TOWN OF WELLINGTON

BOARD OF TRUSTEES
October 10, 2023
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting Minutes

A. CALL TO ORDER

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

1. Pledge of Allegiance
   Mayor Chaussee asked all to rise for the pledge of allegiance.

2. Roll Call
   The Clerk noted a quorum with the following roll call:
   Mayor Chaussee – present
   Mayor Pro Tem Macdonald – present
   Trustee Dailey – present
   Trustee Gaiter – present
   Trustee Mason – present
   Trustee Tietz – present
   Trustee Wiegand – present

3. Amendments to Agenda
   Mayor Chaussee asked if there were any amendments to the agenda; there were none.

4. Conflict of Interest
   Mayor Chaussee asked if there were any conflicts of interest; there were none.

B. COMMUNITY PARTICIPATION

1. Public Comment
   Mayor Chaussee called for public comment; there was none.

2. Proclamation: Community Planning Appreciation Month (October)
   Mayor Chaussee proclaimed the month of October as Community Planning & Appreciation Month.

C. OTHER BOARDS

Mayor Chaussee closed the regular meeting and opened the Liquor License Authority Board at 6:35 p.m.

1. Liquor License Authority Board
   Mayor Chaussee asked for a Roll Call. The Clerk noted a quorum with the following roll call:
   Mayor Chaussee – present
   Mayor Pro Tem Macdonald – present
   Trustee Dailey – present
   Trustee Gaiter – present
   Trustee Mason – present
   Trustee Tietz – present
   Trustee Wiegand – present

Mayor Chaussee invited Mr. Ethan Muhs, the Town Clerk, to present these items to the Board.

a. Kum N Go #934 Fermented Malt Beverage and Wine (City) Liquor License Renewal Application

Mr. Muhs presented this item to the Board. Mayor Chaussee called for questions from the Board on this item; there were none. Mayor Chaussee called for questions from the public on this item; there were none.

Mayor Chaussee called for a motion on this item.

Trustee Mason moved to approve the Kum N Go Liquor License Renewal Application.
Trustee Tietz seconded.
Yeas: Mason, Tietz, Gaiter, Dailey, Wiegand, Macdonald, Chaussee
Nays: N/A

The motion carried unanimously and the renewal application was approved.

b. Cantina Liquors Liquor Store (City) License and Delivery Permit Renewal Application

Mr. Muhs presented this item to the Board. Mayor Chaussee called for questions from the Board on this item; there were none. Mayor Chaussee called for questions from the public on this item; there were none.

Mayor Chaussee called for a motion on this item.

Trustee Mason moved to approve the Kum N Go Liquor License Renewal Application.
Trustee Tietz seconded.
Yeas: Mason, Tietz, Gaiter, Dailey, Wiegand, Macdonald, Chaussee
Nays: N/A

The motion carried unanimously and the renewal application was approved.

Mayor Chaussee closed the Liquor License Authority Board and reopened the Regular Meeting at 6:39 p.m., and asked for a Roll Call.

The Clerk noted a quorum with the following roll call:
Mayor Chaussee – present
Mayor Pro Tem Macdonald – present
Trustee Dailey – present
Trustee Gaiter – present
Trustee Mason – present
Trustee Tietz – present
Trustee Wiegand – present

D. PRESENTATION

1. Larimer County Humane Society Joint Contract Proposal

Ms. Patti Garcia, the Town Administrator, introduced the presenters for this item: Mr. Rigo Neira, Director of Animal Protection & Control, Larimer Humane Society; Ms. Judy Calhoun, Chief Executive Officer, Larimer Humane Society; and Mr. Cody Bird, Town Planning Director. The presenters provided information to the Board and responded to their questions.

2. 2024 Budget Presentation

Mayor Chaussee invited Mr. Don Rhoads, Finance Director and Town Treasurer, to present this item. Mr. Rhoads provided information on this item and responded to the Board's questions.

Mayor Chaussee invited public comment on this item. Ms. Dawn Peacock provided public comment.

Mayor Chaussee called for a meeting recess at 8:51 p.m.

Mayor Chaussee called the meeting back to order at 8:59 p.m. and asked for a Roll Call.

The Clerk noted a quorum with the following roll call:
Mayor Chaussee – present
Mayor Pro Tem Macdonald – present
Trustee Dailey – present
Trustee Gaiter – present
Trustee Mason – present
Trustee Tietz – present
Trustee Wiegand – present

E. CONSENT AGENDA

Mayor Chaussee asked for the Clerk present the Consent Agenda, then called for a motion on this item.

1. September 26, 2023 Regular Meeting Minutes
2. Resolution No. 36-2023: A Resolution of the Town of Wellington, Colorado Considering a Road Closure for Trick or Treat Down Main Street
3. Resolution No. 37-2023 - A Resolution Approving the Lease of a Parking Lot at 3736 Cleveland Avenue
4. Resolution No. 38-2023: A Resolution Appropriating Funds to the Wellington Senior Resource Center
5. Resolution No. 40-2023: A Resolution Making An Appointment to the Wellington Parks, Recreation, Open Space, and Trails Advisory Board

The Clerk read the items on the Consent Agenda, then provided clarification, along with Mr. Dan Sapienza, the Town Attorney, on a needed amendment to the September 26, 2023, Regular Meeting Minutes.

Trustee Gaiter moved to approve the Consent Agenda with the stated amendment to the September 26, 2023 Regular Meeting Minutes. Trustee Tietz seconded.
Yeas: Gaiter, Tietz, Mason, Dailey, Wiegand, Macdonald, Chaussee
Nays: N/A

The motion carried unanimously and the Consent Agenda was approved with the stated amendment.

F. ACTION ITEMS

1. Resolution No. 39-2023: A Resolution of the Town of Wellington, Colorado Regarding the Conduct of a Regular Election
   Mayor Chaussee invited Mr. Muhs to present this item to the Board. Mr. Muhs provided information regarding this item. The Board deliberated and posed questions on this item, to which Mr. Muhs and the Town's staff responded.

   Mayor Chaussee called for public comment on this item. Dawn Peacock and Christine Gaiter provided public comment.

   Mayor Chaussee called for a motion on this item.

   Mayor Pro Tem Macdonald moved to approve Resolution No. 39-2023 to conduct the April 2024 Regular Election by Mail Ballot. Trustee Dailey seconded.

   Mayor Chaussee called for further deliberations from the Board, and the Board further discussed this item. Mayor Chaussee then asked for a Roll Call.

   Yeas: Macdonald, Dailey, Mason, Chaussee
   Nays: Gaiter, Tietz, Wiegand

   With a vote of 4 in-favor and 3 against, the motion carried and Resolution No. 39-2023 was approved stipulating the conduct of a Mail Ballot Election for the Regular Election in April 2024.

2. Resolution No. 41-2023: A Resolution Amending the 2022 Budget
   Mayor Chaussee invited Ms. Meagan Smith, Deputy Director of Public Works, to present this item. Ms. Smith provided information to the Board. The Board deliberated and posed questions on this item, to which Ms. Smith responded. Mayor Chaussee called for public comment on this item; there was none.

   Mayor Pro Tem Macdonald moved to approve Resolution No. 41-2023. Trustee Dailey seconded.

   Mayor Chaussee called for final comments from the Board; there were none. Mayor Chaussee then asked for a Roll Call:

   Yeas: Gaiter, Tietz, Mason, Dailey, Wiegand, Macdonald, Chaussee
   Nays: N/A

   The motion carried unanimously, and Resolution No. 41-2023 was approved.

3. Resolution No. 42-2023: A Resolution of the Town of Wellington, Colorado Making Payment to the North Poudre Irrigation Company
   Mayor Chaussee invited Ms. Meagan Smith, Deputy Director of Public Works, to present this item. Ms. Smith provided information to the Board. The Board deliberated and posed questions on this item, to which Ms. Smith responded. Mayor Chaussee called for public comment on this item; there was none.

   Trustee Wiegand moved to approve Resolution No. 42-2023. Mayor Pro Tem Macdonald seconded.

Mayor Chaussee called for final comments from the Board; there were none. Mayor Chaussee then asked for a Roll Call.

Yeas: Gaiter, Tietz, Mason, Dailey, Wiegand, Macdonald, Chaussee
Nays: N/A

The motion carried unanimously, and Resolution No. 42-2023 was approved.

G. REPORTS

1. <u>Town Attorney</u>
   No report.

2. <u>Town Administrator</u>
   Ms. Garcia reported on upcoming events following the meeting's budget presentation.

3. <u>Staff Communications</u>
   Mayor Chaussee asked for questions on Staff Communications from the packet. The Board asked questions about and deliberated on the Regional Solid Waste and Diversion Programs Update item. Mr. Cody Bird responded to these questions.

   a. <u>3rd Quarter 2023 Building Permit and Lot Inventory Report</u>

   b. <u>Quarter 3 CORA Report</u>

   c. <u>Regional Solid Waste and Diversion Programs Update</u>
      Trustee Gaiter moved to extend the Regular Meeting to 10:15 p.m. Upon the motion noted and seconded, it was approved and the meeting deadline was extended to 10:15 p.m.

4. <u>Board Reports</u>
   Mayor Chaussee called for Board Reports.
   <u>Gaiter</u> – no report
   <u>Tietz</u> – reported on correspondence regarding the Colorado Department of Transportation. She further thanked Trustee Gaiter for his efforts with the Town's budget.

H. EXECUTIVE SESSIONS

Trustee Gaiter moved to enter Executive Session 1. Mayor Pro Tem Macdonald seconded.
Yeas: Gaiter, Tietz, Mason, Dailey, Wiegand, Macdonald, Chaussee
Nays: N/A

The motion carried unanimously.

Mayor Chaussee opened Executive Session 1 at 10:08 p.m.

1. 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 related matters included in the proposed Sage Farms annexation agreement. 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 January 8, 2024.

   Mayor Chaussee called for a motion to exit Executive Session 1.

Trustee Gaiter moved to exit Executive Session 1.

Upon the motion noted, seconded, and carried unanimously, Mayor Chaussee closed Executive Session 1 at 10:27 p.m.

Mayor Chaussee called for a motion to open Executive Session 2.

Trustee Gaiter moved to extend the Regular Meeting to 10:30 p.m. Upon the motion noted, seconded, and carried it was approved and the meeting deadline was extended to 10:15 p.m.

Trustee Gaiter moved to open Executive Session 2.

Upon the motion noted, seconded, and carried unanimously, Mayor Chaussee opened Executive Session 2 at 10:27 p.m.

2. Executive Session 2: Conferences with an attorney for the Town pursuant to § 24-6-402(4) (b), for the purpose of receiving legal advice relative to pending litigation related to the appeal of a site plan approval. 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) that discussions in the executive session constitute privileged attorney-client communications.

   Mayor Chaussee called for a motion to exit Executive Session 2.

   Trustee Gaiter moved to exit Executive Session 2. Trustee Wiegand seconded.

   Upon the motion noted, seconded, and carried unanimously, Mayor Chaussee closed Executive Session 2 at 10:37 p.m.

I. ADJOURN

Mayor Chaussee called for a motion to adjourn the meeting.

Yeas: Gaiter, Tietz, Mason, Dailey, Wiegand, Macdonald, Chaussee
Nays: N/A

The motion carried unanimously.

Mayor Chaussee adjourned the Regular Meeting at 10:37 p.m.

Ethan Muhs

Ethan Muhs, Town Clerk

Attachments:
Exhibit 1 – Certification Statement for Executive Session

ATTORNEY CERTIFICATION RELATED TO OCTOBER 10, 2023 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 that the Board of Trustees of the Town of Wellington, Colorado at its regular meeting on October 10, 2023, properly announced and convened, in executive session, for conferences with an attorney for the Town pursuant to § 24-6-402(4)(b), for the purpose of receiving legal advice relative to an action filed by Connell Resources before the Larimer County District Court involving planning denials by the Wellington Town Board of Trustees. Pursuant to C.R.S. §24-6-402(4)(b) and (d.5)(II)(B), it is the opinion of the undersigned attorney that the meeting was properly announced and that 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 Town Attorney and 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)(11)(B).

March, Olive and Sapienza, LLC
Town Attorney

Daniel L. Sapienza

Calar Chaussee (Oct 13, 2023 08:40 MDT)

Calar Chaussee, Mayor