



BOARD OF TRUSTEES
April 13, 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 – Arrived at 6:32 p.m.
Trustee Jon Gaiter
Trustee John Jerome
Trustee Rebekka Kinney – ABSENT
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
Krystal Eucker, Town Clerk
Dave Myer, Engineer

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 which there was none.

B. COMMUNITY PARTICIPATION

1. Public Comment
Mayor Hamman opened the meeting up for public comment.
Christine Gaiter, 8132 4th Street, Wellington, CO addressed the Board and commented that she

hopes that the Planning Commission can see the comments made on the Comprehensive Plan during the Town Hall meeting, so they have those along with the online Comprehensive Plan comments. Regarding comments on the equity clause in the Comprehensive Plan, there are 14 individuals that would like it removed and five that would like it to remain. The direction from the Planning Commission was to leave the equity clause in and expand on it so basically going against the majority of the people. Also, the downtown core comments turned out five comments that they do not want to see that happen and there was one comment that was in favor of it, yet the Planning Commission directed staff to leave it in. Ms. Gaiter is concerned that the people are not being heard and listened to. Ms. Gaiter also commented that Trustee Gaiter is proof that Wellington does not have an issue voting in someone who is a minority so there is no problem with equal opportunity in this town.

Kathy Wydallis, 3405 Revere Court, Wellington, CO addressed the Board and commented that she has been able to read the draft and feels it is not her idea of a serious document. It is filled with opinions and editorial comments that are inappropriate for an official planning document as they are often divisive and insulting to Wellington and the people that live here. Ms. Wydallis feels the Town has spent money on fluff and feels the Town staff and consultants should rework this into something more compact with fewer and more solid and specific goals.

2. Proclamation

Mayor Hamman read the National Volunteer Appreciation Week Proclamation.

C. CONSENT AGENDA

1. Minutes of the March 23, 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, Macdonald, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

D. ACTION ITEMS

1. Procurement Policy Change Requests

Ms. Tippetts informed the Board that when she first came to the Town of Wellington, several of the Directors informed her that parts of the policy were not working.

Requested Procurement Policy changes include:

Thresholds: Combine Thresholds with Signature Authority Guidelines

- Purchasing Card (P-Card) - up to \$10,000 change to \$1,000 unless defined below
- Virtual Card – Delete
- Blanket Purchase Order - above \$10,000
- Purchase Requisition - if above individual P-Card limit

Signature Authority Guidelines: (Budget approved items)

- Engineers or other written employees - delete “written employees” and increase from \$1,000 to \$5,000
- Assistant Directors – up to \$5,000
- Division Managers – up to \$5,000
- Purchasing Agents – decrease from \$10,000 to \$5,000
- Directors – increase from \$10,000 to \$25,000
- Town Administrator – increase from to \$30,000 to \$50,000

Bidding Thresholds:

- Buyer's best judgment – \$0 - \$5,000
- Two written quotes – \$5,000.01 - \$10,000; increase to \$25,000
- Three written quotes:
 - Services or intangible/tangible property purchases - \$10,000.01 and above; increase to \$25,000
 - Capital improvements - \$10,000.01 - \$200,000; increase to \$250,000
- Sealed competitive bidding:
 - Capital improvements - \$200,000.01 and above; increase to \$250,000

Board of Trustees approval is required for purchases and contract awards as follows:

- Appropriated (budgeted) items above \$30,000 – Delete
- Non-Appropriated (non-budgeted) items above \$10,000; increase to \$25,000
- Purchases on Board approved contracts are exempt within the contract amount.

Clarification of Titles to reflect current organizational chart.

Trustee Macdonald commented that she is not comfortable with deleting out the appropriated amount; maybe aligning it with the capital improvements up to \$250,000 grants a significant amount of flexibility but still allows the Board to provide some oversight.

Trustee Jerome commented that the reason this purchasing policy was originally established was because the money was not being managed correctly. In the last year, there has been a dramatic change in the way business is being conducted and with spending of money. Town staff are very conscientious about trying to show cost savings and get the best deal for the Town.

Trustee Jerome inquired if there is documentation to show what purchases are being made with p-cards. Ms. Tippetts stated when p-cards are issued to staff, they sign a p-card agreement. Staff are required to allocate purchases to correct funds and upload receipts to the p-card system. The finance team also reviews the purchases to make sure they are allocated appropriately. P-cards are extremely effective as it takes out a lot of paperwork and allows for online purchases.

Trustee Whitehouse inquired if the limits are normal and customary for a municipality of our size. Ms. Tippetts commented that she would prefer the lower limits for the purchasing cards in the field as they do not look at the budget every day. The limits for the Directors are a good move. These requests came from the leadership team, not just the finance department. The place that Ms. Tippetts was at before, the limits were a little bit higher although finance does like having the second signature from the Town Administrator; if that gets overwhelming, Ms. Houghteling could certainly be added for a second signature.

Trustee Gaiter inquired as to the water plant and items that will come up with that; under the Board of Trustees approval is required, the third item mentions purchases on Board approved contracts are exempt within the contract amount, although wouldn't those items being needed for the water plant fall within the contract the Town signed with the construction company.

Ms. Tippetts stated that is correct although that was geared towards some of the deferred maintenance on these plants. Due to meeting schedules and cutoff dates, it could be weeks before that item could get before the Board for approval.

Trustee Gaiter commented that he did not have issues with the thresholds nor adjusting numbers for the Town Administrator. One concern is removing appropriated budget items. There have been items come before the Board for contract approval or discussion and there have been instances that a Board Member had issues with the companies that Wellington was working with which caused reconsideration of the item. The concern is that the Board will not see that item if the item is already appropriated so it would move forward, and the Board would not know about it. Another concern is with the Town Administrator moving non-appropriated items for existing or new line items that the Board may have not approved.

Ms. Tippetts informed the Board that if staff came to finance and said they are not going to spend money on item X but they did need money for item Z, a new line item would be created for item Z, particularly if this is an item that the Town would want to track for longer than a year which would allow the opportunity to better track the history. If there were funds transferred to a new line item for something that was more efficient in another department, a new line item could be created. It is not a new expenditure as it would be for tracking purposes.

Trustee Gaiter inquired as to what the process is now if there were funds that needed to be transferred. Ms. Tippetts stated the limit to do that is \$10,000 and anything over that would be presented to the Board for approval.

Trustee Gaiter stated that is a significant amount of money that would be reappropriated and would feel more comfortable that, at a minimum the Board should be aware of and involved in. Trustee Gaiter would like that amount to stay at \$10,000.

Trustee Whitehouse inquired if this could be a notification to the Board instead of a Board action. Ms. Tippetts stated during the Treasurer's Report, large items are always included in that along with other items that are of importance. The Treasurer's Report is the tool to keep the Board aware of what is happening with the Town's finances. There is no way to predict the future; staff prepares the budget although things happen that staff cannot predict.

Trustee Jerome inquired if the budget does not leave the opportunity to add a new line item without some type of budget amendment and appropriation by the Board. Ms. Tippetts stated the ordinance that is signed for the budget stated there is a certain dollar amount that will be spent out of the specific funds; general, water, sewer, and drainage. Those funds are certified in the budget that is sent to the State of Colorado. As long as Wellington does not go over those fund amounts, there does not need to be a budget amendment or additional appropriation submitted to the State of Colorado. Within those funds are the line items. An example of the line-item reappropriations would be the SCADA project. Wellington needed to move forward with that project but moved money from other capital line items within that fund.

Trustee Jerome commented that there are several line items that range from office supplies to chemicals and adding a new line that the Board did not approve to slide money into he is not comfortable with; not saying he does not trust it, just not comfortable with it. Sometimes the process does need to be done quickly so coming up with a good solution that the Board and staff are comfortable with is the issue. There does need to be a mechanism to inform the Board when or before that reappropriation happens.

Ms. Garcia stated an example of this happening in another municipality is when COVID happened, the Clerk's Office started the patio permit program which ended up receiving funding for. Initially, it cost a lot of money to put that program on so there was money taken out of another project slated to create the new program line item through the finance department. In order to be transparent, the Council Members were made aware of the new line item during a public meeting and that was added to the Treasurer's monthly report. If the Trustees approve this tonight, the same approach would be taken to inform the Trustees of any changes that would be made and the reason for the change.

Trustee Gaiter stated his personal preference would be those items still come before the Board. If there is a workaround to where there does not need to be Board approval to do so, he would like some type of notification to the Board in a public meeting.

Mayor Hamman commented that he is fine with staff moving money but does believe there needs to be notification to the Board; that is not to say it necessarily needs to be seen beforehand but there does need to be a paper trail.

Mayor Hamman opened the meeting for public comment.

Melissa Whitehouse, 3922 Grant Avenue, Wellington, CO addressed the Board and commented that she appreciates that Ms. Tippetts has taken on a handful of responsibilities since joining Wellington. The issue that should be addressed is the notification to the Board. Currently, there is a quarterly report, but could there be a single page red-lined monthly report included in the packet under staff reports to inform the Board of changes. Ms. Whitehouse commented that if the budget process is started in July, that would give the Trustees time to recognize anything that they do not like and it can be addressed in a timely manner.

Jesy, Hackberry Street, is not familiar with the Town's budget but does believe any money that is moved around should be transparent for the citizens.

Mayor Hamman commented that it sounds like the Board is good to move forward although if there is money being moved around, the Board needs to be informed of that.

Trustee Gaiter commented that he is comfortable with the changes until the Board approvals of deleting the appropriated budget items over \$30,000 and increasing the non-appropriated items up to \$25,000; maybe those could be revisited in the future.

Trustee Macdonald commented that her only recommendation would be to change the \$30,000 threshold to \$250,000 to be in alignment with the capital improvements line instead of deleting it out.

Trustee Whitehouse inquired if that is a reasonable direction.

Ms. Tippetts stated that the Town can work with that; a motion with Trustee Macdonald's recommendation of the \$250,000 and leave the non-appropriated items alone at this time; we can revisit this in the future as well.

Trustee Gaiter stated he is not comfortable with the \$250,000.

Trustee Macdonald commented that it satisfies both sides of the argument; it increases the threshold amount, and it aligns with other items to give staff the flexibility to move but it still gives the Board the ability to have some oversight.

Trustee Macdonald inquired if the \$250,000 would give staff a significant amount of flexibility or the ability to be more efficient in their decision making and purchasing.

Ms. Tippetts stated it is a great compromise; these are budgeted items so they would already be approved by the Board.

Trustee Macdonald commented that the staff's primary obligation is to be fiscally responsible with the budget that has been approved by the Board. As elected officials, there is some longitude and latitude to be able to ensure that the decisions that are being made also fit within the values that have been set for the organization, so the Board's decisions are not always necessarily made based on what is the best budgeted amount, sometimes there are decisions that are made based on the values of the Community as well.

Trustee Gaiter stated his concern is that the \$250,000 relates to contracts as well; for example, the Comprehensive Plan contract was for \$120,000 so that decision would fall on staff to make with no Board oversight because it was a budgeted item and falls within the \$250,000. That is an important item that the Board should have a say in.

Ms. Garcia stated what she has seen is that items related to studies are generally brought before the Board for approval regardless of the dollar amount as that is the Board's decision. Ms. Garcia stated she would feel more comfortable with the Board reviewing those contracts as they are the Board's studies and staff facilitates them.

Trustee Jerome suggested that be for purchases and remove the contracts language.

Ms. Garcia stated she liked Trustee Jerome's comment to remove contracts language, purchases over \$30,000 are brought before the Board and then this can be revisited at a later date.

Trustee Gaiter would like to move forward with the items that do not involve Board of Trustee approval and those can be revisited at a work session to come up with a solution that everyone is comfortable with.

Trustee Whitehouse commented that he agrees with Trustee Gaiter and maybe this is something that can be looked at in a month to resolve the issues.

Ms. Garcia stated it will be several months out and maybe at that time, the travel policy can be reviewed as well.

Trustee Jerome moved to approve the changes to the purchasing policy in its form, except the items listed under the Board of Trustees approvals required for purchases and contract awards as follows, they remain the same as they are in the current policy; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Motion carried.

E. REPORTS

1. Town Attorney
None.

2. Town Administrator
Ms. Garcia informed the Board that the Larimer County pop-up COVID vaccine clinic has been moved to April 15, 2021 to administer the Pfizer vaccine.

3. Staff Communications
None.

4. Board Reports
Trustee Whitehouse commented that he had the opportunity to attend the Water Alliance Tap into Resilience seminar and there was a lot of good information and resources that came from that seminar. Ms. Garcia will be sending it out to the rest of the Trustees.

Trustee Macdonald congratulated and wished the Wellington Middle School softball team luck on the championship game.

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 and possible voter referral 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 Gaiter 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 and possible voter referral matters; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None.

Motion carried.

The Board of Trustees moved into executive session at 7:38 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.

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

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

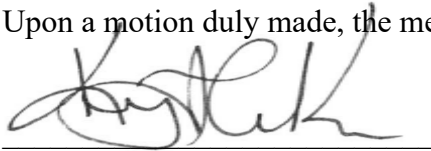
Nays – None

Motion carried.

The executive session was closed at 7:47 p.m. and the regular meeting resumed.

G. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:48 p.m.



Krystal Eucker, Town Clerk