



BOARD OF TRUSTEES
January 26, 2021
6:30 PM

Regular Meeting

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance
Mayor Hamman asked that all rise for the pledge of allegiance.
2. Roll Call
Mayor Troy Hamman
Mayor Pro Tem Wyatt Knutson
Trustee Jon Gaiter
Trustee John Jerome
Trustee Rebekka Kinney
Trustee Ashley Macdonald
Trustee Tim Whitehouse

Also Present:

Patti Garcia, Town Administrator
Brad March, Town Attorney
Judi Tippetts, Finance Director
Cody Bird, Director of Planning
Hallie Sheldon, Management Analyst
Bob Gowing, Director of Public Works
Krystal Eucker, Town Clerk
Alex Evonitz, Engineer
Dave Myer, Engineer
DJ Jones, Water Treatment Superintendent
Michael Rairdon, Larimer County Sheriff's Office Patrol Sergeant
Lori Woodruff, Human Resources Manager
Mahalia Henschel, Communications Specialist

3. Amendments to Agenda
Mayor Hamman asked if there were any amendments to this evening's agenda to which there was none.
4. Conflict of Interest
Mayor Hamman asked if there were any conflicts of interest on this evening's agenda to which there was none.

B. COMMUNITY PARTICIPATION

1. Public Comment

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

2. Presentation

a. Wellington Main Streets Program Annual Report

Ms. Cooper with the Wellington Main Street program informed the Board that the Wellington Main Streets Program Annual Report for 2020 will be presented this evening which will give a snapshot of the programs over the last 12 months and highlight some of the economic impacts and how our program supports the development of downtown Wellington. In 2020 we were able to raise \$6,465 in sponsorships for downtown projects and events and logged over 1700 volunteer hours with 106 of those being new volunteers that were registered this year. Over 500 hours were dedicated to COVID-19 response.

The Colorado Main Street Program and the Colorado Department of Local Affairs provided us with concept consultant services, ongoing training, and financial contributions so this year we leveraged \$25,250 in funding through these services to support not only our program but our work in the Community. Additionally, over \$578,739 was invested in improvements to both residential and commercial buildings within the Main Street Program area; this was both public and private investments.

There was \$17,287 in downtown beautification projects, Greetings from Wellington Mural, new historic train depot landscaping, annual color and Welcome to Historic Wellington banners.

One of the major goals of the Main Street Program is to increase awareness of the downtown business community and support historic preservation so we took a big focus this year on doing that virtually because we had to and increasing our social media presence by investing and engaging the public in that avenue. Social media presence increased by 31% this year, which is a huge jump from what we've done in the past.

Although many of our events were cancelled this year due to the pandemic, we were able to host one of our largest events that we've ever been able to do. We hosted 2,500 people for our Trick-or-Treat Down Main Street event which had some great response from the people who attended.

Wellington Main Streets Program was also granted the prestigious title of Graduate Main Street Program and were featured in a nationally syndicated television series.

As we head into this year we have already launched and started planning for our summer events.

Mayor Hamman inquired about the \$570,000 worth of investment downtown; how much of that was Cares Act Funding.

Ms. Cooper stated that none of it was Cares Act Funding; it was private investment into home improvements or business improvements that includes both residential and commercial buildings.

Trustee Gaiter commented that he appreciates all that the Main Streets Program has done this year.

Trustee Kinney commented that she also appreciates all they have done.

b. Quarterly Treasurer's Report

Ms. Tippetts reviewed the Treasurer's Report that was included in the packet material. We had budgeted \$6.8 million in revenues and the actual revenues came in at \$7.8 million so we are up \$960,400. Budgeted expenditures were at \$7.6 million and the actual expenditures were at \$5.9 million so expenditures were down by \$1.7 million. The fund balance also increased by \$1.8 million.

The water fund came in favorably with revenues coming in higher than expected and expenditures coming in lower than expected. Budgeted revenues were \$7 million and actual revenues came in at \$7.9 million. Budgeted expenditures were \$4.7 million and actual expenditures were \$3.3 million. There were nearly 300 taps that we brought on although we are limiting that number to a total of 300 new taps over the next three years to allow for the water plant expansion.

The sewer fund came in favorably with revenues coming in higher than expected and expenditures coming in lower than expected. Budgeted revenues were \$3.4 million and actual revenues came in at \$3.5 million. Budgeted expenditures were \$1.8 million and actual expenditures were \$1.7 million.

Almost 82% of the revenue in the general fund is coming from sales tax and impact fees. The rest of the revenues come from licensing and permits, intergovernmental, charges for services, fines and forfeitures, earnings, and miscellaneous revenues. We will be looking at these numbers closely so when budget times comes around, we won't be surprised.

Sales tax is the single largest source of revenue for the Town. The sales tax rate for the Town of Wellington is 3.0% and includes food for home consumption. Currently, the general fund receives 2% of the funds collected and the remaining 1% is split between the streets and parks departments. Sales tax collections have an estimated increase of 28% in 2020 over 2019. Approximately, 11% of this can be attributed to collection of sales taxes on e-commerce sales. In November of 2018, the Colorado Department of Revenue announced legislation requiring collection of sales taxes by online sellers. Total sales tax budgeted for 2020 was \$2 million; actual sales tax collected was \$2.6 million which is over a 31% increase.

The second largest source of revenue for the Town is property tax. A mill levy is a tax rate that is applied to the assessed value of a property. Currently, assessed property values are calculated by multiplying the actual value by 7.15% for residential properties, and by 29% for nonresidential properties. These percentage numbers are determined by state law. The Town of Wellington certified 13.142 mills for the fiscal year of 2021; 12.439 will go to the general fund and .703 will go to a general obligation bond for water.

The factors to watch in 2021 include post COVID consumer behavior, impact of the election, impact of limited building permits and water and sewer tap fees.

C. CONSENT AGENDA

1. Minutes of the January 12, 2021 Regular Board of Trustees Meeting
Trustee Whitehouse moved to approve the consent agenda; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:
Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman

Nays – None
Motion carried.

D. ACTION ITEMS

1. EPA Mandated "Risk and Resilience Assessment" and "Emergency Response Plan" Contract Award

Mr. Gowing informed the Board that this project was started a few months ago by Mr. Myer. Mr. Evonitz has taking over this project since joining the Town of Wellington.

Mr. Evonitz informed the Board that as a result, from a directive from the EPA, in May 2019, Wellington is obligated to complete and submit an evaluation specifically for drinking water facilities by June 30, 2021 if serving 3,301 to 49,999 people. This approval is specifically for the drinking water facilities only and will meet the current EPA mandate. A recommendation to include wastewater facilities evaluations was also suggested by staff. However, in the interest of time and money, the recommendation here is that the wastewater plant and collection system evaluation would be better addressed next year as a CIP.

There were four capable consultants (Woodard & Curran, Farnsworth, Jacobs and JUB Engineering) contacted and two responded. The respondents were JUB Engineering and Jacobs Engineering. Following an internal review of the proposals, staff concluded that Jacobs' proposal showed a superior understanding of the issues. There has been some concern about the amount of work that Jacobs has been involved with in Wellington although after an internal meeting with staff, it was clear that Jacobs had a far superior proposal to JUB Engineering.

Trustee Gaiter inquired as to the consequences if this is not completed.

Mr. Evonitz stated he is not sure what the penalty would be although it could be fines as the EPA is big on fines and probably a warning but obviously, we want to stay in compliance with the EPA.

Trustee Gaiter inquired as to the amount for the other contract as it was mentioned that it was a little lower.

Mr. Evonitz stated it was roughly \$79,000.

Trustee Gaiter commented that it is about a 20% difference between the contracts.

Mr. Evonitz stated one issue is the amount of staff time it would take to bring another firm up to speed.

Trustee Jerome inquired if JUB worked on the Nano Project.

Per Mr. Gowing; yes.

Trustee Jerome commented that the Nano Plant Project came in late and very over budget and feels JUB was on that project.

Mayor Hamman inquired as to the major fires in the area recently and if that is what this pertains to.

Mr. Evonitz stated it is a combination of that and Wellington's operational program.

Mayor Hamman inquired if the Town will be in a position to deal with the "dirty water" that could flow down.

Mr. Gowing stated most of the Town's water comes from the North Poudre Irrigation Company System with the remainder coming from the ground water wells which have built

in filters. Our delivery system is shallow, so we had the opportunity to go in and clean out sediment.

Trustee Gaiter inquired as to the not to exceed amount and if that will change.

Mr. Evonitz stated it is truly a not to exceed amount and will not change.

Mayor Hamman opened the meeting up for public comment.

Kathy Wydallis, 3405 Revere Court, Wellington, CO inquired if resilience means recovering from a disaster and if there is a power outage, is there a generator that will keep the water plant running.

Mr. Evonitz stated resilience is difficult to define but it is everything associated with delivering quality drinking water to the Town.

Mr. Gowing stated there were two generators purchased by the Town and we are working on a manual transfer switch to keep things going in a power outage.

Trustee Gaiter moved to approve the contract for Mandated Risk and Resilience Assessment and Emergency Response with Jacobs with a not to exceed amount of \$98,643; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

2. Resolution No. 03-2021 - A Resolution Extending Conditions of Approval of Poudre School District Annexation

Mr. Bird informed the Board that Ordinance 4-2020 was adopted conditionally annexing the Poudre School District Annexation into the Town, conditioned upon entering into an annexation agreement within 180 days of the adoption of the ordinance. As a result of negotiations with Poudre School District and the need to approve a development agreement concurrently with the annexation agreement, the agreements were approved outside the 180-day timeframe contemplated in the original ordinance. An extension to the conditions of Ordinance 4-2020 is needed for the purpose of obtaining required signatures and recording the necessary documents to complete the annexation. An extension can be granted by adoption of a resolution.

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

Trustee Whitehouse moved to approve Resolution 03-2021; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

3. In Person Board of Trustee Meetings

Ms. Garcia informed the Board that staff has been working on getting the Leeper Center prepared for in person or hybrid meetings for the Board of Trustees. As with any AV system changes, there is always things that happened that we're not prepared for, which is why we started planning several weeks ago to give us time to be ready. Staff will be doing another run through on Monday to work through any issues. One of the things we are running up against is how to seat the Board of Trustees that want to attend in person. The microphones are stationary and can't be moved and we are still required to have the six-foot distancing so that piece is still being worked through. We will be measuring tomorrow to see how the Board can be arranged in the Chambers although we are guessing there can be four or five Trustees at a time.

Some other things that staff has discussed is the mask requirement, the six-foot distancing and disinfecting the podium and how to enforce those things.

There has been 129 cases and two deaths since January 1st, so you know that there are still cases increasing.

Staff is ready to support the Board of Trustees if they want to move forward with in-person or hybrid meetings and are willing to be there. There will be some staff that will still be joining virtually.

Mayor Hamman inquired if there will be law enforcement at the meetings.
Sgt. Rairdon stated he would be at the meetings.

Trustee Jerome stated let's get in person.

Trustee Whitehouse commented that for effective communication, you probably might need to look at something that isn't stationary.

Ms. Garcia stated some of the issue and part of the reason why they are stationary and grounded is to use the Zoom platform so the public can view the meeting and still participate. There are a lot of moving pieces to make this all work.

Ms. Eucker stated Xcite Audio set up new microphones and a new amplifier system, so the audio is a lot clearer in the Board Chambers and will be clearer when streaming over Zoom.

Trustee Gaiter commented that he thinks it would be good for the Board to go back to in-person, or at least a hybrid so we can have some people in person or individuals that want to attend remotely can still do so. When this all first started, the chairs were set up six feet apart before the meetings and that worked well. The public that came to the meetings understood why it was being done, they just went in and sat down so I don't think we would see much of a problem with that.

Trustee Whitehouse commented that the last time we had it set up we were using the Senior Center side so will we be using that or are we just back to the Chambers side.

Ms. Eucker stated the AV system is just set up in the Board Chambers so would not include the Senior Center side.

Trustee Kinney commented that she is in favor of doing hybrid meetings so long as we always protect the right for people to attend online. The feedback I have received is that families with young children are able to participate in our meetings now and they never were able to before. I am fine with hybrid meetings, but I do not want to force anyone, staff, community members, Trustees or otherwise to have to attend in person.

Mayor Hamman stated he is in favor of going back to in-person.

Ms. Garcia commented that there may be some hiccups in the first meeting or two so hang in there with us.

Mayor Hamman opened the meeting up for public comment.

Shirrell Tietz, 4525 Ingalls Drive, Wellington, CO thanked the Board for going to in person meetings and appreciates the opportunity to attend virtually as she may not always be able to attend in person.

Kathy Wydallis, 3405 Revere Court, Wellington, CO thanked the Board for considering in person meetings and would like to see thing open back up.

Mike Clark, Sage Meadows, Wellington, CO thanked the Board for looking into ways that we can open back up.

Trustee Gaiter moved to go back to in person meetings with a hybrid option; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

E. REPORTS

1. Town Attorney

Mr. March stated we did get a request filed by the proponents on both marijuana actions to extend the deadline for them to file their briefs for 90 days which gets us to the end of April.

2. Town Administrator

Ms. Garcia commented that she has been with the Town for almost two months now and its been a crazy two months but feels like she is getting acclimated so she will be stepping out of some of the details of some projects and will move focus onto other items. Sheryl Trent will be reaching out to the Board to schedule a meeting regarding the strategic plan

3. Staff Communications

None

4. Board Reports

Trustee Gaiter commented that he had the opportunity to attend the County meeting and felt like the County was demeaning and dismissive regarding public comment, he is appreciative of how Wellington is handling public comments.

F. EXECUTIVE SESSION

1. An executive session pursuant to C.R.S. § 24-6-402 (4)(f)(I) concerning personnel matters and the employee who is the subject of the session has not requested an open meeting (Town Attorney review)

Trustee Jerome moved to go into executive session pursuant to C.R.S. § 24-6-402 (4)(f)(I) concerning personnel matters and the employee who is the subject of the session has not requested an open meeting (Town Attorney review); Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

The Board of Trustees moved into executive session at 8:00 p.m.

Trustee Gaiter moved to close the executive session; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman

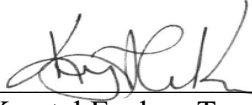
Nays – None

Motion carried.

The executive session was closed at 9:11 p.m. and the regular meeting resumed.

G. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:11 p.m.



Krystal Eucker, Town Clerk