



BOARD OF TRUSTEES
April 9, 2024
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting Agenda - Amended

Individuals wishing to make public comments must attend the meeting in person or may submit comments by sending an email to muhse@wellingtoncolorado.gov. The email must be received by 4:00 p.m. on the day of the meeting. The comments will be provided to the Trustees and added as an addendum to the packet. Emailed comments will not be read during the meeting.

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A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Amendments to Agenda
4. Conflict of Interest

B. COMMUNITY PARTICIPATION

1. Public Comment

C. PRESENTATION

1. 2021 Audit Presentation

- Presentation: Don Rhoads, Finance Director/Town Treasurer

D. CONSENT AGENDA

1. March 26, 2024 Regular Meeting Minutes
 - Presentation: Ethan Muhs, Town Clerk

E. ACTION ITEMS

1. Resolution No. 15-2024 Waiving Land Use Application Fees for a Hardship
 - Presentation: Cody Bird, Director of Planning
2. Resolution No. 16-2024: A Resolution of the Town of Wellington Considering a Contract For Design and Construction Management Services
 - Presentation: Alex Evonitz, Civil Engineer III
3. A Resolution for Consideration of the Board of Trustees Proposed by Trustee Gaiter

F. REPORTS

1. Town Attorney
2. Town Administrator
3. Staff Communications
 - a. First Quarter 2024 Residential Building Permit and Lot Inventory Report
 - b. LCSO Report (February 2024)
4. Board Reports

G. ADJOURN

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.



Board of Trustees Meeting

Date: April 9, 2024
Subject: 2021 Audit Report

BACKGROUND/DISCUSSION

Under normal circumstances, a year-end audit would be completed within six months of the following year. The audit of the Town's financial statements for 2021, however, was delayed due to turnover of the Finance Director in 2022 that resulted in an auditor not being brought onboard until early 2023. The Finance Director position then turned over again in mid-2023 creating more delay and that, along with staffing challenges at the new firm throughout the summer and fall of 2023, brought us to only now finalizing the 2021 audit.

Major Takeaways from the 2021 audit

1. The auditors have issued a "clean opinion" for 2021, meaning the Town's financial statements for that year "present fairly" the financial position and activities of the Town for that year.
2. All audited ending fund balances for 2021 either agreed with or were very close to the unaudited numbers used to develop the 2024 budget.
3. Given a clean opinion and little change to ending fund balance numbers, this means that despite the delay in the 2021 audit it does not alter the Town's current budgeted programs or plans.

Highlights from the 2021 audit

- The Net Position (assets less liabilities) of the Town (all funds) at December 31, 2021 was \$105 million, an increase of \$2.8 million from the previous year.
- Current assets included \$43.5 million in pooled cash and investments (all funds), most of which was invested in the Colorado Local Government Liquid Asset Trust; \$15.1 million of this total was related to governmental activities (general fund, streets, and parks) and \$28.4 million related to business-type activities (water, sewer, and storm drain).
- Another \$24.9 million in cash was deposited with fiscal agents, mostly related to the newly issued loan for the construction of a water plant.
- Net capital assets of the Town (fixed assets such as land, buildings, equipment, infrastructure, etc. less accumulated depreciation and related debt) amounted to \$39.3



million. The largest portion of capital assets the Town owns are related to street infrastructure and water and sewer lines and plants.

- Both the Town's governmental activities and business-type activities experienced a positive change in Net Position in 2021. Governmental Funds reported an overall increase in fund balance of \$0.5 million that year with the General Fund, Street Fund, and Conservation Trust Fund up \$97 thousand, \$644 thousand, and \$324 thousand, respectively, while the Park Fund saw a decrease in fund balance that year of \$583 thousand.
- Proprietary Funds reported an overall increase in Net Position of \$5.6 million in 2021. Almost all of this was in the Water Fund as the Net Position in the Sewer and Storm Drainage funds was nearly flat.

With the conclusion of the 2021 audit process, the audit process for 2022 is now underway. This audit will be conducted by a new firm, Hinkle & Company, approved by the Board of Trustees in 2023. This firm has more professional staff so the Town should not experience the same delays seen in the past.

To begin the 2022 audit process Hinkle & Company set up a document portal for Town staff to upload files to and has already requested invoice, payroll, and other documents to begin their audit of transactions and internal controls. The audit for 2023 will follow shortly afterwards and parts of that audit may run sequentially with the 2022 audit to get the Town back on a regular timetable for completing audits.

STAFF RECOMMENDATION

Review and retain report.

ATTACHMENTS

1. Town of Wellington Draft Financial Statements with Independent Auditor's Report for the Year Ended December 31, 2021

Draft

**TOWN OF WELLINGTON
WELLINGTON, COLORADO**

**FINANCIAL STATEMENTS
WITH
INDEPENDENT AUDITORS' REPORT**

**FOR THE YEAR ENDED
DECEMBER 31, 2021**

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Draft

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FINANCIAL SECTION

MANAGEMENT'S DISCUSSION AND ANALYSIS

The management team of the Town of Wellington (Town) is pleased to present this narrative overview and analysis of the financial position and activities of the Town for the fiscal year ended December 31, 2021. Readers are encouraged to consider the information presented here in conjunction with the information furnished in the Basic Financial Statements, Notes to the Basic Financial Statements and Supplementary Information.

FINANCIAL HIGHLIGHTS

Entity-wide

- The assets of the Town of Wellington exceeded its liabilities (also referred to in these financial statements as the Town's Net Position) at the close of 2021 by \$105 million, an increase of \$2.8 million from the year before.
 - Current assets include \$43.5 million in pooled cash and \$24.8 million in Cash with Fiscal Agent in the Water Fund at June 30, 2021 received from a state loan for the construction of a new Water Plant.
 - Noncurrent assets include \$64.6 million in net fixed assets, such as buildings, equipment, and road, storm, water, and sewer infrastructure.
 - Of the total \$105 million Net Position, \$39.3 million consists of net investment in capital assets (all fixed assets less accumulated depreciation and related debt) so is not in a form that is available and spendable to the Town. Another \$38.5 million is classified as "unrestricted", consisting of cash and other current assets, less current liabilities and may be used to meet the Town's ongoing obligations to citizens and creditors.
 - It was determined that ending Net Position in the previous year (2020) required a prior period adjustment of \$4.6 million to reconcile capital assets as reported in that year with the Town's fixed asset schedules (see Note 10). The reconciliation was primarily related to general government (non-enterprise) assets that are not capitalized so are not included in the Town's general ledger. General government fixed assets are expenses rather than capitalized and depreciated in accordance with generally accepted accounting principles (GAAP). General government fixed assets are, however, included in accordance with GAAP in the entity-wide Statement of Net Position so the reader has a sense of the whole entity's financial position and activities. With this adjustment, fixed assets reported in the financial statements agree with Town's detailed asset schedules.
- The Town retired \$1.8 million of its long-term debt (excluding compensated absences) during the fiscal year due to semi-annual and annual principal payments made on the Town's outstanding obligations (see Note 6).

Governmental Funds

- At the end of calendar year 2021, fund balance in the General Fund was \$7.4 million and revenues exceeded expenditures by \$97,416 during the year.
- Street Fund revenues exceeded expenditures by \$643,700 in 2021, increasing fund balance to \$3.7 million.
- In the Park Fund, though operations were at nearly break-even for the year, capital outlay, debt service and a \$200,000 transfer out to the Conservation Trust Fund decreased fund balance by \$582,980 to \$2.3 million.
- The Conservation Trust Fund reported an increase in fund balance of \$323,933 in 2021, consisting of \$123,933 in revenues, a transfer in of \$200,000 from the Park Fund, and no expenditures, bringing ending fund balance to \$909,740.

Enterprise Funds

- The Water Fund had operating income of \$66,370 in 2021, which included \$772,273 in non-cash depreciation and \$1.2 million in administrative overhead cost paid to the General Fund. After a \$1.3 million American Rescue Plan Act grant and other non-operating items, the Fund generated almost \$1.1 million in net income. Another \$4.5 million of contributed capital in the form of tap fees and raw water fees increased the Net Position of the fund by \$5.6 million for the year to \$45.6 million.
- The Sewer Fund had an operating loss of \$741,746, after \$765,145 in administrative overhead fees paid to the General Fund and \$605,843 in non-cash depreciation of fixed assets. After contributed capital from tap fees are factored in the Sewer Fund's Net Position remained almost flat from the previous year, decreasing by \$17,229 to \$23.7 million.
- The Storm Drainage Fund had a \$102,472 operating loss in 2021, including \$136,898 in overhead fees to the General Fund and \$116,532 in non-cash depreciation. After non-operating sources are factored in this fund's Net Position increased by \$31,577 to \$3.7 million.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis serves as an introduction to the Town of Wellington's basic financial statements, which are comprised of three components: 1) government-wide financial statements 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information that supports the basic financial statements.

MANAGEMENT'S DISCUSSION AND ANALYSIS

Government-wide financial statements. The *government-wide financial statements* are designed to provide readers with a broad overview of the Town of Wellington's finances. These statements are prepared in a manner similar to a private-sector business using the accrual basis of accounting and economic resources measurement focus.

The **Statement of Net Position** presents information on all the Town of Wellington's assets, deferred outflows of resources, liabilities, and deferred inflows of resources with the difference between the categories reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town of Wellington is improving or deteriorating.

The **Statement of Activities** presents information showing how the Town of Wellington's *net position* changed during the fiscal year. All changes in *net position* are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

Both government-wide financial statements distinguish functions of the Town of Wellington that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business type activities*). The governmental activities of the Town of Wellington include general government, public safety, public works, planning, library, parks, and recreation. The business-type activities of the Town of Wellington include water, sewer and storm drainage operations.

The government-wide financial statements include only the Town of Wellington itself (known as the *primary government*) and can be found on pages 4-5 of this report.

Fund financial statements. A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town of Wellington, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All funds of the Town of Wellington can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental funds. Most of the Town's basic services are reported in governmental funds, which focus on how money flows into and out of those funds and the balances left at year-end available for spending. The funds are reported using an accounting method called *modified accrual* accounting, which measures cash and all other financial assets that can readily be converted to cash. The governmental funds statements provide a detailed short-term view to cash, the governmental fund operations and the basic services it provides. These statements help one determine whether there are more or fewer financial resources that can be spent in the near future to finance the Town's programs. The relationship (or differences) between governmental

MANAGEMENT'S DISCUSSION AND ANALYSIS

activities (reported in the *Statement of Net Position* and the *Statement of Activities*) and governmental funds are described in reconciliations on page 7 and 9. The basic governmental fund financial statements can be found on pages 6 to 9 of this report.

Proprietary funds. The Town of Wellington currently maintains one type of *proprietary fund*, called *enterprise funds*. *Enterprise funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements. The Town of Wellington uses *enterprise funds* to account for its sewer, water and storm drainage operations.

Business-type activities are reported providing the same type of information as the government-wide financial statements, only in more detail. The business-type financial statements provide separate information for sewer, water and storm drainage operations, which are major enterprise funds of the Town of Wellington. The basic proprietary fund financial statements detailing the business-type activities can be found on pages 10 to 12 of this report.

Fiduciary funds. *Fiduciary funds* are used to account for resources held for the benefit of parties outside the Town. *Fiduciary funds* are not reflected in the government-wide financial statement because the resources of those funds are not available to support the Town of Wellington's own programs. The accounting used for *fiduciary funds* is much like that used for *proprietary funds*. Additional information on the Town's Fiduciary Fund (Library Trust Fund) can be found on pages 13 and 14 of this report.

Notes to the financial statements. The notes provide significant additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 15 to 35 of this report.

Other information. In addition to the basic financial statements and accompanying notes, this report also presents required and certain other supplementary information concerning the Town of Wellington's budget comparison statements for the General Fund, non-major Conservation Trust Fund and the Town's three major enterprise funds Water, Sewer and Storm Drainage. The other supplementary information can be found on pages 36 to 45 of this report.

FINANCIAL ANALYSIS OF THE TOWN AS A WHOLE

A significant portion of the Town's net position (37.4%) reflects its investment in capital assets (e.g., land, buildings machinery, and equipment), less any related outstanding debt used to acquire those assets, and accumulated depreciation. The Town uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Town's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from **other sources**, since the capital assets themselves cannot be used to liquidate these liabilities. Unrestricted net position may be used to meet the Town's ongoing obligations to citizens and creditors. Below and on the following page is condensed financial information for fiscal year 2021 compared with 2020 totals.

MANAGEMENT'S DISCUSSION AND ANALYSIS

Condensed Statement of Net Position

2021

	<u>Governmental Activities</u>	<u>Business- Type Activities</u>	<u>Totals</u>	<u>2020 Totals</u>
ASSETS				
Current assets	\$17,769,903	\$55,244,240	\$73,014,143	\$74,218,291
Capital assets	18,868,355	45,725,144	64,593,499	62,085,481
Total assets	36,638,258	100,969,384	137,607,642	136,303,772
DEFERRED OUTFLOWS OF RESOURCES	-	838	838	-
LIABILITIES				
Current liabilities	1,829,530	2,913,515	4,743,045	6,425,656
Long-term liabilities	1,140,452	24,367,196	25,507,648	26,061,023
Total liabilities	2,969,982	27,280,711	30,250,693	32,486,679
DEFERRED INFLOWS OF RESOURCES	1,653,374	728,095	2,381,469	1,619,066
NET POSITION				
Invested in capital assets, net of related debt	17,840,435	21,437,265	39,277,700	58,986,014
Restricted for:				
Emergencies				306,349
Other purposes	1,160,740	26,062,270	27,223,010	1,491,542
Unrestricted	13,013,727	25,461,881	38,475,608	41,414,122
Total net position	\$32,014,902	\$72,961,416	\$104,976,318	\$102,198,027

The restricted portion of net position (26%) represents resources that are subject to external restrictions on how they may be used, the largest of which is \$24.8 million in Cash with Fiscal Agent related to the funding of the Water Plant project. Note that this \$24.8 million balance was included in the **invested in capital assets** category in 2020 (part of the \$58,986,014 shown above). However, it was determined that this account balance was better represented as a restriction on net position, so it is included in the \$26,062,270 **restricted for other purposes** amount for 2021 shown above. The remaining balance of **unrestricted net position** of \$38.5 million may be used to meet the Town's ongoing obligations to citizens and creditors.

The table and discussion below, and continued on the next page, focuses on changes in net position of the Town's governmental and business-type activities.

MANAGEMENT'S DISCUSSION AND ANALYSIS

Condensed Statement of Activities

2021

	<u>Governmental Activities</u>	<u>Business-Type Activities</u>	<u>Totals</u>	<u>2020 Totals</u>
Revenues				
Program revenues				
Charges for services	\$620,044	\$6,789,891	\$7,409,935	\$5,553,034
Operating grants and contributions	577,784	1,312,399	1,890,183	101,678
Capital grants and contributions	-	5,307,791	5,307,791	7,398,706
General revenues				
Property taxes	1,533,366	218,450	1,751,816	1,512,321
Sales and use taxes	5,377,606	-	5,377,606	3,652,434
Franchise fees	218,903	-	218,903	184,840
Earnings on investments	8,089	12,630	20,719	287,472
Other	546,729	20,300	567,029	4,445,753
Total revenues & transfers	8,882,521	13,661,461	22,543,982	23,136,238
Expenses				
General government	1,876,096	-	1,876,096	3,092,223
Public safety	1,492,267	-	1,492,267	1,435,696
Public works	1,878,117	-	1,878,036	2,450,299
Culture and recreation	1,856,854	-	1,856,854	1,026,780
Economic development	-	-	-	163,624
Library	-	-	-	187,449
Interest on long-term debt	-	-	-	32,259
Water	-	5,009,111	5,009,111	3,772,403
Sewer	-	2,277,166	2,277,166	1,412,745
Storm drainage	-	762,413	762,413	899,727
Total expenses	7,103,334	8,048,690	15,152,024	14,473,205
Change in net position	1,779,187	5,612,771	7,391,958	8,663,033
Net position at beginning of year	34,609,666	67,588,361	102,198,027	93,534,994
Prior Period Restatement	(4,373,951)	(239,716)	(4,613,667)	-
Net Position—Beginning (as restated)	30,235,715	67,348,645	97,584,360	93,534,994
Net Position at end of year	\$32,014,902	\$72,961,416	\$104,976,318	\$102,198,027

Financial Analysis of the Town's Funds

Governmental funds. The focus of the Town of Wellington's *governmental funds* is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the Town of Wellington's financing requirements. Unassigned

M6

MANAGEMENT'S DISCUSSION AND ANALYSIS

fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

At the end of 2021, the Town of Wellington's governmental funds (General, Streets, Parks and Conservation Trust Funds) reported combined ending fund balances of \$14.3 million, an increase of \$482,069 over the combined governmental fund balances of the previous year. Approximately half of this combined fund balance constitutes *unassigned fund balance*, which is available for spending at the government's discretion. The remainder of fund balance is otherwise classified to indicate that it is not available for new spending because the asset itself is in a non-spendable form (e.g. prepaid expenses) or that portions of fund balance have been restricted or committed to specific purposes (e.g. streets and parks) as follows:

Nonspendable	\$90,677
Restricted	1,160,740
Committed	6,017,423
Unassigned	<u>7,020,204</u>
TOTAL	<u>\$14,289,044</u>

General Fund Budgetary Highlights

The General Fund accounts for all the general services provided by the Town. At the end of 2021, the fund balance of the General Fund totaled \$7,361,631, an increase of \$97,416 over the restated fund balance at the end of 2020. The General Fund's primary source of revenue is property and sales taxes and to a lesser degree, fees for franchise agreements and services such as building permits and plan checking.

Property tax revenues of \$1.5 million came in right at budget estimates for 2021 and sales taxes exceeded budget estimates coming in at \$2.65 million for the year. These two revenue sources accounted for 81% of all General Fund revenues, which totaled \$5.1 million in 2021. Franchise fees and building permits also exceeded estimates for the year coming in at \$218,903 and \$526,232, respectively.

In 2021, expenditures in the General Fund totals just over \$5 million. Of this total, \$1.8 million was expended on capital projects, the largest of which was \$1.24 million for the construction of a new building for Town administrative offices.

In 2021 administrative services provided by the General Fund were charged to the street, water, sewer, drainage, and park funds in the total amount of \$3,206,100 as detailed in the 2021 budget document. This methodology provides for full costing of services in these funds and reimburses the General Fund for services provided to other funds. To better understand the expenditures for the General Fund shown in the Statement of Revenues, Expenditures, and Changes in Fund Balance it is important to know that this \$3,206,100 was allocated to the General Fund as follows: \$1,504,837 to that General Government category, and \$1,701,263 to the Public Works

MANAGEMENT'S DISCUSSION AND ANALYSIS

expenditure category in that Statement (see page 37). This method of applying administrative overhead charges resulted in net General Government expenditures of \$1,782,977 (total before allocation of overhead was \$3,287,814) and a negative expenditure of \$142,459 in net Public Works expenditures (total before allocation of overhead was \$1,558,804).

CAPITAL ASSET ADMINISTRATION

Capital assets. The Town of Wellington's net investment in capital assets for its governmental and business type activities as of December 31, 2021 and 2020, amounted to \$64.6 million (net of accumulated depreciation and debt) and \$57.2 million, respectively. This investment in capital assets includes land, buildings and improvements, machinery and equipment, park facilities and roads.

Town of Wellington Capital Assets at Year End

	Governmental Activities		Business-Type Activities		Total	
	2021	2020	2021	2020	2021	2020
Land & Water Rights:	\$1,716,459	\$1,716,459	\$7,405,793	\$4,926,670	\$9,122,252	\$6,643,129
Buildings & Improvements:	1,836,047	567,536	-	-	1,836,047	567,536
Improvements Other Than Buildings:	3,688,126	3,702,527	-	-	3,688,126	3,702,527
Streets & Improvements:	11,480,009	11,715,729	-	-	11,480,009	11,715,729
Machinery & Equipment:	147,714	143,099	-	-	147,714	143,099
Utility Systems & Equipment:	-	-	33,171,747	32,349,307	33,171,747	32,349,307
Construction in Progress:	-	-	5,147,604	2,070,324	5,147,604	2,070,324
TOTAL	<u>\$18,868,355</u>	<u>\$17,845,350</u>	<u>\$45,725,144</u>	<u>\$39,346,301</u>	<u>\$64,593,499</u>	<u>\$57,191,651</u>

Additional information on the Town's capital assets can be found on pages 26 and 27 of this report.

DEBT ADMINISTRATION

Long-term debt. At the end of 2021, the Town of Wellington had total debt outstanding of \$25.3 million compared with \$27.2 million in 2020 (not including \$112,532 in long-term accrued compensated absences at year end). The Town's debt represents bonds and loans secured solely by specified revenue sources, such as Water & Sewer Fund user fees.

MANAGEMENT'S DISCUSSION AND ANALYSIS

Town of Wellington Outstanding Debt at Year End

	Governmental		Business-Type		Total	
	Activities		Activities			
	<u>2021</u>	<u>2020</u>	<u>2021</u>	<u>2020</u>	<u>2021</u>	<u>2020</u>
FNB WCP Loan (Park)	\$1,027,920	\$1,270,251	-	-	\$1,027,920	\$1,270,251
1984 General Obligation Bonds (Water)	-	-	\$ 55,000	\$ 80,000	\$ 55,000	\$ 80,000
1982 CWCB General Obligation Bonds (Water)	-	-	\$108,627	\$159,828	\$108,627	\$159,828
2001 CWR&PDA Loan (Water)	-	-	\$36,027	\$105,975	\$36,027	\$105,975
2002 CWR&PDA Loan (Sewer)	-	-	\$335,835	\$650,004	\$335,835	\$650,004
2014 Bond Issue - WWTP Expansion (Sewer)	-	-	\$1,770,000	\$1,880,000	\$1,770,000	\$1,880,000
2020 CWR&PDA Loan (Water)	-	-	\$21,982,391	\$23,007,763	\$21,982,391	\$23,007,763
TOTAL	\$1,027,920	\$1,270,251	\$24,287,880	\$25,883,570	\$25,315,800	\$27,153,821

Additional information on the Town's long-term debt can be found on pages 28 to 33.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

The Annual Budget guides the efficient and effective use of Town resources, focusing on the highest priorities of the Town's citizens as represented by the Board of Trustees. Through the Budget process the Town Board establishes priorities and allocates resources to meet their goals. With the approval of the 2021 Budget, the Town Board appropriated \$37.1 million for expenditure in that year (not including transfers), a 1.9% increase over the budget in 2020. This amount was made up of \$15.9 million for operations in all funds and \$21.2 million for capital projects. The largest share of the capital projects budget went to the Water and Wastewater Plant design and construction projects.

Contacting the Town's Financial Management

This financial report is designed to provide a general overview of the Town of Wellington's finances for all those with an interest in the Town's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to Town of Wellington Finance Department, 8225 Third Street, Wellington, Colorado 80549.

Mayberry & Company, LLC

Certified Public Accountants

Member of the American Institute of Certified Public Accountants
Governmental Audit Quality Center
and Private Company Practice Section

Board of Trustees
Town of Wellington
Wellington, Colorado

Independent Auditors' Report

Opinion

We have audited the accompanying financial statements of the governmental activities, the business type activities, each major fund, and the aggregate remaining fund information of Town of Wellington, as of and for the year ended December 31, 2021, and the related notes to the financial statements which collectively comprise Town of Wellington's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business type activities, each major fund, and the aggregate remaining fund information of the Town of Wellington as of December 31, 2021, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of Financial Statements section of our report. We are required to be independent of the Town of Wellington and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Town of Wellington's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

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Auditors' Responsibility for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Town of Wellington' internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt Town of Wellington' ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Emphasis of a Matter

As discussed in Note 10 to the financial statements, the 2020 financial statements have been restated to reflect changes related to unrecorded accounts receivables and unsupported capital asset balances reported as of December 31, 2020. These restatements impacted the governmental activities, business-type activities, and the General, Street, Park, Water, Sewer and Drainage Funds. Our opinions are not modified with respect to these matters.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that a management's discussion and analysis, budgetary comparison information, historical pension information and other post-employment benefit plan information listed in the tables of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Report on Other Legal and Regulatory Requirements

Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The Local Highway Finance Report is presented for purposes of legal compliance and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements.

The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

Mayberry & Company, LLC

Englewood, Colorado
February 27, 2024

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BASIC FINANCIAL STATEMENTS

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TOWN OF WELLINGTON, COLORADO

STATEMENT OF NET POSITION
DECEMBER 31, 2021

	GOVERNMENTAL ACTIVITIES	BUSINESS TYPE ACTIVITIES	TOTAL
ASSETS AND DEFERRED OUTFLOWS			
ASSETS			
Current Assets			
Cash and Investments			
Cash	\$ 15,133,860	\$ 28,369,880	\$ 43,503,740
Restricted Cash and Investments	-	1,262,270	1,262,270
Receivables			
Property Tax Receivable	1,653,374	87,345	1,740,719
Utility Receivable	-	645,861	645,861
Cash with Fiscal Agent	86,909	24,801,135	24,888,044
Accounts Receivable	8,289	9,834	18,123
Other Receivables	796,794	-	796,794
Inventory	-	67,915	67,915
Prepaid Expenses	90,677	-	90,677
Total Current Assets	<u>17,769,903</u>	<u>55,244,240</u>	<u>73,014,143</u>
Noncurrent Assets			
Capital Assets not being Depreciated	1,716,459	12,553,397	14,269,856
Capital Assets being Depreciated	35,012,265	51,680,213	86,692,478
Accumulated Depreciation	<u>(17,860,369)</u>	<u>(18,508,466)</u>	<u>(36,368,835)</u>
Total Noncurrent Assets	<u>18,868,355</u>	<u>45,725,144</u>	<u>64,593,499</u>
TOTAL ASSETS	<u>36,638,258</u>	<u>100,969,384</u>	<u>137,607,642</u>
DEFERRED OUTFLOWS OF FINANCIAL RESOURCES			
Bond Related Deferred Outflows	-	838	838
TOTAL ASSETS AND DEFERRED OUTFLOWS	<u>\$ 36,638,258</u>	<u>\$ 100,970,222</u>	<u>\$ 137,608,480</u>
LIABILITIES, DEFERRED INFLOWS AND NET POSITION			
LIABILITIES			
Current Liabilities			
Accounts Payable	\$ 1,010,031	\$ 2,681,201	\$ 3,691,232
Accrued Salaries and Benefits	135,918	25,475	161,393
Retainage Payable	137,071	-	137,071
Deposits and Escrow	544,465	3,500	547,965
Accrued Interest Payable	2,045	203,339	205,384
Total Current Liabilities	<u>1,829,530</u>	<u>2,913,515</u>	<u>4,743,045</u>
Noncurrent Liabilities			
Due within one year	251,162	1,619,898	1,871,060
Due in more than one year	<u>889,290</u>	<u>22,747,298</u>	<u>23,636,588</u>
Total Noncurrent Liabilities	<u>1,140,452</u>	<u>24,367,196</u>	<u>25,507,648</u>
TOTAL LIABILITIES	<u>2,969,982</u>	<u>27,280,711</u>	<u>30,250,693</u>
DEFERRED INFLOWS OF FINANCIAL RESOURCES			
Deferred Property Taxes	1,653,374	87,345	1,740,719
Other Deferred Inflows	-	640,750	640,750
TOTAL DEFERRED INFLOWS	<u>1,653,374</u>	<u>728,095</u>	<u>2,381,469</u>
NET POSITION			
Net Investment in Capital Assets	17,840,435	21,437,265	39,277,700
Restricted Net Position	1,160,740	26,062,270	27,223,010
Unrestricted Net Position	<u>13,013,727</u>	<u>25,461,881</u>	<u>38,475,608</u>
TOTAL NET POSITION	<u>32,014,902</u>	<u>72,961,416</u>	<u>104,976,318</u>
TOTAL LIABILITIES, DEFERRED INFLOWS AND NET POSITION	<u>\$ 36,638,258</u>	<u>\$ 100,970,222</u>	<u>\$ 137,608,480</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF WELLINGTON

**STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED DECEMBER 31, 2021**

FUNCTIONS/PROGRAMS	EXPENSES	CHARGES FOR SERVICES	PROGRAM REVENUES	
			OPERATING GRANTS AND CONTRIBUTIONS	CAPITAL GRANTS
Government Activities				
Current:				
General Government	\$ 1,876,096	\$ 67,937	\$ 111,400	\$ -
Public Safety	1,492,267	5,482	-	-
Public Works	1,878,117	526,232	342,779	-
Culture and Recreation	1,856,854	20,393	123,605	-
TOTAL GOVERNMENT ACTIVITIES	7,103,334	620,044	577,784	-
Business-type Activities				
Current:				
Water	5,009,111	4,676,011	1,311,669	4,526,669
Sewer	2,277,166	1,453,939	-	781,122
Drainage	762,413	659,941	730	-
TOTAL BUSINESS-TYPE ACTIVITIES	8,048,690	6,789,891	1,312,399	5,307,791
TOTAL GOVERNMENT	\$ 15,152,024	\$ 7,409,935	\$ 1,890,183	\$ 5,307,791
GENERAL REVENUES				
Property Taxes				
Specific Ownership Taxes				
Sales and Use Taxes				
Other Taxes				
Impact Fees				
Cigarette Taxes				
Franchise Taxes				
Interest Income				
Gain (Loss) on Disposal of Capital Assets				
Other Revenues				
TOTAL GENERAL REVENUES				
CHANGE IN NET POSITION				
NET POSITION - Beginning				
Prior Period Restatement				
NET POSITION - Beginning (as Restated)				
NET POSITION - Ending				

The accompanying notes are an integral part of the financial statements.

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**NET (EXPENSE) REVENUE AND
CHANGES IN NET POSITION**

GOVERNMENT ACTIVITIES	BUSINESS - TYPE ACTIVITIES	TOTAL
\$ (1,696,759)	\$ -	\$ (1,696,759)
(1,486,785)	-	(1,486,785)
(1,009,106)	-	(1,009,106)
(1,712,856)	-	(1,712,856)
(5,905,506)	-	(5,905,506)
-	5,505,238	5,505,238
-	(42,105)	(42,105)
-	(101,742)	(101,742)
-	5,361,391	5,361,391
(5,905,506)	5,361,391	(544,115)
1,533,366	218,450	1,751,816
110,785	-	110,785
5,377,606	-	5,377,606
9,105	-	9,105
393,690	-	393,690
8,869	-	8,869
218,903	-	218,903
8,089	12,630	20,719
8,993	20,300	29,293
15,287	-	15,287
7,684,693	251,380	7,936,073
1,779,187	5,612,771	7,391,958
34,609,666	67,588,361	102,198,027
(4,373,951)	(239,716)	(4,613,667)
30,235,715	67,348,645	97,584,360
\$ 32,014,902	\$ 72,961,416	\$ 104,976,318

BALANCE SHEET
GOVERNMENTAL FUNDS
DECEMBER 31, 2021

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	General Fund	Street Fund	Park Fund
ASSETS AND DEFERRED OUTFLOWS			
ASSETS			
Current Assets			
Cash and Investments			
Cash	\$ 8,490,637	\$ 3,535,811	\$ 2,197,672
Receivables			
Property Tax Receivable	1,653,374	-	-
Cash with Fiscal Agent	-	74,101	12,808
Accounts Receivable	8,289	-	-
Other Receivables	514,924	137,832	144,038
Prepaid Expenses	90,427	-	250
TOTAL ASSETS AND DEFERRED OUTFLOWS	<u>\$ 10,757,651</u>	<u>\$ 3,747,744</u>	<u>\$ 2,354,768</u>
LIABILITIES, DEFERRED INFLOWS AND NET POSITION			
LIABILITIES			
Current Liabilities			
Accounts Payable	\$ 943,686	\$ 57,338	\$ 9,007
Accrued Salaries and Benefits	117,424	-	18,494
Retainage Payable	137,071	-	-
Deposits and Escrow	544,465	-	-
TOTAL LIABILITIES	<u>1,742,646</u>	<u>57,338</u>	<u>27,501</u>
DEFERRED INFLOWS OF FINANCIAL RESOURCES			
Deferred Property Taxes	<u>1,653,374</u>	<u>-</u>	<u>-</u>
FUND BALANCE			
Nonspendable Fund Balance	90,427	-	250
Restricted Fund Balance	251,000	-	-
Committed Fund Balance	-	3,690,406	2,327,017
Unassigned Fund Balance	<u>7,020,204</u>	<u>-</u>	<u>-</u>
TOTAL FUND BALANCE	<u>7,361,631</u>	<u>3,690,406</u>	<u>2,327,267</u>
TOTAL LIABILITIES, DEFERRED INFLOWS AND FUND BALANCE	<u>\$ 10,757,651</u>	<u>\$ 3,747,744</u>	<u>\$ 2,354,768</u>

The accompanying notes are an integral part of these financial statements.

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Conservation Trust (Nonmajor) Fund	Total 2021
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\$ 909,740	\$ 15,133,860
-	1,653,374
-	86,909
-	8,289
-	796,794
-	90,677
<u>\$ 909,740</u>	<u>\$ 17,769,903</u>

\$ -	\$ 1,010,031
-	135,918
-	137,071
-	544,465
<u>-</u>	<u>1,827,485</u>

-	1,653,374
---	-----------

-	90,677
909,740	1,160,740
-	6,017,423
-	7,020,204
<u>909,740</u>	<u>14,289,044</u>
<u>\$ 909,740</u>	<u>\$ 17,769,903</u>

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TOWN OF WELLINGTON, COLORADO

RECONCILIATION OF GOVERNMENTAL FUND BALANCE
TO GOVERNMENTAL ACTIVITIES NET POSITION
DECEMBER 31, 2021

Fund Balance - Governmental Funds			\$ 14,289,044
Capital assets used in governmental activities are not financial resources and are therefore not reported in the funds			
Capital assets, not being depreciated	\$ 1,716,459		
Capital assets, being depreciated	35,012,265		
Accumulated depreciation	<u>(17,860,369)</u>	18,868,355	
Long-term liabilities are not due and payable in the current year and, therefore, are not reported in the funds.			
Bonds payable	(1,027,920)		
Accrued interest payable	(2,045)		
Accrued compensated absences	<u>(112,532)</u>	<u>(1,142,497)</u>	
Total Net Position - Governmental Activities			<u>\$ 32,014,902</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF WELLINGTON, COLORADO

**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED DECEMBER 31, 2021**

	General Fund	Street Fund	Park Fund
REVENUES			
Taxes	\$ 4,420,303	\$ 1,564,459	\$ 1,273,872
Intergovernmental Revenues	111,345	342,779	-
Licenses and Permits	532,707	325,340	92,800
Fines and Forfeits	5,482	-	-
Charges for Services	45,522	-	11,883
Investment Earnings	5,683	845	1,233
Other Revenues	15,832	9,493	285
TOTAL REVENUES	<u>5,136,874</u>	<u>2,242,916</u>	<u>1,380,073</u>
EXPENDITURES			
Current:			
General Government	1,782,977	-	-
Public Safety	1,492,267	-	-
Public Works	(142,459)	833,029	-
Parks, Recreation and Other	71,904	-	1,392,701
Capital Outlay	1,834,769	766,187	100,892
Debt Service	-	-	269,460
TOTAL EXPENDITURES	<u>5,039,458</u>	<u>1,599,216</u>	<u>1,763,053</u>
REVENUES IN EXCESS (DEFICIENCY) OF EXPENDITURES	<u>97,416</u>	<u>643,700</u>	<u>(382,980)</u>
OTHER FINANCING SOURCES (USES)			
Transfers In	-	-	-
Transfers (Out)	-	-	(200,000)
TOTAL OTHER FINANCING SOURCES (USES)	<u>-</u>	<u>-</u>	<u>(200,000)</u>
NET CHANGE IN FUND BALANCE - GAAP BASIS	<u>97,416</u>	<u>643,700</u>	<u>(582,980)</u>
FUND BALANCE, BEGINNING	<u>7,078,957</u>	<u>3,000,853</u>	<u>2,864,394</u>
Prior Period Restatement	185,258	45,853	45,853
FUND BALANCE, BEGINNING (As Restated)	<u>7,264,215</u>	<u>3,046,706</u>	<u>2,910,247</u>
FUND BALANCE, ENDING	<u>\$ 7,361,631</u>	<u>\$ 3,690,406</u>	<u>\$ 2,327,267</u>

The accompanying notes are an integral part of these financial statements.

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Conservation Trust (Nonmajor) Funds	Total 2021
\$ -	\$ 7,258,634
123,605	577,729
-	950,847
-	5,482
-	57,405
328	8,089
-	25,610
<u>123,933</u>	<u>8,883,796</u>
-	1,782,977
-	1,492,267
-	690,570
-	1,464,605
-	2,701,848
-	269,460
-	8,401,727
<u>123,933</u>	<u>482,069</u>
200,000	200,000
-	(200,000)
<u>200,000</u>	-
<u>323,933</u>	<u>482,069</u>
585,807	13,530,011
-	276,964
<u>585,807</u>	<u>13,806,975</u>
\$ 909,740	\$ 14,289,044

TOWN OF WELLINGTON, COLORADO

**RECONCILIATION OF GOVERNMENTAL FUNDS CHANGE IN FUND BALANCE
TO GOVERNMENTAL ACTIVITIES CHANGE IN NET POSITION**
FOR THE YEAR ENDED DECEMBER 31, 2021

Change in Fund Balance - Governmental Funds		\$	482,069
Capital assets used in governmental activities are expensed when purchased in the funds and depreciated at the activity level			
Capitalized Asset Purchases	2,407,262		
Depreciation Expense	(1,382,982)		
Gain (Loss) on Asset Disposals	<u>(1,275)</u>		1,023,005
Repayments of long-term liabilities are expensed in the fund and reduce outstanding liabilities at the activity level. In addition, proceeds from long-term debt issuances are reported as revenues in the funds and increase liabilities at the activity level			
Principal payments on bonds payable	242,331		
Change in accrued interest payable	400		
Change in accrued compensated absences	<u>31,382</u>		<u>274,113</u>
Change in Net Position - Governmental Activities		\$	<u>1,779,187</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF WELLINGTON, COLORADO

STATEMENT OF NET POSITION
PROPRIETARY FUNDS
DECEMBER 31, 2021

Business-type Activities**ASSETS AND DEFERRED OUTFLOWS****ASSETS****Current Assets**

Cash and Investments

Cash

Restricted Cash and Investments

Receivables

Property Tax Receivable

Utility Receivable

Cash with Fiscal Agent

Accounts Receivable

Inventory

Total Current Assets

Noncurrent Assets

Capital Assets not being depreciated

Capital Assets being depreciated

Accumulated Depreciation

Total Noncurrent Assets

TOTAL ASSETS**DEFERRED OUTFLOWS OF FINANCIAL RESOURCES**

Bond Related Deferred Outflows

TOTAL ASSETS AND DEFERRED OUTFLOWS

LIABILITIES, DEFERRED INFLOWS AND NET POSITION**LIABILITIES****Current Liabilities**

Accounts Payable

Accrued Salaries and Benefits

Deposits and Escrow

Accrued Interest Payable

Total Current Liabilities

Noncurrent Liabilities

Due within one year

Due in more than one year

Total Noncurrent Liabilities

TOTAL LIABILITIES**DEFERRED INFLOWS OF FINANCIAL RESOURCES**

Deferred Property Taxes

Other Deferred Inflows

TOTAL DEFERRED INFLOWS

NET POSITION

Net Investment in Capital Assets

Restricted Net Position

Unrestricted Net Position

TOTAL NET POSITION

TOTAL LIABILITIES, DEFERRED INFLOWS AND NET POSITION

	Water Fund	Sewer Fund	Drainage Fund	Total 2021
Cash	\$ 19,369,551	\$ 7,613,437	\$ 1,386,892	\$ 28,369,880
Restricted Cash and Investments	912,270	350,000	-	1,262,270
Receivables				
Property Tax Receivable	87,345	-	-	87,345
Utility Receivable	419,652	155,239	70,970	645,861
Cash with Fiscal Agent	24,800,000	-	1,135	24,801,135
Accounts Receivable	9,834	-	-	9,834
Inventory	54,722	13,193	-	67,915
Total Current Assets	45,653,374	8,131,869	1,458,997	55,244,240
Capital Assets not being depreciated	9,356,171	3,197,226	-	12,553,397
Capital Assets being depreciated	26,427,569	21,786,251	3,466,393	51,680,213
Accumulated Depreciation	(11,205,223)	(6,579,801)	(723,442)	(18,508,466)
Total Noncurrent Assets	24,578,517	18,403,676	2,742,951	45,725,144
TOTAL ASSETS	70,231,891	26,535,545	4,201,948	100,969,384
Bond Related Deferred Outflows	838	-	-	838
TOTAL ASSETS AND DEFERRED OUTFLOWS	\$ 70,232,729	\$ 26,535,545	\$ 4,201,948	\$ 100,970,222
Accounts Payable	\$ 1,521,489	\$ 695,949	\$ 463,763	\$ 2,681,201
Accrued Salaries and Benefits	16,552	8,923	-	25,475
Deposits and Escrow	3,500	-	-	3,500
Accrued Interest Payable	173,526	29,813	-	203,339
Total Current Liabilities	1,715,067	734,685	463,763	2,913,515
Due within one year	1,169,254	449,764	880	1,619,898
Due in more than one year	21,044,008	1,695,366	7,924	22,747,298
Total Noncurrent Liabilities	22,213,262	2,145,130	8,804	24,367,196
TOTAL LIABILITIES	23,928,329	2,879,815	472,567	27,280,711
Deferred Property Taxes	87,345	-	-	87,345
Other Deferred Inflows	640,750	-	-	640,750
TOTAL DEFERRED INFLOWS	728,095	-	-	728,095
Net Investment in Capital Assets	2,396,473	16,297,841	2,742,951	21,437,265
Restricted Net Position	25,712,270	350,000	-	26,062,270
Unrestricted Net Position	17,467,562	7,007,889	986,430	25,461,881
TOTAL NET POSITION	45,576,305	23,655,730	3,729,381	72,961,416
TOTAL LIABILITIES, DEFERRED INFLOWS AND NET POSITION	\$ 70,232,729	\$ 26,535,545	\$ 4,201,948	\$ 100,970,222

The accompanying notes are an integral part of these financial statements.

TOWN OF WELLINGTON, COLORADO

STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
PROPRIETARY FUNDS
FOR THE YEAR ENDED DECEMBER 31, 2021

	Business-type Activities			
	Water	Sewer	Drainage	Total
	Fund	Fund	Fund	2021
Operating Revenues				
Utility Charges	\$ 4,666,974	\$ 1,453,939	\$ 659,941	\$ 6,780,854
Other Charges for Services	9,037	-	-	9,037
Total Revenues	4,676,011	1,453,939	659,941	6,789,891
Operating Expenses				
Raw Water Purchases	1,219,501	-	-	1,219,501
Management Fees	1,222,301	765,145	136,898	2,124,344
Personnel Services	451,012	386,500	8,804	846,316
Administrative/Office Expenses	-	-	6,498	6,498
Operating Supplies	52,305	14,384	-	66,689
Professional Fees	118,547	46,312	64,527	229,386
Repairs and Maintenance	230,318	93,801	2,418	326,537
Travel and Training	6,432	1,529	-	7,961
Treatment	210,264	24,368	-	234,632
Telephone and Utilities	147,409	155,806	396,096	699,311
Other Operating Expenses	13,995	6,398	319	20,712
Depreciation Expense	772,273	605,843	116,532	1,494,648
Other Capital Outlay	165,284	95,599	30,321	291,204
Total Expenditures	4,609,641	2,195,685	762,413	7,567,739
Operating Income (Loss)	66,370	(741,746)	(102,472)	(777,848)
Other Income (Expense)				
Tax Revenue & Impact Fees	85,593	-	132,857	218,450
Intergovernmental Revenue	1,311,669	-	730	1,312,399
Investment Earnings	7,592	4,576	462	12,630
Interest Expense	(399,470)	(81,481)	-	(480,951)
Gain (Loss) on Sale of Assets	-	20,300	-	20,300
Total Other Income (Expense)	1,005,384	(56,605)	134,049	1,082,828
Net Income (Loss)	1,071,754	(798,351)	31,577	304,980
Contributed Capital				
Plant Investment Fees	727,460	781,122	-	1,508,582
Cash in Lieu of Fees	1,320,086	-	-	1,320,086
Dedicated Infrastructure/Water Rights	2,479,123	-	-	2,479,123
Total Contributed Capital	4,526,669	781,122	-	5,307,791
Change in Net Position	5,598,423	(17,229)	31,577	5,612,771
Net Position, Beginning	40,055,410	23,806,941	3,726,010	67,588,361
Prior Period Restatement	(77,528)	(133,982)	(28,206)	(239,716)
Net Position, Beginning (As Restated)	39,977,882	23,672,959	3,697,804	67,348,645
Net Position, Ending	\$ 45,576,305	\$ 23,655,730	\$ 3,729,381	\$ 72,961,416

The accompanying notes are an integral part of these financial statements.

TOWN OF WELLINGTON

**STATEMENT OF CASH FLOWS -
PROPRIETARY FUNDS
FOR THE YEAR ENDED DECEMBER 31, 2021**

Draft

	Business-type Activities			
	Water Fund	Sewer Fund	Drainage Fund	Total 2021
Cash Flows From Operating Activities:				
Cash Received from Customers	\$ 4,437,450	\$ 1,484,969	\$ 667,309	\$ 6,589,728
Cash Paid to Suppliers	(947,283)	90,373	(810,413)	(1,667,323)
Cash Paid for Interfund Services	(1,222,301)	(765,145)	(136,898)	(2,124,344)
Cash Paid to Employees	(282,929)	(244,510)	-	(527,439)
Net Cash Provided by Operating Activities	<u>1,984,937</u>	<u>565,687</u>	<u>(280,002)</u>	<u>2,270,622</u>
Cash Flows From Capital and Related Financing Activities:				
Tap Fees Received	2,047,546	781,122	-	2,828,668
Debt Principal Payments	(1,171,560)	(430,356)	-	(1,601,916)
Grant Proceeds	1,311,669	-	730	1,312,399
Interest Payments	(407,950)	(77,647)	-	(485,597)
Proceeds of Capital Asset Sales	(28,853)	20,300	-	(8,553)
Acquisition of Capital Assets	(1,532,446)	(3,738,519)	(91,351)	(5,362,316)
Net Cash Flows Provided (Used) by Capital and Related Financing Activities	<u>218,406</u>	<u>(3,445,100)</u>	<u>(90,621)</u>	<u>(3,317,315)</u>
Cash Flows (Uses) From Noncapital Financing Activities:				
Cash (to) from Other Funds	-	-	(420,000)	(420,000)
Tax Revenue	<u>85,593</u>	<u>-</u>	<u>132,934</u>	<u>218,527</u>
Net Cash Provided (Used) by Noncapital Financing Activities	<u>85,593</u>	<u>-</u>	<u>(287,066)</u>	<u>(201,473)</u>
Cash Flows Provided by Investing Activities:				
Interest Received	<u>7,592</u>	<u>4,576</u>	<u>462</u>	<u>12,630</u>
Net Increase (Decrease) in Cash	<u>2,296,528</u>	<u>(2,874,837)</u>	<u>(657,227)</u>	<u>(1,235,536)</u>
Cash - Beginning	<u>17,985,293</u>	<u>10,838,274</u>	<u>2,044,119</u>	<u>30,867,686</u>
Cash - Ending	<u>\$ 20,281,821</u>	<u>\$ 7,963,437</u>	<u>\$ 1,386,892</u>	<u>\$ 29,632,150</u>
Cash	\$ 19,369,551	\$ 7,613,437	\$ 1,386,892	\$ 28,369,880
Restricted Cash and Investments	<u>912,270</u>	<u>350,000</u>	<u>-</u>	<u>1,262,270</u>
Total	<u>\$ 20,281,821</u>	<u>\$ 7,963,437</u>	<u>\$ 1,386,892</u>	<u>\$ 29,632,150</u>
Reconciliation of Operating Income (Loss) to Net Cash Used for Operating Activities:				
Operating Income (Loss)	<u>\$ 66,370</u>	<u>\$ (741,746)</u>	<u>\$ (102,472)</u>	<u>\$ (777,848)</u>
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided by Operating Activities:				
Depreciation Expense	772,273	605,843	116,532	1,494,648
Changes in Assets and Liabilities Related to Operations:				
(Increase) Decrease in:				
Utility Receivable	(135,309)	31,030	7,368	(96,911)
Accounts Receivable	(3,743)	-	-	(3,743)
Inventory	(2,536)	(11,937)	-	(14,473)
(Increase) Decrease in:				
Accounts Payable	1,339,621	634,279	(310,234)	1,663,666
Accrued Salaries and Benefits	16,552	8,923	-	25,475
Accrued Compensated Absences	31,218	39,295	8,804	79,317
Other Deferred Inflows	(99,509)	-	-	(99,509)
Total Adjustments	<u>1,918,567</u>	<u>1,307,433</u>	<u>(177,530)</u>	<u>3,048,470</u>
Net Cash Provided (Used) by Operating Activities	<u>\$ 1,984,937</u>	<u>\$ 565,687</u>	<u>\$ (280,002)</u>	<u>\$ 2,270,622</u>
Schedule of Noncash Activities:				
Contributed Capital Assets	<u>\$ 2,479,123</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

The accompanying notes are an integral part of these financial statements.

TOWN OF WELLINGTON, COLORADO

STATEMENT OF NET POSITION

FIDUCIARY FUNDS

DECEMBER 31, 2021

Draft

	Library Custodial Trust Fund	Total 2021
ASSETS AND DEFERRED OUTFLOWS		
ASSETS		
Current Assets		
Cash and Investments		
Cash	\$ 520,505	\$ 520,505
LIABILITIES, DEFERRED INFLOWS AND NET POSITION		
NET POSITION		
Restricted Net Position	\$ 520,505	\$ 520,505

The accompanying notes are an integral part of these financial statements.

TOWN OF WELLINGTON, COLORADO

STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
FIDUCIARY FUNDS
DECEMBER 31, 2021

	Library Custodial Trust Fund	Total 2021
Additions		
Impact Fees	\$ 28,000	\$ 28,000
Net Position, Beginning	<u>492,505</u>	<u>492,505</u>
Net Position, Ending	<u>\$ 520,505</u>	<u>\$ 520,505</u>

The accompanying notes are an integral part of these financial statements.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

HISTORY AND FUNCTION OF ORGANIZATION

The Town of Wellington, Colorado (the "Town") was founded on November 10, 1905 as a statutory town. The Town's major operations include general government, public safety, public works, parks and recreation, economic development, and the library. The financial statements of the Town have been prepared in conformity with accounting principles generally accepted in the United States of America ("GAAP") as applied to government units. The Governmental Accounting Standards Board ("GASB") is the accepted standard-setting body for establishing governmental accounting and financial principles. The more significant of the Town's accounting policies are described below.

REPORTING ENTITY

In determining how to define the reporting entity, management has considered all potential component units. The decision to include a component unit in the reporting entity was made by applying the criteria set forth in Section 2100 and 2600 of the Government Accounting Standards Board Codification. These criteria state that the financial reporting entity consist of (a) the primary government, (b) other organizations for which the primary government is financially accountable, and (c) other organizations for which the primary government is not accountable, but for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete. Based upon these criteria, there are no additional agencies or entities which should be included in the financial statements of the Town.

MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION

GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as is the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when the liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the fiduciary fund financial statements. Revenues are recorded when earned, and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (Continued)

GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS (Continued)

The governmental fund financial statements are accounted for using the current financial resources measurement focus, whereby only current assets, deferred outflows of resources, liabilities, and deferred inflows of resources generally are included in the balance sheet, and the statement of revenues, expenditures and changes in fund balances present increases and decreases in those components. These funds use the modified accrual basis of accounting, whereby revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Town considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recognized when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments are recognized only when payment is due.

Property taxes, intergovernmental grants, and earnings on investments associated with the current fiscal period are all considered to be susceptible to accrual, and so, have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the Town.

Because governmental fund statements are presented using a measurement focus and basis of accounting different from that used in the government-wide statements, reconciliations are presented that briefly explains the adjustments necessary to reconcile to ending net position and the change in net position.

In accordance with GASB Statement No. 33, Accounting and Financial Reporting for Nonexchange Transactions, ("GASB No. 33") the corresponding assets (receivables) in non-exchange transactions are recognized in the period in which the underlying exchange occurs, when an enforceable legal claim has arisen, when all eligibility requirements have been met, or when resources are received, depending on the revenue source.

Governmental funds are used to account for all or most of a government's general activities. The following are the Town's major governmental funds:

General Fund - The General Fund is the general operating fund of the Town. It is used to account for all financial resources except those required to be accounted for in another fund.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (Continued)

GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS (Continued)

Special Revenue Funds:

This fund accounts for revenues derived from specific taxes or other designated revenues that are legally restricted to expenditures for specific purposes. The Town's special revenue fund is as follows:

Street Fund - The Street Fund, a special revenue fund, is considered a major fund of the Town. Revenues in the Street Fund consist of motor vehicle ownership taxes, motor vehicle registration taxes and highway user taxes. In addition, this fund accounts for impact fees relating to new construction from building permits. Amounts collected are disbursed for the maintenance of the Town's streets and alleys.

Park Fund - The Park Fund, a special revenue fund, is considered a major fund of the Town. Revenues in the Park Fund consist of sales taxes, use taxes, motor vehicle use taxes, and open space sales taxes. In addition, this fund accounts for impact fees relating to new construction from building permits. Amounts collected are disbursed for the maintenance of the Town's parks and open space.

The other governmental fund (nonmajor fund) is a special revenue fund (Conservation Trust) and has been established to account for revenues from the Colorado Conservation Trust Fund which are required to be used to fund park and recreation services.

Proprietary Funds

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with the fund's principal ongoing operations. Operating expenses include the cost of sales and services, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

Proprietary funds, which include enterprise funds, are accounted for on a flow of economic resources measurement focus using the accrual basis of accounting. Therefore, all assets, deferred outflows of resources, liabilities, and deferred inflows of resources associated with the operation of this fund are included on the statement of net position. Revenues and expenses are recorded in the accounting period in which they are earned or incurred, and they become measurable. Net position is segregated into amounts invested in capital assets, restricted for debt service and rate stabilization loan reserves, and unrestricted. Proprietary fund-type operating statements present increases (e.g., revenues) and decreases (e.g., expenses) in total net position. Proprietary funds are used to account for activities similar to those found in the private sector, where the determination of net income is necessary or useful to sound financial administration. The Town's major enterprise funds include the Water, Sewer, and Storm Drainage funds.

Draft

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (Continued)

GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS (Continued)

Fiduciary fund reporting focuses on net position and changes in net position. The fiduciary fund category is split into four classifications: pension trust funds, investment trust funds, private-purpose trust funds, and agency funds. Trust funds are used to account for assets held by the Town under a trust agreement for individuals, private organizations, or other governments and are therefore not available to support the Town's own programs. The Town has one custodial trust fund, the Library Trust Fund, which accounts for library impact fees and grants and disburses funds for the benefit of the Town's library.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are charges between the enterprise funds and various other functions of the government. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

BUDGETS

The Town follows these procedures in establishing the budgetary data reflected in the financial statements:

- By October 15, the Town Administrator submits to the Town Board of Trustees, a proposed operating budget for the fiscal year beginning the following January 1. The operating budget includes
 - proposed expenditures and the means of financing them;
- A public hearing is conducted to obtain taxpayer comments;
- Prior to December 31, the budget is legally enacted through passage of a resolution;
- Any budget revisions that alter the total expenditures of any fund must be approved by the Board of Trustees through passage of a formal resolution;
- The Town legally adopts budgets for all of the funds. Budgets for the general, special revenue and fiduciary funds are adopted on a basis consistent with GAAP. Budgetary comparisons for the enterprise funds are presented on a non-GAAP budgetary basis, where payments for capital assets and principal amounts of debt are treated as expenditures, bond proceeds are treated as revenues, and depreciation is not budgeted;
- Budgeted amounts in the financial statements are as originally adopted or as amended by the Town Board of Trustees. All appropriations lapse at year-end.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (Continued)

CASH AND CASH EQUIVALENTS

To improve cash management, cash received by the Town is pooled and invested. Individual fund integrity is maintained through the Town's records. Interest in the pool is presented as "equity in pooled cash and cash equivalents" on the financial statements. The Town considers all highly liquid investments with original maturities of three months or less, including deposits in a pooled investment fund, to be cash equivalents.

Short-term investments, consisting of funds invested in a local government investment pool (Note 2) are considered to be cash equivalents and are measured at net asset value, which approximates fair value. Overdrawn balances in pooled cash accounts are treated by the Town as interfund liabilities, payable to the fund deemed to have made the loan.

REVENUE RECOGNITION/PROPERTY TAXES

Property taxes attach an enforceable lien on property as of January 1. Taxes are levied in December, payable in the following year in full by April 30, or in two equal installments due on the last day of February and June 15. The county treasurer bills and collects property taxes for all taxing entities within the county. Property tax receipts collected by the county treasurer each month are remitted to the Town by the tenth day of the subsequent month. Property tax revenues are recognized in the government-wide financial statements in the year that the property taxes are used to fund the operations of the Town.

In the fund financial statements, property taxes are recognized in the year for which levied provided they become available and measurable. Utility service revenue is recognized when the service is provided.

ACCOUNTS RECEIVABLE

Based upon a review of the existing accounts receivable, no allowance for doubtful accounts is warranted for any fund.

INVENTORY

All inventories are valued at cost using the first-in/first-out (FIFO) method in proprietary funds. Inventories of governmental funds are recorded as expenditures when purchased.

Inventory generally consists of chemicals used in the treatment process of the Water and Sewer funds. The consumption method is used to account for inventories. Inventory costs are recorded as expenditures or expenses when individual inventory items are consumed.

PREPAID ITEMS

Payments to vendors for services that will benefit periods beyond the year-end are recorded as prepaid items.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (Continued)

CAPITAL ASSETS

Capital assets, which include property, plant, equipment, and infrastructure assets (i.e., streets and roads, bridges, water lines, storm-water drainage, traffic signals, and similar items) are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the Town as assets with an initial, individual cost of \$5,000 or more and an estimated useful life in excess of one year. Such assets are recorded at historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value on the date received.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Improvements are capitalized and depreciated over the remaining useful lives of the related capital assets, as applicable.

Assets are depreciated using the straight-line method over the assets estimated useful lives. Depreciation expense is reflected as an operating expense in the government-wide statement of activities. Estimated useful lives for asset types are as follows:

Land and Water Rights	N/A
Buildings and Improvements	10 - 40 years
Improvements Other than Buildings	5 - 50 years
Infrastructure	20 - 40 years
Machinery and Equipment	5 - 20 years
Utility Systems	50 years

ACCUMULATED UNPAID LEAVE (COMPENSATED ABSENCES)

The Town reports compensated absences in accordance with the provisions of GASB Statement No. 16, *Accounting for Compensated Absences*, ("GASB No. 16"). Personal leave benefits are accrued as a liability as the benefits are earned if the employees' rights to receive compensation are attributable to services rendered and it is probable that the Town will compensate the employees for the benefits earned. Upon termination of employment from the Town, an employee will be compensated for all accrued vacation and compensatory time at their current rate of pay. There is no payment for sick leave upon termination. Amounts of vested or accumulated vacation pay that are not expected to be liquidated with expendable available financial resources are reported on the government-wide financial statements. The Town has recorded a liability of \$191,849 at December 31, 2021.

On the government-wide and proprietary fund financial statements, where applicable, the current portion of unpaid compensated absences is the amount expected to be paid using current available resources. At December 31, 2021, the Town has estimated that 10% of the balance will be used currently.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (Continued)

ACCRUED LIABILITIES AND LONG-TERM OBLIGATIONS

All payables, accrued liabilities and long-term obligations are reported in the government-wide financial statements. In general, payables and accrued liabilities that will be paid from governmental funds are reported on the governmental fund financial statements regardless of whether they will be liquidated with current resources.

However, claims and judgments and the noncurrent portion of long-term liabilities that will be paid from governmental funds are reported as a liability in the fund financial statements only to the extent that they will be paid with current, expendable, available financial resources. In general, payments made within 60 days after year-end are considered to have been made with current available financial resources. Capital lease obligations that will be paid from governmental funds are not recognized as a liability in the fund financial statements until due.

In the government-wide financial statements, and proprietary fund type in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position. Bond premiums and discounts are amortized over the life of the bonds.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts are reported as other financing used. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

INTERFUND TRANSACTIONS

Interfund receivables and payables arise from interfund transactions and are recorded by all funds affected in the period in which transactions are executed. At year-end, outstanding balances between funds are reported as internal balances. All amounts moved between funds, either as routine or non-routine, are reported as transfers in or out.

DEFERRED OUTFLOWS AND INFLOWS OF RESOURCES

In addition to liabilities, the statement of financial position reports a separate section for deferred inflows of resources. This separate financial statement element represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Town reports deferred inflows related to taxes levied in 2021 to be collected in 2022.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

NET POSITION/FUND BALANCES

In the government-wide financial statements and for the proprietary fund statements, net position are either shown as net investment in capital assets, with these assets essentially being nonexpendable; restricted when constraints placed on the net position are externally imposed; or unrestricted.

For the governmental fund presentation, fund balances that are classified as "nonspendable" include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. The "not in spendable form" criterion includes items that are not expected to be converted to cash, for example, inventories and prepaid amounts.

Fund balances are reported as "restricted" when constraints placed on the use of resources are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

Amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority, the Town Council, are reported as "committed" fund balance. Those committed amounts cannot be used for any other purpose unless the government removes or changes the specified use by taking the same type of action (for example, legislation, resolution, ordinance) it employed to previously commit those amounts. The Town currently has no committed funds.

Amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed, are reported as "assigned" fund balance. Intent should be expressed by (a) the governing body itself or (b) a body (a budget or finance committee, for example) or official to which the governing body has delegated the authority to assign amounts to be used for specific purposes. The Town currently has no assigned fund balances.

All remaining fund balance in the General Fund or deficits in the other governmental funds are presented as unassigned.

NET POSITION/FUND EQUITY FLOW ASSUMPTIONS

Sometimes the government will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements a flow assumption must be made about the order in which the resources are considered to be applied. It is the government's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted fund balance, if allowed under the terms of the restriction. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

TOWN OF WELLINGTON, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

ESTIMATES

The presentation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets, deferred outflows of resources, liabilities, and deferred inflows of resources and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expense during the reporting period. Actual results could differ from those estimates.

NOTE 2: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

BUDGETS AND BUDGETARY ACCOUNTING

All funds must have budgets to be allowed expenditures. Budgets for all funds except proprietary funds are adopted on a basis consistent with generally accepted accounting principles. The proprietary funds are prepared on the accrual basis of accounting excluding depreciation expense. All annual appropriations lapse at year end.

By August 25 the County Assessor forwards certification of assessed valuation to the Town. On or before October 1, departments must submit to the budget officer an estimate of their expenditure requirements and their estimated revenue for the ensuing budget year. The budget officer shall prepare and submit to the Town Council a proposed budget by October 15. Upon receipt of the proposed budget, the Town Council shall publish a notice showing the proposed budget is open for inspection by the public and the date the Town will consider adoption of such proposed budget.

By December 15, the Town Council certifies to County Commissioners the mill levy against the assessed valuation.

Final adoption and an ordinance or resolution making appropriations is due by December 31 and submitted to division of local government within 30 days.

Expenditures may not legally exceed budgeted appropriations at the fund level.

NOTE 3: CASH AND INVESTMENTS

A summary of deposits and investments as of December 31, 2021 is as follows:

Petty Cash	\$ 300
Cash Deposits	3,048,059
Investments	42,238,156
Total Cash and Investments	<u>\$ 45,286,515</u>

This balance is presented in the financial statements as follows:

Cash and Investments	\$ 43,503,740
Restricted Cash and Investments	1,262,270
Fiduciary Cash and Investments	520,505
Total Cash and Investments	<u>\$ 45,286,515</u>

**TOWN OF WELLINGTON, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021**

NOTE 3: CASH AND INVESTMENTS

DEPOSITS

Custodial Credit Risk - Deposits

In the case of deposits, this is the risk that in the event of bank failure, the government's deposits may not be returned to it. The Town's deposit policy is in accordance with CRS 11-10.5-101, The Colorado Public Deposit Protection Act (PDPA), which governs the investment of public funds. PDPA requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulations.

Amounts on deposit in excess of federal insurance levels (\$250,000) must be collateralized by eligible collateral as determined by the PDPA. The financial institution is allowed to create a single collateral pool for all public funds held. The pool is to be maintained by another institution, or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to 102% of the uninsured deposits. The institution's internal records identify collateral by depositor and as such, these deposits are considered uninsured but collateralized. The State Regulatory Commissions for banks and financial services are required by statute to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools. At December 31, 2021, all of the Town's deposits as shown below were either insured by federal depository insurance or collateralized under PDPA and are therefore not deemed to be exposed to custodial credit risk.

Deposits at December 31, 2021 were as follows:

	Bank Balance	Book Balance
FDIC Insured	\$ 500,000	\$ 500,000
PDPA Collateralized not in Town's Name	1,585,861	1,637,868
Cash with Fiscal Agent not in Town's Name	906,158	910,191
Total Cash Deposits	<u>\$ 2,992,019</u>	<u>\$ 3,048,059</u>

INVESTMENTS

Credit Risk

Colorado statutes specify which instruments units of local government may invest, which include:

- Obligations of the United States and certain U.S. government agency securities
- Certain international agency securities
- General obligation and revenue bonds of the U.S. local government entities
- Bankers' acceptances of certain banks
- Commercial paper
- Local government investment pools
- Written repurchase agreements collateralized by certain authorized securities
- Certain money market funds
- Guaranteed investment contracts

The Town does not have an investment policy that would further limit its investment choices.

TOWN OF WELLINGTON, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 3: CASH AND INVESTMENTS (Continued)

INVESTMENTS (Continued)

Credit Risk

For the year ended December 31, 2021, the Town had invested \$42,238,156 in the Colorado Government Liquid Asset Trust (COLOTRUST), an investment vehicle established for local government entities in Colorado to pool surplus funds and are registered with the State Securities Commissioner. The pools operated similarly to a money market fund and each share value is equal in value to \$1.00. Investments consist of U.S. Treasury and U.S. Agency securities and repurchase agreements collateralized by U.S. Treasury and U.S. Agency securities. A designated custodial bank provides safekeeping and depository services in connection with the direct investment and withdrawal functions. Substantially all securities owned are held by the Federal Reserve Bank in the account maintained for the custodial bank. The custodian's internal records identify the investments owned by the entities. Colotrust is rated AAAM by Standard and Poor's.

Concentration of Credit Risk

The Town places no limit on the amount that may be invested in any one issuer.

Interest Rate Risk

Colorado Statutes require that no investment may have a maturity in excess of five years from the date of purchase. The Town does not have a formal investment policy that limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates, other than those contained in the statutes. The Town's investment portfolio contains no investments that exceed that limitation.

Custodial Credit Risk – Investments

For an investment, custodial credit risk is the risk that, in the event of the failure of the counterparty, the Town will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. As of December 31, 2021, the Town's custodial credit risk is related to the investments in Colotrust,

RESTRICTED CASH

The Town has restricted cash and set aside equity as follows:

Restricted - Water Fund O&M Reserve	\$ 912,270
Restricted - Sewer Fund Stabilization Res.	<u>350,000</u>
Total Restricted Cash and Investments	<u>\$ 1,262,270</u>

TOWN OF WELLINGTON, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

Draft

NOTE 4: CAPITAL ASSETS

A summary of the Town's governmental capital asset transactions for the year are as follows:

	Restated Balance 12/31/2020	Governmental Activities		Balance 12/31/2021
		Additions	Deletions	
Capital Assets Not Being Depreciated				
Land & Water Rights	\$ 1,716,459	\$ -	\$ -	\$ 1,716,459
Construction in Progress	-	-	-	-
Total Capital Assets Not Being Depreciated	<u>1,716,459</u>	<u>-</u>	<u>-</u>	<u>1,716,459</u>
Capital Assets Being Depreciated				
Buildings and Improvements	862,342	1,303,328	-	2,165,670
Improvements Other Than Buildings	6,557,192	368,892	-	6,926,084
Streets and Improvements	24,593,407	698,042	-	25,291,449
Equipment	<u>613,827</u>	<u>37,000</u>	<u>21,765</u>	<u>629,062</u>
Total Capital Assets Being Depreciated	<u>32,626,768</u>	<u>2,407,262</u>	<u>21,765</u>	<u>35,012,265</u>
Accumulated Depreciation				
Buildings and Improvements	(294,806)	(34,817)	-	(329,623)
Improvements Other Than Buildings	(2,854,665)	(383,293)	-	(3,237,958)
Streets and Improvements	(12,877,678)	(933,762)	-	(13,811,440)
Equipment	<u>(470,728)</u>	<u>(31,110)</u>	<u>(20,490)</u>	<u>(481,348)</u>
Total Accumulated Depreciation	<u>(16,497,877)</u>	<u>(1,382,982)</u>	<u>(20,490)</u>	<u>(17,860,369)</u>
Net Governmental Capital Assets	<u>\$ 17,845,350</u>	<u>\$ 1,024,280</u>	<u>\$ 1,275</u>	<u>\$ 18,868,355</u>

Depreciation has been allocated to the various governmental functions as follows:

General Government	\$ 56,971
Public Works	933,762
Parks, Recreation and Other	<u>392,249</u>
Total Depreciation	<u>\$ 1,382,982</u>

TOWN OF WELLINGTON, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 4: CAPITAL ASSETS (Continued)

A summary of the Town's business-type capital asset transactions for the year are as follows:

	Restated Balance 12/31/2020	<u>Business-type Activities</u>		Balance 12/31/2021
		Additions	Deletions	
Capital Assets Not Being Depreciated				
Land & Water Rights	\$ 4,926,670	\$ 2,479,123	\$ -	\$ 7,405,793
Construction in Progress	2,070,324	4,273,697	1,196,417	5,147,604
Total Capital Assets Not Being Depreciated	6,996,994	6,752,820	1,196,417	12,553,397
Capital Assets Being Depreciated				
Utilities Systems	47,907,021	1,573,327	-	49,480,348
Machinery and Equipment	1,581,104	743,761	125,000	2,199,865
Total Capital Assets Being Depreciated	49,488,125	2,317,088	125,000	51,680,213
Accumulated Depreciation	(17,138,818)	(1,494,648)	(125,000)	(18,508,466)
Net Business-type Capital Assets	<u>\$ 39,346,301</u>	<u>\$ 7,575,260</u>	<u>\$ 1,196,417</u>	<u>\$ 45,725,144</u>

Depreciation has been allocated to the various business-type activities as follows:

Water	\$ 772,273
Wastewater	605,843
Storm Drainage	116,532
Total Depreciation	<u>\$ 1,494,648</u>

The Town has restated the above capital assets balances as further described in Note 10.

NOTE 5: INTERNAL BALANCES AND TRANSFERS

The Town made the following routine transfers during the year:

	Transfers	
	To	From
Park Fund	\$ 200,000	\$ -
Conservtaion Trust Fund	-	200,000
Net Transfers	<u>\$ 200,000</u>	<u>\$ 200,000</u>

Internal Charges

The following amounts represent internal charges for services rendered by the General Fund Administration, Finance, Customer Service, Human Resources, Planning and Zoning and Public Works departments to the other funds for the year ended December 31, 2021:

TOWN OF WELLINGTON, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 5: INTERNAL BALANCES AND TRANSFERS

Internal Charges

	<u>Allocation To/(From)</u>
General Fund	\$ (3,206,100)
Street Fund	547,077
Park Fund	534,679
Water Fund	1,222,301
Sewer Fund	765,145
Drainage Fund	136,898
Net Allocation	\$ -

NOTE 6: LONG-TERM DEBT

GOVERNMENTAL ACTIVITIES

Changes in governmental activities long-term debt are as follows:

	<u>Balance 12/31/2020</u>	<u>Repayments</u>	<u>Balance 12/31/2021</u>	<u>Due within One Year</u>	<u>Accrued Interest</u>	<u>Interest Expense</u>
<u>Governmental Activities</u>						
2014 Park Fund Loan	\$ 1,270,251	\$ 242,331	\$ 1,027,920	\$ 248,040	\$ 2,045	\$ 31,727
Accrued Compensated Absences	143,914	31,382	112,532	3,122	-	-
Total Governmental-type Activities	\$ 1,414,165	\$ 273,713	\$ 1,140,452	\$ 251,162	\$ 2,045	\$ 31,727

2014 Park Fund Note Payable

In 2014, the Town borrowed \$2,400,000 from First National Bank, with monthly principal and interest payments beginning in 2016 and maturing in 2029. The loan requires monthly payments of \$22,455 principal and interest, fixed at 2.31 %. The Park Fund is required to maintain a coverage amount of 125% of principal and interest. For the year ended December 31, 2021, the Town met the coverage amount.

Future debt service payments are as follows:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 248,040	\$ 21,420	\$ 269,460
2023	253,912	15,548	269,460
2024	259,892	9,568	269,460
2025	266,076	3,384	269,460
Total	\$ 1,027,920	\$ 49,920	\$ 1,077,840

TOWN OF WELLINGTON, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 6: LONG-TERM DEBT (continued)

BUSINESS-TYPE ACTIVITIES

Changes in business-type activity long-term debt are as follows:

	Balance 12/31/2020	Repayments	Balance 12/31/2021	Due within One Year	Accrued Interest	Interest Expense
<u>Business-type Activities</u>						
1982 CWCB Loan - Water	\$ 159,828	\$ 51,202	\$ 108,626	\$ 53,248	\$ 363	\$ 6,222
1984 General Obligation Bond - Water	80,000	25,000	55,000	27,000	229	3,896
2001 CWRPDA Loan - Water	105,975	69,948	36,027	36,027	240	3,081
2002 CWRPDA Loan - Sewer	650,004	314,169	335,835	335,835	3,611	3,242
2014 General Obligation Bond - Sewer	1,880,000	110,000	1,770,000	110,000	26,202	77,989
2019 CWRPDA Loan - Water	23,007,763	1,025,372	21,982,391	1,049,857	172,694	234,842
Accrued Compensated Absences - Water	-	-	31,218	3,122	-	-
Accrued Compensated Absences - Sewer	-	-	39,295	3,929	-	-
Accrued Compensated Absences - Drainage	-	-	8,804	880	-	-
Total Business-type Activities	\$ 25,883,570	\$ 1,595,691	\$ 24,367,196	\$ 1,619,898	\$ 203,339	\$ 329,272

1982 Colorado Water Conservation Board Water Note Payable

During 1982, the Town entered into a loan agreement with Colorado Water Conservation Board ("CWCB") requiring annual payments of \$57,593 principal and interest at 4.0% through December 1, 2023. Revenues of the Town are pledged in an amount sufficient to pay the annual amounts due under the loan contract.

Future debt service payments are as follows:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 53,248	\$ 4,345	\$ 57,593
2023	55,378	2,215	57,593
Total	<u>\$ 108,626</u>	<u>\$ 6,560</u>	<u>\$ 115,186</u>

1984 General Obligation Water Bond

During 1984, the Town entered into a general obligation water bond in the amount of \$500,000. Bond is due in escalating installments and matures on December 1, 2023. Interest is fixed at 5%.

Future debt service payments are as follows:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 27,000	\$ 2,750	\$ 29,750
2023	28,000	1,400	29,400
Total	<u>\$ 55,000</u>	<u>\$ 4,150</u>	<u>\$ 59,150</u>

TOWN OF WELLINGTON, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 6: LONG-TERM DEBT (Continued)

BUSINESS-TYPE ACTIVITIES (Continued)

2001 Colorado Water Resource and Power Development Authority Water Note Payable

In 2001, the Town entered into a loan payable with CWRPDA requiring semi-annual payments of \$36,747 principal and interest, at 4.0% through May 1, 2022. The loan is a special revenue obligation of the Water Fund payable from water rates, fees, standby charges, and charges from the use and operation of the system and from such other funds legally available after the payment of operation and maintenance expenses of the system.

Future debt service payments are as follows:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 36,027	\$ 734	\$ 36,761

2002 Colorado Water Resource and Power Development Authority Sewer Note Payable

In 2002, the Town entered into a loan payable with the Colorado Water Resource and Power Development Authority ("CWRPDA"). The 20 year note requires varying semi-annual principal and interest payments at 3.71%, payments through August 1, 2022. The loan is a special revenue obligation of the Sewer Fund payable from sewer rates, fees, standby charges, and charges from the use and operation of the system and from such other funds legally available after the payment of operation and maintenance expenses of the system.

Future debt service payments are as follows:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 335,835	\$ -	\$ 335,835

2014 General Obligation Sewer Bond

In September 2014 the Town entered into a 20 year general obligation sewer bond in the amount of \$2,400,000, due in 2024. The special revenue bond has variable interest rate, not to exceed 4%, and escalating principal payments.

Future debt service payments are as follows:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 110,000	\$ 62,885	\$ 172,885
2023	115,000	60,080	175,080
2024	120,000	56,918	176,918
2025	120,000	53,318	173,318
2026	125,000	49,478	174,478
2027-2031	700,000	177,540	877,540
2032-2034	480,000	38,799	518,799
Total	\$ 1,770,000	\$ 499,018	\$ 2,269,018

NOTE 6: LONG-TERM DEBT (Continued)

BUSINESS-TYPE ACTIVITIES (Continued)

2019 Colorado Water Resource and Power Development Authority Water Note Payable

In 2019, the Town entered into a loan payable with the Colorado Water Resource and Power Development Authority ("CWRPDA"). The 20 year loan requires varying semi-annual principal and interest payments at interest ranging from 3.0 to 5.0% through August 1, 2039. The loan is a special revenue obligation of the Sewer Fund payable from sewer rates, fees, standby charges, and charges from the use and operation of the system and from such other funds legally available after the payment of operation and maintenance expenses of the system. As of December 31, 2021, the Town had not drawn down funds from this loan. The remaining amount available of \$24.8 million to be received is reflected as cash with fiscal agent and is shown as restricted net position in the accompanying statement of net position.

Future debt service payments are as follows:

Fiscal Year	Principal	Interest	Total
2022	\$ 1,049,857	\$ 222,300	\$ 1,272,157
2023	1,068,483	201,050	1,269,533
2024	1,091,978	180,550	1,272,528
2025	1,109,550	160,300	1,269,850
2026	1,129,785	141,050	1,270,835
2027-2031	5,901,906	451,950	6,353,856
2032-2036	6,412,390	181,000	6,593,390
2037-2039	<u>4,218,442</u>	<u>31,650</u>	<u>4,250,092</u>
Total	<u>\$21,982,391</u>	<u>\$ 1,569,850</u>	<u>\$ 23,552,241</u>

Water Fund Rate Maintenance

Pursuant to the 2001 CWRPDA loan agreement, the Town shall establish, levy, and collect rents, rates, and other charges for the products and services provided by the Town's water system (the "Water System") in an amount sufficient to: (1) meet the operation and maintenance expenses of the Water System, (2) comply with all covenants in the loan resolution, and (3) pay at least 110% of the debt service on all indebtedness or at least 110% of all such debt if connection fees are included as a source of payment.

Per the loan agreement, the Town is required to either raise rates within 60 days after the end of the year to comply with the rate covenant or to hire an independent firm of accountants or consulting engineers to do a rate study within 120 days of year-end to recommend a rate increase to meet the loan covenant.

NOTE 6: LONG-TERM DEBT (Continued)

BUSINESS-TYPE ACTIVITIES (Continued)

Sewer Fund Rate Maintenance

Pursuant to the 2002 CWRPDA loan agreement, the Town shall establish, levy, and collect rents, rates, and other charges for the products and services provided by the Town's sewer system (the "Sewer System") in an amount sufficient to: (1) meet the operation and maintenance expenses of the Sewer System, (2) comply with all covenants in the loan resolution, and (3) pay at least 110% of the debt service on all indebtedness or at least 110% of all such debt if connection fees are included as a source of payment.

Per the loan agreement, the Town is required to either raise rates within 60 days after the end of the year to comply with the rate covenant or to hire an independent firm of accountants or consulting engineers to do a rate study within 120 days of year-end to recommend a rate increase to meet the loan covenant.

The Town Board approved resolution 1-2012 SE establishing a rate stabilization account in the Sewer Fund in conformity with the rate covenant provisions of the 2002 CWRPDA loan agreement. This resolution restricted \$350,000 specifically for debt service on the aforementioned CWRPDA loan, retroactive to December 31, 2011. This restriction, plus the calculation shown above, demonstrates the Town is in compliance with the requirements of the CWRPDA loan at December 31, 2021.

Pursuant to the 2014 special revenue bond obligation agreement, the Town shall establish, maintain, enforce, and collect rates, fees, and charges for the services provided by the Town's wastewater system to create gross revenue each calendar year sufficient to pay operation and maintenance expenses and to create net revenue in an amount: (1) equal to not less than 120% of the amount necessary to pay when due the principal of and interest on the bonds and any parity lien bonds coming due during such calendar year; and (2) sufficient to make up any deficiencies in the reserve account. In the event that the gross revenue at any time is not sufficient to make such payments, the Town shall promptly increase such rates, fees, and charges to an extent which will ensure the payments and accumulations required by the ordinance.

TOWN OF WELLINGTON, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 6: LONG-TERM DEBT (Continued)

BUSINESS-TYPE ACTIVITIES (Continued)

Coverage for the Water and Sewer CWRPDA rate maintenance agreement and calculation of the three-month operating reserve requirement is as follows:

	Water	Sewer	Total
Gross Charges for Services	\$ 4,666,974	\$ 1,453,939	\$ 6,120,913
Capital Contributions	4,526,669	781,122	5,307,791
Total Revenues	9,193,643	2,235,061	11,428,704
<u>Operating Expenses</u>			
Operating expenses	3,224,855	2,100,086	5,324,941
Less Depreciation	(772,273)	(605,843)	(1,378,116)
Operating Expenses	2,452,582	1,494,243	3,946,825
Net Operating Revenues	6,741,061	740,818	7,481,879
Debt Service			
1982 CWCB Loan - Water	57,594	-	57,594
1984 GO Bond - Water	29,000	-	29,000
2001 CWRPDA Loan - Water	73,496	-	73,496
2002 CWRPDA Loan - Sewer	-	332,337	332,337
2014 GO Bond - Sewer	-	175,415	175,415
2019 CWRPDA Loan - Sewer	1,269,172	-	1,269,172
Total Debt Service	1,429,262	507,752	1,937,014
Debt Coverage Ratio 110%/120%	1,572,188	609,302	2,130,715
Excess (Shortfall)	\$ 5,168,873	\$ 131,515	\$ 5,351,163
2022 Operating Budget	\$ 3,649,078	\$ 975,134	\$ 4,624,212
3 Month Required O & M Reserve	\$ 912,270	\$ -	\$ 912,270
Rate Stabilization Reserve	-	350,000	350,000
Total CWRPDA Reserves	\$ 912,270	\$ 350,000	\$ 1,262,270

NOTE 7: FUND BALANCE/NET POSITION RESERVES/RESTRICTIONS

TAX SPENDING AND DEBT LIMITATIONS

On November 3, 1992, the voters of Colorado approved Amendment 1, commonly known as the TABOR Amendment, which adds a new Section 20 to Article X of the Colorado Constitution. TABOR contains tax, spending, revenue and debt limitations which apply to the State of Colorado, all local governments, and special districts.

The Town's financial activity for the year ended December 31, 2021 will provide the basis for calculation of future limitations adjusted for allowable increases tied to inflation and local growth. Subsequent to December 31, 1992, revenue in excess of the Town's "spending limit" must be refunded unless voters approve the retaining of such excess revenue. TABOR generally requires voter approval for any new tax, tax increases and new debt.

NOTE 7: FUND BALANCE/NET POSITION RESERVES/RESTRICTIONS (Continued)

TAX SPENDING AND DEBT LIMITATIONS (Continued)

On November 5, 1996, the voting citizens of the Town of Wellington authorized the Town (retroactive to January 1, 1995) to, without imposing any new taxes or increases in tax rates, retain all revenue from all sources in 1995 and subsequent years, and to spend the same as a voter-approved revenue change and as exception to limits which would otherwise apply for each of said years under Colorado Constitution Article X, Section 20, the taxpayer's bill of rights. This effectively removed all revenue and spending limits imposed by TABOR.

TABOR is extremely complex and subject to interpretation. Ultimate implementation may depend upon litigation and legislative guidance. The Town's management believes it is in compliance with the TABOR amendment.

The Article requires an emergency reserve be set aside for 2021 in the amount of 3% or more of its fiscal year spending. At December 31, 2021, the Town has restricted the following for emergencies:

General Fund	<u>\$ 251,000</u>
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Other Restrictions and Commitments

The Town has restricted or committed other amounts at the fund level for debt purposes as described in Note 6 and as detailed below in the governmental funds:

Restricted:	
For Emergencies	\$ 251,000
For Parks and Recreation	<u>909,740</u>
Total Restricted	<u>\$ 1,160,740</u>
Committed:	
For Street Capital Projects	\$ 3,690,406
For Park Capital Projects	<u>2,327,017</u>
Total Committed	<u>\$ 6,017,423</u>

In addition, amounts reported as prepaid expenses in the governmental funds are considered nonexpendable fund equity at year end.

NOTE 8: COMMITMENTS AND CONTINGENCIES

The Town receives financial assistance from federal and state governmental agencies in the form of grants. The disbursement of funds received under these programs generally requires compliance with terms and conditions specified in the grant agreements and are subject to audit by the grantor agencies. Any disallowed claims resulting from such audits could become a liability of the General Fund or other applicable funds. However, in the opinion of the Town, any such disallowed claims will not have a material effect on any of the financial statements of the individual fund types included herein or on the overall financial position of the Town at December 31, 2021.

TOWN OF WELLINGTON, COLORADO
NOTES TO FINANCIAL STATEMENTS
December 31, 2021

NOTE 9: RISK MANAGEMENT

The Town is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters.

The Town carries commercial insurance covering specific and general risks of loss, including worker's compensation and employee health and accident insurance. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three fiscal years. There have been no significant reductions in insurance coverage.

NOTE 10: PRIOR PERIOD RESTATEMENTS

As part of the preparation of the fiscal year 2021 financial statements, the Town determined that various amount reported in December 31, 2020 should be restated.

The Town reviewed its policy related to accruals of sales and cigarette taxes. Previously, the Town was only accruing taxes that were received from the State of Colorado in January of the subsequent year. As those taxes are collected by the vendors prior to year-end, yet are not remitted until the subsequent February, they are considered measurable and available at year end and subject to accrual. Accordingly, the Town has increased the beginning fund equity in the General, Street, and Parks Funds for \$275,062 and \$1,901 of additional sales and cigarette tax accruals, respectively.

When reviewing the Town's prior capital asset depreciation schedules, it was noted that the detail listings maintained by the Town did not reconcile to the amounts reported in prior audits and also included items that had been incorrectly capitalized. The most significant unsupported items were in the Governmental Activities Improvements Other than Buildings where capital assets reported were \$6,232,318 higher than reported and accumulated depreciation on those same assets being \$2,236,682 higher than reported. The restatement of capital assets in the business-type activities and proprietary funds were primarily related to non-capitalizable items being included on the depreciation schedules. Overall, governmental activity capital assets and beginning net position was reduced by a net \$4,650,914, business-type activity capital assets and net position were reduced by a net \$239,716, and capital assets and net position in the Water, Sewer and Drainage Funds were reduced by a net \$77,528, \$133,982, and \$28,206, respectively.

A summary of these restatements is shown below:

Description	Govt. Activities	Bus Type Activities	General Fund	Street Fund	Park Fund	Water Fund	Sewer Fund	Drainage Fund
Overstated Capital Assets	\$ (4,650,914)	\$ (239,716)	\$ -	\$ -	\$ -	\$ (77,528)	\$ (133,982)	\$ (28,206)
Unrecorded Receivables	276,964	-	185,258	45,853	45,853	-	-	-
Net Restatements	(4,373,950)	(239,716)	185,258	45,853	45,853	(77,528)	(133,982)	(28,206)
Ending Equity - Prior Year Audit	34,609,666	24,761,696	7,078,957	3,000,853	2,864,394	40,055,410	23,806,941	3,726,010
Beginning Equity - Restated	\$ 30,235,716	\$ 24,521,980	\$ 7,264,215	\$ 3,046,706	\$ 2,910,247	\$ 39,977,882	\$ 23,672,959	\$ 3,697,804

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REQUIRED SUPPLEMENTARY INFORMATION

TOWN OF WELLINGTON, COLORADO

BUDGETARY COMPARISON SCHEDULE

General Fund

FOR THE YEAR ENDED DECEMBER 31, 2021

Draft

	2021		
	Original & Final Budget	Actual	Variance With Final Budget
REVENUES			
Taxes			
Property Taxes	\$ 1,532,458	\$ 1,533,366	\$ 908
Sales and Use Taxes	2,376,529	2,650,060	273,531
Cigarette Taxes	4,000	8,869	4,869
Franchise Taxes	187,000	218,903	31,903
Other Taxes	7,500	9,105	1,605
Total Tax Revenue	4,107,487	4,420,303	312,816
Intergovernmental Revenues			
Severance Tax	42,538	12,628	(29,910)
Other Intergovernmental	-	98,717	98,717
Total Intergovernmental Revenue	42,538	111,345	68,807
Licenses and Permits			
Liquor Licenses	1,600	925	(675)
Building Permits	120,000	526,232	406,232
Animal Licenses	60	-	(60)
Business Licenses	30,000	5,550	(24,450)
Total Licenses and Permits	151,660	532,707	381,047
Fines and Forfeits	8,000	5,482	(2,518)
Charges for Services			
Recreation/Comm Ctr Charges	8,000	10,567	2,567
Sales of Goods	5,000	5,150	150
Rents	4,000	7,650	3,650
Other Charges for Services	62,700	22,155	(40,545)
Total Charges for Services	79,700	45,522	(34,178)
Investment Earnings	63,000	5,683	(57,317)
Other Revenues			
Donations	-	55	55
Sale of Capital Assets	-	490	490
Other Miscellaneous Revenue	3,000	15,287	12,287
Total Other Revenue	3,000	15,832	12,832
TOTAL REVENUES	4,455,385	5,136,874	681,489

See accompanying Independent Auditors' Report.

(Continued)

TOWN OF WELLINGTON, COLORADO

BUDGETARY COMPARISON SCHEDULE**General Fund****FOR THE YEAR ENDED DECEMBER 31, 2021**

	2021		
	Original & Final Budget	Actual	Variance With Final Budget
(Continued)			
EXPENDITURES			
General Government			
Personnel Services	1,949,886	2,012,698	(62,812)
Insurance	148,000	121,980	26,020
Professional Fees	807,100	607,674	199,426
Repairs and Maintenance	55,750	64,798	(9,048)
Supplies	35,225	32,951	2,274
Telephone and Utilities	42,650	66,575	(23,925)
Travel and Training	42,815	15,496	27,319
Other Expenses	444,720	365,642	79,078
Overhead Allocation	-	(1,504,837)	1,504,837
Total General Government	3,526,146	1,782,977	1,743,169
Public Safety			
Personnel Services	1,579,244	1,463,182	116,062
Fuel and Automotive	6,042	8,132	(2,090)
Repairs and Maintenance	17,500	14,425	3,075
Telephone and Utilities	1,200	1,791	(591)
Travel and Training	-	-	-
Other Expenses	8,000	4,737	3,263
Total Public Safety	1,611,986	1,492,267	119,719
Public Works			
Personnel Services	1,579,761	1,300,605	279,156
Fuel and Automotive	2,500	2,666	(166)
Professional Fees	100,000	32,574	67,426
Repairs and Maintenance	74,300	106,358	(32,058)
Supplies	33,600	37,320	(3,720)
Telephone and Utilities	29,200	39,267	(10,067)
Travel and Training	18,000	4,423	13,577
Other Expenses	64,160	35,591	28,569
Overhead Allocation	-	(1,701,263)	1,701,263
Total Public Works/Comm Devel	1,901,521	(142,459)	2,043,980
Parks, Recreation and Other			
Cemetery	30,000	124	29,876
Other Expenses	77,910	71,780	6,130
Total Parks, Recreation & Other	107,910	71,904	36,006
Capital Outlay			
General Government Capital Outlay	-	1,370,858	(1,370,858)
Public Works Capital Outlay	244,000	463,911	(219,911)
Other Capital Outlay	19,704,956	-	19,704,956
Total Capital Outlay	19,948,956	1,834,769	18,114,187
TOTAL EXPENDITURES	27,096,519	5,039,458	22,057,061
REVENUES IN EXCESS (DEFICIENCY) OF EXPENDITURES	(22,641,134)	97,416	22,738,550
OTHER FINANCING SOURCES (USES)			
Transfers In	1,253,922	-	1,253,922
NET CHANGE IN FUND BALANCE - BUDGET BASIS	\$ (21,387,212)	97,416	\$ 23,992,472
FUND BALANCE, BEGINNING		7,078,957	
Prior Period Restatement		185,258	
FUND BALANCE, BEGINNING (As Restated)		7,264,215	
FUND BALANCE, ENDING		\$ 7,361,631	

See accompanying Independent Auditors' Report.

TOWN OF WELLINGTON, COLORADO

BUDGETARY COMPARISON SCHEDULE

Street Fund

FOR THE YEAR ENDED DECEMBER 31, 2021

	2021		
	Final Budget	Actual	Variance With Final Budget
REVENUES			
Taxes			
Specific Ownership Taxes	\$ 90,000	\$ 110,785	\$ 20,785
Sales and Use Taxes	865,000	1,453,674	588,674
Total Tax Revenue	955,000	1,564,459	609,459
Intergovernmental Revenues			
Highway Users	263,000	313,258	50,258
Road and Bridge	38,000	29,521	(8,479)
Total Intergovernmental Revenue	301,000	342,779	41,779
Licenses and Permits			
Impact Fees	170,000	300,890	130,890
Other Licenses	58,000	24,450	(33,550)
Total Licenses and Permits	228,000	325,340	97,340
Investment Earnings	15,000	845	(14,155)
Other Revenues			
Sale of Capital Assets	1,000	9,493	8,493
TOTAL REVENUES	1,500,000	2,242,916	742,916
EXPENDITURES			
General Government			
Equipment Rentals	3,000	1,134	1,866
Fuel and Automotive	14,000	15,285	(1,285)
Professional Fees	32,000	33,600	(1,600)
Repairs and Maintenance	20,000	26,841	(6,841)
Supplies	24,500	8,650	15,850
Telephone and Utilities	175,092	198,927	(23,835)
Travel and Training	-	275	(275)
Other Expenses	4,000	548,317	(544,317)
Total Public Works/Comm Devel	272,592	833,029	(560,437)
Capital Outlay			
Public Works Capital Outlay	63,000	766,187	(703,187)
Other Capital Outlay	1,252,132	-	1,252,132
Total Capital Outlay	1,315,132	766,187	548,945
TOTAL EXPENDITURES	1,587,724	1,599,216	(11,492)
REVENUES IN EXCESS (DEFICIENCY) OF EXPENDITURES	(87,724)	643,700	731,424
OTHER FINANCING SOURCES (USES)			
Transfers (Out)	(2,798,644)	-	2,798,644
NET CHANGE IN FUND BALANCE - BUDGET BASIS	\$ (2,886,368)	643,700	\$ 3,530,068
FUND BALANCE, BEGINNING		3,000,853	
Prior Period Restatement		45,853	
FUND BALANCE, BEGINNING (As Restated)		3,046,706	
FUND BALANCE, ENDING		\$ 3,690,406	

See accompanying Independent Auditors' Report.

TOWN OF WELLINGTON, COLORADO

BUDGETARY COMPARISON SCHEDULE

Park Fund

FOR THE YEAR ENDED DECEMBER 31, 2021

	2021		
	Original & Final Budget	Actual	Variance With Final Budget
REVENUES			
Taxes			
Sales and Use Taxes	\$ 1,015,840	\$ 1,273,872	\$ 258,032
Licenses and Permits			
Impact Fees	145,000	92,800	(52,200)
Charges for Services			
Recreation/Comm Ctr Charges	30,000	9,826	(20,174)
Rents	2,000	2,057	57
Total Charges for Services	32,000	11,883	(20,117)
Investment Earnings	20,000	1,233	(18,767)
Other Revenues			
Sale of Capital Assets	-	285	285
TOTAL REVENUES	1,212,840	1,380,073	167,233
EXPENDITURES			
General Government			
Personnel Services	562,562	456,652	105,910
Equipment Rentals	12,750	10,980	1,770
Fuel and Automotive	5,500	4,879	621
Professional Fees	59,770	26,841	32,929
Repairs and Maintenance	237,990	212,578	25,412
Supplies	42,270	24,931	17,339
Telephone and Utilities	54,000	31,100	22,900
Travel and Training	8,500	6,260	2,240
Other Expenses	141,683	618,480	(476,797)
Total Parks, Recreation & Other	1,125,025	1,392,701	(267,676)
Capital Outlay			
Parks, Recreation and Other Capital Outlay	-	100,892	(100,892)
Other Capital Outlay	40,000	-	40,000
Total Capital Outlay	40,000	100,892	(60,892)
Debt Service			
Principal	242,304	242,304	-
Interest	27,156	27,156	-
Total Debt Service	269,460	269,460	-
TOTAL EXPENDITURES	1,434,485	1,763,053	(328,568)
REVENUES IN EXCESS (DEFICIENCY) OF EXPENDITURES	(221,645)	(382,980)	(161,335)
OTHER FINANCING SOURCES (USES)			
Transfers (Out)	(600,679)	(200,000)	400,679
NET CHANGE IN FUND BALANCE - BUDGET BASIS	\$ (822,324)	(582,980)	\$ 239,344
FUND BALANCE, BEGINNING		2,864,394	
Prior Period Restatement		45,853	
FUND BALANCE, BEGINNING (As Restated)		2,910,247	
FUND BALANCE, ENDING		\$ 2,327,267	

See accompanying Independent Auditors' Report.

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OTHER SUPPLEMENTARY INFORMATION

TOWN OF WELLINGTON, COLORADO

BUDGETARY COMPARISON SCHEDULE
Conservation Trust Fund
FOR THE YEAR ENDED DECEMBER 31, 2021

2021

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance With Final Budget</u>
REVENUES			
Intergovernmental Revenues			
Conservation Trust Fund	\$ -	\$ 123,605	\$ 123,605
Investment Earnings	-	328	328
TOTAL REVENUES	-	123,933	123,933
OTHER FINANCING SOURCES (USES)			
Transfers In	-	200,000	(200,000)
NET CHANGE IN FUND BALANCE - BUDGET BASIS	<u>\$ -</u>	<u>323,933</u>	<u>\$ 323,933</u>
FUND BALANCE, BEGINNING		585,807	
FUND BALANCE, ENDING		<u>\$ 909,740</u>	

See accompanying Independent Auditors' Report.

TOWN OF WELLINGTON, COLORADO

SCHEDULE OF REVENUES, EXPENSES AND CHANGES IN NET POSITION

BUDGET AND ACTUAL

Water Fund

FOR THE YEAR ENDED DECEMBER 31, 2021

2021

	Final Budget	Actual	Variance with Final Budget
Operating Revenues			
Utility Charges	\$ 5,120,866	\$ 4,666,974	\$ (453,892)
Other Charges for Services	15,000	9,037	(5,963)
Total Revenues	<u>5,135,866</u>	<u>4,676,011</u>	<u>(459,855)</u>
Operating Expenses			
Raw Water Purchases	2,058,854	1,219,501	839,353
Management Fees	-	1,222,301	(1,222,301)
Personnel Services	403,288	451,012	(47,724)
Operating Supplies	50,000	52,305	(2,305)
Professional Fees	158,000	118,547	39,453
Repairs and Maintenance	172,000	230,318	(58,318)
Travel and Training	11,000	6,432	4,568
Treatment	175,000	210,264	(35,264)
Telephone and Utilities	167,800	147,409	20,391
Other Operating Expenses	10,000	13,995	(3,995)
Other Capital Outlay	306,500	1,620,202	(1,313,702)
Total Expenditures	<u>3,512,442</u>	<u>5,292,286</u>	<u>(1,779,844)</u>
Operating Income (Loss)	<u>1,623,424</u>	<u>(616,275)</u>	<u>(2,239,699)</u>
Other Income (Expense)			
Tax Revenue & Impact Fees	85,593	85,593	-
Intergovernmental Revenue	-	1,311,669	1,311,669
Investment Earnings	150,000	7,592	(142,408)
Interest Expense	<u>(1,621,453)</u>	<u>(1,571,030)</u>	<u>50,423</u>
Total Other Income (Expense)	<u>(1,385,860)</u>	<u>(166,176)</u>	<u>1,219,684</u>
Net Income (Loss) before Transfers	237,564	(782,451)	(1,020,015)
Transfers			
Transfers In/(Out)	<u>(12,857,712)</u>	<u>-</u>	<u>12,857,712</u>
Net Income (Loss), Budget Basis	<u>(12,620,148)</u>	<u>(782,451)</u>	<u>11,837,697</u>
Contributed Capital			
Plant Investment Fees	750,000	727,460	(22,540)
Cash in Lieu of Fees	2,691,072	1,320,086	(1,370,986)
Dedicated Infrastructure/Water Rights	-	2,479,123	2,479,123
Total Contributed Capital	<u>3,441,072</u>	<u>4,526,669</u>	<u>1,085,597</u>
Change in Net Position (Budget Basis)	<u>\$ (9,179,076)</u>	<u>3,744,218</u>	<u>\$ 12,923,294</u>
Budget to GAAP Reconciliation			
Principal Paid		1,171,560	
Depreciation Expense		(772,273)	
Capital Outlay		1,454,918	
Change in Net Position - GAAP Basis		5,598,423	
Net Position, Beginning		39,977,882	
Net Position, Ending		<u>\$ 45,576,305</u>	

See accompanying Independent Auditors' Report.

TOWN OF WELLINGTON, COLORADO

SCHEDULE OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
BUDGET AND ACTUAL
Sewer Fund
FOR THE YEAR ENDED DECEMBER 31, 2021

	2021		
	Final Budget	Actual	Variance with Final Budget
Operating Revenues			
Utility Charges	\$ 1,442,295	\$ 1,453,939	\$ 11,644
Operating Expenses			
Management Fees	-	765,145	(765,145)
Personnel Services	368,635	386,500	(17,865)
Operating Supplies	23,000	14,384	8,616
Professional Fees	75,000	46,312	28,688
Repairs and Maintenance	129,500	93,801	35,699
Travel and Training	9,000	1,529	7,471
Treatment	35,000	24,368	10,632
Telephone and Utilities	139,400	155,806	(16,406)
Other Operating Expenses	11,000	6,398	4,602
Other Capital Outlay	42,000	3,575,136	(3,533,136)
Total Expenditures	832,535	5,069,379	(4,236,844)
Operating Income (Loss)	609,760	(3,615,440)	(4,225,200)
Other Income (Expense)			
Investment Earnings	166,000	4,576	(161,424)
Debt Service	(507,753)	(511,837)	(4,084)
Gain (Loss) on Sale of Assets	-	20,300	20,300
Total Other Income (Expense)	(341,753)	(486,961)	(145,208)
Net Income (Loss) before Transfers	268,007	(4,102,401)	(4,370,408)
Transfers			
Transfers In/(Out)	(5,589,728)	-	5,589,728
Net Income (Loss), Budget Basis	(5,321,721)	(4,102,401)	1,219,320
Contributed Capital			
Plant Investment Fees	750,000	781,122	31,122
Change in Net Position (Budget Basis)	<u>\$ (4,571,721)</u>	<u>(3,321,279)</u>	<u>\$ 1,250,442</u>
Budget to GAAP Reconciliation			
Principal Paid		430,356	
Depreciation Expense		(605,843)	
Capital Outlay		3,479,537	
Change in Net Position - GAAP Basis		(17,229)	
Net Position, Beginning		23,672,959	
Net Position, Ending		<u>\$ 23,655,730</u>	

See accompanying Independent Auditors' Report.

TOWN OF WELLINGTON, COLORADO

SCHEDULE OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
BUDGET AND ACTUAL
Drainage Fund
FOR THE YEAR ENDED DECEMBER 31, 2021

2021

	Final Budget	Actual	Variance with Final Budget
Operating Revenues			
Utility Charges	\$ 625,000	\$ 659,941	\$ 34,941
Operating Expenses			
Management Fees	-	136,898	(136,898)
Personnel Services	-	8,804	(8,804)
Administrative/Office Expenses	8,000	6,498	1,502
Professional Fees	135,000	64,527	70,473
Repairs and Maintenance	1,500	2,418	(918)
Telephone and Utilities	361,000	396,096	(35,096)
Other Operating Expenses	-	319	(319)
Other Capital Outlay	1,000	93,466	(92,466)
Total Expenditures	506,500	709,026	(202,526)
Operating Income (Loss)	118,500	(49,085)	(167,585)
Other Income (Expense)			
Tax Revenue & Impact Fees	220,400	132,857	(87,543)
Intergovernmental Revenue	112,000	730	(111,270)
Investment Earnings	10,000	462	(9,538)
Debt Service	-	-	-
Total Other Income (Expense)	342,400	134,049	(208,351)
Net Income (Loss) before Transfers	460,900	84,964	(375,936)
Transfers			
Transfers In/(Out)	(448,249)	-	448,249
Change in Net Position (Budget Basis)	\$ 12,651	84,964	\$ 72,313
Budget to GAAP Reconciliation			
Depreciation Expense		(116,532)	
Capital Outlay		63,145	
Change in Net Position - GAAP Basis		31,577	
Net Position, Beginning		3,697,804	
Net Position, Ending		\$ 3,729,381	

See accompanying Independent Auditors' Report.

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STATE COMPLIANCE

LOCAL HIGHWAY FINANCE REPORTCity or County:
Town of Wellington
YEAR ENDING :
December 2021This Information From The Records Of (example - City of _ or County of _)
Prepared By: Charity Campfield
Phone: (970) 732-1094**I. DISPOSITION OF HIGHWAY-USER REVENUES AVAILABLE FOR LOCAL GOVERNMENT EXPENDITURE**

ITEM	A. Local Motor-Fuel Taxes	B. Local Motor-Vehicle Taxes	C. Receipts from State Highway-User Taxes	D. Receipts from Federal Highway Administration
1. Total receipts available				
2. Minus amount used for collection expenses				
3. Minus amount used for nonhighway purposes				
4. Minus amount used for mass transit				
5. Remainder used for highway purposes				

II. RECEIPTS FOR ROAD AND STREET PURPOSES**III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES**

ITEM	AMOUNT	ITEM	AMOUNT
A. Receipts from local sources:		A. Local highway disbursements:	
1. Local highway-user taxes		1. Capital outlay (from page 2)	406,932
a. Motor Fuel (from Item I.A.5.)		2. Maintenance:	338,961
b. Motor Vehicle (from Item I.B.5.)		3. Road and street services:	
c. Total (a.+b.)		a. Traffic control operations	
2. General fund appropriations		b. Snow and ice removal	
3. Other local imposts (from page 2)	2,094,717	c. Other	
4. Miscellaneous local receipts (from page 2)	10,337	d. Total (a. through c.)	0
5. Transfers from toll facilities		4. General administration & miscellaneous	547,077
6. Proceeds of sale of bonds and notes:		5. Highway law enforcement and safety	
a. Bonds - Original Issues		6. Total (1 through 5)	1,292,970
b. Bonds - Refunding Issues		B. Debt service on local obligations:	
c. Notes		1. Bonds:	
d. Total (a. + b. + c.)	0	a. Interest	
7. Total (1 through 6)	2,105,054	b. Redemption	
B. Private Contributions		c. Total (a. + b.)	0
C. Receipts from State government (from page 2)	323,332	2. Notes:	
D. Receipts from Federal Government (from page 2)	0	a. Interest	
E. Total receipts (A.7 + B + C + D)	2,428,386	b. Redemption	
		c. Total (a. + b.)	0
		3. Total (1.c + 2.c)	0
		C. Payments to State for highways	
		D. Payments to toll facilities	
		E. Total disbursements (A.6 + B.3 + C + D)	1,292,970

IV. LOCAL HIGHWAY DEBT STATUS

(Show all entries at par)

	Opening Debt	Amount Issued	Redemptions	Closing Debt
A. Bonds (Total)				0
1. Bonds (Refunding Portion)				
B. Notes (Total)				0

V. LOCAL ROAD AND STREET FUND BALANCE

	A. Beginning Balance	B. Total Receipts	C. Total Disbursements	D. Ending Balance	E. Reconciliation
	3,000,853	2,428,386	1,292,970	3,987,525	148,744

Notes and Comments:

LOCAL HIGHWAY FINANCE REPORT		STATE: Colorado	
		YEAR ENDING (mm/yy): December 2021	

II. RECEIPTS FOR ROAD AND STREET PURPOSES - DETAIL			
ITEM	AMOUNT	ITEM	AMOUNT
A.3. Other local imposts:		A.4. Miscellaneous local receipts:	
a. Property Taxes and Assessments		a. Interest on investments	845
b. Other local imposts:		b. Traffic Fines & Penalties	
1. Sales Taxes	1,375,119	c. Parking Garage Fees	
2. Infrastructure & Impact Fees	616,170	d. Parking Meter Fees	
3. Liens		e. Sale of Surplus Property	9,492
4. Licenses		f. Charges for Services	
5. Specific Ownership &/or Other	103,428	g. Other Misc. Receipts	
6. Total (1. through 5.)	2,094,717	h. Other	
c. Total (a. + b.)	2,094,717	i. Total (a. through h.)	10,337
(Carry forward to page 1)		(Carry forward to page 1)	

ITEM	AMOUNT	ITEM	AMOUNT
C. Receipts from State Government		D. Receipts from Federal Government	
1. Highway-user taxes	290,830	1. FHWA (from Item I.D.5.)	
2. State general funds		2. Other Federal agencies:	
3. Other State funds:		a. Forest Service	
a. State bond proceeds		b. FEMA	
b. Project Match		c. HUD	
c. Motor Vehicle Registrations	32,502	d. Federal Transit Admin	
d. Other (Specify) - DOLA Grant		e. U.S. Corps of Engineers	
e. Other (Specify)		f. Other Federal	
f. Total (a. through e.)	32,502	g. Total (a. through f.)	0
4. Total (1. + 2. + 3.f)	323,332	3. Total (1. + 2.g)	
		(Carry forward to page 1)	

III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES - DETAIL			
	ON NATIONAL HIGHWAY SYSTEM (a)	OFF NATIONAL HIGHWAY SYSTEM (b)	TOTAL (c)
A.1. Capital outlay:			
a. Right-Of-Way Costs			0
b. Engineering Costs			0
c. Construction:			
(1). New Facilities			0
(2). Capacity Improvements			0
(3). System Preservation		347,381	347,381
(4). System Enhancement & Operation		59,551	59,551
(5). Total Construction (1) + (2) + (3) + (4)	0	406,932	406,932
d. Total Capital Outlay (Lines 1.a. + 1.b. + 1.c.5)	0	406,932	406,932
		(Carry forward to page 1)	

Notes and Comments:

Board of Trustees Meeting

Date: April 9, 2024
Subject: March 26, 2024 Regular Meeting Minutes

- **Presentation: Ethan Muhs, Town Clerk**

BACKGROUND / DISCUSSION

Minutes from the March 26, 2024 Regular Meeting.

STAFF RECOMMENDATION

Staff have identified the following options for Board consideration:

1. Approve the March 26, 2024 Regular Meeting Minutes with the Consent Agenda
2. Remove the March 26, 2024 Regular Meeting Minutes from the Consent Agenda and further consider as an Action Item

ATTACHMENTS

1. 03.26.24 Minutes



BOARD OF TRUSTEES
March 26, 2024
6:00 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting Agenda

A. **WORK SESSION**

1. Animal-Related Offenses in the Town of Wellington Municipal Code

B. **CALL TO ORDER**

Mayor Chaussee called the meeting to order at 6:29 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:

Gaiter – present

Dailey - present

Mason - present

Tietz - present

Wiegand - present

Macdonald - present

Chaussee - present

3. Amendments to Agenda

Mayor Chaussee asked if there were any amendments to the agenda: Trustee Tietz amended to move Consent Agenda item D.2 - Resolution No. 14-2024 to action items for public comment.

4. Executive Session: For the purpose of Conferences with an attorney for the Town pursuant to §24-6-402(4) (b), for the purpose of receiving legal advice regarding a complaint lodged against the town attorney for an opinion rendered to the Town of Wellington. 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 the discussion that discussions in the executive session constitute privileged attorney-client communications

Mayor Chaussee called to amend the agenda to add an Executive Session. Mayor Chaussee then called for a motion to open the Executive Session.

Mayor Pro Tem Macdonald moved to open the Executive Session. Trustee Dailey seconded.

Yeas: Macdonald, Dailey, Mason, Wiegand, Chaussee

Nays: Gaiter, Tietz

With 5 in favor and 2 against, the motion passed.

Mayor closed the Regular meeting and opened the Executive Session at 6:32 p.m.

With a motion duly noted and seconded, and with unanimous consent, Mayor closed the Executive

Session at 6:40 p.m. and reopened the Regular meeting at 6:43p.m.

The Clerk noted a quorum with the following roll call:

Gaiter – present

Dailey - present

Mason - present

Tietz - present

Wiegand - present

Macdonald - present

Chaussee - present

Conflict of Interest

Mayor Chaussee asked if there were any conflict of interest: there were none

C. COMMUNITY PARTICIPATION

1. Public Comment

Mayor Chaussee invited public comment on non-agenda items; Lisa Chollet, Tim Talbot (time given to Lisa Chollet), Karen Eifert, Lowry Moyer, and Ed Cannon provided public comment.

D. CONSENT AGENDA

1. 03.12.24 Regular Meeting Minutes

Mayor Chaussee called for a motion to approve the Consent Agenda.

Trustee Gaiter moved to approve the Consent Agenda item. Trustee Tietz seconded it.

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

Nays: N/A

The motion carried unanimously, and the Consent Agenda was approved.

E. ACTION ITEMS

1. Resolution No. 13-2024: A Resolution of the Board of Trustees of the Town of Wellington, Colorado Establishing Hours and Days for Outdoor Watering

Mayor Chaussee invited Ms. Meagan Smith, Deputy Director of Public Works, to present this item. Ms. Smith presented this item and responded to questions from the Board.

Mayor Chaussee called for public comment on this item; Ed Cannon, Tim Whitehouse, Karen Eifert made public comments.

Mayor Chaussee called for additional deliberations from the Board. The Board further discussed this item with Town Staff.

Trustee Mason moved to approve Resolution No. 13-2024: A Resolution of the Board of Trustees of the Town of Wellington, Colorado Establishing Hours and Days for Outdoor Watering. Trustee Macdonald seconded it.

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

Nays: Gaiter

With 6 in favor and 1 against, the motion carried, and Resolution No. 13-2024 was approved.

2. Community Services Center Grant Contract

Mayor Chaussee invited Ms. Patti Garcia, Town Administrator, to present this item. Ms. Garcia presented this item and responded to questions from the Board.

Mayor Chaussee called for public comment on this item; Karen Eifert and Lowry Moyer made public comment.

Mayor Chaussee called for additional deliberations from the Board. The Board further discussed this item with Town Staff.

Trustee Gaiter moved to approve the Community Services Center Grant Contract. Trustee Macdonald seconded it.

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

Nays: N/A

The motion carried unanimously, and the Community Services Center Grant Contract was approved.

3. Resolution No. 14-2024: A Resolution of the Town of Wellington, Colorado Making Appointments to the Planning Commission and Board of Adjustment

Mayor Chaussee invited Mr. Ethan Muhs, Town Clerk, to present this item. Mr. Muhs presented this item and responded to questions from the Board

Mayor Chaussee called for public comment on this item; Lowry Moyer and Lisa Chollet made public comment.

Mayor Chaussee called for additional deliberations from the Board. The Board further discussed this item with Town Staff.

Trustee Gaiter moved to approve Resolution No. 14-2024: A Resolution of the Town of Wellington, Colorado Making Appointments to the Planning Commission and Board of Adjustment. Trustee Macdonald seconded it.

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

Nays: N/A

The motion carried unanimously, and Resolution No. 14-2024 was approved.

REPORTS

1. Town Attorney

No reports

2. Town Administrator

Ms. Garcia presented on an imminent event with Mr. Sam Light for the Board of Trustees regarding conflicts of interest within Boards.

3. Staff Communications

- a. January 2024 Report of Bills
- b. January 2024 Treasurer's Report

4. Board Reports

Members of the Board presented reports and the Board discussed the reports.

Mayor Pro Tem Macdonald resigned her position as a Trustee on the Town's Board of Trustees.

G. **ADJOURN**

Mayor Chaussee called for a motion to adjourn. With a motion duly noted and seconded, and with unanimous consent, Mayor Chaussee adjourned the meeting at 8:00 p.m.

Ethan Muhs, Town Clerk

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.

Board of Trustees Meeting

Date: April 9, 2024

Subject: Resolution No. 15-2024 Waiving Land Use Application Fees for a Hardship

- **Presentation: Cody Bird, Director of Planning**

EXECUTIVE SUMMARY

An owner of property in Town has submitted an application for review that has an associated fee for processing the application. The applicant has also demonstrated a need for consideration of waiving the application fee based on hardship. Town staff supports the request for a fee waiver; however, the Town does not currently have a procedure for waiving fees established by the Board of Trustees. Town staff is seeking approval by the Board to waive the fee for this particular request to meet the timing needs of the applicant. Town staff also recommends that additional policy considerations for a fee waiver procedure be reviewed in the future, including evaluation criteria for such requests, and consider adopting provisions to allow administrative review and approval of fee waiver requests when the criteria are satisfied.

BACKGROUND / DISCUSSION

When an owner or applicant is seeking a waiver of fees due to hardship, the circumstances of the individual's personal situation should not be made a public matter. For this reason, personal identifying information and specifics of the individual's needs are not included.

The owner in this particular request is seeking waiver of a \$500.00 application fee for a nonconforming use review. The owner has provided sufficient information to Town staff to consider the nature of the hardship claimed by the applicant. In evaluating this request for fee waiver, Town staff evaluated the particular circumstances of the application, the timeliness of the process, the hardship to the applicant, the income or assets of the applicant relative to the necessity of the application and fee, the undue burden upon the applicant to pay the fee, and other similar criteria.

Staff determined that:

1. The requested nonconforming use review is for an established residential use.
2. The requested relief relates to the owner's ability to continue residing on the property.
3. Income or assets of the applicant are disproportionate to the fee amount relative to the necessity of the application.
4. Payment of the requisite fee would create a genuine hardship for the applicant.

Based upon the above determinations, staff recommends waiving the \$500.00 application fee.

Other similar situations that warrant special consideration will inevitably come about in the future. While staff does not typically recommend fee waivers, some situations do necessitate reasonable accommodations. Staff supports and recommends establishment of a process and criteria for an administrative review of such circumstances. A policy similar to the Hardship Utility Grant (HUG) for utility bill payments is worthy of



consideration in other types of applications as well. If the Board is in favor of such a policy consideration, Town staff could prepare additional policy recommendations to bring to the Board at a future meeting.

CONNECTION WITH ADOPTED MASTER PLANS

Strategic Plan Goal - Fiscal Responsibility - "[...] prioritize affordability for residents [...]"

FISCAL IMPLICATIONS

Staff time and resources are required for review and processing of applications. The application fees established by the Board of Trustees for land use applications are based on a cost recovery methodology - based upon the actual hard costs incurred and the amount of staff hours required on average to process a particular type of application request. If a fee is waived, the Town would still incur the costs and time associated with processing the request. Town staff would not typically recommend waiving or reducing fees for most applications. In limited circumstances when a need for a fee waiver or reduction is demonstrated and established criteria are satisfied, it is reasonable for the fees to be waived or reduced.

In the particular circumstance being presented, the application fee is five-hundred dollars (\$500.00). The \$500.00 application fee in this instance is not an amount that would significantly impact the Town's finances or the resources required to process the application.

STAFF RECOMMENDATION

Town staff have identified the below motion options for Board of Trustees consideration:

1. Move to approve Resolution No. 15-2024 approving a request to waive the land use application fee for property described as Lots 21 and 24, Block 2, Amended Subdivision of Tract 28, Wellington Place, along with a portion of vacated alley, Town of Wellington, County of Larimer, State of Colorado.
2. Move to approve Resolution No. 15-2024 approving a request to waive the land use application fee for property described as Lots 21 and 24, Block 2, Amended Subdivision of Tract 28, Wellington Place, along with a portion of vacated alley, Town of Wellington, County of Larimer, State of Colorado with modifications as identified by the Board of Trustees.
3. Move to postpone Resolution No. 15-2024 to a later date.
4. Move to deny Resolution No. 15-2024.

ATTACHMENTS

1. Resolution No. 15-2024 Approving a Fee Waiver Request

TOWN OF WELLINGTON

RESOLUTION NO. 15-2024

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO APPROVING A REQUEST TO WAIVE A LAND USE APPLICATION FEE FOR RESIDENTIAL PROPERTY LOCATED WITHIN THE TOWN OF WELLINGTON

WHEREAS, the Town of Wellington received an application for a nonconforming use review for a residential use on property described as:

Lot 21 and 24, Block 2, Amended Subdivision of Tract 28, Wellington Place, along with a portion of vacated alley, Town of Wellington, County of Larimer, State of Colorado

; and

WHEREAS, the Town has adopted a land use application fee for nonconforming use review of five-hundred dollars (\$500.00); and

WHEREAS, the owner of the property has requested the Town waive the application fee based on hardship; and

WHEREAS, the owner has disclosed and explained the nature of their hardship to Town staff and Town staff has evaluated the particular circumstances of the request and determined:

- A. The requested nonconforming use review is for an established residential use.
- B. The requested relief relates to the owner's ability to continue residing on the property.
- C. Income or assets of the applicant are disproportionate to the fee amount relative to the necessity of the application.
- D. Payment of the requisite fee would create a genuine hardship for the applicant.

; and

WHEREAS, Town staff supports and recommends the land use application fee waiver based on the hardship.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Town of Wellington, Colorado, as follows:

1. The five-hundred dollar (\$500.00) land use application fee for nonconforming use review for the above described property is hereby waived.
2. The waiver of the land use application fee is a one-time waiver, is not transferrable, and has no monetary value.
3. The waiver of the fee shall not be considered as an endorsement of the nonconforming use or any application by the Board of Trustees and shall not be a consideration by Town staff or any applicable reviewing entity in the processing of applications.

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted this 9th day of April, 2024.

TOWN OF WELLINGTON

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

Board of Trustees Meeting

Date: April 9, 2024

Subject: Resolution No. 16-2024: A Resolution of the Town of Wellington Considering a Contract For Design and Construction Management Services

- **Presentation:** Alex Evonitz, Civil Engineer III

EXECUTIVE SUMMARY

A contract for design and construction management services is being presented to the Board of Trustees for award to JUB Engineers Inc. This contract will start the design process for Cleveland Avenue Improvements, including drainage, pedestrian safety, sidewalk and ADA improvements, bringing that infrastructure into compliance with current state and federal standards.

BACKGROUND / DISCUSSION

Introduction and Background

The Cleveland Avenue corridor in the downtown area, commonly referred to as Main Street, needs significant street, drainage, pedestrian, and safety improvements. The goal of this project is to provide those infrastructure improvements. Additionally, the project is expected to include sidewalk, accessibility, landscaping, irrigation and various other miscellaneous improvements. It is anticipated that a construction contract will be awarded in late 2024 or early 2025. The construction project will be primarily funded through previously awarded grants totaling \$4,476,822.00. Those funds are provided through three different grant programs administered by the Colorado Department of Transportation (CDOT). State funds will be used in combination with federal funds, reducing the Town matching requirement to only \$32,276.00.

On July 27, 2023, the Board of Trustees approved an Intergovernmental Agreement (IGA) with CDOT, which sets forth the various requirements related to the grant funding. The IGA is a large document and is not included here, but can be reviewed at the following link: [Link to the Cleveland Avenue IGA.](#)

On September 26, 2023, the Board of Trustees awarded a contract to procure boundary and topographic survey mapping of the project area. That survey is complete and was provided to prospective design firms during the procurement process described below.

Current Action

A Request for Proposals (RFP) for design and construction phase services was published on Bidnet, resulting in six responses. These were evaluated by staff and three firms were invited to in-person interviews, resulting in the selection of J-U-B Engineers Inc., (JUB). The JUB team showed the best qualifications and understanding of the project, and provided a cost-competitive proposal. Staff entered into contract negotiations with JUB, resulting in the attached proposed design and construction management services contract.

CONNECTION WITH ADOPTED MASTER PLANS

This action supports the following Town of Wellington Strategic Plan Goals:

1. Fiscal Responsibility - Ensure financial viability of town infrastructure and services.
2. Fiscal Responsibility - Retain, attract, and improve access for businesses to promote the local economy.
3. Fiscal Responsibility - Pursue funding sources for the positive direction of the community.
4. Infrastructure - Develop partnerships and enhance focus on transportation solutions, such as bridge, sidewalk, and accessibility improvements.



5. Infrastructure - Analyze and pursue stormwater solutions.

This action also supports several of the community themes of the Town of Wellington Comprehensive Plan.

1. Community Cohesion.
2. Vibrant & Historic Downtown.
3. Thriving Economy.

FISCAL IMPLICATIONS

Funding for the project is provided in the approved 2024 Town of Wellington Fiscal Budget:

1. 2024 - G/L 211-80-5022 (Street Fund), Cleveland Avenue Improvements - \$1,174,000.

STAFF RECOMMENDATION

The staff has identified the following options for the Trustee's consideration:

1. Approve Resolution No. 16-2024.
2. Postpone consideration of Resolution No. 16-2024 to a specific date and time and provide staff direction regarding additional information or amendments.
3. Deny Resolution No. 16-2024.

ATTACHMENTS

1. Reso 16-2024 Cleveland Ave Grant Contract
2. 4-2-24 RMS Combined Contract Doc

TOWN OF WELLINGTON
RESOLUTION NO. 16-2024

A RESOLUTION OF THE TOWN OF WELLINGTON, COLORADO CONSIDERING A
CONTRACT FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES

WHEREAS, the Town of Wellington desires to pursue an improvement project for Cleveland Avenue in accordance with the Town’s Strategic Plan; and

WHEREAS, a contract for design and construction management services is required to pursue the project; and

WHEREAS, the Town of Wellington’s staff have conducted an appropriate selection process to identify a qualified firm to provide the required services, and

WHEREAS, the Town of Wellington’s approved 2024 budget includes suitable appropriation for the cost of the design and construction management services contract; and

WHEREAS, town staff have secured multiple grants for the project.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, LARIMER COUNTY, COLORADO.

The Board of Trustees hereby approves the execution of the Contract Agreement with J-U-B Engineers, Inc.

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted this 9th day of April 2024.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk



TOWN OF WELLINGTON
8225 3RD STREET
WELLINGTON, CO 80549
PUBLIC WORKS (970) 568-0447
TOWN HALL (970) 568-3381

**Cleveland Avenue Improvements
Design Services J-U-B Engineers Inc.**

CONTRACTOR CONTRACT FOR SERVICES, GL No. 211- 80 - 5022

Parties: The parties to this Contract are the Town of Wellington, 8225 Third Street, Wellington, Colorado 80549 (Town) and J-U-B Engineers Inc. (JUB), 2809 E. Harmony Rd., #300, FT. Collins, Colorado, 80528 (Contractor).

Purpose of Contract: The purpose of this Contract is for the Town of Wellington to retain the services of the Contractor to render certain technical or professional services hereinafter described.

Term of Contract and Required Approvals: This Contract is effective when all parties have executed it (Effective Date). The term of the Contract is from the Effective Date through December 31, 2026. All services shall be completed during this term.

If the Contractor has been delayed and as a result will be unable to complete performance fully and satisfactorily within this Contract period, the Contractor may be granted an extension of time upon submission of evidence of the causes of delay satisfactory to the Town.

Responsibilities of the Contractor:

Scope of Services: The Contractor shall perform the specific services required under this Contract in a satisfactory and proper manner as outlined in Attachments A and B.

The Contractor shall perform the specific services required under this Contract in a satisfactory and proper manner as outlined in Attachment A. The standard of care for the Contractor under this Contract will be the care and skill ordinarily used by members of the Contractor's profession providing similar services for projects of similar size, location, scope, and complexity to this project.

Personnel: All services required hereunder will be performed by the Contractor or under its supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized, licensed, or permitted under state law to perform such services if state law requires such authorization, license, or permit.

Records Administration: The Contractor shall maintain or supervise the maintenance of all records necessary to properly account for the payments made to the Contractor for costs authorized by this Contract. The Contractor shall be responsible and responsive to the Town in its requests and requirements related to the scope of this Contract. The Contractor shall select and analyze all data in a systematic and meaningful manner to contribute directly in meeting the objectives of the project and shall present this information clearly and concisely in a professional and workmanlike manner.

Reports, Maps, Plans, Models and Documents: A minimum of one (1) copy of maps, plans, worksheets, logs, field notes or other documents prepared under this Contract as relevant to this project shall be submitted to the Town. The Consultant will also submit any computer program or spreadsheet developed as a part of this project. Digital media shall be labeled to provide sufficient detail to access the information on the media. Any user manuals shall be submitted to the Town with complete documentation of computer programs developed under this Contract. The user manual shall also specify the source code language and the type of computer equipment necessary to operate the program(s).

Subcontracts:

(i) Approval Required for Subcontracts: Any subcontractors required by the Contractor in connection with the services, work performed or rendered under this Contract will be limited to such individuals or firms as were specifically identified in the proposal and agreed to during negotiations or are specifically authorized by the Town during the performance of this Contract. During the performance of the Contract, substitutions in or additions to such subcontracts will be subject to the prior approval by the Town. The Contractor shall be responsible for the actions of the subcontractors.

(ii) Billing for Subcontracts: Billings for subcontractor services shall not include any mark up. The subcontract costs will be billed to the Town at the actual costs as billed to the Contractor. Subcontract costs shall be documented by attaching subcontractor billings to the Contractor's billing submittals.

Responsibilities of the Town:

Data to be Furnished: All existing information, data, drawings, manuals, reports, maps, etc. as are available to the Town and necessary for the carrying out of the scope of services shall be furnished to the Contractor without charge, and the Town shall cooperate with the Contractor in the carrying out of the project.

Report Reviews and Criteria: The Town shall examine all submittals, sketches, drawings, opinions of costs, studies, reports, and other documents presented by the Contractor and shall promptly render the Town's decisions pertaining thereto. The Town shall provide all criteria and full information regarding its requirements for the project.

General Provisions:

Amendments: Any changes, modifications, revisions, or amendments to this Contract which are mutually agreed upon by the parties to this Contract shall be incorporated by written instrument executed by all parties to this Contract.

Assignment Prohibited and Contract Shall Not Be Used as Collateral: Neither party shall assign or otherwise transfer any of the rights or delegate any of the duties set out in this Contract without the prior written consent of the other party. The Contractor shall not use this Contract, or any portion thereof, for collateral for any financial obligation.

Audit and Access to Records: The Town shall have access to any books, documents, papers, electronic data, and records of the Contractor which are pertinent to this Contract. The Contractor shall immediately, upon receiving written instruction from the Town, provide to any independent auditor or accountant all books, documents, papers, electronic data, and records of the Contractor which are pertinent to this Contract. This paragraph shall only extend to work performed on a unit price, fee adjustment, cost plus, or time and material basis, and then only to verify costs.

Authority: Provisions of this Contract are pursuant to the authority set forth in the Town of Wellington Municipal Code. Mandatory applicable state, federal and Colorado Department of Transportation (CDOT) regulations also apply.

Compliance with Laws: The Contractor shall keep informed of and comply with all applicable federal, state, and local laws and regulations in the performance of this Contract.

Confidentiality: Each party shall retain as confidential all information and data furnished to it by the other party which are designated in writing by such other party as confidential at the time of transmission and are obtained or acquired by the receiving party in connection with this Contract and said parties shall not reveal such information to any third party. However, nothing herein is meant to preclude either disclosing and/or otherwise using confidential information (i) when the confidential information is actually known to the receiving party before being obtained or derived from the transmitting party; or (ii) when confidential information is generally available to the public without the receiving party's fault at any time before or after it is acquired from the transmitting party; or (iii) where the confidential information is obtained or acquired in good faith at any time by the receiving party from a third party who has the same in good faith and who is not under any obligation to the transmitting party in respect thereof; or (iv) is required by law or court order to be disclosed.

Conflicts of Interest: The Contractor stipulates that none of its officers or employees are officers or employees of the Town of Wellington unless disclosure has been made in accordance with Town ordinances and policies. Furthermore, the Contractor certifies that it has not offered or given any gift or compensation prohibited by local, state, or federal law, to any officer or employee of the Town of Wellington to secure favorable treatment with respect to being awarded this contract. The Contractor shall not engage in providing consultation or representation of clients, agencies or firms which may constitute a conflict of interest which results in a disadvantage to the Town or a disclosure which would adversely affect the interests of the Town. The Contractor shall notify the Town of any potential or actual conflicts of interest arising during this Contract. This Contract may be terminated in the event a conflict of interest arises. Termination of the Contract will be subject to a mutual settlement of accounts. In the event the contract is terminated under this provision, the Contractor shall take steps to ensure that the file, evidence, evaluation and data are provided to the Town or its designee. This does not prohibit or affect the Contractor's ability to engage in consultations, evaluations or representation under agreement with other agencies, firms, facilities, or attorneys so long as no conflict exists. A conflict of interest warranting termination of this Contract may include, but is not necessarily limited to, acting on behalf of a client in an adversarial proceeding against the Town or initiating suits in equity including injunctions, declaratory judgments, writs of prohibition, or quo warranto.

Contract Jurisdiction, Choice of Law, and Venue: The provisions of the contract shall be governed by the laws of the State of Colorado. The parties will submit to the jurisdiction of the courts of the State of Colorado. Venue shall be Larimer County, Colorado.

Contract Renegotiation, Modifications and Award of Related Contracts: This Contract may be amended, modified, or supplemented only by written amendment to the Contract, executed by the parties hereto, and attached to the original signed copy of the Contract. The Town may undertake or award supplemental or successor contracts for work related to this Contract or may award contracts to other contractors for work related to this Contract. The Contractor shall cooperate fully with other contractors and the Town in all such cases. The Town, at its sole discretion and through duly authorized contract amendments, may request the Contractor to complete additional phases beyond the scope of services included in this Contract.

Disbarment: The Contractor certifies that neither it nor its principals are presently disbarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction (Contract) by any governmental department or agency. If the Contractor cannot certify this statement, a written explanation for review by the Town shall be provided.

Entirety of Contract: This Contract, consisting of seven (7) pages inclusive of Attachment A, represents the entire and integrated Contract between the parties and supersedes all prior negotiations, representations, and agreements, whether written or oral. In the

event of a conflict or inconsistency between the language of this Contract and the language of any attachment or document incorporated by reference, the language of this Contract shall control.

Equal Opportunity Clause: The Contractor agrees to abide by the provisions under Title VI and VII of the Civil Rights Act of 1964 (42USC 2000e) which prohibits discrimination against any employee or applicant for employment or any applicant or recipient of services, on a basis of race, religion, color, or national origin. This includes abiding to Executive Order 11246 which prohibits discrimination on the basis of sex, and 45 CFR which prohibits discrimination on the basis of age, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of a disability.

Force Majeure: Neither party shall be liable for failure to perform under this Contract if such failure to perform arises out of causes beyond the control and without the fault or negligence of the nonperforming party. Such causes may include, but are not limited to, acts of God or the public enemy, fires, floods, epidemics, quarantine restrictions, freight embargoes, and unusually severe weather. This provision shall become effective only if the party failing to perform immediately notifies the other party of the extent and nature of the problem, limits delay in performance to that required by the event and takes all reasonable steps to minimize delays.

Indemnification: The Contractor agrees to indemnify, save harmless, and release the Town of Wellington and all of its officers, agents, volunteers, and employees from and against any and all loss, damage, injury, liability, suits, and proceedings arising out of the performance of this contract to the extent caused by the negligence of the Contractor's officers, agents, volunteers, or employees, but not for claims from the Town's negligence.

Independent Contractor: The Contractor shall function as an independent contractor for the purposes of this Contract and shall not be considered an employee of the Town for any purpose and as such, have no authorization, express or implied to by the Town of Wellington, to any agreements, settlements, liability or understanding whatsoever, and agrees not to perform any acts as an agent for the Town except as expressly set forth herein. The Contractor shall be responsible for the payment of all income tax and social security amounts due because of payments received from the Town. Persons employed by the Town and acting under the direction of the Town shall not be deemed to be employees or agents of the Contractor. Nothing in this Contract shall be interpreted as authorizing the Contractor or its agents or employees to act as an agent or representative or to incur any obligation of any kind for or on behalf of the Town. The Contractor agrees that no health or hospitalization benefits, workers' compensation, unemployment insurance, or similar benefits available to Town employees will inure to the benefit of the Contractor or the Contractor's agents or employees because of this Contract.

Insurance Coverage: The Contractor shall not commence work under this Contract until it has obtained all the insurance required by the Town. The Contractor shall obtain and maintain the following insurance in accordance with the Insurance Requirements set forth below as shall provide the Town with proofs of these insurance upon request:

(i) **Automobile Liability Insurance:** The Contractor shall maintain automobile liability insurance covering any auto (including owned, hired, and non-owned) with minimum limits of \$1,000,000 each accident combined single limit.

(ii) **Commercial, General Liability Insurance:** The Contractor shall maintain commercial general liability insurance (CGL) coverage, occurrence form, covering liability claims for bodily injury and property damage arising out of premises, operations, products and completed operations, and personal and advertising injury, with minimum limits as stated below. The CGL policy shall include coverage for Explosion, Collapse and Underground property damage. This coverage may not be excluded by endorsement.

- (a) \$1,000,000 for each occurrence.
- (b) \$1,000,000 personal injury and advertising injury.
- (c) \$2,000,000 general aggregate; and
- (d) \$2,000,000 products and completed operations.

(iii) **Professional Liability or Errors and Omissions Liability Insurance:** The Contractor shall maintain professional liability insurance or errors and omissions liability insurance protecting against claims arising from the Contractor's negligent acts, errors, omissions, or mistakes in the performance of professional duties under this Contract, with minimum limits as stated below.

- (a) \$1,000,000 each claim; and
- (b) \$2,000,000 general aggregate.

(iv) **Unemployment Insurance:** The Contractor shall be duly registered with the Colorado Department of Labor and Employment and obtain such unemployment insurance coverage as required.

(v) **Workers' Compensation and Employer's Liability Insurance:** Employees hired in Colorado to perform work under this Contract shall be covered by workers' compensation coverage per the Colorado Department of Labor and Employment's Workers' Compensation program as statutorily required. Employees brought into Colorado from Contractor's home state to perform work under this Contract shall be covered by workers' compensation coverage obtained through the same or other state or private workers' compensation insurance approved by the Colorado Department of Labor and Employment as statutorily required.

Insurance Requirements:

- (i) During the term of this Contract, the Contractor shall obtain and maintain, and ensure that each subcontractor obtains and maintains, each type of insurance coverage specified in Insurance Coverage above.
- (ii) All policies shall be primary over any insurance or self-insurance program carried out by the Contractor or the Town. All policies shall include clauses stating that each insurance carrier shall waive all rights of recovery under subrogation or otherwise against the Contractor or the Town, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

- (iii) The Contractor shall provide Certificates of Insurance to the Town, verifying each type of coverage required herein.
- (iv) All policies shall be endorsed to provide at least thirty (30) days advance written notice of cancellation to the Town. A copy of the policy endorsement shall be provided with the Certificate of Insurance.
- (v) In case of a breach of any provision relating to Insurance Requirements or Insurance Coverage, the Town may, at the Town's option, obtain and maintain, at the expense of the Contractor, such insurance in the name of the Contractor, or subcontractor, as the Town may deem proper and may deduct the cost of obtaining and maintaining such insurance from any sums which may be due or become due to the Contractor under this Contract.
- (vi) All policies required by this Contract shall be issued by an insurance company with an A.M. Best rating of A- VIII or better.
- (vii) The Town reserves the right to reject any policy issued by an insurance company that does not meet these requirements.

Limitation of Liability: Excluding the Contractor's liability for bodily injury or damage to the property of third parties, the total aggregate liability of the Contractor arising out of the performance or breach of this Contract shall not exceed the compensation paid to the Contractor under this Contract. Notwithstanding any other provision of this Contract, the Contractor shall have no liability to the Town for contingent, consequential, or other indirect damages including, without limitation, damages for loss of use, revenue or profit; operating costs and facility downtime, however the same may be caused. The limitations and exclusions of liability set forth in this Article shall apply regardless of the fault, breach of contract, tort (including negligence), strict liability or otherwise of the Contractor, its employees, or subcontractors.

Notice of Sale or Transfer: The Contractor shall provide the Town with notice of any sale, transfer, merger, or consolidation of the assets of the Contractor. Such notice shall be provided in accordance with the notices provision of this Contract and, when possible and lawful, in advance of the transaction. If the Town determines that the sale, transfer, merger, or consolidation is not consistent with the continued satisfactory performance of the Contractor's obligations under this Contract, then the Town may, at its discretion, terminate or renegotiate the Contract.

Ownership of Documents and Information: The Town owns all equipment, instruments, documents, data compilations, reports, computer programs, photographs, drawings, data, and other work provided, produced, procured or installed ("Work Product") by the Contractor in the performance of this Contract. Upon termination of services for any reason and payment to Contractor, the Contractor agrees to return all such original and derivative information and documents to the Town in a useable format.

Patent or Copyright Protection: The Contractor recognizes that certain proprietary matters or techniques may be subject to patent, trademark, copyright, license or other similar restrictions, and warrants that no work performed by the Contractor, or its subcontractors will violate any such restriction. The Contractor shall defend and indemnify the Town for any infringement or alleged infringement of such patent, trademark, copyright, license, or other restrictions.

Severability: A declaration by any court or any other binding legal source that any provision of this contract is illegal, and void shall not affect the legality and enforceability of any provision of this contract unless the provisions are mutually dependent.

Taxes: The Contractor shall pay all taxes and other such amounts required by federal, state and local law, including, but not limited to, federal and social security taxes, workers' compensation, unemployment insurance, and sales taxes.

Termination of Contract: This Contract may be terminated with cause by either party in advance of the specified termination date upon written notice being provided by the other party. Unless the Town determines a default is not remediable, there have been prior violations with notice, or a default is determined to be detrimental to public safety, the party in violation will be given thirty (30) working days after notification to correct and cease the violations after which the Contract may be terminated for cause. This Contract may be terminated without cause in advance of a specified expiration date by either party upon thirty (30) days prior written notice being given by the other party.

Prohibition Against Employing Illegal Aliens: This paragraph shall apply to all Contractors whose performance of work under this Contract does not involve the delivery of a specific end product other than reports that are merely incidental to the performance of said work. Pursuant to Section 8-17.5-101, C.R.S., et. seq., Contractor represents and agrees that:

- (i) As of the date of this Contract:
 - (a) Contractor does not knowingly employ or contract with an illegal alien; and
 - (b) Contractor has participated or attempted to participate in the basic pilot employment verification program created in Public Law 208, 104th Congress, as amended, and expanded in Public Law 156, 108th Congress, as amended, administered by the United States Department of Homeland Security (the "Basic Pilot Program") in order to confirm the employment eligibility of all newly hired employees.
- (ii) Contractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract or knowingly enter into a contract with a subcontractor that knowingly employs or contracts with an illegal alien to perform work under this Contract.
- (iii) Contractor shall continue to apply to participate in the Basic Pilot Program and shall in writing verify same every three (3) calendar months thereafter, until Contractor is accepted or the public contract for services has been completed, whichever is earlier. The requirements of this section shall not be required or effective if the Basic Pilot Program is discontinued.
- (iv) Contractor is prohibited from using Basic Pilot Program procedures to undertake pre-employment screening of job applicants while this Contract is being performed.
- (v) If Contractor obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts

with an illegal alien, Contractor shall:

(a) Notify such subcontractor and the Town within three days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

(b) Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this section the subcontractor does not cease employing or contracting with the illegal alien; except that Contractor shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

(vi) Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment (the "Department") made in the course of an investigation that the Department undertakes or is undertaking pursuant to the authority established in Subsection 8-17.5-102 (5), C.R.S.

(vii) If Contractor violates a provision of this Contract pertaining to the duties imposed by Subsection 8-17.5-102, C.R.S. the Town may terminate this Contract. If this Contract is so terminated, Contractor shall be liable for actual and consequential damages to the Town arising out of Contractor's violation of Subsection 8-17.5-102, C.R.S.

(viii) The Town will notify the Office of the Secretary of State if the Contractor violates this provision of this Contract and the Town terminates the Contract for such breach.

Project Requirements:

Project Access: The Contractor shall be responsible for obtaining access as required for project tasks.

Stand-By Time: The Town will not reimburse the Contractor for stand-by time charges for the Contractor's supervisory personnel.

Waiver of Damages: Neither Party shall be liable to the other for any indirect, special, punitive, exemplary or consequential damages including, but not limited to, damages for lost production, lost revenue, lost product, lost profits, or lost business or business interruptions, from any cause whatsoever.

Standard of Performance: The quality of Contractor's services shall be judged solely as to whether Contractor performed its services consistent with the professional skill and care ordinarily provided by firms practicing in the same or similar locality under the same or similar circumstances.

Payment and Billing:

Reimbursement of Expenses: Subject to annual appropriation by the Town Board, the Town agrees to pay the Contractor an amount equal to the price shown in Attachment A for the services described in Attachment A and incorporated by reference as part of this Contract. Payment shall be made directly to the Contractor. Total payment under this Contract shall not exceed eight hundred ninety-eight thousand nine hundred and fourteen dollars (\$ 898,914.00).

Project Budget: ***THIS SECTION IS OPTIONAL.*** The anticipated project budget for the task(s) included in Attachment A is as stated below. The amounts shown for each task are not to be exceeded unless authorized by the Town. The Contract total amount is controlling.

TASK		Estimated Cost	
Task 1	Project Management.....	\$	33,434.00
Task 2	Data Collection.....	\$	55,164.00
Task 3	Environmental.....	\$	18,906.00
Task 4	Preliminary Design (30%)	\$	160,563.00
Task 5	Final Design (60% to 90%).....	\$	190,526.00
Task 6	Accepted Design with Construction Document's.....	\$	<u>26,374.00</u>
		BASE DESIGN COST	\$ 485,000.00
Additional Items if Needed			
Task 7	Engineering Support During Construction.....	\$	146,025.00
Task 8	Construction Management Optional Services.....	\$	222,922.00
Task 9	Design Services Contingency Allowance.....	\$	<u>45,000.00</u>

Total Project Design & Construction Management Cost **\$ 898,914.00**

Billing Statements: Billing statements shall be submitted no more often than monthly, on or before the 10th calendar day of each billing month, for activities and costs accrued since the last billing report and shall be made on forms approved by the Town. Each billing statement must include justification of the cost items contained in the billing statement. Billing statements shall be transmitted electronically to the Town's Project Manager: Alex Evonitz, evonitzal@wellingtoncolorado.gov

Monthly Progress Reports: The Contractor shall submit a brief monthly progress report outlining the project status, progress, and

activities within the billing period, regardless of whether a billing statement is submitted, on or before the 10th calendar day of each month. The monthly progress report may be used as the justification for the billing statement if all cost items covered in the billing statement are addressed in the progress report. Monthly progress reports shall be transmitted electronically to the Town's Project Manager, Alex Evonitz. evonitzal@wellingtoncolorado.gov

Payment Procedures: The Town shall pay the Contractor upon receipt of billing statements as the services are performed for the task(s) outlined in Attachment A. The Town will initiate the payment process upon the receipt of a verified statement of services, and payment shall be made within forty-five (45) days following receipt of the billing.

Money Withheld: If the Town has reasonable grounds to believe that the Contractor will be unable to perform this Contract fully and satisfactorily within the time fixed for performance, then the Town may withhold payment of such portion of any amount otherwise due and payable to the Contractor reasonably deemed appropriate. These amounts may be withheld until the cause for the withholding is cured to the Town's satisfaction or this Contract is terminated per the General Provisions above. No interest shall be payable by the Town on any amounts withheld under this provision.

Withholding of Payment: If a work element has not been received by the Town by the dates established in Attachment A, the Town may withhold all payments beginning with the month following that date until such deficiency has been corrected.

Final Payment: The final payment shall be made upon acceptance of the final work product and receipt of the final billing.

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Signatures:

The parties to this Contract, either personally or through their duly authorized representatives, have executed this Contract on the dates set out below and certify that they have read, understood, and agreed to the terms and conditions of this Contract. The Effective Date of this Contract is the date of the signature last affixed to this page.

TOWN OF WELLINGTON

Signature

Date

Printed Name

Title

Primary Contact Printed Name

Contact Info. (email, phone, etc.)

Witness Signature (if required)

Date

Printed Name

Title

CONTRACTOR NAME

Signature

Date

Printed Name

Title

Primary Contact Printed Name

Contact Info. (email, phone, etc.)

Witness Signature (if required)

Date

Printed Name

Title

Scope of Services:

The Town accepts the scope of services and fees as defined within the Consultant's proposal attached to this Contract with the exception and further stipulation of the following terms: Additional Service Requests may be added at any time during the term of this Contract.

Attachments

- A. Scope of Service
- B. Design Cost Spreadsheet

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Attachment A - Scope of Services

**J-U-B Engineers, Inc.
AGREEMENT FOR PROFESSIONAL SERVICES
FOR
Cleveland Ave Revitalization Project
Town of Wellington Colorado**

**Scope of Services, Schedule, and Basis of Fee
March 2024**

PROJECT UNDERSTANDING

Main Street is the heart of downtown Wellington, that connects I-25 to the western limits of the town. The town has obtained several grants to aid in funding this project. Most of these grants have been awarded to revitalize a portion of Main St between 1st Street and 6th Street. As part of this effort, the town is looking to reduce flooding, increase parking, improve safety for pedestrians and cyclists through the corridor. Currently Cleveland Ave is a two-lane road with turn lanes at the intersection without a bike lane and parallel parking near the curb. The goal of this project involves new sidewalk, curb, gutter, sidewalk with the reconfiguration of parking along many sections of the proposed road. All the proposed improvements are consistent with the approved community Comprehensive Plan from November 2020. Also, it is anticipated that this project will meet the design criteria of the Colorado Department of Transportation and the Federal reporting to assure reimbursement of grant funding. There is also a significant amount of drainage improvements planned for Cleveland Ave along with a new outfall that will be built down 5th St within the right-of-way (ROW) and then outfall to Coal Creek which is consistent with the Town of Wellington stormwater masterplan. Safety improvements are also planned at various locations near the downtown area to utilize HSIP grant funding awarded to the Town.

The Town has selected J-U-B Engineers Inc. (JUB) to provide the Town with conceptual, preliminary engineering design services (30% design – FIR), final engineering design (90% design-FOR), construction documents and support during construction. The scope of work consists of defining project footprint, roadway design, environmental services, geotechnical services, survey and base mapping confirmation, traffic analysis, drainage design, floodplain analysis, SUE investigations, and construction phasing. Additional items are added such as construction management, ROW acquisitions services and a contingency that will be made available as the Town approves additional tasks. The following scope of work correlates to the fee spreadsheet and provides an explanation of each proposed task.

PROJECT STANDARDS, GUIDELINES AND SPECIFICATIONS:

The following is a list of technical references applicable to the work and are the basis for design criteria, details and specifications for the project. The Consultant will be responsible for complying with the current editions of the listed reference documents as of the Notice to Proceed date. The Consultant should anticipate regular updates to the reference documents over the course of the design schedule. Major design revisions due to newly issued design guide revisions will

be reviewed and approved by the County's project manager as additional work.

- AASHTO Roadside Design Guide ("Green Book")
- Manual on Uniform Traffic Control Devices (MUTCD)
- Public Right-of-Way Accessibility Guidelines (PROWAG)

- Town of Wellington Standard Design Criteria and Standard Construction Requirements
- CDOT Standard Specifications for Road and Bridge Construction
- CDOT M & S Standard Plans

PART 1 – SCOPE OF SERVICES (through Construction Drawings)

- A. **Basic Services** – J-U-B's Basic Services under this Agreement are limited to the following tasks. CLIENT reserves the right to add subsequent phases or related work to the scope of services upon mutual agreement of scope, fees, and schedule. The following abbreviations are used in this scope:

J-U-B – J-U-B Engineers, Inc.

Town – Town of Wellington

ICON – Icon Engineering

Kellar – Kellar Engineering

EEC – Earth Engineering Consultants

Ayres – Ayres Associates

King – King Surveyors

WS – Western States Land Services

Centennial – Centennial Archeology

TASK 1 - PROJECT MANAGEMENT

<i>Scope Task</i>	<i>Scope of Services</i>	<i>Deliverables</i>
1.	General Project Management and Administration	
	This item includes general coordination efforts by J-U-B's project manager. Scheduling and resource loading are included in this item. Coordination with sub-consultants is included in this task. Coordination with other stakeholders will be included in this item. This is for management and admin support from March to September 2024	N/A
2.	Kickoff Meeting	
	The kick-off meeting will be attended by the following J-U-B team members: project manager, environmental lead, and a project engineer. In addition, it is anticipated that sub-consultant team lead for ICON will attend the kick-off meeting. J-U-B will prepare an agenda and meeting minutes.	Meeting Agenda & Minutes
3.	Periodic Progress Meetings	
	Periodic progress meetings will be attended by the J-U-B project manager and/or project engineer and other key staff members as needed. These meetings may be a combination of phone conference meetings or in-person meetings, as requested by the Town of Wellington. It is anticipated that meetings will be held bi-weekly. Subconsultants will attend as required. J-U-B will prepare an agenda and meeting minutes. Meetings are planned to be virtual unless in person is needed. Meetings are assumed to be held biweekly from March to September with 2 hours each meeting for prep and attendance.	Meeting Agenda & Minutes
4.	Design Meetings (Conceptual, BOT, Preliminary, Final, Advertisement)	

	J-U-B's project manager and project engineer will attend design meetings at each milestone, which is assumed to be at the conceptual, preliminary, final and advertisement phases. Two Board of Trustees meetings are planned. One near the conceptual level and one between the 30% and 90% level.	Meeting Agenda & Minutes
5.	Monthly Progress Reports & Invoicing (Assuming 8)	
<i>Scope Task</i>	<i>Scope of Services</i>	<i>Deliverables</i>
	J-U-B's project manager and project accountant will prepare monthly progress reports that will be submitted with the invoice. Invoices will project role along with hours worked and a description of what has occurred.	Progress Report & Invoice

TASK 2 - DATA COLLECTION

<i>Scope Task</i>	<i>Scope of Services</i>	<i>Deliverables</i>
6.	Review & Research existing studies, reports, etc.	
	J-U-B will gather and review existing studies and reports for this corridor. In addition, our team will review any drainage reports, utility information, property information, etc. This knowledge will provide our team with an understanding of the history of the corridor. Any existing and relevant information will be extracted and used in the proposed design. Town will provide HSIP locations and scope of each location.	N/A
7.	Traffic Counts and Coordination Meetings	
	Kellar Engineering will place data collection cameras at the study intersections along Cleveland Ave at 3 rd , 4 th and 5 th St to collect AM and PM peak hour turning movement video traffic counts for all modes of transportation. No traffic data is anticipated to be collected at the HSIP locations. Kellar will confirm recommendations are in line with the CDOT access control plan <i>Refer to Kellar's scope & fee for additional information.</i>	Traffic Counts at 3 rd , 4 th and 5 th Streets.
8.	Convert Topographic Survey and Base Map (Includes locating Geotech Bore Locations)	
	Town will supply the Sanderson Stewart AutoCAD file. J-U-B will format the topographic survey into J-U-B standard line types and symbols. King will obtain Geotechnical boring locations that will be used in the report and shown in the plans <i>Refer to King's scope & fee for additional information.</i>	Topographic Survey and Base Map confirmation, Geotechnical boring locations
9.	GIS Map including Utilities and Property Owner Information	
	Gateway Mapping will prepare an interactive online map for use by the project team. This map will include existing base files, location of existing utilities, design layouts and property owner information below. In addition, they will work with the team to understand the project coordinate system to align all datasets. <i>This item requires preauthorization prior to starting this task</i>	Interactive web-based GIS Map
10.	Geotechnical Investigation and Reporting	

	Obtain or perform any required geotechnical work necessary for the design of the roadway improvements. Collect representative soil samples (six pavement related test borings) to perform laboratory testing services and provided pavement design recommendations using the CDOT AASHTOWare ME Pavement design approach. <i>Refer to EEC's scope & fee for additional information.</i>	Geotechnical Report
11.	Utility Designating - Utility Research and Surface Locates to Quality Level B (Ayres + King)	
	This task includes Ayres initiating a Colorado Subsurface utility engineering ticket of the impacted area and the research of effected utility lines. Appropriate geophysical methods will be used to determine the existing and horizontal	N/A
	position of subsurface utilities. Ayres will provide surface locations of known utilities on the ground prior to topographic and base mapping. King will pick up marked utility locates to include in the base file. This includes Quality Level B locates <i>Refer to Ayres and King's scope & fee for additional information.</i>	

TASK 3 – ENVIRONMENTAL (WITHOUT ROW)

Scope Task	Scope of Services	Deliverables
12.	Hazardous Materials Initial Site Assessment	
	J-U-B will perform an Initial Site Assessment (ISA) and provide CDOT Form 881 for the hazardous material clearance. It is possible that underground storage tanks have existed within the project site in the past considering the age of the infrastructure in the area. If hazardous material impacts are anticipated, specifications will be provided in the plans to address them.	CDOT Form 881
13.	Cultural Resources and Historic 4(f)	
	Centennial Archeology will provide cultural clearance in compliance with Section 106 of the National Historic Preservation Act. SH 1 itself is listed by CDOT as having significance within Section 106 and will require evaluation in addition to any impact through full ROW acquisition or easement of properties that are 50 years or older. Centennial's services will include developing an area of potential effects (APE), a site visit, recordation of resources, and State Historic Preservation Office (SHPO) correspondence documentation. J-U-B will provide the historic 4(f) determination.	Historic 4(f) Determination
14.	Biological Resources Site Visit	
	J-U-B will conduct a site visit to collect information for the biological resource report	N/A
15.	T&E/Wildlife/Biological Resources Clearance Report	
	We will provide the required CDOT templated Biological Resources Report that includes a summary of site conditions including T&E species, presence of noxious weeds, Waters of the U.S., and presence of MBTA protected species in the trees adjacent to the work. We do not anticipate any impacts to T&E species, Waters of the U.S., or other Colorado species of concern.	T&E/Wildlife/Biological Resources Clearance Report
16.	Plan Reviews, CDOT and Town Coordination (MS4, weeds, air, noise memos)	
	J-U-B will review SWMP plans and other plan sheets and specifications to confirm project is in compliance with MS4 requirements and other CDOT requirements.	N/A

TASK 4 – PRELIMINARY DESIGN (30% FIR PLANS)

<i>Scope Task</i>		<i>Scope of Services</i>	<i>Deliverables</i>
17.	Conceptual	Design (2 alternatives, horizontal only)	
		This task includes the creation of three concepts. One concept with full section and drainage scope <u>with ROW</u> required, One concept with as many	3 roll plots with OPCC's
<i>Scope Task</i>		<i>Scope of Services</i>	<i>Deliverables</i>
		improvements as possible without ROW, This task includes time for design, preparing a roll plot showing the proposed improvements and preparing a conceptual level opinion of probable construction cost. These costs will be broken down to each block. High level vertical information will be analyzed to verify ROW impacts	
18.	Preliminary	Drainage Design and Report	
		The preliminary drainage report will include design calculations for the proposed storm sewer system. Existing basins will be delineated. It is assumed that permanent water quality features are not required on the project, but our team will work with the county to use best practices for treating stormwater. Proposed storm sewer facilities will be illustrated on the drainage plans under task "Storm Drainage Sheets." <i>Refer to ICON's scope & fee for additional information.</i>	Preliminary Drainage Report
19.	Preliminary	Traffic Report	
		The preliminary traffic report will include existing and proposed conditions utilizing Synchro software to provide an intersection level of service (LOS) analysis of the study intersections utilizing the HCM methodology. Traffic recommendations will be provided at each of the analyzed intersections. MUTCD Pedestrian Hybrid Beacon (PHB) warrants will be performed at the study intersections for the 2029 short range analysis and the 2044 long range analysis. Signal warrant is included for 3 rd Street since LOS will fail by 2035. No HSIP locations were included. <i>Refer to Kellar's scope & fee for additional information.</i>	Preliminary Traffic Report
20.	Initial Utility	Coordination, Determine Test Hole Locations	
		After the concept plan is approved, J-U-B will reach out to impacted utility companies to start conversation on relocation process. Undergrounding Xcel power lines are preferred although keeping these lines overhead is an option if costs become an issue. Test hole locations will be identified and sent to Ayres in preparation for Quality Level A test holes. JUB will utilize the GIS map created by subsidiary company Gateway to capture utility conflict coordination efforts and resolutions. This map can be shared with the Town and the Public if desired. <i>This item requires preauthorization prior to starting this task</i>	Initial Utility Plan with Test Holes Marked, GIS Utility Map
21.	Initial Public Outreach (1st Contact with Residents and 1 - Open House) with Graphics Support		

	J-U-B will reach out to adjacent property owners to inform them of the project and get initial concerns. This will also include supporting an initial mailer to nearby residents that the Town will send out. One open house is anticipated. Project exhibits and landscape renderings are anticipated for each open house. The Town will send out project mailers to nearby residents. J-U-B will include time for the graphics group to support this effort. The GIS mapping will include property lines and owners. Discussions will be logged into GIS map. J-U-B Landscape Architect will provide a 3-D model of the preliminary site-design/concept and improvements to Cleveland Avenue for use in creation of perspective images that will provide a realistic visual representation to project stakeholders. One (1) color masterplan graphic (plan view) based on the preliminary site-design/concept for use in presenting to project stakeholders is also included. <i>This item requires preauthorization prior to starting this task</i>	GIS Map to include Property Owner Discussions, 3-D model and color masterplan graphic
22.	Submittal Plan Sheets (Includes necessary engineering design time)	
	J-U-B will develop construction plan sheets that are anticipated for this project. These plans will only depict the selected concept. At this phase the plans to be included in this submittal include Title, Gen Notes, Geometrics, Typical Sections, Summary of Quantities, Demo, Utility, Plan/Profiles, Grading, SWMP, Signing and	N/A
<i>Scope Task</i>		<i>Deliverables</i>
	Striping, Lighting, Landscape, Cross Sections and initial set of details. Excluding earthwork sheet, tabulations, detailed grading sheets and detailed traffic control sheets. As the design progresses, there may be variations to the following plan list. J-U-B will discuss any major change with the Town before developing plan sheets. The plan sheets will be developed using AutoCAD Civil 3D 2023 and will be set up at a 22"x34" format and printed at half size 11"x17". All design sheets include time to research, investigate, and apply engineering standards, guidelines, and judgement.	
23.	HSIP Plans	
	J-U-B will provide plan sheets showing proposed work at locations that are included in HSIP grant. These are assumed to be off system and be limited to 6 locations that do not require ROW or topographic survey to complete. These sites will be included in the plan set and comply with all CDOT oversight regulations	HSIP Plan Sheets
24.	Landscape Architect Support including Landscape Plans	
	J-U-B will provide a 30% Landscape Site Plan for city review and comment. Coordinate with Wellington Town staff/arborist and provide recommendations for the trees to be kept and the trees to be removed. These plans will also include identifying tree plantings, site furnishings, town street banner and other elements key to help establish a renewed identity and sense of place for the urban core of Wellington. Existing facilities will be reused when possible <i>This item requires preauthorization prior to starting this task</i>	Landscape Plans
25.	Irrigation Plans	
	J-U-B will provide a 30% Irrigation Plan for city review and comment. Coordinate with Wellington Town staff on water meter location and configuration of the irrigation lines	Irrigation Plans
26.	QA/QC, Constructability Review and Risk Register	

	Prior to the preliminary submittal J-U-B will perform a QA/QC process which includes sending drawings to other J-U-B staff members for review and comment. All comments will be reviewed by the design staff and incorporated into the plans if relevant. J-U-B Construction group will provide a constructability review. A risk register will be completed and provided to the Town	Risk Register
27.	Preliminary Specifications (Outline of specs)	
	Preliminary specifications will be provided with this submittal. It is anticipated that only the index of specifications will be provided at this stage. That will include the necessary project special provisions and standard special provisions. The specifications will follow the most current CDOT Standard Specifications for Road and Bridge Construction.	Project Specifications (Outline Only)
28.	Engineer's Opinion of Probable Construction Cost (OPCC)	
	The OPCC will include expected bid items developed during the preliminary design. Quantities will be developed from the design sheets. Items not on the tabulation sheets will be documented in a computation book. Costs will be developed from various sources including past bid tabs. The OPCC will have a contingency added at this point. The contingency will be coordinated with the Town, prior to submittal. Standard CDOT pay items will be used as a basis for the cost opinion.	OPCC
29.	Submittal Package of Complete Documents and Plans for City Review/Comment	
	This item includes preparing all design drawings, reports, and design information in preparation for submittal to the County. This will include reviewing sub-	30% Submittal
<i>Scope Task</i>	<i>Scope of Services</i>	<i>Deliverables</i>
	consultants' deliverables (i.e. specifications, cost estimates, design drawings, etc.) to ensure a cohesive and accurate submittal.	

TASK 5 – FINAL DESIGN (60% - 90% FOR PLANS)

<i>Scope Task</i>	<i>Scope of Services</i>	<i>Deliverables</i>
30.	Address 30% Comments and Provide 60% Check Set	
	J-U-B will collect 30% comments and input comments into a comment response spreadsheet. Comments will be address and a pdf check set will be created for discussion in the next progress meeting. <i>Refer to ICON's scope & fee for additional information.</i>	Comment-Response Spreadsheet, Updated Plan Set
31.	Final Drainage Design and Report	
	Comments on the preliminary drainage report will be address. Further detail will be provided in final report. A final Drainage Plan and Report will be produced. The report will include hydrologic and hydraulic calculations for the proposed stormwater flow within the project right-of-way areas and will include coordination with adjacent properties. Hydraulic information for storm networks will be included. Proposed storm sewer facilities will be illustrated on the drainage plans under task "Storm Drainage Sheets." <i>Refer to ICON's scope & fee for additional information.</i>	Final Drainage Report
32.	No-Rise Floodplain Analysis	

		This project is located within a FEMA designated floodplain. The crown of Cleveland Avenue causes water to back up, creating a floodplain upstream that ponds as far as Harrison Avenue. It will be essential to maintain the elevation along the crown of the road as much as possible to have a no adverse impact to the FEMA floodplain. By adhering to the no-rise criteria, the Town can aim at preventing adverse impacts such as increased flood risks to neighboring properties and infrastructure. <i>Refer to ICON’s scope & fee for additional information.</i>	Town No-Rise Floodplain Permit
33.	Final Corridor Traffic Report		
		The final traffic report will further refine preliminary report based on Town and CDOT feedback <i>Refer to Kellar’s scope & fee for additional information.</i>	Final Traffic Report
34.	Obtain Test Holes and Test Hole Logs (Ayres + King)		
		Ayres will perform up to 20 vacuum excavations on utilities identified by J-U-B Engineers after the QLB designating field work has been performed. This task will be completed after the preliminary design plans have been submitted and reviewed by the county. King will obtain test hole locations. Ayres will compile all information in the form of SUE plans and a report, both of which will be signed and stamped by a professional engineer. Test hole information will be added to the utility plans <i>Refer to Ayres and King scope & fee for additional information.</i> <i>This item requires preauthorization prior to starting this task</i>	SUE Plans and Report
35.	Utility Coordination		
	Scope Task	Scope of Services	Deliverables
		J-U-B will continue to coordinate with 3 rd party utilities through preliminary design. This will include submitting updated design plans to utility companies, and meeting with utility companies to discuss impacts. Undergrounding Xcel power lines are preferred although keeping these lines overhead is an option if costs become an issue. At this stage, J-U-B will attempt to finalize the schedule, timing and funding of any utility relocates, removals, adjustments, or resets. GIS map will continue to be updated based on updates to utility coordination.	Utility Discussion Log
36.	Public Outreach (2nd Contact with Residents and 1 - Open House) with Graphics Support		
		J-U-B will continue to reach out to adjacent property owners to inform them of the project and to discuss concerns. 1-2 Open houses are anticipated. The Town will send out project mailers to nearby residents. Graphics group and Landscape Architect support is included to help with this effort. The GIS mapping will include property lines and owners. Discussions will be logged into GIS map. <i>This item requires preauthorization prior to starting this task</i>	Updated GIS map along with visuals to aid in public outreach
37.	Submittal Plan Sheets (Includes necessary engineering design time)		

	J-U-B will further develop construction plan sheets that are anticipated for this project. These plans will only depict the selected concept. At this phase the plans to be included in this submittal are as follows: Title, Gen Notes, Geometrics, Typical Sections, Summary of Quantities, Tabulations, Demo, Utility, Plan/Profiles, Grading, SWMP, Signing and Striping, Traffic Control Plans, Lighting, Irrigation, Landscape, Cross Sections and details. J-U-B will discuss any major change with the Town before developing plan sheets. The plan sheets will be developed using AutoCAD Civil 3D 2023 and will be setup at a 22"x34" format and printed at half size 11"x17". All design sheets include time to research, investigate, and apply engineering standards, guidelines, and judgement.	N/A
38.	HSIP Plans	
	J-U-B will further develop HSIP plans to a 90% level. These sites will be included in the plan set and comply with all CDOT oversight regulations	HSIP Plans
39.	Landscape Architect Support including Landscape Plans	
	J-U-B will provide a 90% Landscape Site Plan for city review and comment. Additional detail will be provided on tree plantings, site furnishings, town street banner and other elements. A schedule list of items will be provided. Existing facilities will be reused when possible <i>This item requires preauthorization prior to starting this task</i>	Landscape Plans
40.	Irrigation Plans	
	J-U-B will provide a 90% Irrigation Plan for city review and comment. Additional detail will be provided on water meter location, controller type and configuration of the irrigation lines	Irrigation Plans
41.	QA/QC, Constructability Review and Risk Register	
	Prior to the preliminary submittal J-U-B will perform a QA/QC process which includes sending drawings to other J-U-B staff members for review and comment. All comments will be reviewed with the design staff and incorporated into the plans if relevant. J-U-B Construction group will provide a constructability review. A risk register will be completed and provided to the Town	Risk Register
42.	Final Specifications (Project Special Provisions and Standard Special Provisions)	
	Final technical specifications will be provided with this submittal. This will include the necessary project special provisions and standard special provisions. The specifications will follow the most current CDOT Standard Specifications for Road and Bridge Construction.	Project Specifications
43.	Engineer's Opinion of Probable Construction Cost (OPCC)	
<i>Scope Task</i>		<i>Deliverables</i>
	<i>Scope of Services</i>	
	The OPCC will include expected bid items developed during the preliminary design. Quantities will be developed from the design sheets. Items not on the tabulation sheets will be documented in a computation book. Costs will be developed from various sources including past bid tabs. The OPCC will have a contingency added at this point. The contingency will be coordinated with the Town, prior to submittal. Standard CDOT pay items will be used as a basis for the cost opinion.	OPCC
44.	Submittal Package of Complete Documents and Plans for City Review/Comment	
	This item includes preparing all design drawings, reports, and design information in preparation for submittal to the CDOT and to the Town. This will include reviewing sub-consultants' deliverables (i.e. specifications, cost estimates, design drawings, etc.) to ensure a cohesive and accurate submittal.	90% Submittal

TASK 6 – FINAL CONSTRUCTION PLANS & BID ADMINISTRATIVE ASSISTANCE

<i>Scope Task</i>	<i>Scope of Services</i>	<i>Deliverables</i>
45.	Final Construction Plan Sheets	
	After the 90% design has been completed and reviewed by the CDOT and the Town, J-U-B will begin advancing the design for Construction. Comments received from the final design phase will be incorporated into the construction documents.	Final Plans
46.	Final Specifications for Construction (Project Special Provisions and Standard Special Provisions)	
	J-U-B will revise the project special and standard special provisions to incorporate into the advertisement package.	Final Technical Specifications
47.	Engineer's Opinion of Probable Construction Cost (OPCC) and Risk Register	
	J-U-B will advance the OPCC to a bid-ready estimate. Quantities will be updated/verified. The quantities will be input into the Opinion of Probable Construction Cost with associated unit costs.	Final Drainage OPCC and Risk Register
48.	Submittal Package of Complete Documents and Plans for Town and CDOT Review	
	This item includes preparing all design drawings, reports, and design information in preparation for submittal to the County. This will include reviewing sub-consultants' deliverables (i.e. quantities, cost estimates, design drawings, etc.) to ensure a cohesive and accurate submittal.	Complete PS&E package with supporting reports & memos
49.	Bid Administration Assistance to Town	
	J-U-B's Project Manager will attend the pre-bid meeting. J-U-B will coordinate with the Town on any revisions throughout the advertisement period. Plans & Specifications will be updated accordingly. J-U-B will assist the Town in answering any questions throughout the advertising period. J-U-B will post addendums to contractors.	Design Files and/or updated plans & specifications

Additional Items If Needed

TASK 7 – ROW PLANS AND ACQUISITION (If Needed, Preauthorization Required)

<i>Scope Task</i>	<i>Scope of Services</i>	<i>Deliverables</i>
1.	Confirm Topographic Survey and Base Map	
	If ROW plans are needed King will be required to confirm topographical survey and base mapping for use in ROW plans that will be signed by a state licensed PLS. <i>Refer to King's scope & fee for additional information.</i>	Meeting Agenda and Minutes
2.	ROW Plans and Easement Staking, Setting ROW Monuments (Assume 6 Properties)	

	This task includes creating CDOT level ROW plans along with property legal descriptions (20 legals assumed) for the proposed permanent and temporary easements. Title Reports (10 assumed) will be ordered to verify properties are clear of any property holds of any kind. Once plans are approved and NOI letters are sent by Western States, King will stake out propose easement points in the field for property negotiations <i>Refer to King's scope & fee for additional information.</i>	Meeting Agenda and Minutes
	Property Easement Staking	
	King will stake proposed ROW and easement in the field to aid in property negotiations and property value assessments <i>Refer to King's scope & fee for additional information.</i>	N/A
	Set Right-of-Way Monuments	
	King will set updated Right-of-Way monuments once new Right-of-way is purchased. This is a CDOT requirement <i>Refer to King's scope & fee for additional information.</i>	N/A
	Appraisals, Third Party Appraisals and Waiver Evaluations	
	Western States will provide appraisals (6 assumed) and value evaluations to determine the fair market value that must be used for initial negotiations with property owners to satisfy the Uniform Act	Complete PS&E package with supporting reports & memos
	Property Negotiations Per Uniform Act	
	Once ROW plans are approved by CDOT, WS will send out Notice of Intent (NOI) letters along with legal descriptions and depictions to the property owners (6 assumed). Once the proposed easements are staked, a field meeting will be scheduled to discuss with the property owner the project impacts. If the proposed easements are worth over \$10,000 then an appraisal (not included) will be required. If it is less, then WS will provide comparable computations to create a fair market value of the needed easements. Initial offers will be sent to the owners and negotiations will begin. WS will provide final ROW documentation to obtain CDOT ROW clearance <i>Refer to WS's scope & fee for additional information.</i>	Legal Descriptions & Exhibits

TASK 8 – CONSTRUCTION MANAGEMENT

Scope Task	Scope of Services	Deliverables
7.	Pre-Construction Activities	
	The J-U-B CMI team members will review plans and specifications, right of way contracts, and environmental commitments. The team members will compare the plans to CDOT's Form 250 & Field Materials Manual and develop a documentation needs list based upon the project pay items and documentation requirements. MI team members will begin coordinating with Town Staff on establishing roles, responsibilities, and expectations.	Documentation Needs List, Pre-Construction Agenda and Minutes

<i>Scope Task</i>	<i>Scope of Services</i>	<i>Deliverables</i>
	J-U-B will initiate a meeting with the awarded contractor prior to the Pre-Construction Meeting. This is the first step towards a collaborative project. The purpose is to informally meet the team members and discuss expectations, project risks and jointly establish project goals. J-U-B will provide Contractor a communications chain. All utilities will be invited to coordinate remaining relocations. J-U-B will coordinate and notify by email all interested parties regarding attendance to a pre-construction conference. This will occur prior to contractor mobilization on the project. The interested parties will include Town staff, the Contractor, Subcontractors, CDOT and affected agencies. J-U-B will conduct the Pre-Construction Meeting and prepare and distribute meeting minutes to all attendees.	
Construction Engineering Management		
	J-U-B will schedule and conduct a weekly project coordination meeting with Town staff, the Contractor and CDOT to discuss the project schedule and resolve project related issues. 25 meetings are anticipated for this project. J-U-B will address concerns that arise from the Contractor, stakeholders and affected agencies during construction. J-U-B will coordinate with all stakeholders, CDOT, affected agencies and third-party utilities. J-U-B will prepare and justify change orders, provide negotiation meetings for change orders and keep complete and accurate documentation using CDOT change order forms. J-U-B will obtain Town and CDOT approval prior to processing all change orders. Our hours are based on three change orders being required. J-U-B will review any submittals and shop drawings from the Contractor and verify compliance with specifications. J-U-B will review the Contractor's Critical Path Method (CPM) baseline and monthly updated schedules. This work plan is based upon a 125 working day construction timeline. Therefore, it is anticipated six schedules will be reviewed. J-U-B will review, respond in writing and track requests for information (RFI's) submitted by the contractor. J-U-B will coordinate and conduct a final inspection with Town Staff, the Contractor, CDOT and affected agencies. J-U-B will prepare minutes and a punch list and distribute to attendees. J-U-B will periodically observe the Contractor's effort to complete the punch list items to verify their completion. A 10-hour inspection effort is estimated for this part of the task.	25 Meeting Agendas and Minutes, Change Order and RFI Documentation,
Project Administration		

	J-U-B will provide current electronic documentation in a format that is agreeable to Town & CDOT and will be submitted at the end of the project. J-U-B will review materials documentation before processing the monthly partial pay estimates to verify that CDOT Local Agency Documentation requirements are being fulfilled. J-U-B will prepare the project material files for closeout, prepare forms 250 and 379 with the required backup documentation, coordinate and respond to CDOT review comments as necessary for final acceptance. J-U-B will document pay quantities and perform a quality check of the entries and verify the calculations. J-U-B will prepare monthly partial estimates in a format acceptable to Town. J-U-B will provide estimates to the Contractor for review and approval. J-U-B will then submit the estimates to Town for processing (once per month). Six partial estimates are anticipated for this	CDOT Project Documentation, Partial/Final Pay Estimates, Monthly Progress Report and Invoicing
<i>Scope Task</i>	<i>Scope of Services</i>	<i>Deliverables</i>
	project. Payment will be made in accordance with the contract documents and specifications. J-U-B will prepare the final estimate at the end of project for release of retention in a format acceptable by Town. J-U-B will provide the estimate to the Contractor for review and approval. Following Contractor approval, J-U-B will submit the estimate to the Town for processing and to begin the Notice of Final Settlement process. J-U-B's construction manager and project accountant will prepare monthly progress reports that will be submitted with the invoice. Invoices will project role along with hours worked and a description of what has occurred. J-U-B will provide current electronic documentation in a format that is agreeable to Town and will be submitted at the end of the project. J-U-B will review certified payrolls using the LCP tracker, work with contractor on correcting deficiencies and project filing. We will verify that CDOT Local Agency Documentation requirements are being fulfilled to meet DBE, subcontractor and prompt payment requirements in B2G. Our Inspector will conduct employee interviews as required and review the project Bulletin Board for adherence to CDOT's requirements. J-U-B will prepare the required final forms for closeout per the Local Agency Checklist, coordinate with CDOT'S Local Agency representative and respond to their review comments as necessary for final acceptance.	
Field Inspection		

	J-U-B will actively inspect the Contractor's work relation to the plans and specifications. J-U-B will work with the Town staff to provide sufficient inspection to confirm that the Contractor is constructing the project per the contract documents and meet CDOT's documentation requirements. J-U-B anticipates the Contractor will be working eight-hour days, five days a week for 25 weeks including travel time to the project site. The total number of inspection hours is an estimated amount based upon this assumption. J-U-B inspector is anticipated to dedicate 3 hours a day (approximately 1 hour travel and 2 hours of field time) to this project and the Town inspectors are anticipated to be present the remaining time. The construction inspector will make periodic checks of plan lines and grades. They will measure quantities and review with the Contractor. J-U-B will monitor the Contractor's traffic control and safety effort. The inspector will review the Contractor's compliance to the project SWMP and notify them of any non-compliant issues. The construction inspector will complete a daily report to document construction activities and field issues. J-U-B will prepare weekly time count reports and provide a copy to the Contractor for signature. J-U-B will collect and assemble weigh tickets and concrete tickets. All reporting of material inspection and testing will be completed as outlined in the CDOT's Field Materials Manual and the project's form 250 and 379.	Construction Observation Daily Reports, Form 266 for all bid items completed for the partial pay estimate, weekly time count reports
	Materials Testing	
	The engineering consultant firm YEH Engineers is anticipated to perform the quality acceptance testing on materials and reporting for the project. Testing will be in accordance with CDOT's Field Materials Manual and the project's form 250 and 379 which lists the project materials shown in the plans and the testing requirements. With no quantities established yet, this is an estimate for this type of project.	Material Testing Reports

Scope Task	Scope of Services	Deliverables
	Project As-builts	
	This item includes obtaining redlines from the contractor and as-built survey from the contractor's surveyor to create final project as-builts.	Final Project As-builts

TASK 9 – CONTINGENCY (If Needed, Preauthorization Required)

Scope Task	Scope of Services	Deliverables
13.	Contingency	
	This item is for any items that will require additional design or services such as additional ROW acquisitions that may occur if additional impacts are determined as the design progresses or additional Test holes that may be needed if additional utility conflicts are determined as the design progresses. This will be for preauthorized work only that may add design items that are beyond the initial scope	Expanded ROW plans and Added Negotiations logs

ASSUMPTIONS

The above Scope of Services is based on the following assumptions:

- J-U-B to use CDOT standard specifications and CDOT formatting for project plans.
- Electronic CAD files will be supplied to the Town in AutoCAD Civil 3D format.
- No structural design is included in the proposal.

PART 2 – SCHEDULE OF SERVICES

- A. The following table summarizes the anticipated schedule for the identified Basic Services predicated upon timely receipt of CLIENT-provided information, typical review periods, and active direction during work. CLIENT acknowledges that J-U-B will not be responsible for impacts to the schedule by events or actions of others over which J-U-B has no control. If ROW or additional unforeseen environmental clearances are needed then this schedule will need updated based on those requirements

- | | |
|--|---|
| • Town Signed Contract | - March 29 th |
| • Kick-Off Meeting | - April 1 st |
| • Conceptual Design (3 Concepts with OPCC) | - April 1 st - April 12 th |
| • Town Concept Review and Meeting | - April 15 th – April 24 th |
| • Geotechnical Field Work (EEC) | - April 25 th – May 24 th |
| • Preliminary (30% - FIR) Design | - April 25 th – June 21 st |
| • SUE Field Work and Report | - April 22 nd – June 7 th |
| • Submit FIR Design and Agency Review | - June 24 th – July 5 th |
| • Environmental Clearance | - June 24 th – August 23 rd |
| • Address 30% Comments and Provide 60% Submittal | - June 24 th – July 5 th |
| • Final Office Review (90% - FOR) Design | - June 24 th – August 16 th |
| • Submit FOR Design and Agency Review | - August 19 th – August 30 th |

Cleveland Avenue Improvements GL No. 211-80-5022

- | | |
|--|---|
| • Prepare Construction Documents | - Sept 2 nd – Sept 13 th |
| • Final Plan Review | - Sept 16 th – Sept 27 th |
| • Bid PS&E and CDOT Project Clearances | - Sept 30 th |
| • Construction Finalized | - End of 2026 |

PART 4 – BASIS OF FEE

- A. The hours and fees for each task are presented on the attached spreadsheet.
- B. Rates and Period of Service: Rates will be in accordance with the on-call contract. If the period of service for the task identified above is extended beyond 12 months, the compensation amount for J-U-B's services may be appropriately adjusted to account for inflation and salary adjustments.

Attachment - B
Fee Schedule

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Town of Wellington
Cleveland Ave from 1st St to 6th St

Project Number: TBD



Cleveland Ave Improvements																			
Activity Number	Task Description	Program Manager (\$/HR)	Constr. Project Manager (\$/HR)	Project Manager (\$/HR)	Sr Env Specialist (\$/HR)	Construction Manager (\$/HR)	Project Engineer Lead (\$/HR)	GIS Analyst - Senior (\$/HR)	Construction Inspector (\$/HR)	Env Specialists (\$/HR)	Project Designer / Landscape Architect Lead (\$/HR)	CAD/Landscape Designer (\$/HR)	Construction Assistant (\$/HR)	GIS Technician/Landscape/Comm Spec.(\$/HR)	Project Financial Accountant (\$/HR)	J-U-B Fee	Subconsult.*	Task Total	Total
																	ICON Kellar EEC Ayres King WS Centennial Yeh		
		\$229	\$230	\$205	\$206	\$198	\$190	\$178	\$152	\$141	\$158	\$149	\$146	\$105	\$89				
TASK 1 - Project Management																			
1	General Project Management & Administration (March - September)	2		18			4								4	\$ 5,264	\$ 1,200	\$ 6,464	
2	Kickoff Meeting			2	2		2									\$ 1,202		\$ 1,202	
3	Periodic Progress Meetings	4		24	4		6				6	8				\$ 9,940	\$ 3,400	\$ 13,340	
4	Concept, 30%, 90%, 2-BOT Meetings	4		10	8		4					6				\$ 6,268	\$ 3,350	\$ 9,618	
5	Monthly Reports and Invoicing	2		8											8	\$ 2,810		\$ 2,810	
Sub-Totals		12	0	62	14	0	16	0	0	0	6	14	0	0	12	\$ 25,484	\$ 7,950		\$ 33,434
TASK 2 - Data Collection & Conceptual Design																			
6	Review and Research Existing Studies, Reports, etc.			8			8									\$ 3,160		\$ 3,160	
7	Traffic Counts and Coordination Meetings			4			4									\$ 1,580	\$ 2,140	\$ 3,720	
8	Convert Topographic Survey and Base Map and obtain Geotech Bore Locations			1			2					8				\$ 1,777	\$ 1,266	\$ 3,043	
9	GIS Map including Utilities and Property Owner Information			4				12						24		\$ 5,476		\$ 5,476	
10	Geotechnical Investigation and Reporting			1			2									\$ 585	\$ 11,000	\$ 11,585	
11	Utility Designating - Utility Research and Surface Locates to Quality Level B (Ayres+King)			1			2					4				\$ 1,181	\$ 26,999	\$ 28,180	
Sub-Totals		0	0	19	0	0	18	12	0	0	0	12	0	24	0	\$ 13,759	\$ 41,405		\$ 55,164
TASK 3 - Environmental (without ROW)																			
12	Hazardous Materials Initial Site Assessment			1	2					10						\$ 2,027		\$ 2,027	
13	Cultural Resources and Historic 4(f)			1	8		1			4						\$ 2,607	\$ 5,000	\$ 7,607	
14	Biological Resoures Site Visit									6						\$ 846		\$ 846	
15	T&E/Wildlife/Biological Resources Clearance Report				3					20						\$ 3,438		\$ 3,438	
16	Plan Reviews, CDOT and Town Coordination (MS4, weeds, air, noise memos)				16					12						\$ 4,988		\$ 4,988	
Sub-Totals		0	0	2	29	0	1	0	0	52	0	0	0	0	0	\$ 13,906	\$ 5,000		\$ 18,906
TASK 4 - Preliminary Design (30% FIR Plans)																			
17	Concept Design (2 alternatives, horizontal only)			6			24				32					\$ 10,846		\$ 10,846	
18	Preliminary Drainage Design and Report			1			4				4					\$ 1,597	\$ 43,240	\$ 44,837	
19	Preliminary Traffic Report			4			4				4					\$ 2,212	\$ 3,840	\$ 6,052	
20	Initial Utility Coordination, Determine Test Hole Locations			8			8				4					\$ 3,792		\$ 3,792	
21	Initial Public Outreach (1st Contact with Residents and 1 - Open House) with Graphics Support			32			24				24	14		40		\$ 21,198		\$ 21,198	
22	Submittal Plan Sheets (Includes necessary engineering design time)			6			60				100	100				\$ 43,330		\$ 43,330	
23	HSIP Plans			4			16				30					\$ 8,600		\$ 8,600	
24	Landscape Architect Support including Landscape Plans			2			2				4	8		12		\$ 3,874		\$ 3,874	
25	Irrigation Plans			2			2				4	8		12		\$ 3,874		\$ 3,874	
26	QA/QC, Constructability Review and Risk Register	2	14	12	2		4									\$ 7,310		\$ 7,310	
27	Preliminary Specifications (Outline of specs)			2			2				2					\$ 1,566		\$ 1,566	
28	Engineer's Opinion of Probable Construction Cost (OPCC)			4			8				8					\$ 4,114		\$ 4,114	
29	Submittal Package of Complete Documents and Plans for City Review/Comment			2			4									\$ 1,170		\$ 1,170	
Sub-Totals		2	20	77	2	0	138	0	0	0	184	130	0	64	0	\$ 113,483	\$ 47,080		\$ 160,563
TASK 5 - Final Design (60% - 90% FOR Plans)																			
30	Address 30% Comments and Provide 60% Check Set			8			12				20	20				\$ 10,060	\$ 11,550	\$ 21,610	
31	Final Drainage Design and Report			2			4				4					\$ 1,802	\$ 4,280	\$ 6,082	
32	No-Rise Floodplain Analysis			2			4				4					\$ 1,802	\$ 24,960	\$ 26,762	
33	Final Corridor Traffic Report			2			4				4					\$ 1,802	\$ 6,640	\$ 8,442	
34	Obtain Test Holes and Test Hole Logs (Ayres + King)			1			2									\$ 585	\$ 38,536	\$ 39,121	
35	Utility Coordination			8			16									\$ 4,680		\$ 4,680	
36	Public Outreach (2nd Contact with Residents and 1 - Open House) with Graphics Support			24			16				20			32		\$ 14,480		\$ 14,480	
37	Submittal Plan Sheets (Includes necessary engineering design time)	2		5			40				80	80				\$ 33,643		\$ 33,643	
38	HSIP Plans			4			16				20					\$ 7,020		\$ 7,020	
39	Landscape Architect Support including Landscape Plans			4			2				4	12		28		\$ 6,560		\$ 6,560	
40	Irrigation Plans			4			2				4	12		28		\$ 6,560		\$ 6,560	
41	QA/QC, Constructability Review and Risk Register	2	10	8	2		4									\$ 5,570		\$ 5,570	
42	Final Specifications (Project Special Provisions and Standard Special Provisions)			4			10				4					\$ 5,092		\$ 5,092	
43	Engineer's Opinion of Probable Construction Cost (OPCC)			4			8				8					\$ 4,114		\$ 4,114	
44	Submittal Package of Complete Documents and Plans to the City for Review/Comment			2			2									\$ 790		\$ 790	
Sub-Totals		4	18	76	2	0	130	0	0	0	152	104	0	88	0	\$ 104,560	\$ 85,966		\$ 190,526
TASK 6 - Final Construction Plans and Bid Administrative Assistance																			
45	Final Construction Plan Sheets			4			10				48	40		16		\$ 17,944		\$ 17,944	
46	Final Specifications for Construction (Project Special Provisions and Standard Special Provisions)			2			8									\$ 1,930		\$ 1,930	
47	Engineer's Opinion of Probable Construction Cost (OPCC) and Risk Register		2	2			4									\$ 1,630		\$ 1,630	
48	Submittal Package of Complete Documents and Plans for Town and CDOT Review			2			4				4					\$ 1,802		\$ 1,802	
49	Bid Administration Assistance to Town			4	2		8				2					\$ 3,068		\$ 3,068	
Sub-Totals		0	2	14	2	0	34	0	0	0	54	40	0	16	0	\$ 26,374	\$ -		\$ 26,374
Design Total without ROW or Construction Management		18	40	250	49	0	337	12	0	52	396	300	0	192	12	\$297,566.00	\$187,401.00		\$ 485,000

Project Number: TBD



Cleveland Ave Improvements																	Subconsult.*		
Activity Number	Task Description	Program Manager (\$/HR)	Constr. Project Manager (\$/HR)	Project Manager (\$/HR)	Sr Env Specialist (\$/HR)	Construction Manager (\$/HR)	Project Engineer Lead (\$/HR)	GIS Analyst - Senior (\$/HR)	Construction Inspector (\$/HR)	Env Specialists (\$/HR)	Project Designer / Landscape Architect Lead (\$/HR)	CAD/Landscape Designer (\$/HR)	Construction Assistant (\$/HR)	GIS Technician/Landscape/Comm Spec.(\$/HR)	Project Financial Accountant (\$/HR)	J-U-B Fee	ICON Kellar EEC Ayres King WS Centennial Yeh	Task Total	Total
		\$229	\$230	\$205	\$206	\$198	\$190	\$178	\$152	\$141	\$158	\$149	\$146	\$105	\$89				
Additional Items if Needed																			
TASK 7 - CDOT ROW Plans and Acquisition (Assume 10 Properties)																			
1	Confirm Topographic Survey and Base Map			1												\$ 205	\$ 1,620	\$ 1,825	
2	Right-of-Way Plans and Property Descriptions (Includes JUB ROW Exhibits)			4			16				16					\$ 6,388	\$ 29,620	\$ 36,008	
3	Property Easement Staking			2			4									\$ 1,170	\$ 1,962	\$ 3,132	
4	Set Right-of-Way Monuments			2			4									\$ 1,170	\$ 2,190	\$ 3,360	
5	Appraisals, Third Party Appraisals and Waiver Evaluations			4												\$ 820	\$ 54,200	\$ 55,020	
6	Property Negotiations Per Uniform Act			16												\$ 3,280	\$ 45,225	\$ 48,505	
Sub-Totals		0	0	28	0	0	24	0	0	0	16	0	0	0	0	\$ 12,828	\$ 133,197		\$ 146,025
TASK 8 - CDOT Construction Management (Assuming 125 working days)																			
7	Pre-Construction Activities		8			24			10				12		2	\$ 10,042		\$ 10,042	
8	Construction Engineering Management		16			250			10				44			\$ 61,124		\$ 61,124	
9	Project Administration		4			60			10				180		8	\$ 41,312		\$ 41,312	
10	Field Inspection					40			375				20			\$ 67,840		\$ 67,840	
11	Materials Testing								8							\$ 1,216	\$ 35,000	\$ 36,216	
12	Project As-builts			4			16				16					\$ 6,388		\$ 6,388	
Sub-Totals		0	28	4	0	374	16	0	413	0	16	0	256	0	10	\$187,922.00	\$35,000.00		\$ 222,922
TASK 9 - Contingency																			
13	Contingency																	\$ 45,000	
Sub-Totals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$ -	\$ -		\$ 45,000
Design Total with ROW or Construction Management		18	68	282	49	374	377	12	413	52	428	300	256	192	22	\$498,316.00	\$355,598.00		\$898,914.00



Board of Trustees Meeting

Date: April 9, 2024
Subject: A Resolution of the Town of Wellington, Colorado Supporting Election Integrity and Security

- **Presentation: Jon Gaiter, Trustee**

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

ATTACHMENTS

1. Election Integrity Resolution Packet information

TOWN OF WELLINGTON

RESOLUTION NO. 15-2024

A RESOLUTION OF THE TOWN OF WELLINGTON, COLORADO SUPPORTING ELECTION INTERGRITY AND SECURITY

WHEREAS, the Board of Trustees want the citizens of Wellington to have confidence in municipal elections,

WHEREAS, the Board of Trustees desire transparency, security, and integrity of elections,

WHEREAS, Colorado Municipal Election Code (CRS 31-10) provides a basic framework for municipal elections but lacks details on election procedures,

WHEREAS, Colorado Election Rules (8 CCR 1505-1) provide a better framework for election security and integrity for state and county elections,

WHEREAS, the Town of Wellington desires to adopt some of the Colorado Election Rules that apply to Wellington to ensure the integrity of elections,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO, AS FOLLOWS:

The Board of Trustees hereby enact these minimum election rules for future municipal elections and pass a recommendation to the next Board of Trustees to adopt these election rules into the Wellington Municipal Code, Chapter 2 Article 1- Elections with changes as they see fit.

Upon a motion duly made, seconded, and carried, the foregoing Resolution was adopted this 9th day of April 2024.

TOWN OF WELLINGTON

By: _____

Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

Town of Wellington Municipal Election Rules

The town clerk shall follow these election rules and may enact additional rules to ensure the security and integrity of Wellington municipal elections. Any additional rules shall be published 45 days before the election.

1. These rules shall apply to any municipal election or special election in the Town of Wellington.
2. A physical poll book must be available to election watchers onsite at the counting facility.
3. Voter names must be announced by election judges as they notate receiving their ballot.
4. Access to counting facility
 - a. No person shall access the counting facility outside scheduled processing hours except for emergency personnel responding to an emergency situation.
 - i. In the event emergency personnel access this area without supervision the town clerk must inform; Town administrator, Town Board, all candidates, and all committees as soon as they have knowledge of the event and it is reasonably safe to do so. (CO Election Rule 20.4.4.a.1.C)
 - b. No one may enter the counting facility alone. There must be at least 2 election judges and/or staff at all times that anyone is in the facility.
5. Town clerk must notify candidates if the schedule changes for processing ballots.
6. If an election judge determines that a voter inadvertently returned his or her ballot in another household member's ballot return envelope, the election judge must process and prepare the ballot of the elector who signed the self-affirmation for counting if it is otherwise valid. The election judge need not send a signature discrepancy letter to the voter. (CO Election Rule 7.7.6)
7. A designated watcher need not be a resident of the town they are designated in as long as they are an eligible elector in the State of Colorado. (CO Election Rule 8.1.4)
8. Surveillance of secure areas (CO Election Rule 20.4.2)
 - (a) The town clerk must make video security surveillance recordings of secure equipment areas, as defined by Rule 1.1.49, in accordance with the requirements of section 1-7-513.5, C.R.S.
 - (b) The video security surveillance recording system must:
 - (1) Ensure that records are not written over when the system is full;
 - (2) Provide a method to transfer the video records to a different recording device or to replace the recording media; and
 - (3) If replaceable media is used, provide a process that ensures that the media is replaced often enough to prevent periods when recording is not available.
 - a. The town clerk must adequately light the areas subject to video surveillance in this Rule to ensure visibility for video recording.
9. Access logs to secure areas (CO Election Rule 20.4.3)
 - (a) The town clerk must maintain a log of each person who enters the counting facility
 - (b) A log required under this Rule must contain the:
 - (i) Name of the person accessing the counting facility; and

(ii) Year, month, day, hour, minute, and whether the time is a.m. or p.m. that the counting facility was accessed.

10. When ballot processing is not actively occurring, the designated election official must seal and store ballots and opened and unopened return envelopes in a secure ballot area. (CO Election Rule 20.7.2.b)
11. Tally sheets of counted votes must be signed by a bipartisan team of judges.
12. A bipartisan team, of election judges and/or staff, must seal all ballot boxes/envelopes that contain voted ballots so that no person can access the ballots without breaking a seal. The team must record all seals in the chain-of custody log, verify that the required seals are intact, and sign and date the log. A bipartisan team, of election judges and/or staff, must accompany all ballot boxes/envelopes that contain voted ballots at all times except when the ballot box is located in a vault or secure physical location. (CO Election Rule 20.7.2.c.1)
13. The town must maintain and document uninterrupted chain-of-custody for each ballot storage container. (CO Election Rule 20.5.b)
14. Post-election audit must be conducted. At least two bipartisan election judges of the audit board must locate and retrieve, or observe the location and retrieval by town election staff, of the randomly selected ballot card from the appropriate storage container. The audit board must verify that the seals on the appropriate storage containers are those recorded on the applicable chain-of-custody logs. To the extent applicable, the town clerk will compare the audit board's reports of the audited ballot cards to the corresponding tally sheet and post the results of the comparison. The audit will continue until the risk limit for the target contests is met or until a full hand count results. If the town audit reports reflect that the risk limit has not been satisfied in a target contest, the town clerk will randomly select additional ballots for audit. The audit board must sign, date, and submit to the Board of Trustees a report of the results of the risk-limiting audit on the approved form no later than 5:00 p.m. MT on the business day before the canvass deadline. The report must include any discrepancies found and the corresponding ballot images. (CO Election Rule 25)

Poll Watcher 1 Statement

Poll Watching notes from April 2nd 2024

Arrived at 7:50 am for Poll watching. Knocked on the back door and entered the Election location. Ethan was in the front office sorting ballots. He had completed 5 of 6 daily batches of 25 before I arrived. I was actually surprised to see Ethan there sorting ballots by himself. There was two additional supplemental ballots he was writing them on the back side of the poll book. I was not aware that the judges arrival time had moved to 10:00 am. So I left and returned at 9:50. Ethan was present when I arrived. When watching voter identification I noted two names I had reported to Ethan about a week ago as the address belonging to a commercial site with no home on it. "Water Lilly Dr" Kyle Mullet and Matthew Mullet. I caught Matthew Mullet's but was filling out the form and Kyle's was processed anyways while I was in back room completing paper work. I do want to report I loved the system the judges had they worked very well together. I do not appreciate all the times ballots are left unattended with a single person having access in the early morning hours without election judges. It appeared to me that Ethan has freedom to come and go alone as wished. I do not appreciate the manila envelopes were not sealed after tally and that no signatures were placed on inside or external tally sheets. That is of great concern. All and all it was a great experience getting to see the election process in action and reaffirms my stance that in person with resident request mail ballots would be the most appropriate system.

Poll Watcher 2 Statement

Just a few things I noticed on my poll watching shift that I would like to share with you:

1) I thought it was strange that the manila envelopes that contained 25 counted ballots each were not sealed. The tally sheets on the outside of the manila envelopes also were not signed by election judges and I think that they should have been signed by the two - four election judges that handled them. It seemed that they should have been closed up and marked complete. While the poll watchers did an amazing job and Ethan seemed to know and adhere to the obvious rules for the election, I was surprised that the ballots seemed so disorganized. I didn't like that the ballots sat in a building with easy access for staff members at any time and that the envelopes could easily be tampered with.

2) While I am sure Ethan did not have any malicious intent, I don't think it was appropriate for him to be alone in the staff office at the town building where the election was being determined. For the majority of the time that I poll watched, he was alone in the office with easy access to ballots that had not yet been verified or counted. As stated, I do not imply that he was doing anything wrong (he seemed to operate with integrity), but I think that that system is inappropriate and that there should always be at least two people around citizens' ballots with very strict guidelines in place.

3) I was surprised at how many ballots are delivered to PO boxes. I was under the impression that ballots had to be sent to physical addresses, but it sounds like I was incorrect about that. I witnessed Holly contest a second ballot from a man named Joseph Hutchinson. She had personally come across his ballot a few days before and this ballot showed as a second attempt at a vote based on pollbook data that Holly had recorded. This second ballot was being contested by Holly and Ethan. I'm not sure what the results of that situation were.

I am not implying that the election was tampered with, as the votes all seemed to be legitimate, but I do think having more strict election guidelines is necessary to ensure that election results in the future are accurate.

Town of Wellington 2024 Election Watcher Rules of Conduct

A WATCHER MUST:

- ⇒ Be a Registered Elector of the Town of Wellington.
- ⇒ Not be related to a Candidate by blood or marriage.
- ⇒ Be appointed by a Candidate on the designated certificate submitted to the Designated Election Official.
- ⇒ Take the “Oath of Watcher” prior to conducting any duties as a Watcher.
- ⇒ Wear an approved identification badge for Watchers during all election activities.
- ⇒ Comply with all sections of these Rules of Conduct for the duration of election activities.

A WATCHER MAY:

- ⇒ Maintain a list of voters as the names are announced by the Election Judges in the Counting Center.
 - A list will not be provided to Watchers.
 - Watchers must write down the names of the voters as the ballots are processed.
 - Watchers may bring with them writing utensils and blank clean or lined paper, in loose-leaf or notebook form, to record names in writing.
- ⇒ Witness, from reasonable proximity to see and hear, the conduct of ballot processing.
- ⇒ Challenge the right of any person offering to vote whom they believe is not a registered elector or file complaints.
- ⇒ Communicate with the Designated Election Official and the Designated Watcher Contact.

A WATCHER MAY NOT:

- ⇒ Communicate with any on-duty Election Official or member of Town Staff, except the Designated Election Official or the Designated Watcher Contact, about their duties.
- ⇒ Attempt to intimidate or interfere with any Election Judge or other Election Official during the discharge of that judge or official’s duties.
- ⇒ Attempt to determine how any elector voted, nor disclose such information if known.
- ⇒ Handle any election materials, including the poll-books, affidavits and self-affirmations, ballots, envelopes, replacement ballot materials, election judge lists or tally sheets, etc.
- ⇒ Engage in electioneering.
- ⇒ Disclose any confidential voter information as defined in section 24-72-204(8), C.R.S. that they may observe.
- ⇒ Bring or use any electronic, communications, or other recording devices into the Counting Center or any other Town facility.
- ⇒ Take any pictures, video, or audio recordings of any election activity.
- ⇒ Bring any typed or written documents into the Counting Center or other Town facility.
- ⇒ Interfere with, disrupt, delay, or disturb normal election procedures (i.e. asking judges to pause while a name is written by a watcher, physically impeding an Election Judge’s movement, physically or verbally impeding or influencing voter registration).
- ⇒ Attempt to dissuade a voter from returning a ballot to a drop box.
- ⇒ Count ballots or attempt to determine how any elector voted.
- ⇒ Write down or record anything other than names of the electors as they are announced by the judges in the Counting Center.
- ⇒ Disclose any results before 7 p.m. on Election Day.

The Designated Election Official will revoke a Watcher’s appointment status upon any finding that the Watcher commits or encourages fraud in connection with his or her duties, violates any of the permissions or limitations outlined in these rules, violates his or her oath, or disruptive or threatening to any other person.



Designated Election Official, Town of Wellington

Board of Trustees Meeting

Date: April 9, 2024

Subject: First Quarter 2024 Residential Building Permit and Lot Inventory Report

BACKGROUND / DISCUSSION

This quarterly report on residential building activities is intended to provide an update of the current trends and expected trends within the Town. It also identifies the number of buildable lots remaining within the Town, and future lots that will be available for permits once public infrastructure is installed.

Town staff tracks the number of new residential dwelling permits issued throughout the year. Staff also tracks the number of available buildable lots (buildable lots in this context means zoned residential, platted for development, and public infrastructure is installed and operational). Tracking the number of permits and the number of buildable lots is an indicator of development trends and is used as a resource to guide when and how many new residential building permits the Town is able to issue.

Attached is a report of residential building permits issued through the 1st Quarter 2024 (January 1, 2024 to March 31, 2024). Also included is a report of new residential dwelling permits issued since 2009. The report also includes projected residential dwelling permits based on expected development trends. The annual total number of residential building permits is used to identify trends and project future permits. An inventory report is included to show available residential lots by subdivision, the number of lots remaining for permits, and the status of zoning, platting and infrastructure availability. Residential lot supply and inventory is depicted graphically to show the trend over time.

At the end of the first quarter of 2024, there are 105 residential lots within town that can be issued a building permit. Sage Meadows Second Subdivision infrastructure is complete and residential permits are being issued. Saddleback Subdivision was recently approved for a replat, increasing the number of available lots in Saddleback Subdivision from 153 to 205. Sage Farms Annexation was also approved, so estimated numbers are included in this report as placeholders.

Also included in this report is a summary of the available platted and buildable lots for commercially zoned properties within the Town. The inventory includes lots that are currently undeveloped (some lots have been approved for commercial site development plans, but may not have been constructed yet - development lots that are currently vacant at the time of this report are included in the inventory).

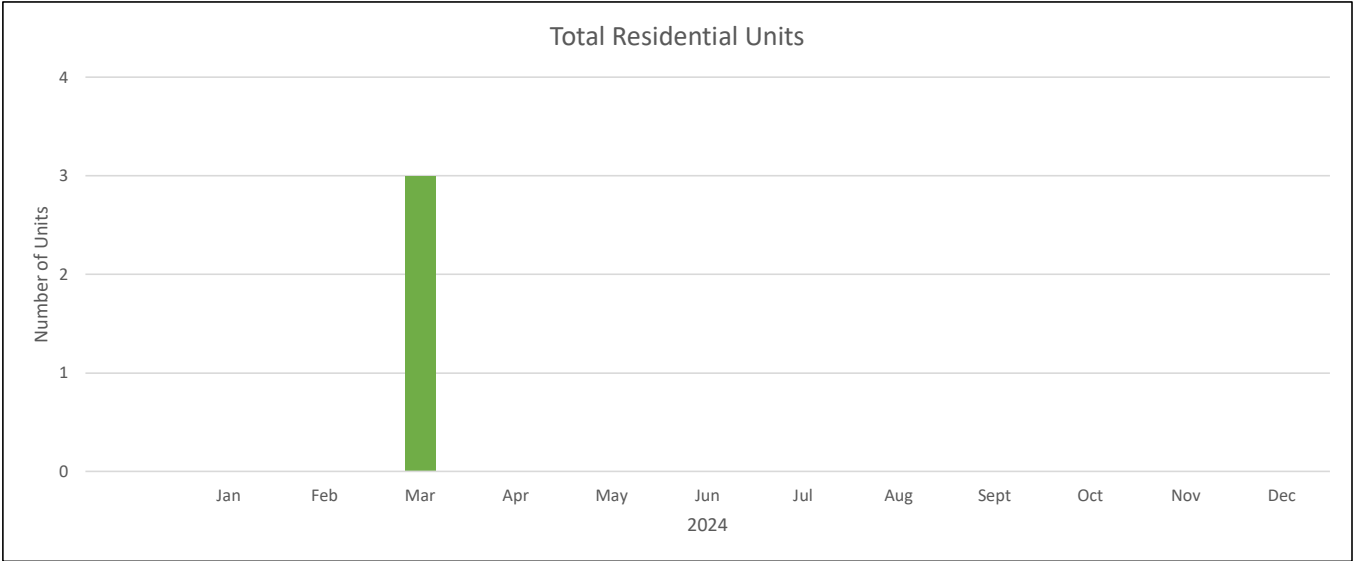
STAFF RECOMMENDATION

Information only - No action required.

ATTACHMENTS

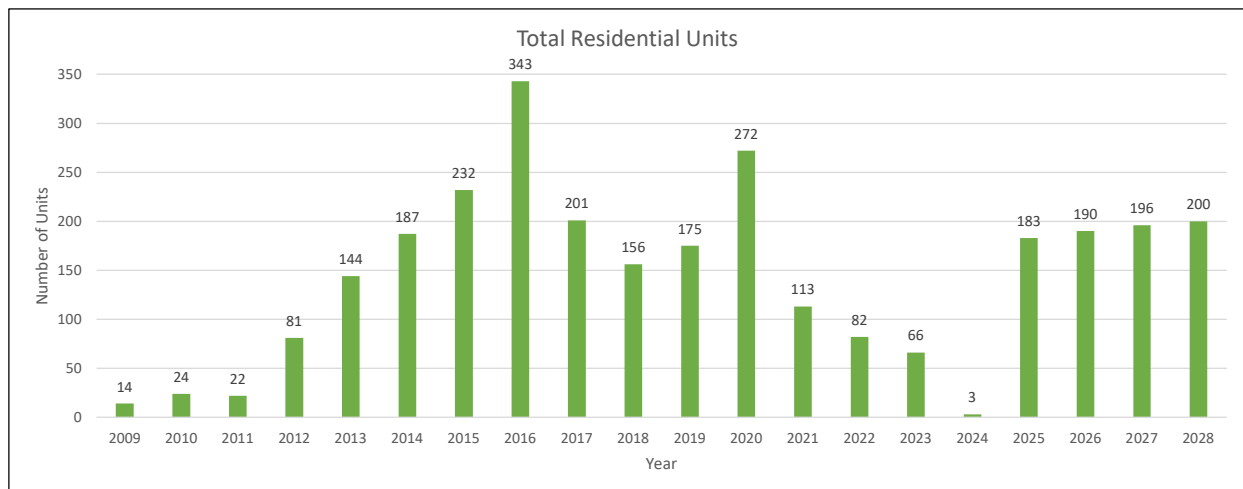
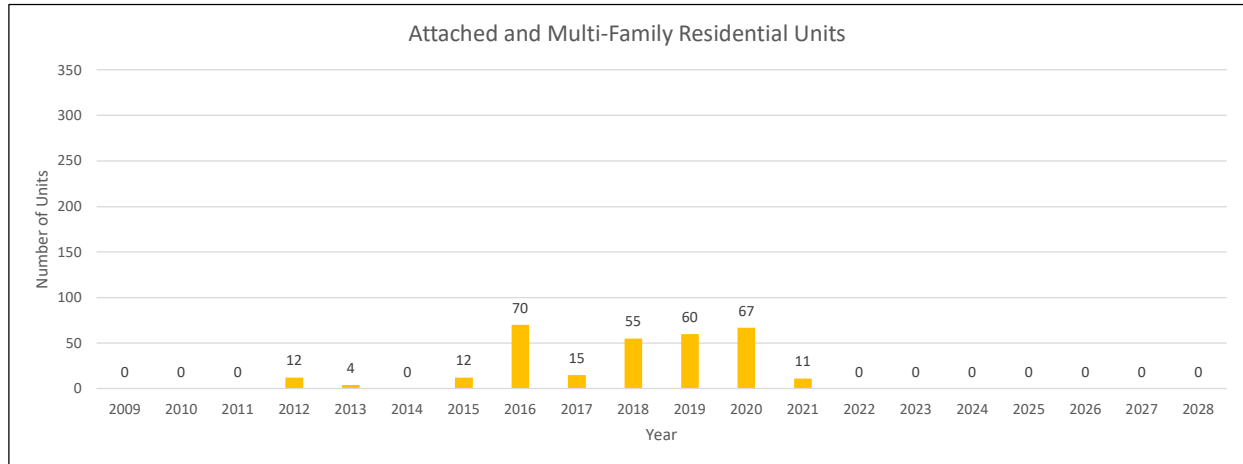
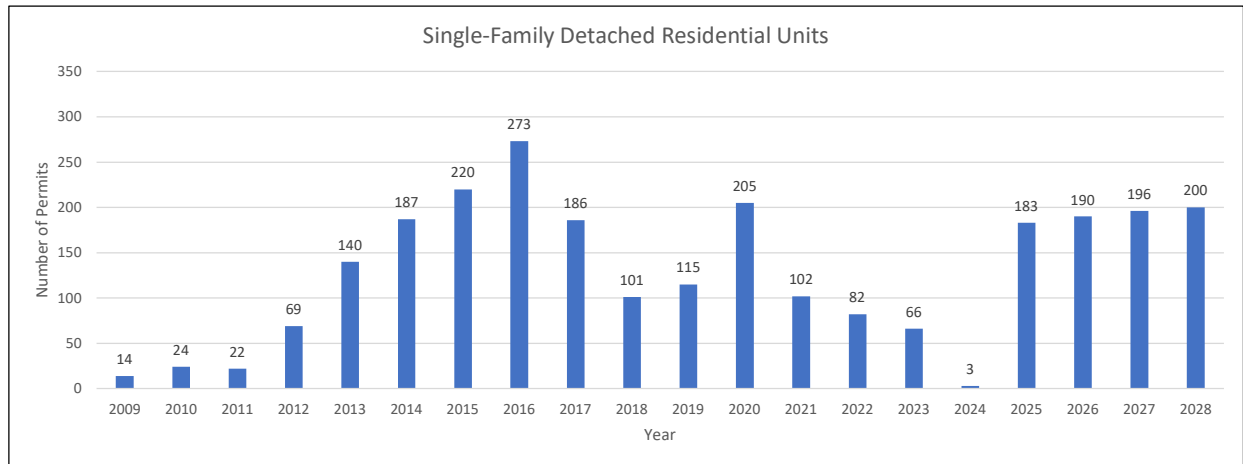
1. First Quarter 2024 Residential Building Permit and Lot Inventory Report

New Residential Permits Issued by Month
2024



2024	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Single-Family Units	0	0	3	0	0	0	0	0	0	0	0	0
Attached Units	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL RES. UNITS	0	0	3	0	0	0	0	0	0	0	0	0
			3			0			0			0
											Total	3

Residential Dwelling Units - Historic and Projected



	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Single-Family Detached	14	24	22	69	140	187	220	273	186	101	115	205	102	82	66	3	183	190	196	200
Attached and Multi-Family	0	0	0	12	4	0	12	70	15	55	60	67	11	0	0	0	0	0	0	0
TOTAL RES. UNITS	14	24	22	81	144	187	232	343	201	156	175	272	113	82	66	3	183	190	196	200

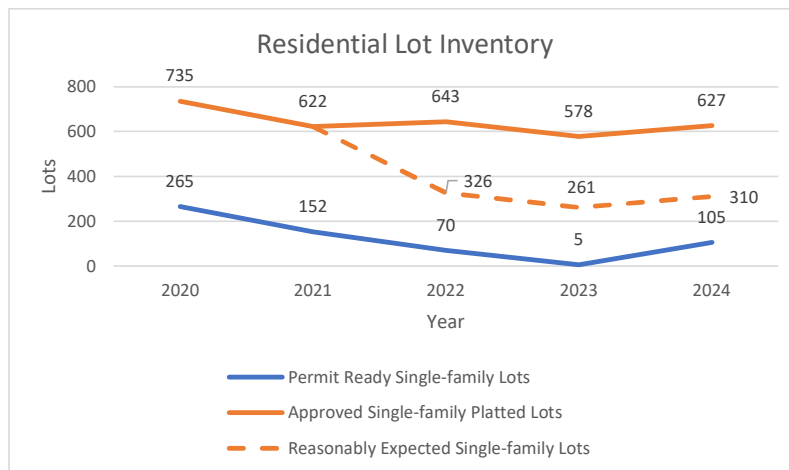
* Attached and Multi-family unit counts manually adjusted to reflect changes in the way permits were entered over time

** Years 2021, 2022 and 2023 - Permits limited due to capacity constraints during construction of water and wastewater treatment plant expansions

Subdivision Name	Remaining Lots/Units	Annexed	Zoned	Platted	Infrastructure
Infill (the Knolls)	2	Yes	Single-family	Yes	Yes
Infill (Fifth St.)	1	Yes	Single-family	Yes	Yes
Infill (Garfield Ave.)	1	Yes	Single-family	Yes	Yes
Columbine Estates	1	Yes	Single-family	Yes	Yes
Sage Meadows 2nd	100	Yes	Single-family	Yes	Yes
Saddleback	205	Yes	Single-family	Yes	No
Sage Farms Phase 1A (estimated)	200	Yes	Multi-family	No	No
Sage Farms Phase 1B (estimated)	200	Yes	Multi-family	No	No
Sage Farms Phase 1C (estimated)	100	Yes	Single-family	No	No
Sundance Phase 1A	60	Yes	Single-family	Yes	No
Sundance Phase 1B	91	Yes	Single-family	Yes	No
Sundance Phase 2	101	Yes	Single-family	Yes	No
Sundance Phase 3	65	Yes	Single-family	Yes	No
Country Lane Acres	41	Yes	Single-family	No	No
Sage Farms (Future Phases)	846	Yes	Mixed densities	No	No

ESTIMATED TOTAL UNITS 2014

Platted Lots	627
Buildable Lots (with infrastructure)	105



Zoning	Acres (total)	Acres (buildable)	Lots (platted)	Lots (buildable)
C-1 - Neighborhood Commercial	6.1	5.5	11	9
C-2 - Downtown Commercial	0.6	0.6	4	4
C-3 - Mixed-Use Commercial	55.3	18.2	24	16
LI - Light Industrial	43.3	43.3	19	19
I - Industrial	59.6	0.0	2	0
PUD - Planned Unit Development	5.0	0.0	2	0

* Buildable indicates lots are platted and have public infrastructure installed and ready for permit.

Board of Trustees Meeting

Date: April 9, 2024
Subject: LCSO Report (February 2024)

BACKGROUND / DISCUSSION

LCSO report from February 2024.

STAFF RECOMMENDATION

Review and retain report.

ATTACHMENTS

1. 02-2024 Wellington Monthly Report - FINAL



John J. Feyen, Sheriff

LARIMER COUNTY SHERIFF'S OFFICE

One Agency

One Mission

Public Safety

March 13, 2024

Town of Wellington
Attn: Patti Garcia, Town Administrator
PO Box 127
Wellington, Colorado 80549

Dear Ms. Garcia:

The Law Enforcement Services Agreement for the Town of Wellington obligates the Larimer County Sheriff's Office to provide monthly reporting.

In meeting the contract, for the month of **February 2024**, the Larimer County Sheriff's Office maintained six deputies, one corporal, and one sergeant providing full-time law enforcement for the Town. In addition, one full-time investigator, one full-time desk deputy, and one full-time School Resource Officer assisted the town with law enforcement activities.

During the month of **February 2024**, non-assigned deputies spent a total of **110.60** hours in Wellington responding to calls, patrolling, and making contacts in the town.

During the month of **February 2024** there were **4.0** hours worked by Northern Colorado Drug Task Force.

Investigations – ongoing and active cases include:

Sex Crime – 3

Death - 1

Burglary – 1

DHS Referral - 4

Missing Person – 1

Administration
2501 Midpoint Dr.
Fort Collins, CO 80525
970 498-5100

County Jail
2405 Midpoint Dr.
Fort Collins, CO 80525
970 498-5200

Emergency Services
1303 N. Shields St.
Fort Collins, CO 80524
970 498-5300

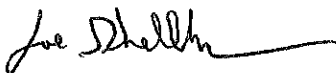
larimer.gov/sheriff

Of Note:

- While conducting proactive patrols, a Wellington deputy located a stolen vehicle with the suspect asleep in the vehicle. Additional deputies were called and they came up with a tactical plan to safely take the suspect into custody. While searching the vehicle, an unserialized firearm, Methamphetamine, Heroin, and over 2 pounds (Kilogram) of Fentanyl were located and seized.
- Four elderly Wellington residents were successfully located after they had been reported as missing. The residents had spent the night in their vehicle after getting stuck in the snow near Red Feather. The daughter of one of the missing persons sent an email with the following statement, "These men were all incredible. Each one was personable and professional. Each of them went out of their way to assure our family that every available avenue was being accessed in an effort to locate my mother. They each listened intently, validated the need for law enforcement involvement, provided updates, and worked quickly to piece together all of the moving parts of the situation. Quite honestly, watching how well they conducted themselves gave me confidence that everything possible was being done. Their calm helped me remain calmer."
- A Wellington Deputy quickly apprehended a suspect when he fled from a stolen vehicle and trailer after the suspect had crashed into a guardrail and numerous parked vehicles.

Pursuant to the Law Enforcement Agreement between the Town of Wellington and Larimer County, applicable documenting monthly forms are attached.

Thank you,



Undersheriff Joe Shellhammer
(970) 498-5103
Attachments



LARIMER COUNTY SHERIFF'S OFFICE

Wellington Calls for Service and Patrol Time
(For Non-Wellington Officers)

Dispatch Dates between 02/01/2024 and 02/29/2024

Excluded from this report -
Squads: Civilian, Parks, and Investigations
Units: 9ME*, 9S27;9Z5;9E86;9E35;9E64;9E89;9E8;9E24;9E75;9E7

Call Times by Month

	Call/Contact Time (Minutes/Hours)	Patrol Time (Minutes/Hours)	Totals
2024-02	4,535.63 75.59	2,100.12 35	6,635.75 110.6
Totals	4,535.63 75.59	2,100.12 35	6,635.75 110.6

Wellington Monthly Report

February 2024

Larimer County Sheriff's Office

Christine Harpel
Administrative Coordinator

3/1/2024

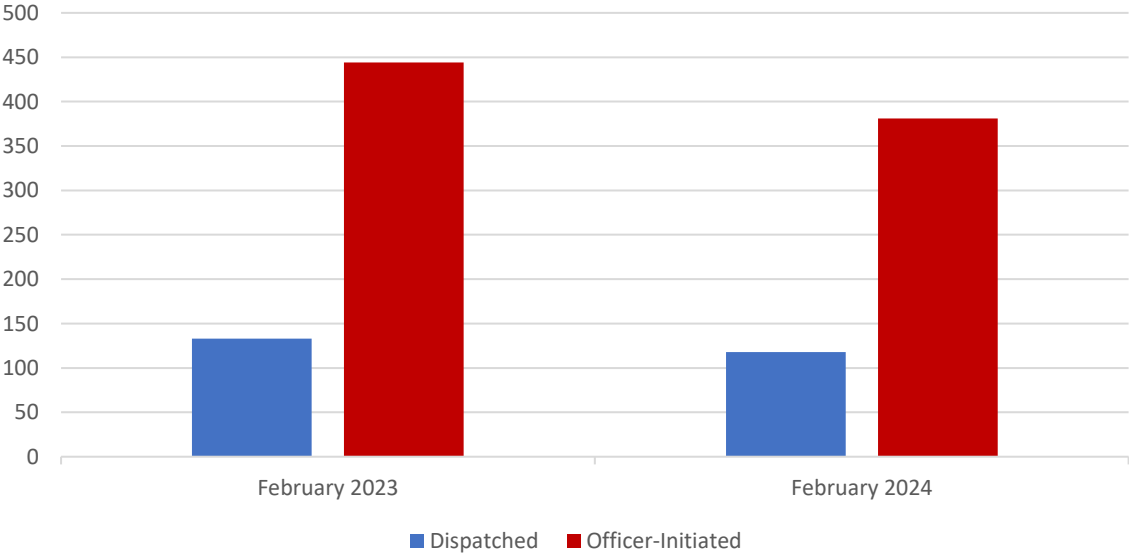
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February 2024 Totals

Dispatched / Officer-Initiated Activity

Dispatched Calls	118
Officer Initiated	381
February 2024 Total	499

Dispatched vs Officer-Initiated Activity



- Dispatched calls were Down 15 or 11% from February 2023
- Officer-Initiated Activity was Down 63 or 14% from February 2023

	Feb. 2023	Feb. 2024
Dispatched Calls	133	118
	23%	24%
Officer Initiated	444	381
	77%	76%
Total	577	499

- 24% were Dispatched Calls
- 76% was Officer-Initiated Activity

February 2024 Calls for Service

Calls for Service Comparison

Call Types A-M

Call Type	2021	2022	2023	Avg 21-23	2024	% Change 3-Yr Avg to 2022
9-1-1 Hangup	0	2	1	1.00	0	-100%
Alarm Calls	7	5	5	5.67	3	-47%
Animal Calls	8	7	9	8.00	10	25%
Assault	2	0	2	1.33	1	-25%
Assist Business	2	6	3	3.67	6	64%
Assist Other Agency (Fire/Med)	11	6	11	9.33	15	61%
Bar Checks	0	0	9	3.00	1	-67%
Burglary	1	0	1	0.67	1	50%
Child abuse	1	2	1	1.33	1	-25%
Citizen Assist	20	28	18	22.00	9	-59%
Civil	20	9	10	13.00	8	-38%
Criminal Mischief	2	1	1	1.33	2	50%
Disturbance	5	7	4	5.33	3	-44%
Drug case	2	1	2	1.67	0	-100%
DUI Arrest	1	1	0	0.67	2	200%
Extra Checks & Business Check	212	170	198	193.33	134	-31%
Family Problems	3	8	11	7.33	8	9%
Fireworks complaint	0	0	1	0.33	0	-100%
Follow up	21	29	35	28.33	24	-15%
Found property	2	1	2	1.67	2	20%
Fraud	6	6	6	6.00	3	-50%
Harassment	8	3	6	5.67	5	-12%
Juvenile Problem	1	3	3	2.33	1	-57%
Lost Property	3	0	3	2.00	2	0%
Mental Health Call	1	0	3	1.33	3	125%
Missing Person (Child/Adult)	1	3	1	1.67	3	80%
Motor Vehicle Accident	4	8	3	5.00	2	-60%
Municipal Code Violation	0	0	15	5.00	33	560%

Call Types N-Z

Call Type	2021	2022	2023	Avg 21-23	2024	% Change 3-Yr Avg to 2022
Neighbor Problems	0	3	1	1.33	3	125%
Noise\Party Complaint	3	3	4	3.33	1	-70%
Pedestrian Contact/Subject St	3	12	5	6.67	9	35%
Private Tow	2	3	0	1.67	7	320%
REDDI Report	1	2	2	1.67	1	-40%
Restraining Order Violation	0	2	5	2.33	0	-100%
Robbery	0	1	0	0.33	0	-100%
Safe 2 Tell	1	2	2	1.67	1	-40%
School Check	3	12	7	7.33	5	-32%
Sex Offense	1	2	5	2.67	5	88%
Sex Offender Check	0	0	1	0.33	0	-100%
Suicide Attempt	4	0	0	1.33	0	-100%
Suicide Threat	2	7	1	3.33	2	-40%
Suspicious Circumstances	14	29	27	23.33	25	7%
Theft	5	7	4	5.33	8	50%
Traffic Problem	10	12	14	12.00	13	8%
Traffic Stop	72	127	102	100.33	109	9%
Trespass	1	2	0	1.00	1	0%
Vehicle Theft	3	0	0	1.00	2	100%
Vehicle Trespass	8	1	2	3.67	0	-100%
VIN Check	5	4	10	6.33	2	-68%
Warrant Attempt/Arrest	2	11	3	5.33	3	-44%
Weapon Related (menacing,	1	0	2	1.00	0	-100%
Welfare Check	13	10	12	11.67	16	37%
Unspecified	0	1	4	1.67	4	140%
TOTALS	498	559	577	544.67	499	-8%

NC = Not Calculable. Cannot divide by 0.

Calls for Service DOWN 78 or 14% from February 2023
February 2024 calls DOWN 8% from February 2021-2023 Average

February 2024 Call Categories

Crime Type Averages / Trends

Property Crimes					
Call Type	2021	2022	2023	Avg 21-23	2024
Burglary	1	0	1	0.67	1
Theft	5	7	4	5.33	8
Vehicle Theft	3	0	0	1.00	2
Vehicle Trespass	8	1	2	3.67	0
Property Crimes Totals	17	8	7	10.67	11

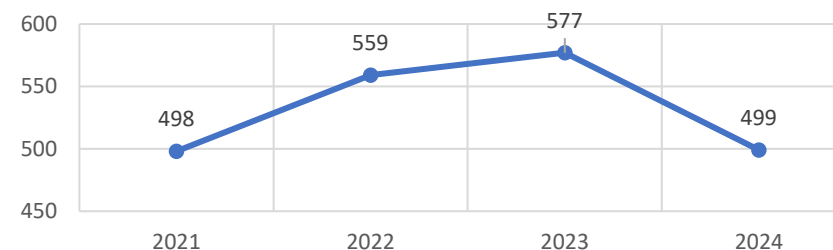
Persons Crimes					
Call Type	2021	2022	2023	Avg 21-23	2024
Assault	2	0	2	1.33	1
Missing Person (Child/Adult)	1	3	1	1.67	3
Robbery	0	1	0	0.33	0
Sex Offense	1	2	5	2.67	5
Weapon Related (menacing,	1	0	2	1.00	0
Persons Crimes Totals	5	6	10	7.00	9

Disorder/Other Crimes					
Call Type	2021	2022	2023	Avg 21-23	2024
Alcohol Calls	0	0	0	0.00	0
Animal Calls	8	7	9	8.00	10
Criminal Mischief	2	1	1	1.33	2
Disturbance	5	7	4	5.33	3
Drug case	2	1	2	1.67	0
Family Problems	3	8	11	7.33	8
Harassment	8	3	6	5.67	5
Juvenile Problem	1	3	3	2.33	1
Noise\Party Complaint	3	3	4	3.33	1
Suspicious Circumstances	14	29	27	23.33	25
Trespass	1	2	0	1.00	1
Disorder Crimes Totals	47	64	67	59.33	56

Red numbers indicate a DECREASE in crime from February 2023

Yellow backgrounds indicate an INCREASE in crime from February 2021-2023 Average

February 2021-2024 Totals



February 2024 Traffic

Traffic Citations	2/23	2/24
Traffic Citations Issued	29	32
Traffic Warnings	62	94

➤ Citations Issued Up 3

➤ Warnings Up 32

Call Type	2/23	2/24
Traffic Stop	102	109
Motor Vehicle Accident	3	2
DUI Arrest	0	2
Traffic Problem	14	13
REDDI Report	2	1

➤ Traffic Stops Up 7 or 7%

➤ MV Accidents Down 2

➤ DUI Arrests Up 2

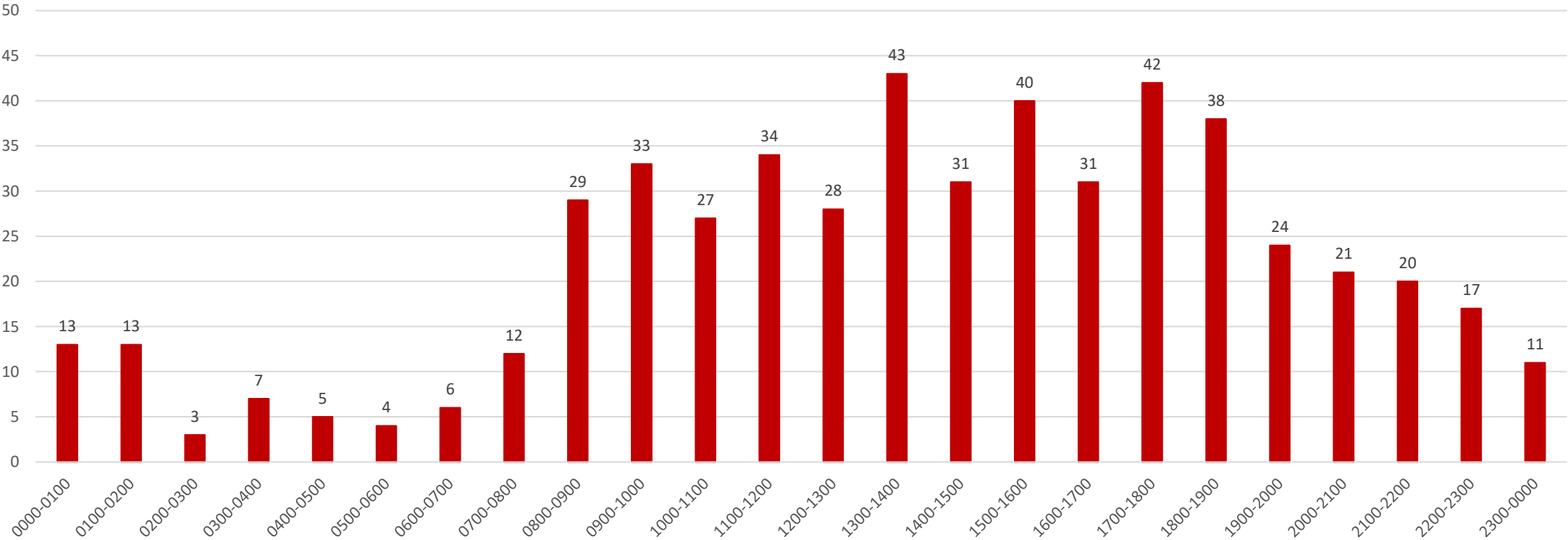
➤ Traffic Problems Down 1

➤ REDDI Reports Down 1

February 2024

Call Totals by Hour

Busiest Hours
1300-1400 (43)
1700-1800 (42)

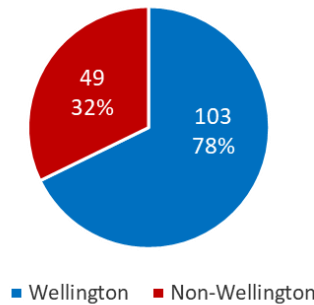


25 Calls between 0200-0700

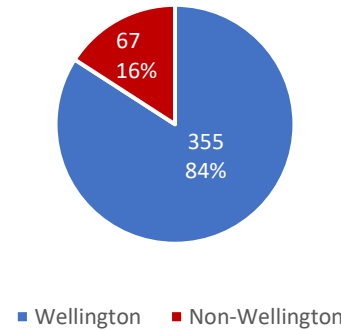
February 2024

Wellington/Non-Wellington Units

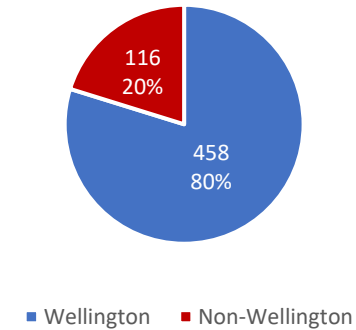
Dispatched



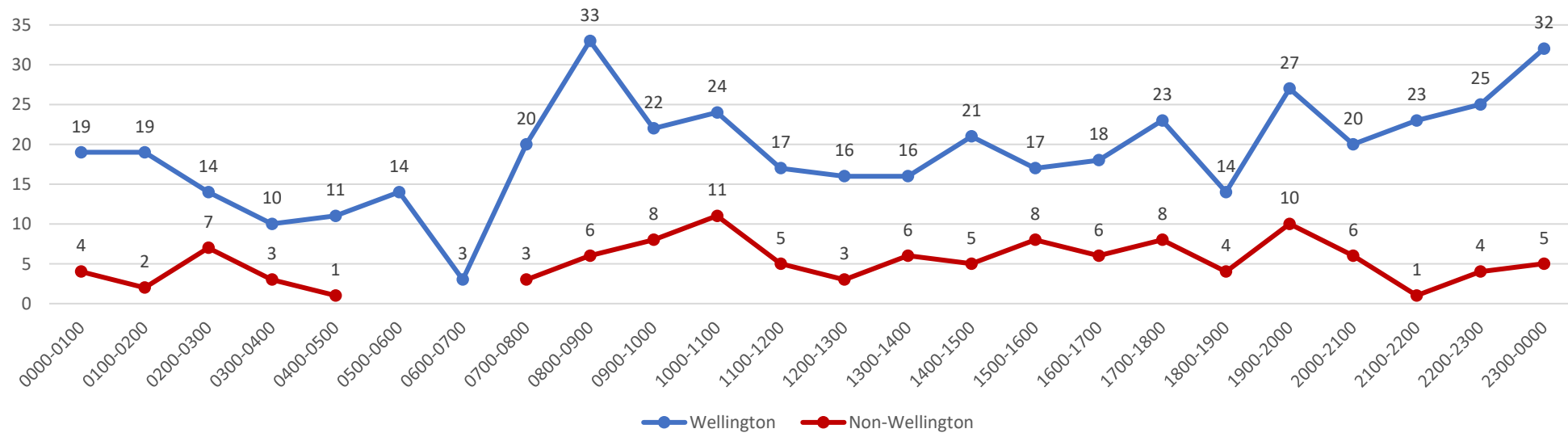
Officer-Initiated



Total Calls



Wellington/Non-Wellington Calls by Hour



February 2024

Response Times / Time on Calls
Dispatched Calls Only
All Times in Minutes

Average Response Time (All Units)		
High		13.45
Medium		11.36
Low		42.35
Avg. Response Time		22.39

Average Time on Calls (All Wellington Calls)			
High			60.97
Medium			38.54
Low			43.02
Avg. Time			47.51