



BOARD OF TRUSTEES
February 23, 2021
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

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
Dan Sapienza, 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
DJ Jones, Water Treatment Superintendent
Corporal Russell Downing, Larimer County Sheriff's Office
Lori Woodruff, Human Resources Manager
Mahalia Henschel, Communications Specialist
Dean Campos, Parks and Recreation Manager
Ross Lagenese, Library Manager
Dave Myer, Engineer
Liz Young-Winne, Planner
Mike Flores, WWTP Lead Operator
Darla Roselle, Human Resources Administrative Coordinator

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.

Trustee Gaiter stated he did listen to the Planning Commission meeting when they discussed agenda item D.2 but does not feel it will be any issue.

B. COMMUNITY PARTICIPATION

1. Public Comment

Mayor Hamman opened the meeting up for public comment.

Christine Gaiter, 8132 4th Street, Wellington, CO commented that she came from California that was very populated and there were no breaks between municipalities; the open space is what drew her to the area along with the homes on large lots which give the area a small-town feel. Ms. Gaiter feels the land use map along Highway 1 and the downtown area will take the small-town feel away and feel too crowded with higher density. Ms. Gaiter stated she does not like the map and would like to see housing on bigger lots as well as maintain walkability within the community.

Kathy Wydallis, 3405 Revere Court, Wellington, CO stated the minutes for the meeting have been terrific as they are now more detailed. Ms. Wydallis stated she said something at the last meeting that she would like to clarify as she does get nervous during public comment. She does not feel the Town is the biggest problem when it comes to watering as there are a lot of non-potable systems in Town. Ms. Wydallis commented that the Public Works Department does a lot of hard work and they are terrific at it.

2. Presentation

a. Parks and Recreation Manager Introduction - Dean Campos

Dean Campos, Manager of Parks and Recreation introduced himself to the Board and stated he appreciates the opportunity to be a part of Wellington and thanked the Board for approving the merger of parks and recreation.

Mr. Campos informed the Board that he has 10 plus years of experience within the parks and recreation industry, specifically surrounding strategic planning, operations management, and program management. Mr. Campos has taught in higher education at the University of Northern Colorado and has worked in the private sector as well as municipal government.

Mr. Campos has worked with a number of professionals and different companies, but his true passion is with parks and recreation. There is so much potential for the Parks and Recreation Department in the Town of Wellington and we are barely scratching the surface. The goal is to be the best town in the state and that can be achieved through strategic planning, and programs and events while maintaining financial responsibility. The Department is currently working through a cost recovery process with the merging of parks and recreation although things look really good. The Department is looking at things differently and implementing a new innovative strategy to make sure that we are not only supporting the revenues that will be coming in with the current programs that we have, but also to support a potential facility coming in.

Mr. Campos believes the Parks and Recreation Department is the heartbeat of the Town of Wellington and wants to make sure that as we start moving forward and building this Department that the Community is heard from.

Mr. Campos also stated he is a big advocate for staff development and making sure that he is

doing everything to ensure that staff have the skills necessary to not only be amazing human beings but also amazing professionals. Mr. Campos is also a big believer in servant leadership.

b. Library Manager Introduction - Ross Lagene

Ross Lagene, Library Manager introduced himself to the Board and informed them he has been with the Town for approximately two months.

Mr. Lagene stated he has a background in middle level education and also in business although his main focus is living in Wellington and raising two children here. Mr. Lagene stated he really cares about what happens in Wellington because it is part of a legacy for his children; they are his driving force.

Mr. Lagene grew up in Fort Collins and attended city council meetings with his father. Mr. Lagene is passionate about the Library and the number one priority is to make sure that every single resident is honored by the library, and that there are resources available to honor the changing demographics. The Library wants to honor the past but also look to the future and make sure that the Library is a safe place for everyone.

Mr. Lagene stated there are a lot of libraries that are struggling right now, and some are actually being shut down; our library is increasing in numbers. The Library is working on programs in a financially responsible way. Mr. Lagene is working on creating relationships with businesses in Town also.

The Library was lacking the mission and vision statement so that has been created:

MISSION STATEMENT

The Wellington Public Library, in cooperation with The Town of Wellington, honors our history with focused intent on the future. Our mission is to serve and reflect every member of our community in an enlightened, democratic, and unified approach.

Our guiding ideals are
Community. Connection. Curiosity.

VISION STATEMENT

The Wellington Public Library abides by the vision to promote curiosity, knowledge, and exploration through access to a myriad of global and innovative media applications and programs that foster a safe and inclusionary place to share and connect with our community.

Ms. Garcia addressed the Board and commented that she appreciates Mr. Campos and Mr. Lagene being here tonight. This is the caliber of talent that Wellington is acquiring and appreciates the Board of Trustees approving the personnel budget that was presented because it was bigger, and we were dreaming big. The personnel budget has allowed us to be competitive to acquire some great talent. The Town has some Civil Engineers that were recently retained and they come with great municipal experience.

C. **CONSENT AGENDA**

1. Minutes of the February 9, 2021 Board of Trustees Meeting

Trustee Gaiter moved to approve the consent agenda; 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.

D. ACTION ITEMS

1. WWTP Expansion - Update and CMAR Delivery Method Presentation

Mr. Myer informed the Board that this evening staff will be providing a presentation and update on the Wastewater Treatment Plant (WWTP). There will be four areas that staff will be presenting: project overview, update on the contractor selection, next steps, and CMAR delivery method.

Mr. Gowing informed the Board that a lot of this information was documented in the master plan. The original plant was built in 2004 and the capacity of that was about a half million gallons (MGD) per day. The expansion in 2016 almost doubled the capacity to .9 MGD. The current expansion will double the capacity again to 1.8 MGD. The future phase will double that capacity again to 2.7 MGD. The master plan wanted to plan around all the expansions from here moving forward to an ultimate population of about 35,000 people. Staff took the difference between where the Town is now with a population of roughly 11,000 and the number of what the Town is predicted to be at of about 35,000; split it in half and into two phases so that the design is completed with the future expansion in mind. The amount of flow that is received at the WWTP goes up proportional to the population so the discussion regarding the WWTP is integral to growth. The plant is not exceeding capacity although the level of capacity is at the point where the Town is required by the State to begin design and move into construction.

Mr. Myer stated there are some limitations on the existing plant that were identified in the master plan. Most of these limitations at the existing plant are related to capacity along with some operation and maintenance issues and operator safety concerns. One of the biggest and most costly issues that is needed quickly is the head works building as the current building is at capacity, the equipment is aged and has reached its operational lifespan.

Before the holidays, the Town initiated design with Jacobs and the 10% design meeting was held last week. The conceptual design report was issued and is being reviewed by staff. The Town is progressing with weekly design meetings along with the wastewater utility plan which is a requirement for the expansion. It is being anticipated that 90% and 100% designs will be completed by December and January of next year, construction is slated to begin in May of 2022 and completion in January of 2024. That is ahead of the water treatment plant commissioning which is scheduled for spring of 2024. It is critical for the WWTP to be online prior to the start of the new water treatment plant.

Mr. Flores informed the Board that the contractor selection was an intensive process. There was a committee of eight town staff members and one representative from Jacobs that reviewed the five proposals that were received in December. The proposals were narrowed down to three finalists. From there, a second committee was formed of six town staff members and a member from Jacobs. There was a long and dedicated process to select the top contractor which was Moltz Construction.

Mr. Myer informed the Board that the next steps include contract negotiations with Moltz. Staff would like to have Moltz under contract before reaching the 30% design schedule. Staff is estimating the contract will be before the Board at the March 9th or March 23rd meeting. Weekly design meetings will continue as well as updates for the Board at 30%, 60%, 90% and 100%. The site plan is a little different than what the Board has seen in the past; it includes an expanded treatment facility and preliminary piping layouts. One item that was mentioned in a previous Board meeting was the plan for the new administrative building. The details of the administrative building are still being worked on. The majority of the administrative building will be used for the UV system and the laboratory. It is being planned to enlarge the laboratory during the project as there is only a single bathroom and a shower for all the operators. The office spaces are cramped and there

is no space for lunch facilities which raises sanitary issue concerns.

Mr. Myer informed the Board that the definition of CMAR is a project delivery method with a contractor on board during design and delivers a Guaranteed Maximum Price GMP based on construction drawings and specifications at the time of the GMP.

The Design-Bid-Build is probably the more traditional delivery method; an engineer would be hired to produce the design documents and then bid out the construction to contractors. A disadvantage to this method is that there is little to no collaboration between the designer and contractor.

Another delivery method that has been used in the past is the Design-Build. In this scenario, there would be one contract, usually with the contractor and the contractor would hire the engineer. A disadvantage to this method is the reduced opportunity for the owner to collaborate with the design.

The CMAR delivery method is basically a hybrid between Design-Bid-Build and the Design-Build method. We would be in contract with an engineer and in contract with the contractor. A disadvantage to this method would be an additional cost of bringing in the contractor during the design process although the costs is relatively small in comparison to the overall project.

Mr. Gowing informed the Board that the management of risk is a huge part of any project for an owner, especially on a \$30 or \$40 million project. The CMAR delivery method typically takes little bit longer and that is due to the built-in cost estimates that the CMAR provides; that provides feedback to the engineer and the owner during the design process so that we can build engineering into it instead of waiting until after it is built out and awarded to a contractor. That alone mitigates a lot of risk for the owner. It is believed that construction will go a little bit faster because the contractor has been on board since at least the 30%. The contractor has seen the plans evolve so they are much more familiar with the design plans and have a plan to move forward once construction begins. In relation to the GMP, at some point in the design process, the owner will ask the CMAR for guaranteed maximum price, and that would be based on the construction documents that are prepared at that time. The owner, designer and the CMAR will talk about what is the appropriate contingency so everyone is on the same page in terms of where the risk is of estimating early for that project so the GMP can be developed at any stage of the project. Jon Tucker with Moltz Construction is on the meeting this evening to answer any questions that the Board may have.

Jon Tucker with Moltz Construction stated he did like the CMAR method as it really does bring collaboration on the project and the ability to work in a team to get the project built. It makes it so the project came be completed on budget with the 30%, 60% and 90%. Moltz has been doing CMAR projects on the front range for over 20 years and it seems to be the way a lot of municipalities are going.

Mr. Gowing commented that the CMAR delivery could also be looked at as a fixed fee plus a profit. One of the benefits is that the books are open to so we can see what the contractor's expenses are and then there is kind of built in overhead and that is the fee that goes on top of the fixed expenses of the project.

Mr. Myer commented that a number of municipalities along the front range have been using this delivery method. The Town of Wellington did use this approach in 2003 for the WWTP with Hydro Construction. Staff feels that that the CMAR delivery method is an excellent choice for the WWTP expansion from a time collaboration and cost savings perspective. It does void the messiness of bidding, unknowns, change orders and it is less of a risk for everyone.

Trustee Jerome inquired if Moltz and Jacobs successfully completed similar projects together in the past.

Steve Tamburin stated they have done multiple projects in the past with Moltz across Colorado.

Trustee Macdonald commented that she does have concerns with the contractor as she received a complaint regarding a facility that they worked on recently. Trustee Macdonald would like to tour that facility before making a decision and would also like to review the committee's selection documentation.

Mr. Myer stated he can provide the decision matrix that was generated through the process. In regard to the issue with Moltz, that can be looked into further.

Trustee Gaiter commented that he did not have an issue with CMAR or the contractor although at this point, he would like to get that information once available. Trustee Gaiter did inquire if it is possible to push some of the expansion items to phase four as the Town is already dealing with a water rate increase and is concerned about wastewater increases.

Mr. Gowing stated staff has been looking at that to identify some items that we may be able to push but the challenge to that is that the wastewater capacity needs to coincide with the water plant capacity. The Town growth rate over the last 10 years is approximately 6% and the last expansion was about five years ago. The Town has already used that capacity up as a function of the extremely high growth rate that Wellington has experienced. The water plant cannot run without having corresponding capacity in the wastewater plant. There is no point in building in additional capacity in the water side if you do not have the ability to treat the wastewater.

Trustee Jerome commented that back in 2016 it was mentioned that there were some shortcuts on that expansion as it related to the budget which has in part put the Town in the position they are in now.

Mr. Gowing commented that is correct; when things are not done correctly the first time, they will come back at some point.

Mayor Hamman opened the meeting for public comment.

Christine Gaiter, 8132 4th Street, Wellington, CO asked that once the contract comes before the Board, if they could estimate how much the sewer base rate would be.

Mayor Hamman commented that there will be a lot to study on that issue and there are other ways of financing; this agenda item is related to the CMAR process.

2. Public Hearing - Conditional Use for Human Bean Drive Thru in C1 Community Commercial Zone District

Mr. Bird informed the Board that a public hearing was scheduled for tonight's meeting for the Human Bean Drive through coffee shop request for a conditional use. When staff advertises these public hearings, both the Planning Commission public hearing and the Board of Trustees public hearings are advertised. The Planning Commission heard this conditional use at the first of the month. There was still some additional information that was needed regarding the traffic engineering, so the Planning Commission had requested that item be tabled to a later date. Subsequently, there is not a recommendation to pass onto the Board of Trustees. Staff felt it was prudent and it was typical for the Board of Trustees to wait for that advisory body to provide the recommendation. Staff is recommending tabling this item to the March 9, 2021 regular meeting.

Trustee Gaiter commented that he understands the desire to table this item, although as a Board

Member he feels he does not have enough information to make a decision as he has only been presented the information necessary to table the item. Trustee Gaiter believes that it is an issue with process but believes after talking with staff that there is a solution that can fix the issue. Trustee Gaiter will be abstaining from the vote this evening.

Mr. March stated he has had conversations with Trustee Gaiter surrounding his concerns which are in part, centered on, having a meeting that has been published for the public and the public having an expectation that a presentation will be made although staff unilaterally recommending the matter be tabled based on issues with the Planning Commission. The suggestion that was made to resolve this, with the Boards approval, putting together a policy that simply says that in the event the Board does not have a Planning Commission Recommendation, the matter will be tabled. This would avoid having to publish the matter again which would slow down development. Also, knowing that a presentation would not need to be made would free up staff time.

Trustee Macdonald inquired as to the discussion at the Planning Commission and why they decided they could not make a recommendation on this item.

Trustee Kinney stated there were some significant concerns related to traffic patterns associated with the location. The applicant's traffic engineers stated the traffic was satisfactory, yet their site plans did not comply with those recommendations. The Planning Commission asked the applicant to provide a new site plan with the traffic feedback. The Planning Commission could not make a decision without those site plans available so that is why the item was tabled.

Trustee Whitehouse stated he understood the traffic impact was not available, complete or staff did not have time to review.

Mr. Bird stated at the time of the Planning Commission meeting, the information that staff was reviewing was mostly complete. What was missing was the applicants traffic engineers were making suggestions that 6th Street lane markings be reconfigured to a different arrangement to accommodate traffic onto and off of the site. That recommendation or suggestion was made without showing what it would look like. As of right now, we do not have a complete traffic impact study and site plan that corresponds to that to evaluate if that site suggestion that they made at the planning Commission meeting would work.

Mr. March stated the Board could approve this project although it is not the normal to do so without the Planning Commission's recommendation. That being said, it seemed logical to create a policy that says the Board will not do that, although the Board can always override its policy.

Trustee Gaiter stated that would address his concern because his concern is not the tabling, the concern is the role of what the Board does and what the role of staff is. The Board Members that are not on the Planning Commission have no information as to why this item is being tabled, we only have the staff recommendation. By putting this policy in place, we are setting a policy, so it is us following our own policy so then it is fine for staff not to include information about the item.

Trustee Kinney commented that she would like to see the policy.

Trustee Macdonald moved to table the public hearing for the Conditional Use for Human Bean Drive Thru in C1 Community Commercial Zone District to the March 9, 2021 meeting; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Abstain – Gaiter

Motion carried.

3. Ordinance No. 01-2021 - An Emergency Ordinance Amending the Municipal Code to Allow Water Dedications to be Treated as Appurtenant to Lots

Mr. March stated that based on the increases in water costs, the Board has shifted the policy by urging developers to bring water to the table. Water has been difficult to come by and it has become more and more expensive. The Board has tried to encourage having shares contributed. The concern is that when a developer buys shares, those shares will provide for a number of units. The developer will generally turn those units in and take credits. When the developer buys water, they usually are able to buy a block of shares. Then that block of shares is turned over to the Town all at once as opposed to by the share. The result, there is a large investment that is now sitting with the Town. The Town does not want to give that back to developers trying to finance their project, and they have a substantial investment that is tied up in what has been contributed. Traditionally, what would happen is the developer would get a tap and that tap would be attached to or appurtenant to the land that is being developed.

If a developer buys 10 shares of water, at \$200,000 a share that is \$2 million that is contributed to the Town's water bank and the developer cannot borrow against that. One of the things that has been requested is that the developer be allowed to contribute that and attach that water to specific lots. The developer can then go back to their lenders and they can get the lender to give them the loan on that lot inclusive of the water. This will allow the contribution in treating the water as attached to the lot before the actually tap is issued.

Mr. March stated there was a small change made to the Ordinance on Friday in the fourth whereas clause; it previously said, the cost of water has risen, and availability of raw water has increased, it was supposed to say demand for raw water has increased.

Trustee Whitehouse stated this seems normal and customary and inquired of this request come from conversations with developers in our community.

Mr. March stated he is not sure if this is normal and customary although the request did come from a developer's lender and there has been a fairly large contribution of water. The lender was concerned that what they would normally do is take a security interest against specific lots and their concern further was what they were loaning on was a lot with the tap. Until the tap was issued, the lender could not get a lien against this water because it has been contributed to the Town. If this is approved, the developer will contribute the water and then they will issue water certificates. When an individual builds a house, that water certificate is turned into the Town, and in doing so, the raw water requirement is fulfilled.

Trustee Macdonald inquired if the certificates will be recorded against the property.

Mr. March stated we are not recommending issuing certificates. What this ordinance would do is allow the developer to say I want these certificates attached to this specific lot or lots. The Town would issue a letter saying the certificate is now treated as an appurtenant to the lot meaning it is attached to the lot. That would be permanently attached to lot unless the builder comes in and gets Town Board approval to the contrary and lender approval. Discussion have taken place with the lender and they are comfortable with doing it that way.

Trustee Macdonald confirmed that this came from the developer's lender.

Mr. March stated it came from the developer's lender saying they could not provide financing with the current arraignment and this was a solution that the Town came up with to solve the problem.

Trustee Kinney inquired as to what would happen if there's foreclosure.

Mr. March stated the thought would be the water would stay with the foreclosed lot. There is not a certificate although it is in the Town of Wellington's records if the water was satisfied. The other thing that was recognized was that there may be a future increase in the amount of water that is required to satisfy the water needs for a lot, the water is applied against a lot, but it does not satisfy the requirements that lot. Instead, what it does is it applies against whatever the requirement is at the time they request a building permit.

Trustee Macdonald commented that she did not feel like she has enough information on this and would like to talk to Mr. March a little further about this. Trustee Macdonald would like to table this item.

Mayor Hamman inquired if there is a problem pushing this item out.

Mr. March stated there is no problem.

Trustee Jerome inquired if there were any water issue that took place when Mountain View Estates went through foreclosure and is this to accommodate one lender or is this an industry wide issue.

Mr. March stated that was discussed at length among staff; was this something that was somehow providing preferential treatment. Initially, Mr. Bird was very reluctant to do this. Over the last 10 years, there has been a lot of development, the Town has a relatively new change in that we are asking for North Poudre shares. The Town is asking the developer to go out to the market, find shares and purchase them. The lender is not going to want the developer to turn those shares over to the Town while there is a lien against them unless they can place a lien against the lot as a substitute with the shares on it. As larger developments are created, it is being anticipated that this will be a common practice.

Trustee Whitehouse inquired as to what Mr. Bird's perspective is of this.

Mr. Bird stated there have been some significant changes to the Town's development policies in that we have raised the raw water contribution requirement. The Town is requiring the developers bring water shares instead of pay cash, which has been the historic practice. You couple those things with the desire to limit the number of permits to stay within our water treatment capacity over the next couple of years, so the Town has put some constraints on builders. The Town was approached by one lender on this topic, but this is something that could really be applying to any developer who is struggling with financing their projects. Mr. Bird commented that he did initially push back on this concept but once it was worked through, it is in good interest of the of the Town to find a solution that provides some flexibility for development to work within the constraints that the Town has put upon them.

Trustee Macdonald moved to table Ordinance 01-2021 to the March 9, 2021 meeting; 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.

4. Resolution No. 07-2021 - A Resolution Confirming Appointment of the Municipal Court Clerk
Mr. March informed the Board that Crystal Smith serves as the Municipal Court Clerk. As a result of restructuring, Crystal Smith's part time position with the Town was terminated. The Wellington Municipal Code states that the Municipal Court Clerk is appointed by both the Municipal Judge and the Board of Trustees. This resolution appoints Michelle Sowder as Crystal Smith's successor.

Trustee Gaiter inquired as to why Michelle Sowder will do a good job in that position.

Mr. March stated Ms. Sowder is very competent, the Municipal Judge and the Town Attorney rely on staff for those recommendations.

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

Trustee Gaiter moved to approve Resolution 07-2021; 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.

5. Agreement for Legal Services by Town Attorney 2021 & Town Attorney Goals for 2021

Ms. Woodruff informed the Board that this is a follow up to earlier conversations regarding the Town Attorney evaluation and also goals for 2021. The agreement that was currently in place with the Town Attorney had been established in 2016 so it was time for the Town to reevaluate that agreement and make any necessary updates.

Staff completed research across many municipalities on contracts that were for in-house legal services and contract legal services. A new agreement was drafted for the Town Attorney which will provide legal services and what the costs for those services will be. The draft was presented to the Town Attorney for his evaluations as well as the Town Administrator. The agreement is for the 2021 calendar year.

In addition to the contract, there have been goals set for the Town Attorney for the upcoming year. One of those goals was succession planning.

Trustee Gaiter inquired as to an explanation of item four and who that town designated representative is as it seems that if a Trustee had something that he would like to talk to the Town Attorney about, that would need to go through the Mayor or Town Administrator.

Ms. Woodruff stated that is not her understanding of that.

Mr. March stated he really does appreciate this process as it has been interesting but revealing process. There was a question raised if the Town Attorney was able to call and talk with individual Boards Members and it was Mr. March's understanding that was not intended to preclude him from speaking with any of the Board Members. Mr. March does not feel that this contract is going to change a lot of the way things have been done in the past. One of the things that has been recognized is that the Town's needs have grown, and succession planning is something that needs to be discussed so that is one reason Dan Sapienza has joined the meeting this evening. The Town may not be ready to hire an in-house attorney but that may be coming soon.

Trustee Gaiter confirmed that item four is not saying that the individual Trustees cannot speak to the Town Attorney outside of the Board Meetings.

Mayor Hamman stated that is what he heard.

Trustee Whitehouse inquired if there are any guidelines or regulation that are involved in regard to a Trustee contacting the Town Attorney.

Mr. March stated he does not think there is a need for the Town to approve conversations and/or expenditures between the Trustees and the Attorney.

Ms. Garcia stated what has been witnessed in previous municipalities is that the public should not be reaching out to our Town Attorney as those would be billable hours for the

Town; that is what item number four is addressing. This also allows for policies to be put in place, should a Board Member excessively utilize the Town Attorney's time which could exceed the budget for legal services. The intention is not to prohibit the Trustees from contracting the Town Attorney.

Trustee Macdonald commented that the clause does provide a check and balance in the event we have a rogue Board Member. Wellington is a growing Community and with that we know that our legal needs are growing, so this is going to give us the ability to see what those needs are over the next few years and project into the future. Mr. March provides invaluable historical knowledge for this community that is irreplaceable.

Trustee Kinney commented that the objectives and goals match the need and requirements of Wellington.

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

Trustee Macdonald moved to approve the Agreement for Legal Services by Town Attorney 2021 & Town Attorney Goals for 2021; Trustee Whitehouse seconded the motion. Roll call on the vote resulted as follows:

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

Mayor Hamman closed the regular meeting at 8:42 and opened the Liquor License Authority.

E. LIQUOR LICENSE AUTHORITY

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

1. Annual Renewal - Ridley's Family Market

Ms. Eucker informed the Board that Ridley's Family Markets Inc has submitted their annual renewal for their Liquor Store liquor license. A review of the application found the establishment is in good standing with the Colorado Secretary of State, the establishment is current with sales tax and the Larimer County Sheriff's Office reported no issues directly related to the establishment's liquor license.

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

Mayor Pro Tem Knutson moved to approve the Annual Renewal for Ridley's Family Market; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:

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

Mayor Hamman closed the Liquor License Authority at 8:44 and resumed the regular meeting.

F. REPORTS

1. Town Attorney

Mr. March informed the Board that he will put together a policy that says the Board will not review land use applications without the recommendation of the Planning Commission.

Trustee Kinney commented that she is concerned about that the Board has the authority to approve something that the Planning Commission has not given a recommendation on.

Trustee Gaiter stated this is an underlying issue that the Board is the one setting the policy that causes an item be tabled or postponed versus the table/postponement happening because staff does not want to give out inaccurate information. The Board is basically forced into a decision because we have no information to make a decision from.

Trustee Macdonald confirmed that in the event there is no recommendation from the Planning Commission, then the item is automatically tabled until a recommendation is made to the Board of Trustees by the Planning Commission.

Mr. March suggested using the phrase final action from the Planning Commission instead of recommendation from the Planning Commission.

2. Town Administrator

Ms. Garcia thanked the Board for their participation in the retreat.

A Doodle Poll was sent out for preferred dates for the Town Hall meeting.

An invite will be sent out soon for the joint meeting with the Larimer County Commissioners.

3. Staff Communications

None.

4. Board Reports

Trustee Gaiter informed the Board that the Community Activities Commission (CAC) had a work session this evening to discuss moving from Centennial Park to Wellington Community Parks. The decision regarding moving the event should take place at their March meeting. Another item that was brought up for discussion was shifting the time and would it be possible to move the AV station and some items surrounding the fireworks to the Community Park.

Since the Board makes the decision on fireworks, the CAC would like to know where the Board stands on moving the fireworks to Community Park. Trustee Gaiter would like to gather some information on that for the CAC's meeting in March.

Trustee Whitehouse inquired if it is being suggested to move the video portion of the fireworks or the launch location of the fireworks.

Trustee Gaiter commented that he would prefer moving the video location although it was mentioned to move the launch location as well.

Mayor Hamman commented that his personal opinion is to leave it where it is because there is one more year left on the contract and then it is going out to bid.

Trustee Macdonald commented that this warrants a deeper discussion and would like to ask that this be a future agenda item and invite Captain Pettit and the Sheriff's Office to share their concerns.

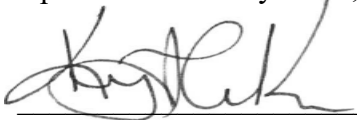
Trustee Kinney commented that the Board should empower the CAC to complete the research and bring a recommendation to the Board.

Trustee Gaiter stated the CAC is working on the pros and cons of the parade and the location of the parade.

Trustee Kinney gave a reminder to support local businesses.

G. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:00 p.m.



Krystal Eucker, Town Clerk