



BOARD OF TRUSTEES
April 12, 2022
6:30 PM

MINUTES

A video recording of this meeting is available on the Town of Wellington's YouTube page at <https://www.youtube.com/channel/UCPgBl-EYjaSam4hF3mkoFNA>

A. CALL TO ORDER

Mayor Hamman called the meeting to order at 6:34 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 – Absent
Trustee Rebekka Kinney
Trustee Ashley Macdonald – Arrived at 9:02 p.m.
Trustee Tim Whitehouse

Also Present:

Patti Garcia, Town Administrator
Dan Sapienza, March & Olive, LLC, Town Attorney
Hallie Sheldon, Management Analyst
Krystal Eucker, Town Clerk
Dave Myer, Engineer II
Bob Gowing, Public Works Director
Nathan Ewert, Civil Engineer II
DJ Jones, Water Superintendent
Cody Bird, Planning Director
Meagan Smith, Deputy Public Works Director
Kelly Houghteling, Deputy Town Administrator
Vik Runkle, Interim Finance Director
Sergeant Matt Cherry, Larimer County Sheriff's Office

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

B. COMMUNITY PARTICIPATION

1. Public Comment

The meeting was opened for public comment, Shirrell Tietz and Lisa Chollet provided comments.

2. Proclamation

a. Public Service Recognition Week

Mayor Hamman read the Public Service Recognition Week Proclamation.

C. CONSENT AGENDA

1. Minutes of the March 8, 2022 Regular Board of Trustees Meeting

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

Yeas – Gaiter, Kinney, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

D. ACTION ITEMS

1. Water Treatment Plant Construction Manager At Risk (CMAR) Contract Amendment for Guaranteed Maximum Price (GMP)

Mr. Myer informed the Board that the 90 percent design package was received from Jacobs on February 22, 2022. Immediately after, Hensel Phelps began preparation of the 90 percent cost estimate as part of its pre-construction services for the Town. During that process, over 90 clarification questions were asked and responded to by Jacobs.

Hensel Phelps submitted an initial 90 percent cost estimate of \$32,793,621 on schedule on March 23, 2022. Several value engineering items were identified within that submittal. Town staff and Jacobs reviewed all Hensel Phelps's assumptions, value engineering items, cost breakdowns, vendor quotes, and subcontractor bids. To date, some value engineering items have been accepted and other value engineering items are still under review.

Hensel Phelps's final cost estimate of \$33,576,512 was received on April 7, 2022, representing the Guaranteed Maximum Price (GMP) for construction. This includes a 5% Contractor's contingency and a 5% Owner's Contingency, totaling \$3,019,478. The cost of value engineering items that have not been decided upon yet is being carried in the GMP. If eventually accepted, those value engineering items will be allocated as a deduction from the total construction cost.

The meeting was opened for public comment, there were no public comments.

Mayor Pro Tem Knutson moved to Authorize Execution of a Contract Amendment with Hensel Phelps Construction, Inc. in the Not to Exceed Amount of \$33,576,512, Inclusive of \$1,509,739 Contractor contingency and \$1,509,739 Owner contingency, for Phase 2 Construction Services on the Water Treatment Plant Expansion; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Kinney, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

2. Resolution 13-2022 - A Resolution Approving Mandatory Water Restrictions

Ms. Sheldon informed the Board that mandatory restrictions have been in place during the months of May-October since 2020. The overall impact on the Town's ability to serve has been positive the past 2 years with restrictions in place. While there are many reasons to enact watering restrictions,

such as costs to customers and promoting drought resiliency with landscapes, the primary goal of these proposed restrictions is to reduce water demand during peak demand periods. This allows our Water Treatment Plant staff to prioritize treatment for household water use such as drinking water.

Ms. Smith gave an overview on the capacity at the water treatment plant.

The meeting was opened for public comment, Karen Eifert, Shirrell Tietz and Lisa Chollet provided comments.

Trustee Whitehouse moved to approve Resolution 13-2022 – A Resolution Approving Mandatory Water Restriction; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Kinney, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

3. Resolution No. 14-2022 - A Resolution Finding Substantial Compliance of an Annexation Petition and Establishing the Date, Time and Place for a Public Hearing

Mr. Bird informed the Board that the owner of property at 7840 Sixth Street has petitioned for annexation into the Town of Wellington. The property was previously considered for annexation, and following all the proper procedures, the annexation was approved by Ordinance No. 18-2020.

A condition of Ordinance No. 18-2020 includes that the annexation ordinance and the annexation map must be recorded in the records of the Clerk and Recorder of Larimer County, Colorado within 180 days of the date of the ordinance, and further that dedications of public right-of-way shown on the annexation map be made to the Town. If the ordinance, annexation map and dedications are not recorded within 180 days, the property shall not be annexed and the annexation shall be void and of no impact on the property.

The Town did not receive an annexation map and dedication documents executed by the property owner to be recorded within the 180-day timeframe identified. The prior annexation proceeding is void and of no impact.

The property owner has again petitioned for annexation into the Town of Wellington and the first step in the process of annexation is to determine that the petition for annexation is in substantial compliance with State statutes, including the Municipal Annexation Act of 1965 and other applicable State and Town requirements.

Town staff has reviewed the annexation petition and supporting materials provided and found them to be in substantial compliance with the applicable State and Town requirements.

If the Board finds that the petition is in substantial compliance, the Board will adopt a resolution and set the date for a public hearing to formally consider the petition.

The meeting was opened for public comment, there were no public comments.

Trustee Gaiter moved to approve Resolution No. 14-2022 - A Resolution Finding Substantial Compliance of an Annexation Petition and Establishing the Date, Time and Place for a Public Hearing; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Kinney, Whitehouse, Knutson, Hamman

Nays – None
Motion carried.

4. Resolution No. 15-2022 - A Resolution Acknowledging Public Comments Related to Zoning Designation for Residential Properties Along Harrison Avenue and McKinley Avenue
Mr. Bird informed the Board that Resolution 15-2022 was prepared at the request of the Board of Trustees to acknowledge public comments received during the process of updating the Comprehensive Plan and updating the Land Use Code. Public comments received indicated a desire to have residential properties along Harrison Avenue and McKinley Avenue maintained as residential properties consistent with the land use category and zoning district designation of Downtown Neighborhoods. Members of the Board of Trustees desire to adopt a resolution expressing the Board's understanding of the public comments and desire to zone residential properties along Harrison Avenue and McKinley Avenue as R4 Downtown Neighborhoods.

The meeting was opened for public comment, Shirrell Tietz and Christine Gaiter provided comments.

Trustee Gaiter moved to approve Resolution No. 15-2022 - A Resolution Acknowledging Public Comments Related to Zoning Designation for Residential Properties Along Harrison Avenue and McKinley Avenue; Mayor Hamman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Whitehouse, Hamman
Nays – Kinney, Knutson
Motion carried.

5. First Amendment to Development Agreement for Bonfire Subdivision
Mr. Bird informed the Board that a contract purchaser is interested in purchasing two lots within the Bonfire Subdivision. The Developer of the Bonfire Subdivision that is interested in selling lots to the contract purchaser desires to remedy a number of required development obligations in order to satisfy contractual obligations for the sale of the property. Due to the nature of the improvements, some of the physical improvements required will not be able to be completed in a timeframe that meets the timelines for the purchase and development of the two lots. In an effort to help facilitate the sale and desired development of the property, Town staff has recommended creating an amendment to the Bonfire Subdivision Development Agreement to satisfy all of the requirements and includes allowing the two lots under contract to develop before the physical improvements are completed.

Mr. Bird provided an overview of the amendments to the Development Agreement.

James Godbold, attorney for the developer addressed the Board regarding undergrounding, escrow funds and timing of the detention ponds.

The potential purchaser, Richard Soranto with Koffman and Robinson addressed the Board to introduce himself and the company.

The meeting was opened for public comment, Shirrell Tietz provided a comment.

Trustee Kinney moved to approve the First Amendment to Bonfire Subdivision Development Agreement, authorize the Mayor to execute the First Amendment with an amendment to require the town to return escrowed funds within two years after the town's timeframe for the Town Contribution, subject to Town Attorney approval, and instruct staff to record the amendment with the Larimer County Clerk and Recorder's Office; Trustee Whitehouse

seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Kinney, Whitehouse, Hamman

Nays – None

Abstain – Knutson

Motion carried.

6. Contract to Complete a Water and Wastewater Rate Study

Ms. Runkle informed the Board that after working on a rates study in late 2021, the Board of Trustees and the Citizens' Roundtable recommended the Town complete a rates study for both Water and Wastewater developed by a rates consultant. Staff wrote a proposal and searched for companies able to accomplish this work within the required time frame. Six companies were identified and contacted.

The Town received three proposals to complete water and wastewater rate studies. After evaluation of the proposals, staff is recommending Raftelis to complete the study.

The meeting was opened for public comment, Kent Allen and Lisa Chollet provided comments.

Trustee Macdonald moved to approve the Water and Wastewater Rate Study with Raftelis 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

Motion carried.

7. Resolution No. 16-2022- A Resolution Terminating the Pandemic Emergency Declaration

Ms. Garcia stated the emergency declaration related to the COVID pandemic was adopted in March, 2020, extended on April 28, 2020 and is still currently in place. Review of the declaration has been brought to the Board of Trustees on a quarterly basis to discuss and determine its need. At the March 22, 2022 Trustee meeting, it was requested that staff bring a resolution rescinding the emergency declaration.

The meeting was opened for public comment, and Christine Gaiter made a comment.

Trustee Macdonald moved to approve Resolution 16-2022 a Resolution Terminating the Emergency Declaration; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Kinney, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

8. Request for a Special Meeting on April 19, 2022

Ms. Garcia informed the Board that staff is requesting the Board of Trustees to call a Special Meeting on April 19, 2022 at 6:30 p.m. to swear in newly elected officials and select the Mayor Pro Tem.

The meeting was opened for public comment, there were no public comments.

Trustee Gaiter moved to hold a special meeting on April 19, 2022 at 6:30 p.m. to swear in the new Trustees; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Motion carried.

E. REPORTS

1. Town Attorney

Mr. Sapienza commented that he has appreciated working with the current Board and excited to work with the new Board.

2. Town Administrator

Ms. Garcia commented that the Bonfire agreement was a great opportunity to begin thinking about a template for economic development in Wellington.

Ms. Garcia also thanked the outgoing Mayor and Trustees for all that they have done.

3. Staff Communications

None.

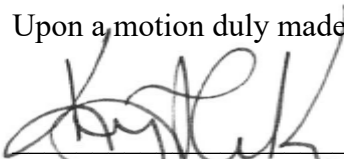
4. Board Reports

Trustee Kinney gave a reminder of the boards and commissions vacancies and encouraged residents to apply. Also, the Strategic Plan Town Hall event is scheduled for April 27, 2022.

Trustee Gaiter provided a presentation on the Wellington Transportation Pilot Program and to encourage participation in the transportation survey that is out.

F. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:42 p.m.



Krystal Eucker, Town Clerk