TOWN OF WELLINGTON

BOARD OF TRUSTEES
October 27, 2020
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:
   Kelly Houghteling, Interim Town Administrator
   Brad March, Town Attorney
   Judi Tippetts, Finance Director
   Cody Bird, Director of Planning
   Jim Miller, Streets Superintendent
   Hallie Sheldon, Town Intern
   Bob Gowing, Director of Public Works
   Krystal Eucker, Town Clerk

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 evenings agenda to which there was none.

B. COMMUNITY PARTICIPATION

1. Public Comment

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

2. Presentation

a. Wellington Main Street Program Quarterly Report

Ms. Cooper, Executive Director of Wellington Main Streets informed the Board she will review the quarterly report for July, August and September.

Current projects

- Publications:
    - "Downtown Wellington Featured in Season 1 of Tastemade's "Beyond the Block," published on September 21st
    - "Sustainability in Colorado's Waterways, Amid Climate Change," published on September 22nd
    - "City of Wellington moves to highest tier of Colorado Department of Local Affairs' Main Street program," published on October 19th
- *Downtown Banners*
    - The new "Welcome to Wellington" banners and "Historic Downtown Wellington banners were installed on October 19th by Dynamic Image.
- Crosswalk Project / DOLA 2020 Mini Grant
    - After speaking with Jenny Jones with the Public Works Department, the Main Street Program filed for an extension on our 2020 DOLA Mini Grant that will be directed towards the downtown crosswalk project. The extension will be good through June 30, 2021, which is the end of the State's fiscal year.
- *COVID-19 Promotion and Resource Efforts*
    - Back to Business Fridays
        - Hosted July 31st through August 21st
        - 20 local businesses hosted a collection bin for school supplies and offered weekly discounts in exchange for donated items
        - School supplies were split between the three local schools and delivered on Friday, August 28th
    - CARES Act Funding
        - Served on the review committee for the Business Relief Fund
        - Thank you to the Town of Wellington for allocating these funds to support our local business community!

Events

- *Food Drive*
    - The Wellington Food Drive started on October 1st and will run through October 31st. All items will be donated to the Wellington Food Bank. Donation bins are located at Thistle, Soul Squared Brewing, Trim Salon, The Cakery, Kinzli REMAX Real Estate, Owl Canyon Coffee and at the MRock Creative office in the Historic Wellington hotel.

- *Trick or Treat Down Main Street*
  - Saturday, October 31st from 4:00 – 5:30 pm in downtown Wellington
  - 40 business are registered to participate in this year's Trick or Treat Down Main Street event
  - We have purchased 1000 trick or treat bags for attendees that were sponsored by our local businesses, totaling $1600
  - We have 21 volunteers signed up to help us facilitate this event and direct attendees
- *Shop Small Saturday / Elf Hunt*
  - The Main Street Program will host our second annual Downtown Elf Hunt starting on Saturday, November 28th (Shop Small Saturday). The hunt will run through December 19th. Participants who find all 10 elves will be entered in to win a prize from the Main Street Program.
- *Annual Dinner / Board of Directors Applications*
  - The Main Street Annual Dinner will be held on Friday, November 13th
  - The MS Program Area will be able to submit their votes at the dinner or via email by 5:00 pm on Thursday, November 12th for the 2021 Board of Directors

Other:

- Tastemade "Beyond the Block"
  - The Fort Collins/Wellington episode of "Beyond the Block" aired on September 24th
  - Watch parties were held at the Wellington Grill and Sparge Brewing
  - The episode can still be viewed on the Tastemade website: https://www.tastemade.com/shows/beyond-the-block and on Amazon Prime Video.
- *Graduate Status:*
  - The Main Street Program was notified on October 6th that we have been advanced to the top tier of the Colorado Main Street Program.
  - This makes our program one of just six other communities across the State to reach this level.
  - As a Graduate Program, we are awarded $10,000/year in mini-grant funds through the State of Colorado Department of Local Affairs. These funds have been awarded through 2025.
- *New Office*
  - The Main Street Program has moved to our new office location in the Historic Wellington Hotel building (3725 Cleveland Ave Ste D)
- *Funding*
  - We received a PPP Loan for $9,375.00 to cover payroll expenses in August, September, and October.
  - The Main Street Program has applied for $15,000 in grant funding through the Energize Colorado Gap Fund to help cover the loss in fundraising dollars due to cancelled events this year. Applications close on October 26th. Applications are reviewed by a committee and funds are distributed based on need.

Mayor Hamman commented that he appreciates the work that Main Streets is doing by keeping activity alive in Town and keeping businesses in mind as well.

Trustee Kinney commented that she is impressed with Main Streets and their dedication to the community.

Trustee Whitehouse also commented that he is impressed with Main Streets and thanked them for their work.

C. CONSENT AGENDA

1. Minutes of the August 18, 2020, September 8, 2020 and September 15, 2020 Board of Trustees Meetings.

Mayor Pro Tem Knutson moved approve the consent agenda; 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.

D. ACTION ITEMS

1. Intergovernmental Agreement for COVID-19 Test Funding

Ms. Houghteling informed the Board that the item before them is an intergovernmental agreement for increased testing capacity for COVID-19. This is in partnership with Larimer County and Colorado State University. Population was used to determine how each community would pay their proportionate share, so Wellington is being asked to contribute $20,000 from the CARES Funding. This is a good regional effort to do testing as it continues to increase throughout the county.

Trustee Jerome inquired if there will be any type of drive through testing and if there will be testing in Wellington.

Ms. Houghteling stated bringing testing to Wellington has not been discussed although there have been some discussion of mobile testing centers.

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

Trustee Kinney moved approve the Intergovernmental Agreement for COVID-19 Testing; 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.

2. Crack Seal Contract Award

Mr. Miller informed the Board that the crack seal project is part of a maintenance project that is done every year although this year the Town only received two bids. It is getting late enough in the year that the Town needs to move forward with the project. Staff is requesting approval of the crack seal contract so Public Works can move forward with the maintenance.

Mayor Hamman inquired if any of the companies are ones that the Town has used in the past.

Mr. Miller stated the Town used Affordable last time and SNS has been used in the past.

Mayor Hamman inquired if the numbers are comparable to those in the past.
Mr. Miller stated they are a decent price.

Trustee Gaiter inquired as to how the work of these companies has held up in the past.
Mr. Miller stated the work has been done extremely well.

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

Trustee Gaiter inquired as to the price difference between the contracts and if it is the same thing that is being quoted by both companies.
Mr. Miller stated they are not the same as what we had done; last year's information was left on the contract and it should have been removed.

Trustee Macdonald moved approve the Crack Seal Contract Award to Affordable in a not to exceed amount of $67,400; 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.

3. Resolution No. 30-2020 - A Resolution of the Board of Trustees Calling a Special Election
Mr. March informed the Board that there were two initiated ordinances filed with the Clerk and then there were protests filed on those initiated ordinances with the Clerk. Having had the protest hearings, the Hearing Officer determined the initiated ordinance pertaining to the sales tax of marijuana and marijuana products to be sufficient and the sales of marijuana ordinance to be insufficient. As a result of the insufficient finding, the matter is being appealed in District Court and that is ongoing.

The appeal period after the Hearing Officer's ruling on the sales tax ordinance ended on October 19, 2020. Due to that ordinance being found sufficient, the resolution before the Board is referring the sales tax question to the voters on November 2, 2021. The TABOR statutes allow certain times that a sales tax question can be referred to the voters and the next time to be able to do so is November 2, 2021.

Trustee Whitehouse inquired about a third court filing.
Mr. March stated the sales tax ordinance was found to be sufficient so it can move forward. The ordinance related to sales of marijuana is in ongoing litigation.

Trustee Kinney asked that the we confirm and reiterate, for the record the next possible date for a special election for the sales tax ordinance.
Mr. March stated that date would be November 2, 2021.

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

Trustee Kinney moved approve Resolution 30-2020; 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.**

4. <u>Resolution No. 38-2020 - A Resolution Referring to the Voters the Initiated Ordinance Concerning Retail Marijuana Sales Tax in the Town of Wellington</u>

Mr. March informed the Board that Resolution 38-2020 is improperly numbered and it should be 36-2020 which would be referring the sales tax ordinance to the voters. There is no longer an ability for the initiative to be challenged.

Trustee Whitehouse inquired as to the language of the resolution not being the same as the initiative for items like the 3.5% sales tax.

> Mr. March stated the resolution references the initiative which allows a sales tax up to 5% in the future.

Mayor Hamman inquired as to when the sales tax could be increased to 5%.

> Mr. March stated that would be up to the Board although Wellington can start at 3.5%.

Trustee Whitehouse inquired if the increase to 5% would need to go back to the voters because of TABOR.

> Mr. March stated he did not believe so as the voters would vote on the sales tax up to 5%. More research would need to be done before changes are made.

Trustee Macdonald inquired as to the language of the initiative dedicating the sales tax amount to a recreation center and if that is something that the Board can change.

> Mr. March stated the ordinance does provide that the sales tax is used for a recreation center although I don't believe the Board is bound to dedicate the tax for that use.

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

Trustee Kinney moved approve Resolution No. 36-2020; Trustee Whitehouse seconded the motion. Roll call on the vote resulted as follows:

> **Yeas - Gaiter, Jerome, Kinney, Whitehouse, Knutson, Hamman**
> **Nays - Macdonald**
> **Motion carried.**

Mr. March informed the Board that the resolution appointing elections judges was not included on the agenda as that matter is a year away.

Mayor Hamman closed the regular meeting at 7:11 p.m. and opened the Liquor License Review Board.

E. OTHER BOARDS

<u>Roll Call</u>
Mayor Troy Hamman

Mayor Pro Tem Wyatt Knutson
Trustee Jon Gaiter
Trustee John Jerome
Trustee Rebekka Kinney
Trustee Ashley Macdonald
Trustee Tim Whitehouse

1. Liquor License Review Board - Annual Renewal for Big T Ventures LLC, d/b/a Cantina Liquors
Mr. March informed the Board that the renewal for Cantina Liquors is a standard renewal and staff does not see any concerns with their renewal.

Trustee Gaiter inquired about police reports being included with the renewals in the past; was there not a police report because there was nothing to report.

Ms. Eucker stated the reports received from the Larimer County Sheriff's Office did not include any violations that were directly related to the licensee. There were reports of DUI's in the parking lot and that would not affect their license directly.

Trustee Whitehouse moved approve the annual renewal for Big T Ventures LLC, d/b/a Cantina Liquors; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

Yeas - Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays - None
Motion carried.

2. Liquor License Review Board - Annual Renewal for Kum & Go LC, d/b/a Kum & Go #934
Mr. March informed the Board that there are no concerns from staff regarding the annual renewal for Kum & Go. It appears the company is in the process of an ownership change although that has not been completed at this point.

Trustee Gaiter inquired if we know or not if the business is in the process of being sold.

Mr. March stated it is his believe that the sale has not been completed and they are in the process. Once their change of ownership is completed, they will file the necessary paperwork with the State of Colorado. With Kum & Go having numerous locations, they more than likely have a master file with the State and Wellington will get notice from the State that the changes have been completed.

Mayor Pro Tem Knutson inquired if this would be the same as the change of ownership that another local establishment completed.

Mr. March stated it would be similar although Kum & Go would complete theirs through the State.

Trustee Jerome commented that it would be similar to when Loaf N Jug changed.

Mr. March stated that is correct.

Mayor Pro Tem Knutson moved approve the Annual Renewal for Kum & Go LC, d/b/a Kum & Go #934; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

Yeas - Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays - None
Motion carried.

Mayor Hamman closed the Liquor License Review Board at 7:17 p.m. and resumed the regular meeting.

F. REPORTS

1. Town Attorney

None.

2. Town Administrator

Nothing additional.

3. Staff Communications

a. Treasurer Report

Staff Presentation: Judith Tippetts, Finance Director, Treasurer

Ms. Tippetts stated the revenues and expenditures are at 75% of the year.

Trustee Gaiter inquired if the negative 38% on the water funds is prior to impact fees.

Ms. Tippetts stated it was.

4. Board

Trustee Jerome asked if there was a way to clean up the snow on Main Street for the Trick or Treaters on Saturday.

Mr. Miller stated it can be cleaned up, sometimes that is a bit of an issue with CDOT if we work there without a permit. Since there is warmer weather coming, we can let it turn to slush and move it out.

Trustee Gaiter inquired if there is any way to talk with CDOT about the pile of snow that is left in the middle of the road.

Mr. Gowing stated that is something that they have talked with CDOT about many times and that is CDOT's standard approach; in the past they have not been willing to change that approach.

Trustee Gaiter inquired about snow control on streets other than Cleveland as they were pretty bad.

Mr. Gowing stated staff is still working on plowing.

Mr. Miller stated when the snow started Sunday morning the pavement was hot, so we ended up having slush. When those lanes were moved, it froze. The same thing happened Monday morning so it was decided to let the snow lay until the black top could be exposed because the black top will melt the snow faster. Staff did attempt at keeping the snow level for people to drive on as the wind was blowing it back on the roads.

Trustee Kinney mentioned the absence of crosswalks and if that could be looked into.

Mayor Hamman commented that that is worthy of a discussion as we don't' have signs right now.

Trustee Whitehouse inquired about the CDOT approved base and pole that Vince Gentry was researching; has there been any success in finding those.

Mr. Gowing stated they had a meeting with CDOT and the new Regional Director and inquired if they knew where Wellington could find any and they did not know as this is a statewide problem. The one firm that creates these is not able to keep up.

Mayor Hamman commented that he would like to get with Mr. Gowing to work with the State regarding these poles.

Trustee Kinney volunteered to help draft a letter as well.

G. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:29 p.m.

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Krystal Eucker, Town Clerk