



BOARD OF TRUSTEES
February 9, 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
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
Michael Rairdon, Larimer County Sheriff's Office Patrol Sergeant
Lori Woodruff, Human Resources Manager
Mahalia Henschel, Communications Specialist
Tyler Sexton, Assistant Finance Director

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 for public comment to which there was none.

Mayor Hammon thanked town staff for getting the pieces together to be able to have a hybrid meeting this evening.

2. Presentation

a. Larimer County Indirect Costs

Josh Fudge, Larimer County Budget Director informed the Board that he was going to review the indirect costs that were included in the Larimer County Sheriff's Office contract. Indirect costs are used to allocate the County's administrative overhead costs like Human Resources, IT, Budget Office, County Manager's oversight, County Commissioner oversight, Finance Department, Legal Department, infrastructure, network servers and storage. The County has created a rate for these administrative services that are not easily allocated out as it is not easy to determine how much staff time from these departments are spent on the various departments through the County. These services are bundled up into a group of eligible costs and then allocated out based on a formula of wages and benefits. This is a very standard way to create this rate.

The County's broader rate does include facilities costs; however, those are not included in the Town of Wellington's contract as the contract specifically says the Town won't be paying for that. Larimer County's rate was created by an outside consulting firm. The firm took all the County's data and did the calculations to come up with a rate. The firm has done similar calculations for multiple counties in Colorado. The rate also has to comply with Federal rules and State rules around grant programs so those same standards that apply to the County are applied to every service.

The purpose of this indirect cost rate is to ensure the property taxpayers do not subsidize services that are provided where we can seek reimbursement. Natural resources, The Ranch and the Solid Waste Department have a lot of services that are based on user fees. Those departments also consume some of the same services that are in the indirect cost rates. Those departments build their indirect costs into their user fees to help offset some of these costs. Since those services are not for property taxpayer funded services, that rate is included so that user fee programs and contracted services are paying for their share of the administrative overhead that the County has.

In this instance, especially with contracted services, there are other providers that, in theory, could provide law enforcement services that the county doesn't have to. Therefore, that is why the County's policy is that it is appropriate for these contracted services to include this rate. The County may not need those 10 ½ FTE's that are dedicated to the Town of Wellington if the County did not have this contract so that's why those administrative overhead services are applied to this contract.

The County also provides contract law enforcement to the Town of Timnath and the Town of Berthoud. Their contracts do include the full 9.67% rate based on salaries and benefits for the officers. The indirect costs are being phased into Wellington's contracts through negotiations. The indirect cost rate for Wellington is about 9.6%.

The County has revised the policy and the indirect cost rate in the last couple years to get it more in line with State regulations.

Trustee Gaiter inquired if the Larimer County Sheriff's Office has their own IT Department. Mr. Fudge stated they do have one or two staff members that are dedicated to the Sheriff's Office. Storage of digital evidence is housed in the centralized IT department so that is an administrative or indirect cost.

Trustee Gaiter inquired about the Sheriff's Office having their own Human Resources Department.

Mr. Fudge stated he believed there are three positions that help out with recruitment as there is some special hiring with the qualifications of officers.

Trustee Gaiter inquired if there is a list of where each IT staff outside of the Larimer County Sheriff's Office is actually working on things related to the force that is working in Wellington.

Mr. Fudge stated he didn't have a list but could get that information to the Trustees.

Trustee Gaiter commented that his concern is the taxpayers of the Town of Wellington are paying property taxes to the County for things like paying for the County Manager and Human Resources Department and then they are also paying taxes to the Town of Wellington to pay for the Larimer County Sheriff's Deputies to serve as our police force and inside those costs are administrative costs. Trustee Gaiter stated he does have some major concerns that citizens are paying taxes to cover the administrative costs of Larimer County and now they are being taxed by the Town of Wellington to pay for those services in the contract.

Mayor Hamman inquired if Mr. Fudge would ok with gathering some of that information and bringing it back.

Mr. Fudge stated he can gather up some information on things that the Human Resources staff in the Sheriff's Office does versus what the county's central Human Resources Department does and provide that information to the Trustees.

Mayor Pro Tem Knutson inquired if the consulting company evaluates the percentages on a regular basis.

Mr. Fudge stated the consultants do adjust the formulas every year based on the prior year actuals.

C. CONSENT AGENDA

1. Minutes of the January 26, 2021 Board of Trustees Meeting
Mayor Pro Tem Knutson moved to approve the consent agenda; 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.

D. ACTION ITEMS

1. Award Contract - Professional Services for Landscape and Irrigation Standards Update
Mr. Bird informed the Board that this evening's presentation is for a proposed contract for professional services to review and update the Town's landscape and irrigation standards.

In June of 2019, the Town adopted a Municipal Water Efficiency Plan and the goal of that plan is to track water to determine metrics for improving water efficiency and water conservation to protect

and extended the Town's water resources.

The overall goal of the water efficiency plan was to reduce the Town's water demand by 10% over the next 10 years and we believed that can be achieved through implementing some of the goals identified in the Plan.

The use of advanced metering better tracks household and business water usage numbers. This can help in identifying any leaks and improving the infrastructure for collecting that data. The Town is in the process of installing those advanced meters.

Another element of the Water Efficiency Plan included conducting a water rate study that study has been completed. One of the recommendations of that rate study was to update the water utility and raw water charges.

The next item in the Water Efficiency Plan is to focus on educational activities to help the public and any of our water users understand the importance of some of these measures that were proposing; that is an ongoing activity.

The last component of the Water Efficiency Plan is the subject of the presentation this evening which is the Town's landscape design requirements in the form of updating our land use code. In conducting some research, we found that not only is the landscaping requirements an important piece but also some standards for irrigation and use of water for those landscapes, so both of those were included under the umbrella of the landscape design standards.

Water usage is higher in the summer months when irrigation is being utilized so that is the reason why the landscaping and irrigation standards warrant taking a look at. The current requirements for landscaping are based on minimums; minimum amounts of trees, shrubs, plants, amount of ground cover etc. Those minimums result in attractive landscapes although they are heavily irrigated. There is really no limitations, standards or even guidance on the amount of or type of water supply. The Town wants to develop standards that encourage the use of well water where it's available for outdoor irrigation and to adjust automatic sprinklers when appropriate.

The Town has also identified that there is a need to look at the different types of landscapes like xeriscaping and native species and plants that can survive this environment.

Town staff evaluated those proposals and is recommending the contract be awarded to Logan Simpson Design Inc. in a not to exceed amount of \$41,202 as they have a strong history of developing these types of landscape and irrigation standards for Colorado communities. They understand the unique challenges with water in our environment.

Trustee Jerome inquired as to how to encourage the HOA's that are on potable systems to change to non-potable systems or amend their codes.

Mr. Bird stated if we have new regulations and standards in place for new developments, we can require those new spaces to meet the requirements. We can also encourage and educate to find ways to convert those existing landscapes to something that is a little less water intensive as well as work with the HOA's on potable systems.

Trustee Kinney commented that water conservation is not going away and will be a constant battle so being proactive and seeking professional guidance on this is essential for us.

Trustee Jerome inquired about there not being a piece in the proposal about helping existing properties in town to convert their properties to be more water efficient or if there is any grant money that will assist property owners to make that conversion.

Mr. Bird stated that staff's vision is to create that optimal mix of lawn versus xeriscaping or native species and hope to implement that standard practice for new development for but existing developing we are looking to have a toolbox for best practices for existing spaces as well as look for opportunities to create some kind of rebate program for converting a certain amount of irrigated space to native landscape.

Trustee Macdonald commented that one of the reasons HOA's have strict regulations on landscaping was an effort to maintain property value so it may be worthwhile to contact real estate professionals to get some recommendations from them on landscape standards.

Trustee Gaiter inquired if this would impact new development or is this intended for existing homes as well.

Mr. Bird stated in the short term we will identify standards for new developments and then we would look for opportunities to create incentive programs to look at existing landscapes to convert those to less water intensive landscapes.

Trustee Gaiter inquired if this would lead to the Town restricting homeowner's ability to water their own property.

Mr. Bird stated there is an opportunity for the Town to develop programs around water conservation which was what the Water Efficiency Plan was geared towards. This effort will identify some standards and best practices and then the Board would have the opportunity to adopt the policies for limiting water use as they see fit.

Trustee Gaiter inquired if this will be a policy document or a document designed to drive policy.

Mr. Bird stated the document that would be produced through this effort would develop a recommended set of guidelines. If it is adopted as part of the code for our land use code, it would be a regulation.

Trustee Gaiter inquired as to what is going to be done differently from the public outreach on the Comprehensive Plan to get good public input.

Mr. Bird stated staff is still collecting comments on the Comprehensive Plan and are very open to hearing suggestions from the Board on specific practices to implement to garner public input.

Trustee Gaiter commented that there has been public input and the public input has been utilized to support things where it fits with what the preconceived thought process is and in a lot of areas, it feels like the public input is not driving the document. Since the public outreach has been done online, that has left out a significant portion of our community who may not have participated in online forums.

Trustee Kinney commented that when it comes to public engagement, it is up to everyone in this room to drive that participation. Given the situation, there has been an incredible effort to reach out to as many people as possible.

Trustee Kinney commented that water restrictions have been put in place for many years in Wellington during the summer months.

Trustee Gaiter inquired as to why we are focusing on the landscaping as an area to cut water use when he thinks it would be substantial to address the tiers instead of having a high base rate.

Trustee Macdonald stated our water situation is multifaceted and we need to look at multifaceted solutions so addressing the tiers as one solution and looking at our landscape requirements is another solution.

Trustee Gaiter commented that the way that the initial document was presented gives him some very big concerns about working with Logan Simpson. As he read through the beginning of the document, it does not strike him as the purpose of the document. Trustee Gaiter stated he won't be going further than that because that document is not public yet and was asked not to, but there are some major concerns about working with this company.

Trustee Macdonald inquired if the concern is with the document itself or how the company operates.

Trustee Gaiter commented that the concerns that are how the company is taking information has been provided and putting it into a document that's going to represent Wellington.

Trustee Gaiter stated he is on the steering committee for the Comprehensive Plan, so he has seen the draft of that document that is from the same company.

Ms. Garcia stated it is a draft document that was sent out to the steering committee only for a high level review and it hasn't been released to the public, it is considered a working document at this point in time.

Trustee Kinney commented that she is also on the steering committee and the purpose of receiving the draft of that document is for us to provide feedback so that's why it's a working document.

Trustee Macdonald inquired as to what Trustee Kinney's experience has been working with Logan Simpson so far.

Trustee Kinney stated she has been incredibly impressed so far. They are very accountable, very approachable and they have been working through an impossible situation with grace. When the document goes through the steering committee review, it will be presented to the public for comments.

Trustee Gaiter stated he has made his comments on the document and feels the mindset and the thought process of a company is not something he is comfortable with.

Trustee Whitehouse commented that the Town has the authority to change some of the text of the document; without seeing the document it is hard to understand the concerns.

Mayor Hamman opened the meeting up for public comment.

Mike Clark commented that we want to make sure that we conserve our water and that we're good stewards of our environment. Mr. Clark thinks the same thing can be accomplished by focusing mostly on the tier system and providing people with the informational resources and potential for grants and things like that. When citizens see higher bills in the summer, they will choose more xeriscape systems.

Kathy Wydallis, 3405 Revere Court, Wellington, CO stated she does not feel it is essential to have an outside company do this and also feels the Town is the biggest problem by watering during the day and after a rainstorm. It feels like the situation will take care of itself and doesn't see the need to spend \$40,000 on this.

Christine Gaiter, 8132 4th Street, Wellington, CO stated the code already encourages individuals to xeriscape and to use non-potable water. There were also some individuals that spoke about not liking the surveys from Logan Simpson and how the questions were leading and biased. Ms. Gaiter believes in property rights and does not want restrictions on how much water can be used for her home. Making the tiers higher and the base lower will have people self-serve water.

James Taylor, 7341 Indigo Run, Wellington, CO stated he has lived in several water conservative communities and stated the tiers system always works. Mr. Taylor agrees that there is significant opportunity to conserve our water and to be responsible with our water to have beautiful landscapes that are native to this area.

Trustee Macdonald moved to approve the contract in an amount not to exceed \$41,202 to Logan Simpson Design, Inc; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

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

Nays – Gaiter

Motion carried.

2. Resolution No. 04-2021 - A Resolution of the Board of Trustees Making Appointments to the Wellington Parks Advisory Board

Ms. Eucker informed the Board that on February 4, 2021, Trustee Macdonald along with town staff and members of the Wellington boards and commissions conducted advisory board interviews for the Wellington Parks Advisory Board, Board of Adjustment, and the Community Activities Commission. There was a total of 12 applicants for the various boards and of those, nine were interviewed. Pursuant to those interviews, Robert Sausaman and Christine Gaiter are being recommended for appointment to the Parks Advisory Board.

Trustee Gaiter asked Trustee Macdonald as to why she felt each candidate would be good for the positions.

Trustee Macdonald stated she has had the opportunity to serve on a lot of these groups and commissions over the years and a lot of times there isn't an opportunity to interview applicants as it is more of getting anyone in to sit in a chair. We are now starting to see more and more applications being submitted to fill in these positions. The applicants were selected based on their current knowledge, understanding and experience with the boards and commissions. They understand what the organization was and what their purpose was. It was important to get the input of the liaison of these boards and commissions as well for these appointments. Trustee Macdonald commented that she had a lot of fun interviewing the applicants and it was a really cool opportunity to connect with each of the applicants.

Trustee Kinney thanked all the individuals that volunteer on these boards and commissions.

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

Trustee Kinney moved to approve Resolution 04-2021; 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.

3. Resolution No. 05-2021 - A Resolution of the Wellington Town Board Making Appointments to the Board of Adjustments

Ms. Eucker informed the Board that Kathy Wydallis and Stephen Carman are being recommended

for appointment to the Board of Adjustments.

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

Trustee Gaiter moved to approve Resolution 05-2021; 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.

4. Resolution No. 06-2021 - A Resolution of the Board of Trustees Making Appointments to the Community Activities Commission

Ms. Eucker informed the Board that Richard Bacon and Jim Lafferty are being recommended for appointment to the Community Activities Commission.

Trustee Macdonald inquired if there was a conflict of interest with Jim Lafferty working for the Town.

Ms. Garcia stated she does not have a concern with Mr. Lafferty serving on the CAC.

Trustee Macdonald commented that she will be abstaining from this vote.

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

Trustee Kinney moved to approve Resolution 06-2021; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Abstain – Macdonald

Motion carried.

E. REPORTS

1. Town Attorney

None.

2. Town Administrator

Ms. Garcia informed the Board that Town Hall will be closed on Monday for President's Day. The work session on February 16th will include the Comprehensive Plan Future Land Use Map, Wastewater Treatment Plant delivery method presentation and an initiative and referendum discussion. The Town Hall meeting is in the process of being planned and a meeting is being worked on between the Board of Trustees and the Larimer County Commissioners.

3. Staff Communications

a. 3-Mile Plan Clarification

Mr. Bird informed the Board that he will be providing further clarification on the 3-Mile Plan. Every year the Town adopts the 3- Mile Plan for municipal annexations. This plan is only identifying the area in which the Town is legally able to consider annexations into the Town of Wellington. Wellington is a statutory town, and this is a requirement under State statutes if Wellington intends on annexing any property into the Town in the coming year at the request of the property owner. Under the State statutes, the Town is able to include up to three miles from the Town's current boundary line. What the Town of Wellington has done historically is reference our growth management areas as identified in our Comprehensive Plan. Rather than

extending for the full three miles from the Town limits, the Town looks at a smaller area where the Town actually anticipates growth within the next 20 years. When the 3-Mile Plan is adopted, it is not a statement of intent that the Town is going to annex those properties into Wellington, it is simply identifying the area in which the Town can consider an annexation.

When a property owner requests annexation, the Town is tasked with evaluating if it is appropriate to include that property within the municipal limits and to provide a full range of municipal services including water, wastewater and stormwater.

Trustee Jerome inquired if Mr. Bird knows of any property annexed into Wellington without the property owner's consent.

Mr. Bird stated during his tenure with the Town, there has not been any property annexed without a petition from the property owner requesting annexation.

Trustee Jerome inquired if Mr. March knows of any property that has been annexed into Wellington without the property owner's consent.

Mr. March stated he has been with Wellington for 28 years and he has not seen one.

Mr. March informed the Board that an enclave and a piece of land that is completely surrounded and has been for at least three years. In 2010, the State statutes were amended to include additional protections for enclaves. The annexation procedure for enclaves is more difficult to achieve.

Trustee Whitehouse inquired if the property owner of an enclave initiated the annexation, would those additional procedures be in place.

Mr. March stated he did not believe so.

4. Board Reports

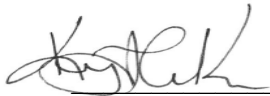
Trustee Macdonald requested an update from Mr. Singewald from the Boxelder Stormwater Authority.

Trustee Kinney stated there will be a presentation coming soon from the Solid Waste Policy Council.

Mayor Pro Tem Knutson stated he has attended the last couple Water Treatment Plan expansion meetings and Jacob is taking a different approach to their design by doing more upfront analysis and layout planning for the site so that is progressing well and we have received some good information.

F. **ADJOURN**

Upon a motion duly made, the meeting was adjourned at 8:18 p.m.



Krystal Eucker, Town Clerk