of the PAB, recommended John Evans be appointed to the PAB to fill the vacancy.

Mr. March said he spoke with Michelle Vance, and she stated the CAC has endorsed all of the candidates.

Richard Bacon, chair of CAC, stated he is in favor of Linda Stoddard, Natalie Triplett, Linda Kinzli, Diana Freeman, and Steve Sarno staying on the CAC Board. Mayor Hamman supported this recommendation.

Trustee Kinney encouraged anyone who wants to share ideas or keep up to date on events to attend PAB and/or CAC meetings as both Boards would welcome the attendance.

Trustee Gaiter asked the PAB and CAC chairs to speak briefly on why these candidates would be good candidates for the Town Board to approve, as well as explain the process of selection.

Mr. Cox stated Mr. Evans was the appointed Trustee the PAB worked with the past two years, and Mr. Evans expressed interest in continuing with his work on the Board. Mr. Cox, and the PAB, feel Mr. Evans would continue to be a good fit.

Mr. Bacon stated the CAC applicants fill out a form online for the CAC Board to review, and the applicants are invited to make a presentation to the CAC Board at a meeting. The CAC Board asks a series of questions to the invited applicants after their presentations. Two applicants were selected for the CAC Board, because they could contribute different strengths to the CAC.

Trustee Gaiter asked Mr. Cox to clarify if Sarah Rice was a new appointment to the PAB, because she had 2020-2023 listed. Mr. Cox confirmed it was a renewal.

TRUSTEE JOHN JEROME MOVED, AND TRUSTEE REBEKKA KINNEY SECONDED to approve Resolution 15-2020 Appointments to the CAC and PAB. Motion passed unanimously.

4. **Resolution 16-2020 Regarding Signage Pursuant to the Outdoor Advertising Act**

Mr. March stated this was a way to honor the graduates who didn't get an actual graduation. The Town did enter in to an agreement with Xcel Energy which allows the Town to put banners on Town street lights on Cleveland Avenue. He said Trustee Macdonald pointed out there was a concern for approval being needed under the Colorado Advertising Act due to Cleveland Avenue being a State highway. This Resolution would say the Town has an exception for public purpose signage.

Mayor Hamman clarified public purpose signage is essentially not for commercial purposes or money.

Trustee Macdonald said she was approached by Jami Sterkel to showcase the graduating class of 2020, and the decorative banners would be a way to showcase our local seniors graduating. Ms. Sterkel conducted online research to see what the interest level was for this project, and it was high for both families to purchase a banner, as well as people and/or local businesses to sponsor families who couldn't afford a banner. The hope is through partnership with the Main Streets Program and the Chamber of Commerce the Resolution would be a way to showcase this opportunity.

Jami Sterkel spoke with Anita Hardy and Kallie Cooper to gain permission to utilize their permits, and she has been working with the principals to email the families of the seniors to act as the liasion. Joshua Griffin with Dynamic Image LLC provides signage for the Main Streets Program, and he is willing to help with the project. Meagan Larson has agreed to create an online form for families to upload the senior picture with a quote.

Kallie Cooper mentioned the Main Streets Program met as a Board, and she clarified no additional permitting would be needed as long as banners aren't put up where they don't already exist. The business sponsors of the current banners will need to approve the temporary removal of the existing banners.

Mayor Hamman asked if the temporary removal of banners was a point of contention. Ms. Cooper stated it should not be an issue.

Trustee Macdonald stated this request is to gain permission from the Board to hang the ornamental banners honoring the graduates for 30-60 days

Trustee Kinney asked what the capacity is for available banner space. Ms. Cooper stated there is capacity for to 3 students per side which would allow 6 students per banner, and this should allow all banner requests to be accommodated. Ms. Sterkel mentioned Mr. Griffin can do a rotation of students if there is a need. Trustee Kinney suggested designating an overflow area which wouldn't require a permit. Trustee Macdonald spoke about the potential to use 6th Street as an option. Mr. March stated there are 9 poles identified for potential use under the agreement with Xcel.

Sergeant Michael Rairdon asked Ms. Sterkel if there were going to be guidelines for the potential motivational quotes added to the banner. She stated all quotes would be reviewed by her, Ms. Larson, and Mr. Griffin, and one of them would reach out directly to the family if anything is offensive.Mr. March agreed with Mr. Rairdon's concern, and he recommended using names and the class of 2020 with no quotes to eliminate the review portion.

TRUSTEE ASHLEY MACDONALD MOVED, AND TRUSTEE JOHN JEROME SECONDED to approve Resolution 16-2020 Regarding Signage Pursuant to the Outdoor Advertising Act. Motion passed unanimously.

5. **Agreement for Sale and Purchase of Water Shares**

Ms. Houghteling said the Town was currently in negotiations for 10 shares of water, and the price per share is $201,000.

Mr. March stated North Poudre did provide a range of prices in recent years, and the current price is within the range of what the stock is selling for generally.

Trustee Knutson asked why the warranty portion got crossed out. Mr. March clarified this was taken from a previous contract, and Bill Fisher with the Goodwin Trust was uncomfortable with the warranty provision as it's not typically a warranty dead. Mr. March said the share certificates are clear.

Trustee Gaiter asked if the Town had options if something was off or had not been disclosed. Mr. March stated we could have the warranty provision be reinserted, but there may be some objection due to it being a commercial Trustee giving the warranty. If you have the certificate and it's not noted as pledged, the general rule of law is it's fine. General searches can be conducted for title review. Trustee Jerome and Trustee Whitehouse agreed with adding the terms back in to the agreement.

TRUSTEE JOHN JEROME MOVED, AND TRUSTEE ASHLEY MACDONALD SECONDED to approve the Agreement for Sale and Purchase of Water Shares. Motion passed unanimously.

E. **REPORTS**

1. **Town Attorney**
   Mr. March mentioned the discussions relative to the Housing Authority appointments on the Board, and he is planning on bringing this appointment to the next meeting. A nonprofit entity was created without allowing non residents of the Town to be on the commission, but Town ordinance allows them to be on the Board. John Evans would like to continue to serve on the Housing Authority Board. Mr. March spoke with Julie Brewen, the Director of the Fort Collins Housing Authority, and she strongly urges to keep the Board in tact with the addition of Trustee Macdonald.

2. **Town Administrator**
   Ms. Houghteling stated an email was sent from Cheryl Trent, retreat facilitator, for the Board to select dates for the upcoming 2 day facilitated Board retreat.

3. **Staff Communications**
    a. Update on Finance Department Audit
    Mr. Sexton provided an update on the current audit and schedule. The Town engages in the financial statement audit per State statute to provide the highest level of assurance that all financial statements are follow accounting principals. Accounting records are searched, inspected, and verified to understand internal controls. Asset existence verification is conducted, balance sheets are inspected, and expense period verification are a few of the items collected so Anton Collins Mitchell LLP can issue a final report to the Town. This process is being done remotely due to the COVID-19 restrictions, and they are expected to have the audit submitted to the Board by June 30, 2020 so it can be submitted to DOLA by July 31, 2020.

4. **Board**

Mayor Hamman proposed the Board to move forward with the 4th of July celebration. Trustee Jerome agreed the Town should proceed with planning.

Trustee Gaiter stated he attended the recent CAC Meeting, and the CAC is looking for guidance from the Board on how to proceed with the 4th of July celebration. He did speak with Larimer County Sheriff's Office to confirm they are planning for the celebration with making adjustments as needed. He also had a meeting with Ms. Houghteling, Michelle Vance, Trustee Macdonald, and Everitt Pettit to discuss how the Town should move forward with required permits. He also spoke with Katie O'Donell, Larimer County Public Information Officer for Health, to discuss how the Town should proceed. She recommended putting together a plan for how the Town sees the 4th of July going forward and how we will manage health concerns to submit to her for approval. If this is approved, we are able to move forward with our plan.

Brian Eurlich, Bee Lake Productions, confirmed he has made payment for the Wellington fireworks, and he plans to take delivery around Memorial Day. All the magazines are contracted, but the video screen and audio portion of the celebration are on reservation. The music portion could be broadcast through FM transmission if needed. Mr. Eurlich did mention we could postpone the fireworks anytime the Town feels it's safe to enjoy the show, and the fireworks would have to be stored at $300 a month until used. He will proceed with filing permits with the Fire Department.

Richard Bacon, CAC Director, mentioned the car show portion of the celebration is canceled, and the CAC has discussed moving the parade and car show to Labor Day.

Trustee Whitehouse asked Trustee Gaiter for the time frame for the review process with the Health Department. Trustee Gaiter said it should take roughly two weeks for review. He recommended we move forward with the permitting portion with Larimer County.

Trustee Kinney stated how special the 4th of July celebration is for the Town, and she feels it is important to protect a portion of this celebration.

Trustee Jerome recommend a cut off date be set for the confirmation or cancellation of the celebration. Mr. Eurlich confirmed the Town could wait until the day before to cancel if needed.

Trustee Whitehouse agreed we should move forward with planning, and he felt Labor Day was a good alternative if the celebration is postponed.

Trustee Gaiter asked Mr. Eulrich for the amount of the deposit for the sound and video portion. Mr. Eulrich stated the deposit is $2600 which is half of the total rental cost.

Trustee Macdonald asked Trustee Gaiter what the unused CAC Easter budget was. He recommended Mr. Bacon to answer this question if possible.

Trustee Kinney wanted confirmation all 4th of July items have been previously budgeted which they have.

Trustee Gaiter expressed his concern with COVID-19 restrictions currently mandating no more than 10 people can gather, and he questioned if it restrictions would allow a park packed full of people with video and audio streaming. He asked what our options are this portion of the celebration. Mr. Eurlich will talk with the company representative to report back to Trustee Gaiter.

Trustee Jerome mentioned the audio and video equipment rental company should allow a deposit to be refunded if no one is able to use the equipment due to gathering restrictions. Mr. Eurlich stated it is beyond his control.

Trustee Macdonald expressed the importance of the audio portion of the celebration for visually impaired individuals. She feels it would be beneficial to explore opportunities to stream or broadcast the visual portion.

Trustee Kinney discussed the limited capacity of local restaurants, and how local cities are employing an entertainment zone in some capacity. She would like suggestions on how we could provide temporary outdoor seating to help our local restaurants in Centennial Park.

Trustee Gaiter asked what portion of 3rd Street could be closed to accommodate the proposed entertainment zone. Since this is a previously used space for food vendors during festivals, Trustee Kinney felt it would be a potential option.

Trustee Gaiter asked what the time frame would be for the use of the temporary set up. She proposed a Friday & Saturday night occurrence to provide the most profit for the local restaurants. She would like to create a preliminary plan to expedite the implementation.

Mayor Hamman asked if anyone has talked directly to the restaurant owners to get their direct thoughts on how, or if, this would benefit their business. Trustee Kinney clarified she has spoken to a few restaurant owners, and she will continue the conversation with the other owners.

Trustee Whitehouse recommend the Fire Department and Sheriff's Office should have input on the execution of this proposal.

Trustee Kinney stated it is worth the consideration even with cost and challenges in mind. She requested Ms. Houghteling research what local communities are doing to support local restaurants.

Trustee Gaiter recommended we confirm with local restaurants their interest in the idea before requesting staff to conduct research with local communities support responses. Trustee Whitehouse, Trustee Knutson, and Trustee Jerome agreed with Trustee Gaiter's recommendation.

Trustee Macdonald requested to hear from the Chamber of Commerce and Main Streets Program to provide insight on solutions they may have.

Trustee Kinney will proceed with the discussion to the restaurant owners, and she requested we add this discussion to a future agenda.

Trustee Kinney wanted to stress the importance of mask wearing in local businesses, and how critical it is for everyone to follow the current policy of mask wearing to ensure the safety of the business owners and employees, as well as showing a sign of respect.

Mayor Hamman discussed the importance of the role Michelle Vance served with the Town as the Economic Director, and he wishes her well in her future professional endeavors. He thanked Ms. Vance for her hard work while with the Town.

F. **EXECUTIVE SESSION**

No executive session.

G. **ADJOURN**

The Board adjourned at 8:34 p.m.

Respectfully Submitted

Jenny Jones

Executive Assistant