



BOARD OF TRUSTEES
May 11, 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
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
Dave Myer, Engineer
Dean Campos, Parks and Recreation Manager
Ross LaGenese, Library Manager
Mahalia Henschel, Communications Specialist
Krystal Eucker, Town Clerk

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.

Phyllis Mortensen, 3705 McKinley Avenue, Wellington, CO commented that she used to live in a large city where drugs were a major problem. It has been said that allowing marijuana will bring money to the Town but is that more important than the safety and well-being of our residents. Ms. Mortensen also requests all elections in Wellington are fair.

Michael Clark, Sage Meadows Subdivision, Wellington, CO commented that he is seeing critical race theory pop up in schools, local, national, and state government and that people should be educated on it and understand it before it shows up. Basically, critical race theory teaches that white people are oppressors and that any minority, whether it be gender, sexuality or race is an oppressed group.

Christine Gaiter, 8132 4th Street, Wellington, CO commented on the base water rate which is essentially a tax. The rate is the same amount for all citizens, and it could be causing a strain on low-income residents. Ms. Gaiter proposed going to a tier rate or using a multiplier to come up with a base rate so bills are proportional and fair because it's not currently proportional to residents' budgets. It is not fair that the rates were raised in December, but the business rates have not and neither have the developers.

Dawn Burkhart, 6974 Lee Street, Wellington, CO commented that she is a single mom with three kids and her water bill was \$259.00 this month so she has implemented measures in her home to reduce water usage. There is no assistance for water bills like there is for heating.

Clayton Graves, 3255 Thundering Herd Way, Wellington, CO commented that if the Town is needing money, tax the medical marijuana that is coming in and take some of the burden off the residents.

Ken McKenzie, 3733 McKinley Avenue, Wellington, CO inquired about the Town Hall that was mentioned and when that will be.

Trustee Gaiter stated the Town Hall is scheduled for May 26, 2021, from 6:00-8:00 p.m. and the sewer rates will be discussed that night.

Margaret McKenzie, 3733 McKinley Avenue, Wellington, CO commented that the Leeper Center does not hold many people; has the Town looked into holding the Town Hall in a different location.

Tara Kough, 3271 Mammoth Circle, Wellington, CO commented that she supports everything that has been said this evening and wanted to address the \$90,000 that has not been collected since the rate increase did not go into effect for developers. The residents rate increase went into effect immediately. Residents cannot afford the rate increase.

Lori Wiedeman, 3923 Grand Avenue, Wellington, CO inquired about where she could find rules and regulations on how meetings are done and how the Town conducts business.

Trustee Kinney commented that there is a myriad of information on the Town's website including the municipal code.

Dave Wiegand, 7000 Pettigrew Street, Wellington, CO inquired if there will be a moratorium on construction if the Town does not have the water. The water rates will keep going higher and higher if the Town does not have good management. People move to Wellington because it has been a reasonable place to live but it is not going to be reasonable anymore.

Mayor Hamman commented that the Town has slowed growth and it is down to 2%. Trustee Macdonald commented that there does need to be a small amount of growth to be able to pay for some of the growth. Some of the things coming in today were planned years ago and this Board is trying to set the community up for the future.

Mario Quinonez, 4101 Crittenton Lane, Wellington, CO commented that meetings like this offer paradigm shift to solve big problems in the community. There may be a big problem but there may not be a big solution. People are not problems to be solved, they are often the solution to the problem. Unite to do right as more change can be achieved together.

Gary Green, 8130 3rd Street, Wellington, CO commented that Teddy Roosevelt stated, “we need to pay attention to the man in the arena” and this Board is the man in the arena. It takes a lot of courage to run for office and to address the greater good of the community. Mr. Green thanked the Board for being the men and women in the arena.

Jesy Andreen, 3814 Hackberry Street, Wellington, CO commented that she appreciates the Board and all that they do. Ms. Andreen also commented that there are a lot of residents that do not know that the Town has meetings or that there is a Comprehensive Plan being worked on so helpfully information can be communicated in different ways like postcards or banners. Ms. Andreen started a cleanup and asked if the Town could help with that effort by providing staff time or trucks to haul.

Trustee Gaiter inquired if this is something that the Community Activities Commission is willing to do.

Trustee Macdonald commented that the Town has a scheduled cleanup day every year.

Trustee Jerome commented that would be a good thing for the Community Activities Commission to partner up with.

Melanie Murphy commented that Kallie Cooper with Main Streets plans and is the contact for the Town wide cleanup.

Dave Wiegand, 7000 Pettigrew Street, Wellington, CO commented that with the legalization of marijuana and the extreme use of drugs, Fort Collins is disgusting right now. Wellington is a beautiful town, and we want to keep it that way.

Jeff Scofield, 7335 Kit Fox Drive, Wellington, CO commented that opening up Kit Fox has turned into being dangerous for kids riding bikes. There are vehicles that speed through the neighborhood. Mr. Scofield suggested putting up speed limit signs at the south end of Kit Fox and stop signs on Kit Fox between Jefferson and the south end.

2. Presentation

a. Parks and Recreation Quarterly Update

Mr. Campos provided a brief quarterly update regarding the Parks and Recreation Department including:

- Parks Maintenance Technician II & III - Assessed/Evaluated - Efficiency.
- Certifying Park Maintenance Technician III and Recreation Coordinator - Play Structure Inspector - Positive Financial Impact.
- Developing Preventive Maintenance Schedule - Parks System.
- Negotiating user fees with ActiveNet (Registration Software) for better rates.
- Standard Operating Procedures and Staff Training being documented.
- Recreation Forum Feedback being implemented - Cheer Program (Cheer Spirit Colorado) & Tennis (Contractor US Tennis Association)
- Virtual Recreation Page

- Developing new communication strategy for participants in Youth and Adult Sports to better meet the needs of the community.
- Collaborated with Kelly to develop better department structure to sustain program growth and save the Town resources.
- Cost-Recovery - Inputting all financial data into analytical software. Service Categories Developed. Beneficiary of Service workshop scheduled.
- Partnerships being developed - Boys and Girls Club (facility usage), Colorado Youth Outdoors (Innovative programming), Poudre School District (facility usage), Wellington Soccer Club (Funneling participants into our program).
- Colorado Parks and Recreation Association - Developing talent pipeline in Northern Colorado with other agencies to increase Town of Wellington visibility for professional development.

b. Wellington Public Library Quarterly Update

Mr. LaGenese provided a brief quarterly update regarding the Wellington Library including:

- Successful and community supported re-opening for indoor public patronage
 - Simple and unique signage (slides)
 - Continued access to curb side use
 - Consistent and easily readable section signage and re-organization promoting exploration and self-sufficiency
 - Change in hours reflecting resident needs, working families, and students
 - Redesigned and user-friendly website interface. Optimized for mobile use
 - Local Matters section in alignment with Strategic Plan/Local issues
 - Increase in new patrons, circulation, inclusive and expansive media
- Major focus on collaboration with the community, local businesses, school programs/clubs, and Town of Wellington departments
- Development of ongoing partnership between Wellington Public Library (WPL), Liberty Common High School (LCHS), and Colorado State University (CSU) Engineering Department for an Engineering and Robotics program for all ages and pathways.
 - Directly supports and tactilely develops Science, Technology, Engineering and Mathematics (STEM) programs for residents and youth.
 - Robotic demonstrations/challenges/events by state and national award-winning robotic teams. Student developed and managed with oversight lead by WPL and instructor.
 - Participation and development with CSU Engineering Department and University Recruiting Department. Demonstration of full pathway from young children to university opportunity and engagement.
- In compliment to developing programs and events, WPL has secured a Prusa 3D printer thanks to the Wellington Friends of the Library. Printer is in shipping process currently and will be accessible to all patrons for a myriad of uses and supplements. CSU Engineering has offered to assist in set-up, calibration, and promotion.
- Summer Reading Program
 - Extreme increase/partnership in local business patronage and donations
 - Early registration has launched
 - Coordination with local elementary and middle schools
 - Partnership with Wellington Boys & Girls Club

- Expansion and inclusion with adult readers as modeling for literacy
 - Events secured with contingencies in place
 - Joint event planned with TOW Parks and Recreation Department
- Quarterly budget figures/lines are in accordance and fiscally within parameters.

Trustee Gaiter inquired as to when the robotics events will begin.

Mr. Lagenese stated the team won state and are now competing nationally. The students are also completing their finals so it will most likely be summertime; likely it will be Sundays in the parking lot.

3. Proclamation

a. Police Week Proclamation

Mayor Hamman read the National Police Week Proclamation.

C. CONSENT AGENDA

1. Minutes of the April 27, 2021 Board of Trustees Meeting

Mayor Pro Tem Knutson moved to approve the consent agenda; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Motion carried.

D. ACTION ITEMS

1. Resolution 10-2021 - A Resolution Referring to the Voters the Question of Whether Sales of Medical and Retail Marijuana Should be allowed in the Town of Wellington

Mr. Sapienza informed the Board that there was a petition drive last summer to place a special sales tax ordinance for marijuana sales on the ballot and to overturn the ban on marijuana sales in Wellington. Those petitions were submitted on July 30, 2020, with 669 signatures and on August 20, 2020, 464 of those signatures were verified which was more than the required 351 signatures to refer both ordinances to the ballot.

The Board of Trustees approved Resolution 38-2020 which refers the sales tax question to the ballot which will be on the November 2, 2021 ballot. Due to TABOR regulations, the sales tax question is required to be on a general election ballot so it was clear when that could be referred.

The sales of marijuana ordinance received a sufficient number of signatures although there was a protest filed on September 8, 2020 which led to a hearing on September 16, 2020. The hearing officer determined that the petition to put the sales of marijuana on the ballot was insufficient due to the language of the ordinance being administrative rather than legislative in nature and the other reason is that there was a failure to comply with a State Statute requiring to disclose how much was paid to petition gatherers.

The determination of the insufficient petition resulted in litigation. There are two lawsuits filed against the Town of Wellington; Prosperous Wellington versus Wellington and the other is Morgan versus Wellington. These lawsuits have been ongoing since September and October of 2020.

Possible outcomes of those litigations include:

- If the Court determines the outcome of the hearing officer's determination is incorrect, the Town will be required to administer a special election at the Town's cost. Followed by

- general election on November 2, 2021 to place the sales tax question on the ballot.
- If the hearing officer's determination is upheld, the proponents would circulate the petitions again.

At the April 27, 2021 Board of Trustees Meeting, Mr. March asked for authorization to enter into a stipulation with the other parties in both cases. The motion that was before the Board was to approve the Town Attorney signing the stipulation to settle the lawsuits. That stipulation was included in the packet material and it has been filed with the Court. That stipulation stated that if the Board of Trustees adopts Resolution 10-2021, both cases will be dismissed immediately.

Resolution 10-2021 will submit a question to the ballot of whether sales of medical and retail marijuana should be allowed in the Town of Wellington and also creates a regulatory structure for how those applications will be submitted, approved and how those businesses will be regulated.

There are some major differences between this ordinance and what was originally petitioned for by the proponents. The original ordinance had some significant flaws. The original ordinance referenced State Statute that has been obsolete for years so that would have tied the Town of Wellington's regulation of marijuana to specific statutory provisions that did not exist. The original ordinance also had some conflicting language regarding the authority of various entities so it was unclear whether the local licensing authority would have had the authority to regulate businesses or if the state held that authority. As part of the stipulation that was entered into on April 20, 2021, the proponents have agreed to this revised language in the ordinance which fixes those deficiencies. The ordinance would repeal the two provisions within the Town Code that prohibit the sale of retail and medical marijuana. The ordinance will allow the sale of medical and retail marijuana to consumers in marijuana stores in C3 zoning districts and applications for those stores can begin to be submitted on February 1, 2022. If this ordinance is approved by the voters on November 2, 2021, that will give a few months to get regulations in place before those applications are processed. In addition to the C3 zoning district, stores cannot be within 2,000 feet of schools, cannot be within 500 feet of public zones and other marijuana stores and cannot be within 200 feet of R1 and R2 zoning districts. The reason for the zoning district and distances is that those were the exact distances and zoning district that was proposed by the proponents.

The ordinance cannot be modified by the Board of Trustees until April 1, 2023.

Trustee Gaiter commented that regardless of his personal feelings related to marijuana, he is a proponent of the voters having the opportunity to vote on the matter.

Trustee Whitehouse commented that this is far too important of a decision to be decided by the seven members of the Board of Trustees.

Trustee Kinney commented that this is an important topic and needs to be weighed in on by the residents of the community.

Christine Gaiter, 8132 4th Street, Wellington, CO inquired if the sales tax from marijuana will go into the general fund and the general fund cannot fund the water treatment plant.

Mayor Hamman stated discussions are yet to be had regarding where the sales tax from marijuana will go.

Melanie Murphy, 3584 Polk Circle East, Wellington, CO thanked the Board for addressing this matter to allow the residents to vote.

Trustee Whitehouse commented that it has been discussed on social media that the protest

was filed to take away the citizens rights to vote on this and that is factually incorrect. The protest was filed due to the original ordinance laid out administrative duties and took away regulatory duties that were granted to the Town Board.

Trustee Macdonld commented that this Board does feel that the decision should be made by the voters. The process that has taken place is to ensure the language presented to the voters is in the best interest all involved.

Dave Wiegand, 7000 Pettigrew Street, Wellington, CO commented that he hopes the Town has done their due diligence to see how the sales of marijuana has affected other communities. Some people say marijuana is a gateway drug.

Trustee Macdonald asked if the staff could put together a formal communication plan to include the facts about the ordinances to address the needs and concerns of the residents.

Mayor Hamman stated that is something that can be done.

Trustee Jerome moved to approve Resolution 10-2021; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Motion carried.

2. Resolution No. 11-2021 - A Resolution Approving Mandatory Watering Restrictions

Mr. Sapienza informed the Board that the Resolution before them this evening is related to watering restrictions. It is very similar to the Resolution that was passed in 2020. There have been voluntary and mandatory watering restrictions in the Town since 2013. The idea is to restrict watering to two days a week depending on if their homes are odd or even and that would also restrict the times of days that watering can occur. Other municipalities in the area were researched and Fort Collins is on voluntary restrictions but restricting the times that they can water. Denver and Colorado Springs are currently restricting the times that watering can occur. Residents could be fined if compliance officers decide to issue a summons.

Mr. Gowing addressed the Board and informed them that some of the subdivisions in Wellington do have a non-potable system although there are many others that do not. The use of treated water in the summer dramatically increases due to irrigation. The plant expansion project is currently underway at the 30% design phase which will roughly double the plant's capacity; that facility is expected to come online in 2024. When that does come online, there will be plenty of water for irrigation although for the next three summers, the Town will be sorely taxed to provide treated water during the summer months. The repercussions for not being able to meet peak demand at any time during the summer are pretty severe. The equipment is running near capacity to meet the peak demand. The equipment is old, so the plant does take a lot of repair and maintenance to keep running. Exceeding compliance requirements relative to meeting those peak demands can be severe with violations from the State. There could also be a loss of service to customers if equipment breaks due to being run close to capacity.

The amount of water that the Town provides during irrigation months more than doubles and more importantly it is the peak rates more than double. Infrastructure is designed for the maximum day and hour situation. Everything that the Town designs is designed around that maximum instant during the year.

The watering restrictions in 2020 did allow the Town to prepare for water usage on watering days.

The Town has also been providing information regarding water conservation as conservation is needed due to the water treatment plant being at its capacity.

Trustee Whitehouse inquired as to what the effectiveness between voluntary and mandatory watering restrictions.

Mr. Gowing stated he could not really answer that as 2020 was the first year for mandatory watering restrictions but there seemed to be an effect when the mandatory restrictions went into place.

Mayor Hamman inquired if this would go into effect immediately and if that is necessary right now.

Mr. Gowing stated the Town is preparing as the Town cannot predict the weather nor what the water demand will be.

Trustee Macdonald inquired if Mayor Hamman was referencing the Resolution that was provided in the packet or the modified Resolution provided by Trustee Gaiter.

Mayor Hamman stated he was referencing the Resolution that was provided in the packet.

Trustee Kinney commented that it seemed that the watering restrictions in 2020 were abrupt and it was already peak watering season when the restrictions went into effect. It did not seem like there was enough time to inform residents. Approaching this issue earlier will allow for a communication plan as the watering season approaches.

Mayor Pro Tem Knutson commented that it took some time for residents to begin to follow those restrictions in 2020. Implementing those restrictions earlier will allow residents to get used to the restrictions.

Trustee Gaiter is proposing that the Board start with voluntary restrictions and communicate the items that the Town is asking the residents to do. If the numbers are not where they need to be in May and June with voluntary restrictions, then the Board could implement mandatory restrictions. Trustee Gaiter would prefer to invite the community to help solve the problem instead of treating it like the community is the problem by saying the Town is restricting your usage. The Resolution that Trustee Gaiter provided to the Board was changing the wording from mandatory to voluntary and adding a third day to be able to water; odd street number would be Tuesday, Thursday, and Saturday and even number street numbers would be Monday, Wednesday, and Sunday. One other change to the proposed Resolution is in the portion that allows the Town Administrator and Engineer to limit watering when levels fall too low; that was changed to the Town Board as Trustee Gaiter feels that should be a decision of the Board.

Trustee Whitehouse commented that the proposed Resolution was provided to the Board from Trustee Gaiter prior to the start of the meeting this evening. This proposed Resolution was not part of the packet, so the public has not had the opportunity to review the document. Trustee Whitehouse has concerns about the timing and procedural aspects of this document and inquired as to why this was presented to the Board right before the meeting.

Trustee Gaiter stated as a Trustee he did not have the right or ability to change an item on the agenda but did the work on the document for the Trustees to see what it was. A Trustee can bring a recommended change to a Resolution to the Board as the Board does not have to adopt what is given to us.

Trustee Macdonald inquired if Trustee Gaiter had a conversation with the Mayor in regards to including the proposed changes in the packet so that could be vetted by the Town Attorney.

Trustee Gaiter stated he did have a conversation with the Mayor but did not ask that the

proposed changes be added to the packet.

Trustee Kinney commented on water conservation and that is the community's responsibility to conserve water. Also, new developments are using non-potable systems for outdoor irrigation and that is a significant benefit to the community so treated water is not being used for outdoor irrigation. Trustee Kinney commented that the Town has amazing and capable staff so when it comes to emergency situations, she would hate to put the community at risk by waiting to schedule a special meeting of the Board of Trustees. Trustee Kinney commented that is important to her to leave that power with the staff to address emergency situations with water. Also, there are two potential warnings before residents are cited in the water restrictions resolution and last year there was not a citation issued so that shows that the education of the mandatory restrictions was successful. Trustee Kinney commented that she is in favor of the mandatory watering restrictions.

Mayor Hamman commented that there was a lot of questions when the mandatory watering restrictions first came out and those were addressed; residents can water their trees and flowers. The community has done a great job with the restrictions. A landscaper has informed the Mayor that two days of watering a week is all a yard will need. Mayor Hamman commented that he is inclined to go with staff's recommendation.

Mayor Hamman opened the meeting for public comment.

Christine Gaiter, 8132 4th Street, Wellington, CO commented that with the mandatory watering restrictions it comes across that the Town is in trouble and the Board is against the residents. With the water rates going up, it would be a good extension of the hard to do voluntary restrictions. Ms. Gaiter also commented that maybe the businesses should be restricted before the residents. Ms. Gaiter is in favor of the third watering day.

Denver Hernandez, 8409 Three Silos Drive, Wellington, CO commented that he believes the Town is building too much if there are discussions about water problems and conservation. The growth needs to slow down. Mr. Hernandez commented that clarity on when things are coming from the Town would be helpful as he received a text message from his neighbor that this was an important meeting.

Trustee Kinney commented that one of the strategic plan goals from the Board was to improve communication. Staff has been putting out a monthly newsletter and residents can subscribe to get that newsletter.

Dave Wiegand, 7000 Pettigrew Street, Wellington, CO inquired if there was an option to table this item as we are in the middle of a wet season.

Michael Baratta, 3736 McKinley Avenue, Wellington, CO inquired as to how non-potable is defined other than it not being drinkable.

Trustee Macdonald stated non-potable water is untreated water and normally non-potable systems come from a well and is not linked to the water treatment plant.

Trustee Jerome commented non-potable water is typically run in some of the newer neighborhoods. There was water rights and wells on those properties when the developer purchased the land, so they have the right to use that water. The Town has no jurisdiction over the non-potable systems.

Trustee Macdonald commented that non-potable water can not be tied into the Town's water treatment system. The Town owns enough physical water to drink although the capacity at the water treatment plant can not treat all that water to meets the community at a high

capacity on a regular basis; the issues is the ability to treat water.

Mayor Hamman commented that the expansion of the water treatment plant will double the capacity to serve roughly 22,000 residents.

Trustee Whitehouse commented that water law in Colorado is very complicated but often that water, by deed cannot be taken and used off that original parcel. It is historically deeded to farmland that is now a subdivision, that water is still tied to that land so it cannot be pumped into the water treatment plant because the laws will not allow it.

Trustee Kinney commented that the Town, for the most part does use non-potable water for irrigation and the Town will ensure we are a good example to the community by following similar watering times.

Ken McKenzie, 3733 McKinley, Wellington, CO commented that he would like the restrictions voluntary right now with the expectation that the community will abide by those and then issue mandatory restrictions when they become necessary.

Jesy Andreen, 3814 Hackberry Street, Wellington, CO commented that she is unsure about the mandatory restrictions and should start off with voluntary restrictions to see how residents will comply on their own. Ms. Andreen inquired as to what the source was for the water information.

Mr. Gowing stated the water information came from CSU.

Ms. Garcia stated she was speaking with Mr. Gowing to see what compromises could be made as the Resolution that was included in the packet was what had been adopted in the past. Staff is comfortable starting with the voluntary restrictions and a three-day watering schedule with specific days for watering. The one piece that staff does not feel comfortable compromising on is not allowing staff to make the decision to put mandatory restrictions into effect. If there is a piece of equipment that goes down or any other issues that arise, and then gathering the Board of Trustees to rule on the mandatory restrictions could jeopardize the community. If that decision needs to be made, the Board of Trustees will be notified immediately, and communication would go out to the public.

Trustee Gaiter commented that this is an opportunity to work with the residents but then if the voluntary restrictions do not work, the Town could go to mandatory restrictions.

Trustee Kinney commented that the word mandatory carries significance that it is serious and important. Making decisions that protect the Town's water is a top priority. It is really important that the decisions the Board makes that effect the residents are consistent. It is important to be consistent with investing in the treatment facilities, but it is also important to conserve water as well. The standard communication surrounding water is always consistent and is ready to accept the resolution as written as the staff recommendations is the best option.

Mayor Hamman commented that he is okay to go with voluntary or mandatory restrictions.

Trustee Whitehouse inquired if tabling this item for two weeks would cause any issues.

Mr. Gowing stated the problem is the unpredictability as no one can predict what weather will do or if it will rain. There was a big spike in June of 2020 and that was the spike that got staff's attention. Last May was similar to how this year has been; it has been wet and rainy but then the end of May last year, it did start to dry out. Water usage spikes can happen within days.

Trustee Macdonald inquired as to the current maintenance at the water treatment plant.

Mr. Gowing stated that staff are pretty much camped out there this year when the filters got

clogged up because they had to backwash every two hours and that is a manual process; it should be automatic. The raw water pump station pumps are old. It is a matter of continually watching the old, outdated equipment so staff are ready to address issues that come up.

Trustee Macdonald commented that what she is hearing is the resolution that was presented is preventative in nature with the aging system the Town is working with. Staff are trying to be proactive instead of reactive to a situation.

Mr. Gowing stated that is correct.

Trustee Whitehouse would agree with the mandatory as written.

Trustee Gaiter moved to amend Resolution 11-2021, a Resolution Approving Mandatory Watering Restrictions to read Voluntary Watering Restrictions and to change the days of watering to Tuesday, Thursday and Saturday for odd street numbers and Monday, Wednesday, and Sunday for even street numbers.

Motion not considered due to lack of a second.

Trustee Kinney moved to approve Resolution 11-2021 as presented by staff; Trustee Whitehouse seconded the motion. Roll call on the vote resulted as follows:

Yeas – Kinney, Macdonald, Whitehouse, Knutson, Hamman

Nays – Gaiter, Jerome

Motion carried.

3. Resolution 12-2021 - A Resolution Appointing Mayor Troy Hamman to the Wellington Housing Authority

Ms. Garcia informed the Board that Trustee Macdonald has been the Town appointment for the Housing Authority. Trustee Macdonald has asked to step down from the Housing Authority to focus on some water issues. Mayor Hamman has offered to take over Trustee Macdonald's seat through the rest of his term and if his term ends before the expiration on the Housing Authority, another Trustee would be appointed.

Trustee Gaiter inquired if Trustee Macdonald still had an interest in serving on the Housing Authority.

Trustee Macdonald commented she does have a background in housing authorities and would like to continue serving on the Housing Authority but does not feel like she has given them the time they deserve.

Mayor opened the meeting for public comment.

Michael Baratta, 3736 McKinley Avenue, Wellington, CO inquired as to how the Comprehensive Plan will affect the Housing Authority housing.

Trustee Macdonald stated the Housing Authority can purchase any home in the community to add to their housing portfolio. The Comprehensive Plan will not affect those houses.

Trustee Jerome moved to approve Resolution 12-2021; 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.

4. Resolution 13-2021 - A Resolution Establishing Fees to be Charged for Residential 3/4-inch Water

Tap Permits

Ms. Garcia stated the resolution before the Board this evening is to increase the water tap fees for the ¾ inch residential water meters from \$5,500 to \$7,500. At the April 20th meeting, it was reported that the Town was losing revenues as the water tap fee that was included in the 2021 budget had not been adopted by resolution. It is unfortunate that we are here, but we are working to correct this. Ms. Garcia stated at that time that the item would be brought to the next meeting not knowing there were some outlying issues that needed to be addressed. One of those items was a potential requirement to have a study completed prior to the adoption of these impact fees. A study was not budgeted in 2021 and the time for completion for something of that nature would be approximately six months. Research found a study was helpful but not required and staff moved forward to put the item on the agenda for consideration this evening. Any revenues that have not been collected to date related to the tap increase will be collected through fund balance review and future taps; this will not get passed on to the residents.

The staff memo provided two alternatives this evening. One is to adopt what is currently being presented and the second option is to table the item and discuss options to increase the tap fees to \$7,750 at the May 18th work session and then brought to the Trustees for consideration at the May 25th meeting.

Trustee Kinney inquired if there will be any monies collected for tap fees in the next couple weeks.

Mr. Bird stated it is reasonable to expect that the Town would issue a number of permits during that time under normal circumstances.

Trustee Gaiter commented that the Board should take action on this and then it can be discussed to move the fees from \$7,500 to \$7,750 at the work session and then another adjustment can be made at the May 25th meeting; the increase needs to be put in place right away.

Trustee Jerome inquired as to how many permits have been issued as of today; there were 45 permits issued as of two weeks ago.

Mr. Bird stated the Town has issued 57 permits for single family residential. There was one permit issued since the last report for a townhome that had six units, so those townhomes bump that number up a little faster. As of today, 46 of the total permits issued have been for single-family detached dwellings and 11 of those permits were for attached units or townhomes.

Trustee Jerome inquired about the 100 permits per year and if those included both single-family detached and multifamily or just single family detached.

Mr. Bird stated the total number of permits that the Town expected to be able to issue in a calendar year contemplated detached units as well as attached units for single family so that would include townhomes. There are currently no multifamily projects approved.

Mayor Hamman opened the meeting for public comment.

Ken McKenzie, 3733 McKinley, Wellington, CO, commented that he had inquired about a water tap and was told that he would need a building permit as well as numerous other expenses. Mr. McKenzie stated he may not necessarily use the tap but would have it and all the expenses came up to \$80,000-\$90,000 and not the \$5,500.

Mr. Bird stated if Mr. McKenzie would like to set up a meeting, they can discuss that. In general, building permit fees would include all the impact fees, building fees and the use taxes which would be pretty close to the \$80,000-\$90,000 on a vacant lot. The Town does not issued water taps individually without knowing what the intended use will be.

Christine Gaiter, 8132 4th Street, Wellington, CO commented that if the Board does wait two weeks to increase the tap fees, there could be a run on the permits.

Charlotte, 3748 Boxelder Court, Wellington, CO inquired if the builders are purchasing the water shares as well.

Mayor Hamman stated that is not part of this resolution but that has also been addressed. Trustee Gaiter commented that when developers are building, they can either bring water shares or cash in lieu of those shares which goes to purchase raw water. The tap fees go directly into infrastructure.

Trustee Macdonald commented that early last fall, during discussions surrounding water that the impact fees would be looked at holistically and approve them at one time. Is the second scenario that staff is proposing the option to look at fees holistically.

Ms. Garcia stated that is correct with option two.

Kathy Wydallis, 3405 Revere Court, Wellington, CO inquired if it is possible to see what current residents will be paying for the water treatment plant and how much the new homes are paying for it. Also, how many homes are in Wellington and how many more can be built before the treatment plant is overrun.

Trustee Macdonald stated that seems like a complex question and asked to get back in touch with Ms. Wydallis.

Trustee Kinney stated there is a specific section on the website that talks about water rates and indicates a certain percentage of the bill and where that is allocated to according to infrastructure and operations. There are a lot of other details regarding the Town's water situation on the Town's website.

Trustee Gaiter moved to approve Resolution 13-2021; 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.

E. REPORTS

1. Town Attorney
None.

2. Town Administrator
Ms. Garcia stated the Town is trying to change up the outreach to the residents. The Town has been pushing the social media side and providing information through the website and Facebook, but we will be looking at some print material and creating some banners.

3. Staff Communications

a. Report of Bills - April 2021

4. Board Reports

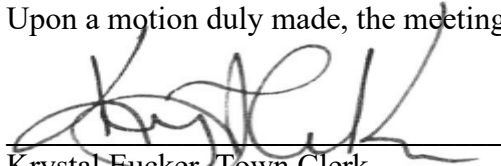
Trustee Gaiter stated the Community Activities Commission is working on the 4th of July event. Trustee Gaiter asked that all Town water be placed on the same schedule, potable and non-potable as what is being placed on residents.

Ms. Garcia stated the Parks and Recreation Manager is working to make sure all the systems are working correctly and there are times that maintenance needs to be done so those would

happen on off times. When those times do occur, signs will be up so residents will know there they are working on the irrigation system.

F. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:22 p.m.

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

Krystal Eucker, Town Clerk