



BOARD OF TRUSTEES
March 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
Kelly Houghteling, Deputy 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
Michael Rairdon, Larimer County Sheriff's Office Patrol Sergeant
Lori Woodruff, Human Resources Manager
Mahalia Henschel, Communications Specialist
Liz Young-Winne, Planner

3. Amendments to Agenda
Mayor Hamman asked if there were any amendments to the agenda this evening. The Board moved public comment to B.2 to allow the public to hear the presentation on the Draft Comprehensive Plan.
4. Conflict of Interest
Mayor Hamman asked if there were any conflicts of interest on tonight's agenda. Trustee Gaiter stated he did listen to the presentation at the Planning Commission related to item D.1 but does not believe there is a conflict.

B. COMMUNITY PARTICIPATION

1. Presentation – Comprehensive Plan Draft

Mr. Bird informed the Board that what is being presented this evening is the Draft Comprehensive Plan (Plan) for the Town of Wellington that has been in the works for a little over a year now. Not long after the project kicked off, the COVID pandemic began which no one could have predicted. That did take what is typically a project with heavy public engagement and in-person meetings to completing the project almost all virtually and in a digital format. The Town of Wellington did participate in the process and submitted over 700 responses to the online surveys and questionnaires. There was also a Steering Committee that was instrumental in the process; they assisted in outreach efforts and ultimately the Draft Comprehensive Plan that is being presented this evening.

The Plan is an advisory document that is intended as a guide for future decision making for the Town. This is a long-range planning document that is intended to look 20 years in the future and even beyond that. Without a plan in place, it is hard to guide growth and development in a meaningful way. This document has looked back at the Town's history to establish a baseline and then creates a vision for where the Town wants to be. The Plan does aid in other Town documents and decisions, including the zoning code and subdivision regulations. All those documents work in a collaborative way to help the Town move in the direction that it visions for itself.

The Plan also establishes a Growth Management Area (GMA) which is a defined area that the Town anticipates it could grow into someday. Growth into the GMA would be initiated by a property owner with an annexation request. The Plan is anticipating where the Town is likely to grow in the next 20-25 years.

The Department of Local Affairs (DOLA) has population estimates that they use to project where within the State of Colorado that growth is occurring and at what rates. Those estimates help municipalities like Wellington anticipate how to manage growth. DOLA has projected a 6.8% growth rate for Wellington which could extend the population up to 21,000 citizens by 2030. The Steering Committee identified a Plan slogan as being "Vision for Tomorrow with Solutions for Today."

The Plan does not change the Town's boundary as that is a different process. The Plan does not change underling zoning as the zoning regulations are a different document. The Plan does not require development to occur although it is a guide for where, when, and how development is likely to happen. The types of changes that the Plan does not do only really happens upon annexation requests from property owners.

Development is really a private matter. Property owners or developers come to the Town and propose what they want to do and if it fits within the Town's regulations. That is when the Town starts working with the developers to figure out if their project can be successful.

Ms. Winne stated there are a few things that are important for everyone to know. The first is that all this information is on the Comprehensive Plan webpage of the Town of Wellington's website. Also, the Plan development started over a year ago so in the end, the whole process will end up being roughly 15 months. That could seem like a long time but that is pretty typical as some Plan updates can take upwards of two years. The Town is currently in Phase Three of the project. This phase is really important because the draft is released to solicit comments and feedback and then that information is used to draft the final Plan. The process then concludes in a couple of months with the decision to formally adopt the Plan. As the Plan moves forward after that point, it continues to be assessed and updated and is really more of a living document than something that is static.

Emily Morales with Logan Simpson informed the Board that she will review the community

feedback that was received through the process. During Phase One, there was a few engagement activities. The stakeholder meetings were in person as those were held in January. There were 61 individuals that came to the Leeper Center and there were great conversations held at that time. There was also social media notices and posters at the Library to direct individuals to a questionnaire that was online.

During Phase Two, in-person meeting did not happen due to the pandemic although there was continued community engagement through social media posts and directing individuals to participate online. There were also notices places at local businesses with a QR code that would direct individuals to polls that were posted online and there was excellent participation with that effort. There was information out during the Halloween Trick-or-Treat event directing individuals to the online questionnaire.

During Phase Three, there is an online platform for individuals to review the draft Plan and submit comments anywhere on the document; the platform is very user friendly.

Some of the community values comments that were received include small town charm, local friendly businesses, family friendly atmosphere, safety, agricultural land and open space. The responses that were received when the community was asked what they want Wellington to be by the year 2040 include preserve the town character, self-sufficient, sustainable, safe, distinct and to have diversified and distinct business.

Throughout community engagement, the community was asked many questions related to opportunities and challenges for the downtown, commercial areas, parks and recreation, transportation, trails and sidewalks, water conservation and overall quality of life. The Community Vision and Community Pillars are the foundational elements that helped guide everything else in the Plan. During Phase One and also during Phase Two, it was put out to the community to ensure we heard what they were saying.

The Community Vision is “Our friendly and supportive community welcomes you with a smile. Together, we take pride in celebrating and protecting our town character and values while welcoming forward-thinking ideas that enhance our health and wellbeing. Our dreams take root and blossom in Wellington.”

The four Community Pillars are:

- Community Pride
- Vibrant and Historic Downtown
- Thriving Economy
- Sustainable and Resilient Public Services

Megan Moore with Logan Simpson informed the Board that the bulk of the document are goals and then strategies. The goals are to illustrate desired future ideals and are derived from the Community Vision and Pillars. The strategies outline a course of action to guide decision making to achieve the goals.

Mr. Bird commented that one of the big components of the Plan that we wanted to highlight is the future land use map. The future land use map is a tool that is part of the Plan and it is really used to guide future land uses. It also identifies the GMA that was mentioned earlier. The GMA is larger than the Town's current boundaries. We have tried to maintain the existing GMA that was adopted in 2014, but there is a couple of areas that have been added that are being proposed in the Plan. The additional areas would square off the GMA boundaries to anticipate where future growth may

happen as well as preserve some of the open space and agricultural amenities. Other key objectives of this Plan are to acknowledge the fact that Fort Collins is growing to the north, there are other communities to the southern boundary, there are constraints to the west with irrigation reservoirs and to the east with floodplain and state-owned wildlife habitat. The southern boundaries are very constrained so that is why it tapers so much to the south although that is a very strategic area for the Town to identify for future growth. County Road 58 likely would support commercial development and possibly a future interchange on I-25. This area could capitalize on potential sales tax revenues from Fort Collins residents if they found it easier and faster to come to Wellington to get goods and services.

It is also expected that Highway 1 is going to become a commercial corridor and it is the only north and south corridor through Wellington. Growth and development does like to cluster around schools because of the traffic counts. This map is very long-range plan and paints a really broad brush as Wellington grows and develops.

Ms. Moore stated during public comment, it was heard that the community wanted to bring more diverse housing to Wellington. The Town's current housing stock is mostly single-family detached units. There is the ability to surround some of those commercial nodes with medium density housing. Medium density housing is not a big jump from what the town already has in place. There is a wide range of medium density housing types and products that can fit into this category; townhouses, duplexes, bungalows that could have a number of units surrounding a shared park system.

In regard to next steps, the draft Plan is ready to go for public review. The draft is available online where comments can be made directly on the draft and there are also some hard copies available at the Library and at Town Hall. The comments on the draft will be collected and reviewed for the final draft. The public review period will close in mid-April so that we can review comments and make revisions as needed.

Mr. Bird commented that he appreciates everyone's work on this Plan as it is a very important document for the Town.

Trustee Kinney wanted to reiterate that the website is the best place for comments so they can consolidate them. This product is professional and thanked everyone for their work through this process.

Trustee Gaiter commented that he appreciates the work that staff and Logan Simpson have put into this document as it has been a long process. This draft is a very professional document although he did have concerns that the document really does not reflect Wellington; it feels that there is a thought process of what this document should look like and then there have been pieces of what the community has said that have been included here and there. Another concern of Trustee Gaiter is the portion of the draft that discussed diversity and areas that went into detail about a specific population group not being represented on Town boards; basically insinuating that there is a racism problem. The diversity area was brought up by half of the Steering Committee that that was not an appropriate thing to be in our Plan and that was not addressed prior to the draft being released for public review. It seemed as if it was expanded on throughout the document. Another concern of Trustee Gaiter is that there is one racial group that is consistently called out throughout this Plan while several others are ignored. Trustee Gaiter does not feel there is a racial problem in the Town and feels putting this in the Plan could create a problem that does not exist today. Also, highlighting a minority group and not another could cause problems. Trustee Gaiter is concerned about the expected growth rates as the Town of Wellington does not have to abide by DOLA's expected

growth rate as many citizens have commented that they would prefer to stay a smaller community.

Trustee Macdonald commented that documents like this should focus on describing the community that we are trying to build and not describing the people that live in this a community. The comment specifically to race stood out as well and Trustee Macdonald does not feel that that should be discussed in this document at all.

Trustee Whitehouse commented that the document looks very professional and can see the work that went into the document.

Mayor Hamman commented that he appreciates the comments that were brought up this evening. There are several ways to make comments and state concerns related to this document.

Trustee Macdonald inquired as to the best way for the Board to submit comments on the draft.

Mr. Bird stated if the Board is comfortable leaving comments on the public review document that that would be acceptable, or they can reach out to Mr. Bird as well.

2. Public Comment

Mayor Hamman opened the meeting for public comment.

Christine Gaiter, 8132 4th Street, Wellington, CO stated she has three recommendations to add to the Plan; a glossary defining the terms, a field where we write our name and our email in our comment along with the neighborhood that we live in, and citations for each of their goals connecting it to a community comment so we know that someone actually wanted that goal, and then if that goal did not have any community comment, it should be removed from the Plan.

Wendell Nelson commented that 15 years ago he sat in this room and they were talking about a Comprehensive Plan. Mr. Nelson recommended keeping is simple and keep the characteristics of the whole community. A big part of the Town is growing. Transportation routes in and around the Town should also be considered.

Brian Michaud, 6995 Mount Democrat Street, Wellington, CO stated he feels that the process that this document has come into existence is a blow towards misrepresenting our government and feels that, by default, without a Herculean effort, documents like this will simply pass into existence and adoption because we paid so much for it, and because it is so much work to change the framework. The second issue is the zoning situation as there seems to be far too much control with regards to the ridiculous number of different zoning types that there are. We cannot pretend to predict what's going to happen and should leave it to the free market.

Hannah Michaud, 6995 Mount Democrat Street, Wellington, CO stated she wanted to express appreciation to the Board for a pretty thankless job. Ms. Michaud plans to comment throughout the Plan and asked the Board to not make a mistake because there has been a lot of time and money spent on this. Ms. Michaud commented that she did not appreciate the paragraph about inclusivity and the part about ensuring more diversity in the voices and strategically targeting people really sits badly because she does not want to be strategically targeted by anyone. Ms. Michaud would like to keep taxes and regulations low as she plans to open a small business in the future.

Robin Johnson, 7985 Pheasant Run Lane, Wellington, CO stated she has lived in Wellington for about 15 years and has seen it grow. One concern is the roads and transportation as there has been an increase in traffic volume and she sees pedestrians on a daily basis walk on the overpass; some of them are middle school students. It would be helpful to have a safe option for individuals to get

across the highway.

Michael Clark asked if the citizens of Wellington were ever asked how much they want the Town to grow or does the Town need to grow to the projected rate. Mr. Clark suggested smaller homes for higher density rather than apartments and condos and he would hate to see the Town be at a population of 40,000 by the year 2030.

Kathy Wydallis, 3405 Revere Court, Wellington, CO commented that she did not have the chance to read the entire Plan although she is in agreement with the comments that everybody has said. Some of the language did not sound very serious like dreams blossoming. Another item in the Vision regarding Wellington's responsibility to enhance health and well-being; that is not the Town's job as that is a personal responsibility. It has been a challenge to get individuals to volunteer for the Board and Commissions in Town so the portion about diversity could be removed. Ms. Wydallis pointed out that there is a typo on page 13 of the Plan, the map with parks names says Boulder Creek and it should be Boxelder Creek.

Melanie Murphy, 3584 Polk Circle East, Wellington, CO commented that she is the face of Prosperous Wellington and they are about responsible cannabis reform. Ms. Murphy understands and appreciates that the Board has taken the time to clean up the wording to get this issue ready for the ballot but would like to know when the citizens will be able to vote on the issue. Ms. Murphy stated she has volunteered with various organizations and is very active in the community.

Roger Stonecipher commented that he is concerned about the extreme increase in water rates as they have almost doubled in the last two years and the growth in Town is going to put more pressure on the water department. Mr. Stonecipher feels there are better options to finance the water plant other than increasing rates for citizens.

C. CONSENT AGENDA

1. Minutes of the February 23, 2021 Board of Trustees Meeting
Trustee Gaiter 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. Public Hearing - Ordinance No. 03-2021 - Conditional Use for Human Bean Drive Thru in the C1 Zoning District at 8121 6th St.
Trustee Gaiter did disclose ex-parte communication by attending the hearing of the Planning Commission on this matter.

Mr. Bird informed the Board that this is a public hearing for a conditional use request for Human Bean Drive Thru Coffee Shop. The site that is proposed for the conditional use is on 6th Street near the intersection of Cleveland and 6th. The conditional use request allows a drive thru within the C1 - Community Commercial District. This item did go before the Planning Commission earlier this month and the Planning Commission evaluated the conditional use and considered a site plan for development. Following the public hearing and deliberations, the Planning Commission voted unanimously to recommend approval of the conditional use to allow the drive thru facilities with conditions.

When considering a conditional use, the Board of Trustees may approve the conditional use, may approve the conditional use with conditions, or may deny the conditional use. Conditions of approval are recommended by the Planning Commission and Town staff. Proposed conditions of approval are identified in the draft ordinance. Approval of a conditional use requires adoption of an ordinance. A draft ordinance was prepared based on the recommendations of the Planning Commission and Town staff.

The Planning Commission's primary concern was related to traffic impacts of the onsite and offsite circulation. The applicant's team has done a nice job working with town staff to address those traffic concerns. The proposed site plan was completely reevaluated with the access, controls, the proposed striping on 6th Street and some onsite circulation details to address those concerns and staff is comfortable with recommendations.

The proposed Ordinance does include the conditions of approval which include providing a striping plan for re-striping 6th Street. The applicant would provide revised striping plans in accordance with town staff comments; the comments are very minimal at this at this point.

Trustee Gaiter inquired as to what the traffic counts are now in the area and what they are expected to be once the Human Bean opens.

Mr. Bird stated he has those numbers but would need to dig them out.

Trustee Gaiter inquired if there have been any concerns from citizens regarding noise from the development.

Mr. Bird stated noise is one of the review criteria when evaluated for potential impacts. This conditional use for a drive thru anticipated additional noise generated by vehicles in the drive thru lane or from the trash enclosure that is pretty close to the existing residential around the site although those impacts are relatively minor. Town staff have not heard any comments from anyone around the development.

Trustee Gaiter inquired if the applicants could address how they plan to deal with cars queuing and backing up in the drive thru when they address the Board.

Trustee Knutson inquired as to the coffee shop and the gas station competing for 130 feet of left turn lane access at similar times of the day.

Mr. Bird stated that was one of the concerns that was originally brought up from town staff and the original site proposal. There was full access proposed for the site directly on 6th Street. Staff identified that concern and suggested the applicant reevaluate with just a right exit only. The applicants did reconfigure their site plan to make that an exit only for southbound right turn. The left turn conflicts would occur at the alley entrance where O'Reilly's and Kum N Go are so those left turn conflicts exist today. The center left turn lane was identified as the best option to address the existing left turn conflicts.

The applicant, Robb Casseday addressed the Board and commented that when this project was brought to the Town, we wanted to do our part to help the Town thrive in their economic desires. The Human Bean has five of their managers that are residents of the Town of Wellington. We have been able to work through most of the issues that are concerning to the site, most specifically, the traffic. There was a considerable amount of time with traffic engineering consultants working out solutions to keep the traffic flowing and to make sure there are not traffic backups on 6th Street. There will also be enough signage to know the traffic flow and to keep it out of the residential alley and the auto parts store. There are two drive up windows and one walk up window. All the ordering is done at the windows so there will not be an outside speaker or noise coming from

ordering.

Kendra Shirley, the architect on the project, addressed the Board and commented that they are looking forward to the opportunity to be a part of this great community. The big factors of this project have been noise, traffic, lighting. We have put in the effort to make sure that those concerns are mitigated as we have ample lighting on the site to allow for safe pedestrian lighting along the sidewalk to the walk-up window, as well as along 6th Street. There is also a 3 ½ foot privacy fence being installed along with landscaping to prevent lighting from spilling into residential areas. The peak hour for traffic in the morning is 78 trip ends and 22 trip ends during the afternoon peak hour.

The site works to keep traffic flowing on the site as well as allow ample space for on-site queuing. There are two lanes that go all the way around; there is a drive-up lane on the south side as well as the north side and that allows for cars to queue up at each drive-up window and if one drive-up line was to overload and start to get too long, it allows for those in the queue to go around the standing traffic to the opposite window. We did take into account the comments about preventing any sort of backup on 6th Street with queuing, and that is how we redrew the plan to propose a right out only to prevent any sort of backing up on to 6th Street. The primary access to the site is through the alley which gives ample room for traffic without backing up onto 6th Street. Another thing that was proposed was the double yellow line striping in the alley to help organize the alley traffic, both existing and the new traffic for Human Bean. One of the comments was to further the striping plan to show how that connects along 6th Street both to the north and the south and the Town feels that is the best solution for the traffic along 6th Street. Most of the traffic for Human Bean is pass by traffic, meaning it is traffic that is already in the area passing by so Wellington should not have a negative impact to the traffic based on our findings and data.

We have also addressed on-site drainage with a detention area and connecting that to the existing storm sewer in the alley to the north.

Through this process, we have done our best to make sure that any comments and concerns that have been brought up by the Town and the community have been heard and taken into consideration so that we will be bringing a positive outcome for the Town.

Trustee Jerome inquired as to how this site compares as far as the footprint and size of the traffic lanes to the one in Fort Collins on College.

Ms. Shirley stated that was something that was mentioned previously, and we did research. This traffic site plan for this location does allow for more on-site queuing than both of the Fort Collins locations. There is a much lower amount of traffic existing in this area, compared to the Fort Collins locations. Any unforeseen amounts of traffic trying to access this site would back up into the alley and not impede traffic on 6th Street. We have also proposed a local traffic only sign at the west end of the alley to deter traffic going in that direction.

Trustee Jerome inquired as to the anticipation of individuals using the alley to exit into the residential area.

Ms. Shirley stated they have proposed a local only traffic only sign at the west end of the alley to deter traffic from going that direction. The exit from the site to the alley is a right only exit. Signage will direct individuals to exit onto 6th Street.

Trustee Jerome commented that he would like to see a right-in right out to ease traffic congestion in that area.

Ms. Shirley further explained the decision to do a two-way left turn lane. Currently, for the

northbound traffic, there is nowhere to make the existing left turn lane into the alley. If they were held up by southbound traffic coming too fast and they had to wait to make that left turn into the alley, there is nowhere for them to wait without impeding the northbound traffic. This two-way turn lane will allow them a location to wait to turn left into the alley without impeding the northbound traffic.

Mayor Hamman opened the meeting for public comment.

Sandra Joanis, 7451 Starckweather Drive, Wellington, CO commented that she is wondering what Ziggi's is thinking with their new building and plenty of parking; Ziggi's could be upset.

Mike Clark commented that he does like Human Bean and is also a fan of Ziggi's and Owl Canyon but competition is good for the community, if not at this location then maybe another one.

Wendell Nelson stated there have been several comments about getting in and out of the coffee shop and believes that looking at the solution for this is good; you have to do that. Having too many cars in too many directions can be a problem although I think they have done a good job of thinking this out and have tried do something that will work.

Jes Andrerere, in the Harvest Village neighborhood commented that she has a few concerns with Human Bean coming to Town, mainly traffic and disagrees with 90% of the traffic coming from local sources as Wellington is the first stop in Colorado and believes a lot more traffic will be in Town. There is also concern with the right-in right-out lanes and believes a lot of the traffic will end up in residential areas.

Kathy Wydallis, 3405 Revere Court, Wellington, CO commented that she is having a hard time picturing the traffic patterns but does agree that there will be an increase in traffic because of the close proximity to the interstate. It seems like the best situation has been proposed to get in and out of the site.

Erin Jerome, 3712 Wine Cup Street, Wellington, Co commented that the peak hours for Human Bean are between 8:00-10:00 am and also from 3:00-4:00 pm. There are currently 552 middle school and 626 elementary school students. Traffic is already backed up with vehicles trying to get through that intersection during those hours of the day. Also, they keep referencing using the alleyway, but that is only going to put more traffic right back on Cleveland. Wellington has spoken and their biggest concern was preserving the downtown and that small town feel. The boundary of where Human Bean will be located falls right within the Main Street boundaries.

Trustee Gaiter commented that he does not have any further questions but shares in the concerns that the community has voiced.

Trustee Jerome commented that he has huge traffic concerns and does not feel the studies are a true reflection of what is really going to happen at this intersection in real time.

Trustee Kinney commented that a lot of the issues brought up tonight were the same concerns that were discussed in the Planning Commission. Trustee Kinney's major concerns were lighting, light pollution and traffic. Those are the things that Planning Commission chose to require a new site plan for before hearing the item at the Planning Commission. The response by the applicants was overwhelmingly productive as they provided new site plans that acknowledge pedestrian lighting, they put in additional fences and landscaping to address light pollution and they did completely change the traffic pattern and provided substantial traffic engineering stating that the traffic

condition would be okay.

Trustee Knutson inquired as to whether the businesses between Roosevelt and Cleveland would be right-in right out only when traffic hits a certain count.

Mr. Bird stated he did not want to lose the opportunity for the public comment process and to give the applicant to chance to respond as well so he can address that question after public comment.

Trustee Whitehouse stated he would like to reiterate the comments from Trustee Kinney as the Planning Commission did go over this and believes that the applicant has worked diligently with the Town on the concerns that were raised. The Board of Trustees nor the Planning Commission chooses who is willing to invest in our community; if an applicant meets the requirements then we have to say yes.

Mayor Hamman commented that this was reviewed by the Planning Commission and it was approved unanimously.

Mr. Casseday commented that in working with traffic engineers and town staff, we are very confident that we have addressed the concerns with traffic. It should be noted that when the comment was made that it is local traffic only, the reference was local to the traffic on Cleveland and 6th Street. We did not intend for that comment to reference the local community of Wellington as we know that there's traffic coming off I-25. The Human Bean is excited for the opportunity to serve the Wellington community.

Mr. Bird stated there were a couple of things to follow up on. The first being the comment regarding local traffic, the 90% local traffic does include trips coming from the highway. Trustee Gaiter inquired about existing traffic on 6th Street and through the year 2025, there is expected to be 398 northbound trips and 386 south bound trips during peak hours. The long-range projection is 565 northbound trips and 685 southbound trips during peak hours.

Trustee Knutson inquired about the existing entrances along 6th Street being converted to right-in right-out. There is a development agreement in place between the Town and Kum N Go with thresholds identified that would require the entrance be converted and as part of the analysis for Human Bean, that threshold is not being tripped at this time to make that change.

Trustee Macdonald inquired as to the average water usage for a coffee shop.

Mr. Casseday stated that would be a question that we would have to get an answer back to you on as I am not sure how many gallons are used.

Trustee Kinney moved to approve the Conditional Use for Human Bean Drive Thru in the C1 Zoning District at 8121 6th St.; Trustee Whitehouse seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Kinney, Whitehouse, Hamman

Nays – Jerome, Macdonald, Knutson

Motion carried.

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

Mr. March informed the Board that this Ordinance was originally discussed at the February 23rd meeting and there were concerns raised which led to the matter being tabled. There were also concerns of this Ordinance coming before the Board as an emergency. This Ordinance would require six votes to pass as an emergency although if it does not get six votes, it is asked that the

Ordinance be considered as a non-emergency which would take a majority vote.

Ordinance 01-2021 would allow developers who purchase water to dedicate that water to specific lots. The rationale behind that is that the Town has encouraged contributions of water, particularly North Poudre Water and that water is become extremely expensive. It is currently around \$200,000 a share and a share will satisfy the requirement of five to seven lots.

Developers are buying multiple shares when they become available and then those shares are contributed to the Town. The shares are put in the Town's name for the developer to use and they then allocate the shares as they build lots to get taps. The problem that is being voiced is that the shares that are being contributed are extremely expensive and they cannot utilize them for security as long as they are in the Town's name.

The purpose of this Ordinance would be to make those shares appurtenant to satisfy the water requirements. Appurtenant is something that attaches to the land. What the Town Board would be doing by passing this Ordinance would be attaching water to certain lots. That water then could not be moved from that lot without the consent of the lender and the Town Board. That would allow the water to be used as security for lenders.

There has been some concern that this is specific to one lender or one lender and one developer. This request did come about from one lender and one developer although with the amount of development that is happening, this practice is anticipated to be used more often.

Trustee Jerome inquired if we allowed these shares to be collateralized by the lender, and with one share serving five to seven lots, what would happen if the developer builds two homes and forecloses on three of the lots; what happens to the shares.

Mr. March stated there is not a lien that is being taken by the lender as the shares are owned by the Town and there is no ability for the lender to reclaim those shares. The water that is appurtenant to a lot is to satisfy the tap requirements. If the lot is foreclosed on, the party purchasing the foreclosed lot would receive the lot with water that is appurtenant to that lot. The water requirement may change over time so it is hard to say that the water requirement for a tap would be satisfied although what was appurtenant to the lot will stay with that lot. The lender would not be able to get the water back as it is owned by the Town.

Trustee Gaiter inquired if the Water Policy Committee was involved in the creation of this ordinance.

Mr. March stated they were not as the role of the Water Policy Committee is to address issues such as water supply.

Trustee Jerome commented that the Water Policy Committee is what the Town Attorney has described; they look at the supply side and the availability and sources of water.

Trustee Macdonald commented that one of the concerns was related to if this is something that is trending and may become more prevalent; staff have reached out to resources they have and would like to hear what they have heard.

Ms. Garcia stated she has reached out to some local municipalities to see if they have done something similar and how it has worked for them although she has not heard back as of yet.

Trustee Macdonald commented that she did not think this is necessarily an emergency and believes this is an attempt to accommodate one request from one developer and one lender which causes her to pause as the Board is working for the people in the community. With some of the contentious issues that surround water and some of the difficult conversations that have taken place, this

Ordinance could have been vetted through the Water Policy Committee on the front end and a lot of these questions could have been answered in the beginning. This is a very difficult concept to understand and if the Trustees have a hard time understanding it, the community members will as well. Also, Trustee Macdonald understands the Water Policy Committee differently than what was described and will look at what their role is.

Trustee Knutson inquired if the water is attached to the lots and if something happens to where the builder does not build on the lots, is that water transferable to a different lot.

Mr. March stated there is a mechanism to transfer; there would have to be Board of Trustees approval and lender approval.

Trustee Macdonald inquired as to what happens if the lender does not consent to the transfer.

Mr. March stated the water stays with the lot.

Trustee Whitehouse commented that it is not really clear as to what the Water Policy Committee is which is a larger conversation.

Trustee Kinney commented that she does think that this is a trend and that this will be an issue that other lenders, builders, and developers will be facing. The Town has put them in a difficult situation by encouraging shares instead of cash-in-lieu and then increase the cash-in-lieu so this is something that the Board should be resolving.

Trustee Macdonald commented that the Town receives the same number of shares, it is how they are being dedicated to the lot so that the developer can add the value to the lot and secure the loan. They will bring the same number of shares although the Town will own them and the developer can use them as collateral. If a developer cannot secure financing to develop their project, that is a concern.

Trustee Jerome commented that it is not necessarily the Town Board's concern on how developments are financed and he is not really interested in adopting an ordinance for one developer and one lender.

Trustee Macdonald inquired if a developer has the option to finance more than one project per financing package.

Mr. March stated that would depend on the developer as some developers have the capacity to finance large blanket loans although that is not the norm. Traditionally, developers will develop in phases and they will get liens against those phases.

Mr. March commented that the sooner the Town can get its water requirements satisfied, the better off the Town will be. The availability of North Poudre shares is diminishing. This Ordinance encourages developers to get water to the Town. If the developer fails to complete a project or goes into foreclosure, the Town will still have those shares in its water bank. Once the shares are dedicated to the Town, the Town owns those shares.

Trustee Macdonald inquired if the Town has been contacted by the lender or if the Town reached out to the lender.

Mr. March stated he was contacted by the attorney for Points West Bank to see if the Town could come up with a mechanism by which they could get security in the water, and this was what we came up with. There were other scenarios discussed and this seemed like the best option.

Trustee Jerome commented that this could be viewed as giving preferential treatment to one lender and one developer, but if this is going to become a trend then we can be one of the first communities to be in front of this trend; I have not heard that this will be a trend.

Trustee Macdonald commented that she would be more comfortable making a decision after Ms. Garcia finishes her research.

Trustee Gaiter requested that emergency ordinances are not brought before the Board unless there is a legitimate Town emergency.

Mr. Bird commented that he did not have any preference one way or the other on this matter although something to consider would be if the lender were taken out of the equation. There would be value in allowing water shares to be dedicated to the Town and assigned appurtenant to a lot for any developer if they are using a lender or not. The reason being is that there are a few developers that have acquired some significant blocks of shares that they intend to dedicate to the Town to satisfy raw water. When they dedicate those shares to the Town, one share at our current rate satisfies seven and one-half single-family homes. Some of the concern is when they make the dedications for a partial lot, what happens to the remainder. When developers dedicate for seven and one-half lots, they are not necessarily pulling permits for seven and one-half lots at that time. Another consideration is that the Board might look to require the raw water dedication for 50% of the water requirements at the time of annexation or at the time of subdivision plaque. If that were the case, the Town would benefit from knowing where those water rights have been assigned to. The last component to mention is, the developers that would not be seeking lender assistance are the national builders and if the Town adopts policies that reflect the national builders, the Town could inadvertently create a situation where the local builders are not able to compete.

Trustee Macdonald commented that there are other water resources available to meet the dedications needs other than North Poudre and inquired as to how other water shares are lined out in the Ordinance.

Mr. March stated they would be applied the same percentage on all water right shares.

Mayor Hamman commented that the Board does not like the emergency part of the ordinance.

Trustee Jerome inquired as to clarification on the benefit of dedicating the shares and if the shares are assigned to certain lots or can they be use for any lot in a phase.

Mr. Bird stated the Town has a couple different developers in Town currently and some of them develop or build the entire subdivision, others may be selling lots to other builders. The benefit in the latter scenario is that if the developers have acquired the water shares to dedicate and meet the water dedication requirements, for instance a whole phase of a subdivision, they can then sell those lots to a builder with the water already satisfied so that local builder may not have to go and find their own water shares. The developer found the shares, provided the water for the subdivision and then other builders can build there as well.

Trustee Gaiter moved to table Ordinance 02-2021 to the March 23, 2021 meeting to come back as a regular ordinance; 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. Ordinance No. 02-2021 - An Ordinance Modifying Required Initiative Ordinance Signatures

Mr. March informed the Board that Ordinance 02-2021 would increase the signature requirement percentage of initiated ordinances from 5% of registered voters to 15% of registered voters.

Trustee Jerome inquired if this will be added to Wellington's Town Code.

Mr. March stated it would.

Trustee Gaiter commented that he would like to hear the public's opinion as there is a benefit from raising the bar to make sure we have things that the community truly cares about being run by the voters and at the same time we should be cognizant about making the process too difficult for the community.

Trustee Kinney commented that if there was a compelling item, it would not be an issue to get 15%.

Trustee Whitehouse concurred with Trustee Kinney.

Mayor Hamman opened the meeting for public comment.

Kathy Wydallis, 3405 Revere Court, Wellington, CO inquired as to how many of the registered voters in Wellington actually vote but commented that she is fine with the change.

Wyatt Schwendeman-Curtis, 3737 Franklin Avenue inquired if this would affect items in the future or will be affect items being worked on.

Mr. March stated it will be items in the future.

Trustee Macdonald moved to approve Ordinance 02-2021; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Motion carried.

4. Strategic Plan – Update

Ms. Henschel informed the Board that she will be reviewing the Strategic Plan changes that were made based on the survey that was put out. The proposed changes include:

- Section Heading Titles
 - Remove Intentional from Growth and Development
 - Remove Sustainable from Infrastructure
- Infrastructure
 - Change goal 3 from Plan and develop purposeful facilities to “Plan and develop community and Town facilities.”
 - Delete goal 4 Enhance and explore partnerships
 - Adjust goal 5 to now be goal 4
- Vision Statement
 - Add “strives to be” after Wellington

Trustee Gaiter commented that he likes the changes, and it keeps the meaning of what the Board intended.

Trustee Macdonald commented that she feels that removing Goal 4 is a mistake as it is a disservice to the community not to explore and enhance partnerships and is disappointed that removal came from staff.

Trustee Gaiter commented that from reading through the feedback in the survey, citizens questioned what it meant to enhance partnerships so maybe we could word that differently to clarify.

Ms. Henschel commented that on behalf of staff, it may have been miscommunicated that staff had removed Goal 4. Staff had not been able to figure out how to name or figure out that goal and that one is so essential and laces into every other goal we have.

Trustee Whitehouse commented that whether or not that goal is included, we all recognize the issues that Wellington faces and that we will need to partner as we cannot solve the issues all on our own.

Trustee Kinney commented that she is disappointed about losing Goal 4 as well but does know that the partnerships are important.

Ms. Garcia commented that it was discussed a lot with staff and in looking in the community feedback and overwhelmingly we were told that they do not understand what that meant. Staff felt that was something that we work on continually and we can build that out in some of our goals that will set up once this plan is in place. This is what we would consider an amended Strategic Plan and if the Board of Trustees would like staff to continue looking for an avenue to include some sort of language regarding partnerships in this, we can certainly do that.

Trustee Macdonald suggested adding a descriptor in goal that explains what the partnerships are and who they are with.

Trustee Knutson inquired as to who those partnerships are with and what they are related to.

Ms. Garcia stated it was not defined and recommends keeping those terms fairly broad as we do not want to limit ourselves.

Trustee Macdonald commented that as a generalized goal, it may not fit best specifically under infrastructure, because those partnerships would be important not just for infrastructure, but for other elements as well.

Trustee Gaiter suggested Trustee Macdonald and Trustee Kinney work with town staff to reword the Goals and clear them up.

Trustee Macdonald and Trustee Kinney both agreed to work with staff.

Mayor Hamman opened the meeting for public comment.

Kathy Wydallis, 3405 Revere Court commented that she is glad that the changes were made.

Trustee Gaiter moved to approve the Strategic Plan updates pending future changes to Goal 4; 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. Resolution 08-2021 - A Resolution Approving the Town Administrator's Administrative Plan of Organization

Ms. Garcia informed the Board that she has been with Wellington for 90 days and has enjoyed it immensely. One of the requirements is to supply the Board of Trustees with a plan of organization within 90 days. The plan has the residents of Wellington on top and then the Board of Trustees and

then it drills down from there. The only change made that had been in previous documents was moving the Town Clerk under the Town Administrator which is typical in a municipality of this size. Ms. Houghteling will oversee the Management Analyst, Communications Specialist, Planning, Parks and Recreation, Library and Human Resources. Ms. Garcia will oversee Public Works, Finance and Town Clerk and Ms. Houghteling.

Ms. Garcia will be providing the Board a template for the Town Administrator evaluation so they have the opportunity to review and provide any feedback. The Board will be receiving a list of goals in June as well to base performance off of.

Trustee Gaiter commented that in general Ms. Garcia has done a fantastic job and it has been great to have her on board.

Trustee Kinney commented that she has enjoyed working with Ms. Garcia and appreciates her expertise.

Trustee Whitehouse concurs with Trustees Gaiter and Kinney.

Ms. Garcia informed the Board that the positions in grey are positions that are currently vacant.

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

Trustee Gaiter moved to approve Resolution 08-2021; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Motion carried.

6. Board Policy - Planning Commission Referral Items

Mr. March informed the Board that this proposed policy that we were asked to prepare relative to referrals coming from the Planning Commission and that the Board of Trustees would table items if the Planning Commission has not completed their final action.

Trustee Gaiter stated he was the one that asked for the policy and it looks good to him.

Trustee Macdonald inquired if Mr. McCaffrey has reviewed the policy.

Mr. March stated he had not as this is a Board policy.

Trustee Kinney commented that the Planning Commission is tasked with forwarding recommendations and this item is the Board's policy regarding tabling of items.

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

Trustee Macdonald moved to approve the Board policy regarding Planning Commission items; 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.

E. REPORTS

1. Town Attorney

Mr. March informed the Board that he has spoken with the attorney who represents the proponents of the marijuana initiative and believes it will be on the March 23rd agenda.

2. Town Administrator

Ms. Garcia informed the Board that Ms. Houghteling is back and currently working mornings.

Ms. Sheldon informed the Board that the CAC has been working very diligently to get the Easter Egg Hunt on April 3rd approved by the County and it is looking like we are going to get there. There will be a pre-registration for all attendees so we can contact trace per county variance and masks and social distancing will be required.

Mr. Gowing informed the Board that they have been watching the forecast that Wellington may be in line to get two feet of snow this weekend. We are looking at some extra measures in terms of 24 hour on-call and putting some of our plow drivers up in a hotel as it is one thing to drive a plow around Wellington, but it is another to actually get to Wellington. We will also work with communications regarding public notices and some reminders of things like moving parked cars off the streets. Wellington will also be reaching out to emergency providers in case they close the gate on I-25.

Ms. Garcia informed the Board that reports throughout the event will be sent to the Trustees to keep them updated and we will work on a map that shows the road priorities as it relates to plowing.

Trustee Jerome commented that when the bomb-cyclone hit a couple years ago, the Red Cross did open up the Leeper Center, but they were not prepared with supplies.

3. Staff Communications

None.

a. Report of Bills

4. Board Reports

Trustee Gaiter informed the Board that the CAC did vote to keep the 4th of July parade on Cleveland, but they did vote to move all the festivities to Community Park, so they are still working out the details of exactly what that is going to look like. There will be a discussion at the work session next week regarding the fireworks.

Trustee Gaiter asked that the Board discuss the State of Emergency as Wellington has been operating under that since COVID started.

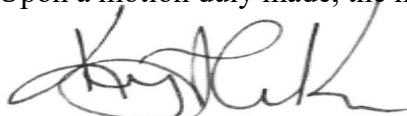
Trustee Gaiter inquired as to whether or not we will be looking into doing anything with the water rate tiers and should staff be looking into that.

Trustee Jerome commented that he was under the impression that when we changed the rates, that we would monitor those on a quarterly basis to make sure we were hitting our goal and/or adjust the rates if necessary.

Ms. Garcia stated staff will get that done.

F. ADJOURN

Upon a motion duly made, the meeting was adjourned at 10:39 p.m.



Krystal Eucker, Town Clerk