



BOARD OF TRUSTEES  
March 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  
Kelly Houghteling, Deputy Town Administrator  
Brad March, March & Olive, LLC, Town Attorney  
Dan Sapienza, March & Olive, LLC, Town Attorney  
Judi Tippetts, Finance Director  
Cody Bird, Director of Planning  
Hallie Sheldon, Management Analyst  
Bob Gowing, Director of Public Works  
Mike Flores, WWTP Lead Operator  
Krystal Eucker, Town Clerk  
DJ Jones, Water Treatment Superintendent  
Michael Rairdon, Larimer County Sheriff's Office Patrol Sergeant  
Dave Myer, Engineer  
Mahalia Henschel, Communications Specialist

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

**B. COMMUNITY PARTICIPATION**

1. Public Comment

Mayor Hamman opened the meeting up for public comment.

Diedre Sullivan, 2925 Rocky Mountain Court, Fort Collins, CO commented that she has been involved with efforts across the community with the integration of equity, diversity and inclusion. Ms. Sullivan worked on the Loveland Comprehensive Plan, has worked with the City of Fort Collins and wanted to commend Wellington's Comprehensive Plan for identifying an important foreign-born workforce and immigrant community.

Steve Sarno, 459 E CR 66, Wellington, CO commented that he is on the CAC Board but is speaking this evening as a citizen of Wellington. The Easter Egg Hunt has been planned and the supplies have been purchased although now Larimer County is only allowing 175 attendees; that makes having this event difficult. If individuals do not feel safe at the event, then they have the choice not to attend but that should not prevent others who want to attend from going. The First Amendment allows the right of peaceful assembly and that is what was going to happen with the Easter Egg Hunt although now that has been taken away; we have had our rights taken away for almost a year.

Michael Clark, Sage Meadows, Wellington, CO commented that he is troubled that people do not know the difference between equity and equality. Equality is where we all start from the same place and through our own efforts and hard work, we get to where we get. Mr. Clark commented that he would never want someone to seek him out for the way he was born and target him for a position because of something he had nothing to do with. Equity is looking at people and determining that one is less than and we will try to advantage the ones we see as less. Mr. Clark stated that is communism and there is no place for that in American government. He would like to see that information stripped from the Comprehensive Plan.

2. Presentation

a. Business in the Treasurer & Public Trustee's Office

Irene Josey, Larimer County Treasurer & Public Trustee informed the Board that she has been the Larimer County Treasurer since 2015 although she has worked in the office since 1986. Ms. Josey informed the Board that around the end of January, property tax statements are mailed out if you own a property in Larimer County; there were 170,000 statements sent out in January and this presentation will break down how property taxes are calculated and where they go.

The Assessor's Office has appraisers in their office, and they place a value on properties. That value is then multiplied by the mill levy of each of the taxing authorities in that property's taxing district. The appraised value and the value that the Assessor places on the property is not fair market value. The value placed on a property from the Assessor is for tax purposes. When the mill levy is established by the Town of Wellington, the mill levies are multiplied by the assessed value and that creates the property taxes that are due on the property.

The property taxes collected are then distributed to the taxing authorities; 52.64% goes to schools; 23.70% goes to the County, 8.27% goes to the municipality and 15.39% goes to special districts.

The Public Trustee is something that the Treasurer Office took over on July 1, 2020. That office handles foreclosures, cures, and releases of deeds of trust.

Trustee Gaiter inquired about the assessed value change that was voted on and how that will impact property taxes.

Ms. Josey stated she would like to defer that question to the Assessor's Office as it is important for them to communicate what those effects would be.

### C. CONSENT AGENDA

- Minutes of the March 9, 2021 Board of Trustees Meeting  
**Mayor Pro Tem Knutson moved to approve the consent agenda with a correction to voting on Item D.1; 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

- Community Activities Commission Request to Hold Wellington Easter Egg Event  
Mayor Hamman commented that the State has lifted outdoor restrictions for Level Yellow, effective March 24, 2021.

Mr. Richard Bacon with the Community Activities Commission (CAC) informed the Board that Larimer County will only allow one group of 175 for the Easter Egg Event. Harvest Farm will not move forward with the Easter Egg Event unless there is a variance approved by the County to allow more people. There is the option to have the Event like it was done last year with a drive-thru at Eyestone Elementary.

Trustee Macdonald commented that with the current guidelines that just came out, the event would follow normal operating procedures through the special event process and permission would be needed from the property owners to have the event; it does not seem that the Board of Trustees needs to provide an approval.

Trustee Gaiter commented that his concern is that if the County decides to hold a higher level of restrictions longer than the State does, will there no longer be a need for a variance for the CAC to host the event. Although if there is an issue with the County not allowing the event to move forward, where does the CAC go from there.

Mr. March commented that he has not yet seen what the State has released, although believes that the State guidelines do not overrule the County's restrictions.

Ms. Garcia stated the information that just came out from the State is Dial 3.0 and it just came out at 5:45 this evening. The County may have not had the opportunity to respond yet so hopefully they will have something to roll out pretty quickly. It does state in the information that the County can create its own set of guidelines and local municipalities and governments are hoping that Counties coincide with the State.

Trustee Macdonald commented that is it inconsequential to move to approve an Easter Egg Event.

Trustee Jerome commented that he believes it is up to the individual to choose what regulations they will follow, and it is also their choice to violate those. The CAC wants to put the event on and the Board has entrusted them to make good decisions.

Trustee Kinney commented that she is not interested, from the perspective of the Town to make a statement going against County or State guidelines and would like to see what the County's

response to the State's recent guidelines. Trustee Kinney trusts the CAC to do what is best and meet any required guidelines to give the kids a great experience.

Trustee Whitehouse commented that he concurs with Trustee Kinney and does not see the Board wanting to move forward with a motion at this time.

Trustee Gaiter commented that he is still a little confused, is the Board agreeing to leave the event to the best judgement of the CAC, regardless of what the County does or does not do? If the Board is leaving that decision to the CAC and they move forward with the event as planned, the Board is basically giving the CAC permission to do what they will with the event.

Trustee Kinney stated she feels confident that the County will follow the State's direction so the event as planned at Harvest Farms will be in compliance and not require a variance.

Mayor Pro Tem Knutson commented that he was not sure if that weight should be put on the CAC.

Trustee Macdonald commented that we can support a community event and if we feel the CAC can put it on safely, we should empower the CAC to do so.

Trustee Gaiter commented that this request from the CAC came about prior to the State's change in guidelines that came out this evening. The County was saying that the limit on the event would be 175 people not individual groups of 175. The CAC discussed moving forward with the event but to do so on Town property and not abide by the 175 cap. The CAC did not feel it was an appropriate decision for them to make. That is why they brought it before the Board; to either confirm the CAC moving forward with the event or to move forward with the back-up plan of handing out eggs through a drive thru. With the information that came out this evening, the CAC may be able to move forward without the Board having a say either way, although it is still up in the air as to what direction the County will go with guidelines. The Board should be giving direction to the CAC on what way to move forward.

Trustee Whitehouse commented that he does not think making a statement about telling a local group they can violate the County guidelines is a position that the Board needs to put themselves in. If the event can move forward within the guidelines that would be great but if not, the CAC can go with Plan B.

Mayor Hamman commented that what he is hearing from the Board is that that the Board does not want to make a statement about going against County regulations.

Trustee Macdonald commented on behalf of herself that if the Board were to give the CAC permission to have the Easter Egg Event and if there were negative consequences that came from that from the County or the State, she would feel comfortable owning whatever consequences those would be. Trustee Macdonald believes the County will follow suit with the State pretty quickly.

Trustee Whitehouse inquired if Trustee Macdonald would take those consequences if that would potentially harm future funding for the Town.

Trustee Macdonald stated that is a great point and rephrased her statement to say that she is comfortable supporting the plans that the CAC has presented this evening, it sounds like they have come up with some options that would fit within guidelines for either scenario. It does not seem like there needs to be Board action for the CAC to host the Event.

Mayor Hamman commented that he agrees there does not seem to be a need for Board action to hold the Event.

Trustee Jerome inquired if Harvest Farms is willing to allow the CAC to use their facility at the current time.

Mr. Bacon stated they would if the event stayed within County health requirements.

Trustee Jerome confirmed that the CAC is asking to use Town property and to exceed the 175 capacity.

Mr. Bacon stated the CAC is asking for permission to hold the event within County requirements; if the County does not follow the State direction, the CAC can host the event as a drive thru. If the County does follow the State direction, the event can be held at Harvest Farms.

Mayor Hamman opened the meeting up for public comment.

There were approximately 17 individuals that commented during public comment. Some of the comments regarding the Easter Egg Event included:

The event should move forward but should stay within County guidelines.

The lockdowns have affected mental health.

The Town should move forward as planned and without a back-up plan.

Allow the event to exceed numbers organically.

Not comfortable risking reputation as a Town by holding the event outside of guidelines.

My family would love for this to happen.

Repercussions from defying state/county guidelines are basically nonexistent.

Holding a large event also jeopardizes our community's imminent return to normalcy.

The health orders should be violated, and our Easter Egg hunt should proceed.

- Wyatt Schwendeman-Curtis – Support within County Guidelines
- Hannah Michaud – Support
- Jesy Andreen – Support
- Christine Gaiter – Support
- Kristi Cannon- Support within County Guidelines
- Shirrell Tietz – Support
- Michael Clark – Support
- Martin King – Support
- Tracy Low – Neither
- Kimberly Shrug – Not in favor of violating County Health Orders
- Jenna Clark – Support
- Samantha Beckman – Support
- Kathy Wydallis – Support
- Linda Stoddard – Not in favor of violating County Health Orders
- Christine and James Tsujimoto – Not in favor of violating County Health Orders
- Sherri Rodriguez – Support
- Steve Sarno – Support

Steve Sarno, CAC Member asked for clarification from the Board of Trustees. If Harvest Farms lets the CAC move forward with an unrestricted event, then we will do the event as planned. If Harvest Farms does not let the CAC move forward with an unrestricted event, the CAC's second

choice would be Community Park which is Town Property. The CAC is looking for permission from the Town to hold the event at Community Park as a second option.

Trustee Macdonald clarified the ask from the CAC for approval to host the Easter Egg Event and in the event that Harvest Farms is not an option, the ask would be for approval of the Board to host the event on Town Property.

Per Mr. Sarno, that is correct.

Mayor Hamman commented that this is important to a lot of families; this information just came out from the State this evening so we could give it a day or two and see what happens.

Ms. Garcia stated she has been reaching out to other managers around the State and they are waiting until tomorrow to see how the Counties are responding to the State guidelines. Decisions are being made by the department that is holding the event or the committee that is holding the event on how to proceed. It seems that everyone has a backup plan as well.

**Trustee Macdonald moved that the Town of Wellington allow the Community Activities Commission to hold the Easter Egg Event and in the event, they need the Town's permission to use Town property to hold the Event, the Community Activities Commission has that permission; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Gaiter, Jerome, Macdonald, Knutson, Hamman**

**Nays – Kinney, Whitehouse**

**Motion carried.**

2. 4th of July Fireworks Contract Award

Ms. Sheldon stated the item before the Board this evening is the contract award for the 4<sup>th</sup> of July Fireworks from Bee Lake Productions. The Town has been working with them for the past few years, so the contract is being amended for 2021. Bee Lake Productions is requesting \$36,883 which is slightly under the budgeted amount.

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

**Trustee Whitehouse moved to approve the 4<sup>th</sup> of July Fireworks Contract; Trustee Macdonald seconded the motion. Roll call on the vote resulted as follows:**

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

**Nays – None**

**Motion carried.**

3. Ordinance 1-2021 - An Ordinance Allowing Water Contribution Requirement Dedications to be Treated as Appurtenant to Lots

Mayor Pro Tem Knutson commented that he did have a conflict with this agenda item.

Per Mr. March, this item has been before the Board on two previous occasions. The emergency language has been removed from the ordinance. The ordinance is substantially the same as it was previously.

Trustee Macdonald commented that she had the opportunity to speak with the North Poudre Irrigation Board because they are listed in the Ordinance and there are some significant concerns. In the prior meeting there was interest in being innovative because this is something that other communities are not doing although other communities do not use North Poudre Irrigation. With this Board approving this ordinance, the Town would be violating North Poudre's agreement for their ability to provide CBT water as combined; they can not divide up CBT shares so it would

violate their bylaws. Wellington is an investor with North Poudre and they still own the decree, so the water is allocated to Wellington through an agreement. If Wellington takes a share and divides it up to put on these lots, the water still needs to be delivered to Wellington and there would still need to be an agreement with North Poudre that divides up these shares. There would be costs associated with the agreement, shrinkage, carriage, storage, evaporation as well as operational costs. After dividing up the share into these little pieces, and dedicating them, there would be next to nothing left.

Trustee Macdonald stated when she attended the last irrigation meeting their concerns were expressed to her.

Trustee Gaiter inquired as to what the difference is by breaking up the shares to properties now versus later.

Trustee Macdonald stated it is a complicated process.

Tad Moen with North Poudre Irrigation stated Wellington's water is set aside and allocated 2,000 acre-feet and that water is not CBT nor agricultural water. That comes from the south side decrees which are allotted for the Town of Wellington. When it comes to separating the CBT from agricultural, that is what Wellington is doing but from a water providers point of view, that is not how it goes. The decrees are set aside for municipal use and therefore Wellington is not dividing the CBT versus the agricultural.

Trustee Gaiter inquired if the concern is that if Wellington were to appurtenant the shares to residential properties, that would cause issues with separating CBT and agricultural.

Per Mr. Moen, yes; if the Town of Wellington expanded their water portfolio and use North Poudre, those shares come with an agricultural portion and a CBT portion. If CBT portions were dedicated to the development, that goes against North Poudre's bylaws of separating the shares. North Poudre would not do the accounting, nor would they allow the shares to be separated.

Trustee Gaiter inquired as to how that process happens now when a builder brings the shares for development and pulls a building permit for a home.

Mr. Moen stated the share is dedicated but the 2,000 acre-feet that is allocated through Reservoir #3 is actually southside decrees in which that decree is listed for municipal use. If the Town of Wellington starts to expand or go beyond the 2,000 acre-feet, that is going to require CBT from the 1984 contract. Therefore, the contract would need to be amended or other decrees would need to be looked at to supplement housing development.

Trustee Gaiter inquired if any growth and dedication of additional shares that go above the 2,000 acre-feet is the problem.

Mr. Moen stated the Town of Wellington has purchased an additional 27 shares of water although due to the contract, those shares can not be attached to municipal use contract out of Reservoir #3.

Mr. March stated he did not necessarily agree with Mr. Moen's characterizations but would suggest withdrawing this Ordinance for the time being to reevaluate.

The Board of Trustees took no action on this item.

4. Water Treatment Plant Supervisory Control and Data Acquisition (SCADA) Upgrade Bid Approval

Mr. Gowing informed the Board that the Town became aware that factory support of the Town's current SCADA servers will end at the end of 2021. There were also other concerns related to the SCADA system related to reliability and security. There are a range of issues that staff would like to resolve with these two agenda items. The budget was prepared last year to implement this year. During budget time, the Town did not have the design engineers on board for the expansion projects although the goal was that these improvements would work seamlessly with the expansion of both plants. Once that design engineer came on board, staff was able to work out details and specifications of these improvements in conjunction with Timberline which has provided instrumentation and control work including programming for many years for Wellington. The improvements that will be described in the next two items would ultimately be resolved in the expansion projects. Accelerating this work, the Town can somewhat remove those items from the expansion projects and solve immediate problems of needing more security, reliability and capability from these systems.

Mr. Jones stated the SCADA systems are at the end of their life cycle, coming up on seven years. There have been some failures with the systems. Both Jacobs and Timberline have been in conversations with this as it was important to make sure it fits current needs as well as be adaptable and expandable with future upgrades as well. There are many components to the SCADA systems and essentially, the brain of the system is what would be replaced.

Trustee Whitehouse inquired if these systems would become obsolete or will the new system have a longer lifespan.

Mr. Jones stated the current system had a life expectancy of five to six years with the Dell server. The new Stratus Server has a life expectancy of 10-15 years; there have been some that have lasted 20 years. The Stratus Server can automatically switch to a backup server with no downtime. If there was a problem with the Town's current SCADA server, it could take 27-30 hours before it is operational again and depending on how much the residents are using from the tanks, the Town might not be able to provide safe drinking water during that duration.

Mayor Pro Tem Knutson inquired if this equipment would move over to the upgraded facility.

Mr. Jones stated it would transfer to the new facility and that is one reason the Town wanted Jacobs and Timberline working together on this.

Trustee Gaiter inquired if there will be guaranteed support for the systems for the lifespan of the equipment.

Mr. Jones stated the system and support will remain with Stratus and they have a lifetime guarantee of all their servers.

Trustee Gaiter commented that he has concern regarding the expense of the system and inquired if this is the only system in the world that exists that can do the job that it does.

Mr. Jones stated there are other systems out there, but they have their unique challenges. This is not a normal computer that can be upgraded and plug and play to have a cheaper option. It is expensive up front although most of the expense is the hardware and not the software. Taking the expense of the system through the lifecycle, it equates to \$900.00 per month on just operational costs over the course of a year. There are other options out there, but the Town will be in the same situation in five years from now.

Trustee Gaiter inquired if there were projects that are willing to be cut to make up the difference of going over the budget amount.



Mr. Jones stated the CIP has been reviewed and there are projects that would not hinder the operation or cause detriment to the plant so some of those could be pushed.

Mayor Hamman opened the meeting for public comment.

Christine Gaiter commented that she believes the expense should stay within the budget.

**Trustee Macdonald moved to approve the Water Treatment Plant SCADA Upgrade Bid Approval; 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.**

5. Wastewater Treatment Plant Supervisory Control and Data Acquisition (SCADA) Upgrade Bid Approval

Mr. Gowing commented that this item is the same as the previous item although it is for the wastewater treatment plant. It is staff's thought that we will not go over budget in aggregate within the CIP program for either of these funds. When the Town enters into budget preparation around June, this will be looked at specifically and adjustments will be made as necessary to have an overall balanced CIP budget.

Trustee Gaiter commented that he is not comfortable going this far over budget on this item as we could be looking at rate increases.

Mr. Gowing stated these are expenses that are being taken out of the expansion projects to complete earlier.

Mayor Hamman opened the meeting for public comment.

Christine Gaiter commented that \$50,000 over budget is huge; she is not ok with the Town spending her money. Ms. Gaiter commented that she would like the Town to be financially responsible.

Melissa Whitehouse commented that the SCADA systems can be very unreliable. The \$50,000 over budgeted amount is not a small amount although it is worthy from a homeland security and domestic terrorism standpoint.

**Trustee Macdonald moved to approve the Wastewater Treatment Plant SCADA Upgrade Bid Approval; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:**

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

**Nays – Gaiter**

**Motion carried.**

## E. REPORTS

1. Town Attorney  
None.
2. Town Administrator  
None.
3. Staff Communications

- a. LCSO Monthly Report - February 2021
  - b. Report of Bills - February 2021
4. Board Reports  
Trustee Macdonald stated she would be in touch with Ms. Garcia and the Board in the near future regarding some water projects.

Trustee Whitehouse commented that the Board of Trustees have a financial responsibility to the Town. Utilizing those financial resources from the County, State and Federal funding is exercising our fiduciary responsibility to the citizens.

Trustee Gaiter inquired as to the vehicle trespassing that has gone up as well as the harassment and sex assault.

Sergeant Rairdon stated the vehicle trespassing numbers are usually someone going through a neighborhood and accessing a number of vehicles in one night. Last month there were persons going through a number of vehicles; this month, there have been zero. The Sheriff's Office does use different resources for patrol, foot and bike patrol.

The sexual assault was an incorrect label and that will be corrected in future reports.

The harassment cases are individual crimes and usually involve individuals that are known to each other. Those can involve striking someone, or domestic violence.

## F. EXECUTIVE SESSION

1. Conferences with an attorney for the Town pursuant to § 24-6-402(4) (b), for the purpose of receiving legal advice relative to pending suits involving voter initiative matters. The executive session will not be recorded and an attorney certification will be provided as required by C.R.S. §24-6-402(2)(d.5)(II)(B) that discussions in the executive session constitute privileged attorney-client communications.

**Trustee Macdonald moved to go into executive session for conferences with an attorney for the Town pursuant to § 24-6-402(4) (b), for the purpose of receiving legal advice relative to pending suits involving voter initiative matters. The executive session will not be recorded and an attorney certification will be provided as required by C.R.S. §24-6-402(2)(d.5)(II)(B) that discussions in the executive session constitute privileged attorney-client communications;**

**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 Board of Trustees moved into executive session at 8:55 p.m.

The Board of Trustees unanimously voted to come out of executive session which had been convened as allowed by C.R.S. §24-6-402(4)(b). No proposed policy, position, resolution, rule, regulation, or formal action was taken and only matters authorized by C.R.S. §24-6-402(4)(b) were discussed.

**Mayor Pro Tem Knutson moved to close the executive session; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:**

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

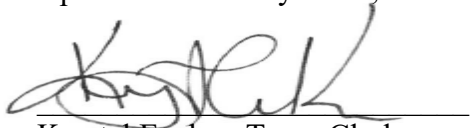
**Nays – None**

**Motion carried.**

The executive session was closed at 9:25 p.m. and the regular meeting resumed.

**G. ADJOURN**

Upon a motion duly made, the meeting was adjourned at 9:25 p.m.

A handwritten signature in black ink, appearing to read 'Krystal Eucker', is written over a horizontal line.

Krystal Eucker, Town Clerk

ATTORNEY CERTIFICATION RELATED TO MARCH 23, 2021  
EXECUTIVE SESSION OF THE MEETING OF THE BOARD OF TRUSTEES OF  
THE TOWN OF WELLINGTON, COLORADO

The undersigned as Town Attorney of the Town of Wellington, Colorado certifies, pursuant to CRS §24-6-402(4)(b), that the Board of Trustees of the Town of Wellington, Colorado at its regular meeting on March 23, 2021, properly convened, in executive session, for conferences with the Town Attorney **for the purpose of receiving legal advice relative to pending suits involving voter initiative matters** and specific legal questions related to possible settlement of claims raised in actions filed before the Larimer County District Court involving the initiated petition for the sale of marijuana. Pursuant to C.R.S. §24-6-402(4)(a) and (b) and (d.5) (II) (B) it is the opinion of the undersigned attorney that the discussions which occurred during the executive session constituted a privileged attorney-client communication. No record was kept or required to be kept of the discussions. This statement shall be included with the written minutes of the referenced meeting. This statement is also signed by the Mayor of the Town of Wellington, attesting that the executive session was not recorded and was confined to the topics authorized for discussion in executive session pursuant to §24-6-402(4)(d.5) (II) (B).

March & Olive, LLC  
Town Attorney

By:   
J. Brad March,

  
Troy Hamman, Mayor