



BOARD OF TRUSTEES  
December 8, 2020  
6:30 PM

REGULAR MEETING

## MINTUES

### 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  
Judi Tippetts, Finance Director  
Cody Bird, Director of Planning  
Hallie Sheldon, Town Intern  
Bob Gowing, Director of Public Works  
Krystal Eucker, Town Clerk  
Dave Myer, Engineer II  
Michael Rairdon, Larimer County Sheriff's Office Patrol Sergeant  
Lori Woodruff, Human Resources Manager  
Mahalia Henschel, Communications Specialist  
Tyler Sexton, Deputy Finance Director  
Mike Flores, Wastewater Treatment Plant

3. Amendments to Agenda  
Mayor Hamman asked if there were any amendments to this evening's agenda.

Mr. March stated that agenda items D.5, D.6 and D.7 should be reordered; D.5 should be Adopting the Budget, Ordinance 19-2020, Appropriating Sums, 21-2020 would be D.6 and Levy Taxes 20-2020 should be item D.7.

Mayor Hamman also asked if the Comprehensive Plan Update could be moved to the end of the action items as there is some public comment this evening.

Mr. Bird stated he will be providing that presentation so there are no consultants on the call this evening and it can be moved to the end of the action items.

4. Conflict of Interest

Mayor Hamman inquired if there were any conflicts of interest on this evening's agenda to which there was none.

**B. COMMUNITY PARTICIPATION**

1. Public Comment

Mayor Hamman opened the meeting for public comment.

Patrick Reeves, 8793 Flaming Arrow, Wellington, CO inquired about getting onto the budget for the local skate park downtown for maintenance and upkeep. There has not been anything in the budget for three years for the skate park. Mr. Reeves also commented that he has applied for the Parks Advisory Board but had not heard back on that application.

Ms. Garcia stated she will look into the budget and the application and follow up with Mr. Reeves.

Mr. Gaiter inquired if Ms. Garcia could check into the \$25,000 parks, playground, general repair and maintenance line item as well as the \$80,000 parks and lawn care line item to see if those funds could be utilized on this request.

Mr. Gowing stated that is the correct GL for maintenance for things like the skate ramp. That would be money that would be utilized for maintenance on the ramp.

Mr. Reeves commented that they only need materials as they have volunteers that will do the labor.

Ms. Garcia stated one concern is that skate park is town property and due to liability reasons, the work done at the skate ramp would need to be completed by a contractor.

Mayor Hamman commented that the Parks Advisory Board needs to be involved as well and should be hearing these concerns.

2. Presentation

- a. Comprehensive Plan Update – Moved to end of Action Items.

**C. CONSENT AGENDA**

1. Minutes of the November 10, 2020 Board of Trustees Meeting

**Mayor Pro Tem Knutson moved approve the consent agenda; 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.**

## D. ACTION ITEMS

1. Ordinance No. 18-2020 - Conditionally Annexing the Lamb Annexation to the Town of Wellington  
Mr. Bird informed the Board that the owner of property on the east side of 6th Street, and north of Sveta Dr. has petitioned for annexation of the property into the Town of Wellington. The Town determined the property is eligible for annexation in accordance with state statutes and established the date of the required public hearing for December 8, 2020. Required notifications have been provided in accordance with law. No opposition to the annexation has been received by Town staff. The recommendation is to approve annexation of the Lamb Annexation into the Town of Wellington.

The owner of property at 7860 6th Street has petitioned for annexation into the Town of Wellington. The Town adopted Resolution 36-2020 finding the property proposed for annexation is in substantial compliance with eligibility requirements for annexation in accordance with state statutes, setting the date of a public hearing for December 8, 2020, and referred the application for annexation to the Planning Commission for consideration. The Planning Commission, by motion and vote on November 2, 2020, recommended annexation of the property and zoning the property to C3 - Highway Commercial. Town staff has provided the required notifications to advertise the public hearing, including preparing and providing the attached annexation impact report as required by state law.

The Board is required to conduct a public hearing to allow testimony on the proposed annexation. The order of the public hearing is as follows:

- Town staff introduction
- Petitioner's presentation
- Public testimony
- Response by Petitioner
- Response by Town staff
- Board discussion

Following the public hearing, the Board may choose to adopt an ordinance annexing the property into the Town of Wellington. In addition to annexing the property into the Town, the ordinance will also establish the zoning of the property as C3 - Highway Commercial. The C3 zoning is consistent with the Comprehensive Plan and the Planning Commission's recommendation.

Staff has not received any written or verbal communications regarding this annexation request.

Brad March commented that we probably need to add a provision that the annexation is conditional on road dedications. The annexation plat provides that the right-of-way is dedicated by the plat; an annexation plat doesn't contain a dedication clause. We probably need to have a separate condition on the annexation that provides they will dedicate the additional right-of-way that is shown on the plat.

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

Mayor Hamman inquired if the applicant would like to speak at this time.

Mr. Bird stated he did not see the applicant's name in the attendee list; the information was provided for the meeting.

Mayor Hamman brought the item back to the Board for any questions.

Trustee Jerome inquired if a brief explanation could be given on the difference between the C1 and C3 zoning districts.

Mr. Bird stated the C3 zoning district is highway commercial and C1 zoning district is the community commercial zoning district. The C1 district is intended for office/business types of uses that are not as automobile driven; C1 excludes drive throughs except as a conditional use. The setbacks and floor area ratio are the same for both districts. The building height is 35 feet for C1 and 45 feet for C3. There are a number of uses that are allowed in both districts; some of which require a conditional use in C1.

Trustee Jerome inquired about the building that is on the property that has not been occupied for some time so will this development be treated as a new development where they would need to submit site plans.

Mr. Bird stated once the property is annexed into Town, it is subject to our subdivision requirements, zoning code and adopted building and fire codes so any structural changes would have to be in conformance with those regulations. A site plan review would be required for any major changes to the property. If the property owner came in and wanted to utilize the existing building with minor improvements, they could do so although that may be challenging due to the utility connections. The property was historically served by Northern Colorado Water and they have since declined to continue service at the site. The applicant would need to be connected to Town water as well as the Town's sewer system.

Mr. Jerome inquired in the opinion of Mr. Bird; would it be better to zone this site as C1 instead of C3.

Mr. Bird stated when the Planning Commission heard this annexation request, they were primarily looking at location and proximity to the highway and felt highway zoning would be acceptable. When looking at the list of permitted uses, a lot of them would not work with this property with its size and configuration. Staff would be supportive of C1 zoning due to the surroundings.

Trustee Gaiter inquired if C1 or C3 would fit into the applicant's plans for the property.

Mr. Bird stated he could not speak for the applicant; there have been several discussions that have taken place and there have been a range of options that have been discussed.

Trustee Gaiter inquired if this gets annexed in with the building being in a state of disrepair, is this something that enforcement will begin saying this building is not up to code prior to them getting any building permits.

Mr. Bird stated the owner did request the annexation and typically that doesn't happen unless they have a clear understanding of what they want to do with the property. The biggest enforcement activity that may come up would be the tall grass and weeds. Town staff is not going to immediately send a notice of violation to the property owner.

Trustee Whitehouse inquired as to the annexation documents referencing C3 and if this should be tabled if the Board is considering C1 since the owner is not in attendance.

Mr. Bird stated it is the Board's discretion to zone the property on annexation. Tabling the item is always an option. This topic did not come up in time to discuss it with the property

owner.

Trustee Kinney commented that she is in favor of approving the C3 zoning district.

Trustee Jerome commented that the applicant was fully informed that the Board was going to take action on this item this evening.

Mayor Hamman inquired as to who recommended the C3 zoning district.

Mr. Bird stated staff initially brought C3 to the table based on the proximity of the site and the adjacent properties to the north. Staff recommended C3 and the Planning Commission supported that recommendation. When the owners initially brought up the annexation, they requested C3 based off staff's reaction.

Mr. March recommended that section 1 of the Ordinance where it mentions the annexation map and annexation ordinance are recorded, should read the annexation map, annexation ordinance and dedication of right-of-way as shown on the annexation map are recorded.

**Trustee Jerome moved approve Ordinance 18-2020 with C1 zoning and recommended amendments from the Town Attorney; 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. Wastewater Treatment Plant Expansion: Engineering Design and Project Delivery

Mr. Myer informed the Board of the need to expand Wellington's Wastewater Treatment Plant (WWTP) which was discussed at previous Town Board meetings. The expansion needs are primarily capacity driven. The incoming biological loads to the current plant have been exceeding its treatment design capacity, and the hydraulic loads have been peaking over 80 percent. The State mandates we must be in design now for the expansion. This agenda action item is to request Board approval for execution of a contract with Jacobs for engineering design and construction services for the expansion to Wellington's WWTP. Town staff is also seeking the Board's endorsement to employ a Construction Manager at Risk (CMAR) project delivery method.

Given the current WWTP's capacity shortcomings and as recommended in the WWTP Master Plan prepared by Jacobs Engineering Group (Jacobs), the existing plant must be expanded. The expanded plant would maintain a conventional activated sludge treatment process and would double the existing capacities to serve a town population of about 25,000 through 2033. Facilities to be added include new buildings (Headworks, Ultraviolet (UV) Disinfection, RAS/WAS, Administration), new secondary clarifiers, new aeration facilities, and expansions to the existing aerobic digester and drying beds. Other improvements include launder covers for the secondary clarifiers, access road paving, and landscaping and irrigation (using the plant's non-pot water system). The main treatment system of the existing plant would remain in service while new facilities are being constructed.

A preliminary layout of proposed improvements extracted from the draft master plan is presented in Figure 1 (attached). The plant's existing facilities are highlighted in purple. The items highlighted in teal represent the facilities expected to be added for this expansion. Facilities for future expansions are highlighted in grey and red.

Town staff conducted a qualifications phase to select a design engineer for the expansion. A Request for Qualifications (RFQ) was advertised on Wellington's webpage. Two firms submitted a Statement of Qualifications (SOQ): Jacobs, and RG & Associates. Using evaluation criteria outlined in the RFQ (team and firm qualifications, project approach, firm and team location, etc.) staff unanimously selected Jacobs as the more qualified firm and then requested Jacobs to submit a proposal for design fees and construction services. The first draft of Jacobs' proposal was received on November 23. After conversations with Town staff and negotiations to the scope and fees, the final Jacobs proposal was received on December 3. The negotiated scope of services embodies the following tasks that comprise a total negotiated fee of \$4,937,424.00:

1. Design Phase Project Management
2. CDPHE and SRF Coordination
3. 30% Schematic Design
4. 60% Design Plans and Specifications
5. 90% and 100% Design Plans and Specifications
6. Services During Construction

Town staff recommends accepting the Jacobs' proposal. The total cost represents design fees of \$2,883,500, roughly 8.5 percent of the estimated construction cost (\$34M) and construction management services of \$2,053,924, about 6.0 percent of the estimated construction cost. These percentages are consistent with industry standards for a project of this magnitude. The Jacobs' staff has indicated availability throughout the design and construction schedule and have demonstrated themselves reliable and members of a top design team with considerable experience in wastewater treatment processes and plant design.

The project's schedule as outlined in Jacobs' proposal targets construction completion in January 2024. This will bring the WWTP online prior to the scheduled commissioning of Wellington's water treatment plant expansion in Spring 2024. This schedule also facilitates all the regulatory and financial precursors being completed, submitted, and reviewed by the State prior to an SRF loan application submittal in January 2022. Pending Board approval, a design kickoff meeting is anticipated to take place prior to Christmas 2020. A contract draft with Jacobs' scope and fees is attached.

Notice to Proceed: December 11, 2020  
Design Kickoff Meeting: December 17, 2020  
30 Percent Design: April 30, 2021  
60 Percent Design: August 20, 2021  
90 Percent Design: December 3, 2021  
100 Percent Design: January 28, 2022  
Final Expansion Construction: January 15, 2024

For the project delivery method, staff selected Construction Manager at Risk (CMAR) as the preferred option. The CMAR is a delivery method which involves a commitment by the Contractor to deliver the project within a Guaranteed Maximum Price (GMP) which is based on the construction documents and specifications at the time of the GMP plus any reasonably inferred items or tasks. The more traditional Design-Bid-Build as well as the Design-Build methods were also considered but were thought to be riskier particularly with respect to Contractor bidding,

possible uncertainties in final construction costs and potential change orders during construction.

Staff advertised a Request for Proposals (RFP) for a CMAR Contractor on November 20 with a proposal deadline of December 23, 2020. Site visits and discussions are now being held. Staff will review the CMAR proposals and most likely conduct interviews to select the best Contractor. The CMAR has the Contractor coming onboard in February 2021 as the design nears the 30 percent level. The RFP for the CMAR is attached.

Funding for this project is included the budget “WWTP Expansion Design” with concurrence from the Town’s Finance Department.

Staff requests authorization to execute the contract with Jacobs Engineering Group in the not to exceed amount of \$4,937,424.00 on a time and material basis for engineering design and construction services on the Wastewater Treatment Plant Expansion.

Employ the CMAR project delivery method and continue the selection process for a qualified Contractor.

Mayor Hamman inquired about time and materials and if this is a hard number.

Mr. Myer stated the billing will be based on time and material up to \$4,937,424.00.

Trustee Gaiter inquired if the RFQ process normally goes on the Town website.

Mr. Myer stated that is the procedure that Public Works has been using.

Trustee Gaiter inquired about office space in the proposal.

Mr. Myer stated there is a need for new administrative space at the wastewater treatment plant. The UV building is the space we hope to utilize for the administrative office space.

Trustee Gaiter inquired as to why a new building is being built for administrative space when another building is being repurposed.

Mr. Myer stated there won’t be two separate administrative spaces. The existing administrative building will be repurposed although it has not been determined what it will be used for. It could be storage space. Then the new administrative building will have office space, janitorial space, restroom facilities and maybe a small conference room.

Mr. Flores stated there is a need to add some room to the lab. Currently, we are sending samples out weekly and paying someone else to run the labs. There are currently four employees there and they don’t have room to do much. The old UV system will be very undersized for this expansion so we figured that space could be utilized for a lab to conduct a meeting.

Trustee Gaiter inquired about other contractors being brought in during design phase one; are those costs included in the approximate \$4.9 million not to exceed amount.

Mr. Myer stated that will be part of the subcontractor work that Jacobs will be doing and will be included in the \$4.9 million.

Trustee Gaiter inquired about the items that staff will be assisting Jacobs with during design phase two and how much staff time that will be.

Mr. Myer stated that is a hard question to answer as it will be a joint effort between us all. Jacobs will be the engineer on record so they will be doing a significant amount of the work.

The Town will be involved in the design and planning meetings and the decisions that need to be made.

Mayor Hamman opened the meeting up for public comment.

Mike Backlund, 8607 3<sup>rd</sup> Street, Wellington, CO commented that he was looking at the fee estimate for engineering services from Jacobs and inquired if anyone really looked at the billing rates as there are some high numbers there.

Mr. Myer stated billing rates were something that was looked at closely. Billing rates range from \$130-\$200 per hour for engineering services of this nature. Some of those rates were discussed with Jacobs and they were negotiated.

Mr. March commented that he has been unable to review most of the contract and has sent those comments to Mr. Myer. Mr. March asked the Board to approve the contract subject to Attorney review.

**Trustee Kinney moved the contract with Jacobs Engineering Group in the not to exceed amount of \$4,937,424.00 on a time and material basis for design services on the wastewater treatment plant expansion, subject to Attorney and Town Administrator approval; 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.**

3. Resolution No. 44-2020 - A Resolution Adopting Water Rates

Ms. Tippetts informed the Board that September 15, 2020, the water rates scenarios were presented. After reviewing the scenarios, the Board decided it would be easier on residents to have a phased in approach for the water rate increase. This is the second part of that increase as the first phase began on October 1, 2020. Due to an update of the fund balance policy, the second increase went down from \$69 to \$66 for the base rate. The only water rates that this resolution will change is the base rates.

Trustee Gaiter commented that as we have gone through all the options, the increase it focused on was the base rate and not included the tiers; could there be a less drastic increase in the base rate and increase the tiers for users that use more water.

Ms. Tippetts stated everyone is on an even playing field with the base rate and in the future, the Town will be working to incentivize residents on the consumption side. The base rates normally cover the operations side and the tiers cover more of the consumption side.

Trustee Whitehouse inquired about finance's perspective related to the tiers and that they did not having a large impact on the costs and solvency of the water fund.

Mr. Sexton commented that there were three tasks we were looking at that were driving up water rates; the water treatment plant, capital projects and water costs. If the Town took the approach to shift costs to high consumption users, they would start using less water. Wellington's first tier goes up to 15,000 gallons and looking across the state, other municipalities first tier goes up to 5,000 gallons; the consultant did recommend us taking a look at the tiers.



Mayor Hamman commented that there are three fixed costs that need to be paid for and the costs of the water has historically been a lower price, and now it is not covering it. Either the base rate needs to be increased to cover costs or the consumption rates would need to go to a high number. The Board chose to raise the base rates as it is difficult to determine the tier rates to cover the costs. The idea of raising the base rates was to cover costs and then begin to roll back as the Town understands more of the costs and consumption and then look at what can be adjusted. It was an easier approach to adjust the base rate given the increases in water over the last 12 months.

Trustee Gaiter commented that he didn't agree that it was the easier approach as we know how many users we have and what the average user uses. There could be more research done to adjust the tiers, there may be individuals that end up using less water with a change in tier rates and their usage may come down, but it adds some flexibility to the users.

Trustee Whitehouse commented that the water enterprise fund is going bankrupt, assuming it is losing \$9,000 per day. If this becomes insolvent, the State of Colorado comes in. There are some significant infrastructure costs that do need to be paid for and that is what the Town is trying to do. It does not sound like that can be done on the consumption side.

Trustee Whitehouse inquired if the 2021 budget is predicated on the passage of this resolution.  
Ms. Tippetts stated that it is. The Town cannot continue losing \$6,000-\$9,000 per day.

Trustee Kinney commented that she appreciated the phase approach to the base rate increases. The conservation projects that will be coming will allow the Town to take feedback and do some studies and calculations to determine what needs match what goals. There is currently a utility fund available through the Town of Wellington for utility assistance.

Trustee Gaiter inquired if there was a rule that prohibits us from using money collected through the tiers to pay for capitol projects and debt service.  
Per Ms. Tippetts; no sir.

Trustee Gaiter commented that he thinks it is very simple mathematics; we simply take our average water users, what is the average water use in the winter month and take whatever money we need for capital projects and debt service and divide that number by the water we have used. That would be our tier structure. It might not be perfect but it should get us close to a level that we will not be bleeding thousands of dollars a day. Trustee Gaiter commented that he is hearing that if we raise the tiers that it won't cover costs and doesn't understand why.

Trustee Jerome commented that what Trustee Gaiter is bringing up makes sense. One of the problems that comes up, and this may be what the Finance Department was assessing as well is that there are too many variables that fall into the tiers and too many fluctuations in usage. With all users paying the same base rate, that information is static.

Mr. Sexton commented that Mr. Jerome is correct. The consultants recommended the base rate increase and then looking at tiers in the future which will also help with conservation. This is the first phase of the water rates; there has not been adjustments in 10 years.

Trustee Gaiter commented that he appreciates the studies and professionals, but this does not take into consideration the citizens of Wellington. Is there a way to achieve what we want or close

to it and not solely consider what the professionals say?

Trustee Jerome commented that the Board is doing what is best for the citizens to make sure the Town is able to provide water service currently and into the future. This is the best for the citizens at this point because if we don't do this, the Town could be in trouble. We have made a commitment as a Board to review this issue and stay on top of it.

Trustee Kinney commented that she agrees with Trustee Jerome and feels that the Board has taken the considerations of the citizens. The Board has been looking at these numbers and models with great argument for months with the intention to provide a sustainable service. The Board did decide to take a step approach as well to make it as sustainable as possible.

Mayor Hamman commented that the Board has the citizens in mind. Wellington is working on our water portfolio and issues for the future. Water is a commodity that can go up and down. There are municipalities around that have higher water rates. The Board will continue working on water rates and hopefully bring them down in the future.

Trustee Macdonald commented that the Town doesn't always necessarily have to hire a consultant to do these studies, we can rely on staff. It was the decision of the Board to hire a consulting firm to give us a recommendation on how to approach our water rates. Based off that information, a plan was developed and now the budget is based off that plan.

Mayor Hamman opened the meeting for public comment.

Christine Gaiter, 8132 4<sup>th</sup> Street, Wellington, CO commented that there is \$11 million in tap fees, could the capital fee be removed from the water bills. She would also like to go to the tier increase rather than the base rate.

Kristen Ramirez, 7392 Viewpoint Circle, Wellington, CO commented that she is on an HOA board and the homes in that area have larger lots. Will there be communication with the HOA's if people don't want to water their lawns moving forward with the rate increase.

Mayor Hamman commented that when it comes to water restrictions, HOA's have to follow the enforcement as well but when there are not restrictions and people want to water, that is their responsibility.

Mayor Hamman inquired of the lots are on wells.

Ms. Ramirez stated she believed they were.

Mayor Hammon stated he didn't think those lots used municipal water.

Ms. Ramirez commented that if people are not watering their lawns, that is considered a violation per the HOA covenants so moving forward, how do we address that.

Trustee Jerome stated he did not know what HOA's use non-potable systems although the HOA's that are on municipal water may decide as a group if the covenant needs to be adjusted. The Town cannot tell the HOA's how to manage their covenant.

Trustee Gaiter commented that he believed there were other options that could have been looked at so because of that he will be voting no.

**Trustee Macdonald moved to approve Resolution 44-2020; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:**

**Yeas - Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman**

**Nays - Gaiter**

**Motion carried.**

4. Resolution No. 45-2020 - A Resolution Adopting the Fund Balance Policy

Ms. Tippetts informed the Board that the Fund Balance Policy has been reviewed and the new Policy will set Wellington at a minimum to maintain unrestricted budgetary fund balances of no less than four months, which is 33% of our regular operating expenditures or 110% of debt service, whichever is greater.

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

**Trustee Gaiter moved to approve Resolution 45-2020; 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.**

5. Ordinance No. 19-2020 - An Ordinance Adopting the Budget for the Town of Wellington, Colorado for 2021

Ms. Tippetts informed the Board that there have been some updates since the last budget presentation at the November 24, 2020 meeting. The property tax revenue was adjusted as Larimer County sent new valuations. The volunteer appreciation funds were added to the legislative budget. The number for the Harrison House expansion has been updated since more information has been received. The line for the Town Hall was decreased.

Trustee Gaiter commented that he would still prefer going the route of a Manager of Parks and Recreation for the full year instead of doing a Director. Trustee Gaiter would also like to see town staff complete some of the studies instead of hiring consultants to do those; he would like those items removed from the budget.

Mayor Hamman commented that just because they are approved, that doesn't mean they have to be used.

Trustee Kinney commented that she feels it is very important to have the professional studies as it gives the Town the opportunity to learn from best practices.

Mayor Hamman commented that he would like to see the momentum going up and as he trusts staff's discretion as they are professionals as well.

Mayor Hamman opened the meeting for public comment.

Christine Gaiter, 8132 4<sup>th</sup> Street, Wellington, CO commented that she feels elections should be in person for the security of the election and it costs less. The recreation department should also be self-funded.

**Trustee Kinney moved to approve Ordinance 19-2020; 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. Ordinance No. 21-2020 - An Ordinance Appropriating Sums of Money to Defray Expenses and Liabilities

Ms. Tippetts informed the Board that the appropriating budget is the same numbers that were in the prior ordinance; it gives us the authority to spend those funds.

Trustee Gaiter inquired about the contract from the Larimer County Sheriff's Office that was scheduled to be on this evening's agenda and if that was adequately funded.

Ms. Tippetts stated that the funds for the Sheriff's Office are in the budget, but it was decided to have the new Town administrator look over that contract prior to approval.

Ms. Garcia commented that the contract will be on the December 22, 2020 agenda.

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

**Trustee Macdonald moved to approve Ordinance 21-2020; 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.**

7. Ordinance No. 20-2020 - An Ordinance Levying General Property Taxes For the Taxable Year 2020

Ms. Tippetts informed the Board that inside of the general fund, we are doing the same number of mills at 12.439. The .703 mills in the water fund will fall off in the next two years when that debt is paid.

Trustee Gaiter confirmed that the reason the mills are lower this year than last is because the debt service is spread out among the citizens.

Ms. Tippetts stated that is correct.

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

**Trustee Whitehouse moved to approve Ordinance 20-2020; Trustee Macdonald seconded the motion. Roll call on the vote resulted as follows:**

**Yeas - Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman**

**Nays - None**

**Motion carried.**

8. Contract Approval: 3749 Harrison Ave. Expansion

Per Ms. Houghteling, before the Board is the contract with DS Constructors, LLC for the expansion of 3749 Harrison Avenue. This project began over the summer as we were looking for space to accommodate our growing staff that are currently housed in five offices through the downtown area. This project would give us the option to push out the need for a new Town Hall. The two-story option would be able to accommodate 31 of our employees.

The design build contract was included in the packet material. This type of contract integrates one team so there is one contract between the Town and the builder. There are a variety of

advantages to this type of contract including faster deliver, costs savings, better quality, singular responsibility and a decreased administrative burden.

The design phase which includes schematic design, design development and construction documents are still being worked through and the price determination will be generated through each one of those phases.

The current estimate is at \$1,000,739 although the not to exceed amount due to unknown costs is at \$1,300,000.

This project will follow the Town's normal review process by the Planning Commission. The estimated schedule has construction commencing between February 1-15, 2021, 16-20 weeks of construction and project completion will be May 17 - June 14, 2021.

Mayor Hamman commented that four months is pretty ambitious.

Ms. Houghteling commented that there is a strong team in place and is very confident in everyone's abilities.

Mayor Hamman inquired if parking was a consideration with this as the Planning Commission will ask about that.

Ms. Houghteling stated parking is a piece that needs to be addressed and will be looked at.

Trustee Gaiter inquired as to what kind of process is in place to manage change orders that come in.

Ms. Houghteling stated that is part of the design build process that is being worked on and the Town has to give approval at every phase of that.

Mr. March commented that there are a couple portions of the contract that need cleaned up and asked that the Board approve subject to Town Attorney and Town Administrator approval.

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

**Trustee Gaiter moved to approve the 3749 Harrison Avenue Expansion contract; 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.**

9. Resolution No. 46-2020 - A Resolution Granting Extension of Approval of Annexation of Country Lane Acres

Mr. Bird informed the Board that Ordinance 1-2020 was adopted conditionally annexing Country Lane Acres into the Town, conditioned upon entering into an annexation agreement. An extension to the conditions of the ordinance were extended by adoption of Resolution 27-2020. Additional time is needed to finalize terms of the development agreement and record the annexation agreement. An extension to the conditions of Ordinance 1-2020 can again be granted by adoption of a resolution.

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

**Trustee Gaiter moved to approve Resolution 46-2020; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:**

**Yeas - Gaiter, Kinney, Macdonald, Whitehouse, Knutson, Hamman**

**Nays - Jerome**

**Motion carried.**

### Comprehensive Plan Update

Mr. Bird presented the Comprehensive Plan Update that was included in packet material.

This project kicked off early this year in January which was right before the COVID-19 pandemic struck our country. Admittedly, we've had some delays because of that pandemic, and we've had to readjust the engagement outreach strategies. Since our traditional strategies are usually public meetings and gatherings, that has been restricted so we moved to a mostly digital format. We were very pleased with the responses that have been received.

Currently the steering committee is reviewing the draft goals and policies that have been prepared and staff is continuing to put together that draft plan. We anticipate having that final document out between December and January and give the public the option to comment on the document. We will then compile all those final results for plan adoption.

We are also working on a separate land use code process that we are working on behind the scenes. There is some cleanup that we have identified and needs to be addressed. We will be rolling out the land use code updates shortly after the Comprehensive Plan adoption.

We have done some outreach to our citizens and some of those results are helping guide and shape the draft document that we're working on.

### Community Engagement Summary:

- 60 stakeholder interviews
- 660 Questionnaire and poll responses
- 7 Steering Committee Members

### Distilled Themes:

- Community Character (small town, agricultural heritage)
- Prosperous local economy
- Vibrant downtown
- Community spaces and events
- Treasured outdoor recreation and open spaces
- Sustainable and resilient public services

### Top 3 Downtown Building Type Preferences (57 responses)

- As today but with more patios – 68%
- With functional rooftops – 61%
- Preserve and rehabilitate historic structures – 58%

### Top 3 Added Elements in and Around Downtown (57 responses)

- Music and event venue – 63%

- Adaptable plaza – 60%
- Shaded area – 47%

#### Top 3 Added Elements to Downtown Sidewalks (57 responses)

- Ample sidewalks and outdoor seating – 77%
- Seating and graded landscapes – 60%
- Planters – 46%

#### Top 3 Added Street Features in and around Downtown

- Additional off-street parking – 67%
- Flash Beacons – 42%
- Pedestrian crossing, curbless bulb outs and striped crosswalks – 40%

#### Reoccurring Themes – Land Users

- Accommodate light industrial away from downtown
- Accommodate lodging away from downtown
- Discontent with options provided

#### Reoccurring Themes – Residential Users

- Limit residential to two-story
- Focus on retail and not housing
- Accommodate lodging away from downtown due to safety concerns
- Discontent with options provided

#### Areas of Town Prioritized for Commercial Growth: (84 responses)

- By Ridley's Market
- By the new high school
- Industrial park

As part of our Comprehensive Plan updates, we are working with Ellsberg Holton on a transportation master plan. We are looking at community safety as well as multiple modes of transportation; vehicles, truck traffic, pedestrians and bicyclists.

The curve on Highway 1 presents some development challenges as well as some safety conflicts with the new high school and more younger drivers. We have reached out the CDOT and Larimer County for some input on what this might look like in the future. We all agreed that the best scenario for this from a safety standpoint, from a land development standpoint and from a community long range vision standpoint is that the curve needs to go away and make an intersection.

The next steps in the Comprehensive Plan process will be a meeting with the steering committee before the holidays and then we will be reviewing the draft goals and strategies. Staff are working on final touches of the future land use map which will be given to the steering committee to comment on. The draft plan will be released to the public in late December or early January for the public to make comments. We hope to get the final touches done and wrap this up around March with adoption by the Planning Commission and Board of Trustees.

Trustee Gaiter commented that he appreciates all the work that Mr. Bird has put into this and the steering committee for all their work as well. One concern was that several of the questions did not have the option that they didn't like either option provided, so they were forced to make a choice.

Trustee Gaiter inquired if there is a separate steering committee for the land use code review.  
Mr. Bird stated staff envisioned that the steering committee would be the same for both.

## **E. REPORTS**

### **1. Town Attorney**

Mr. March informed the Board that he did have a conversation with the proponent's attorney today and he indicated his clients are out of the country. There are briefs that are due on the 11<sup>th</sup>. If the proponents do decide to ask for an extension, I am inclined to give them one. Their attorney indicated he would draft that request and submit it to the court.

### **2. Town Administrator**

Ms. Garcia stated it has been a great first week.

### **3. Staff Communications**

None.

### **4. Board**

Trustee Kinney gave a reminder that today is Colorado Gives Day.

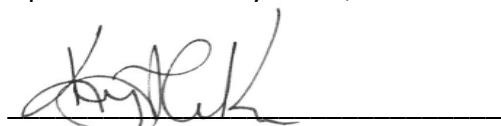
Trustee Gaiter commented that he is appreciative of the community giving public comment and attending meetings.

Trustee Whitehouse commented that staff has done a great job this year and as a Board we are engaged.

Trustee Jerome commented that the Board should accept JC Cox's resignation from the Parks Advisory Board.

## **F. ADJOURN**

Upon a motion duly made, the meeting was adjourned at 9:40 p.m.



Krystal Eucker, Town Clerk