BOARD OF TRUSTEES
November 24, 2020
6:30 PM

Regular Meeting

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 – ABSENT
   Trustee Rebekka Kinney
   Trustee Ashley Macdonald
   Trustee Tim Whitehouse

   Also Present:
   Kelly Houghteling, Interim 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
   Michael Rairdon, Larimer County Sheriff's Office Patrol Sergeant
   Lori Woodruff, Human Resources Manager
   Mahalia Henschel, Communications Specialist
   Tyler Sexton, Deputy Finance Director

3. Amendments to Agenda

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

   Trustee Whitehouse moved to remove agenda item D.9 from Action Items to Board Reports; Trustee Macdonald seconded the motion. Roll call on the vote resulted as follows:

   Yeas – Macdonald, Whitehouse, Knutson, Hamman

Nays – Gaiter, Kinney
Motion carried.

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.

Christine Gaiter, 8132 4th Street, Wellington, CO commented about a water conservation video sent to the Mayor and Trustees. The video outlines a desert country, Israel and feels some of the things that have been implemented in Israel can be done in Wellington to conserve water; drip irrigation instead of sprinklers and treating sewer water to a pure level and reuse it for non-potable water for landscape. There is also technology that provides alerts when pipes begin to leak.

2. Presentation

a. Larimer County Community Report 2019-2020
Larimer County Commissioner John Kefalas gave an overview of the Larimer County Community Report that was included in packet material.

Trustee Gaiter inquired about Larimer County being fiscally conservative and will that continue with the newly elected Commissioners and will the County continue to work with Wellington on the interchange by the new high school.

Mr. Kefalas stated the easy answer to both of those questions is yes. There are two new Commissioners coming on and they will take the Oath of Office on January 12th. The County has very capable budget staff and there is a fundamental responsibility to make sure that we are good stewards of the public resources.

Trustee Kinney commented that to help with the safety of Wellington, it could be helpful to decrease the speed limit on Highway 1 coming into Wellington.

b. Budget Discussion & Review
Ms. Tippetts informed the Board that the goal is to have the budget adopted on December 8, 2020 and to do that, an overview is being given to the Board. As a reminder, the enterprise funds such as the water fund, sewer fund and the drainage are operated like a business and those funds cannot be shared and used for things like salaries.

Wages and salaries are 23.5% of the general fund operating expenditures; the industry standard is 32.43%. There is a request for 6.5 positions for 2021 and that would bring salaries to approximately $3,723,593; with benefits it would be $4,794,295.

The budget numbers for 2021 are as follows:

- General Fund $ 7,135,763
- Street Fund $ 335,592
- Water Fund $ 5,133,895
- Sewer Fund $ 1,340,287
- Drainage Fund $ 506,500
- Parks Fund $ 1,394,486
    - Total Operation Expenditures $15,846,524

Questions that were submitted by Trustees and reviewed by staff include:

1. What does FB stand for and why are we $3 million over revenues for expenses?
   FB is Fund Balance. A New Fund Balance policy is pending adoption 12/08/2020. Negatives show when the anticipated revenues do not equal expenditures. In every fund this is due to a large number of capital projects. Using fund balances to pay for capital projects is appropriate. We would not want to use reserves for operational costs.
2. What is Legislative Board Outreach $80,000?
   Main Street Program at $75,000 with an additional $5,000 for Eagles. This line item increased to $86,800 per Board direction to include the funds for the small businesses.
3. Was the Court Clerk position eliminated and if so why was eliminated?
   Proposing moving the Court Clerk position from Finance to the Town Clerks Office as the Court Clerk is not a financial responsibility.
4. Why did salaries go up, but benefits went down?
   This occurred in every department. Cost of health care decreased when the Town changed providers. The same benefits are offered to all employees. Several employees have declined health coverage due to having coverage with a spouse.
5. Why did the office space rental decrease?
   The Town purchased the Harrison House and the Green House.
6. Why was travel and training increased in Planning.
   Travel and training for added staff for continuing education.
7. Law Enforcement
   Review of law enforcement contract pushed to future meeting after Town Administrator is on Board.
8. What is travel and training for Public Works?
   Education for staff members. Ensuring licensing requirements remain current for plant operators.
9. What is general use and the raise in materials and supplies.
   Aging buildings; increased funds for repairs under $5,000.
10. What is driving the decrease in materials, supplies and maintenance at the Library?
    Late budget page submittal and it has since been revised.
11. What is the transfer in the general fund?
    Allocation of cost sharing for salaries, insurance and other support systems to and from other funds. Enterprise fund accounting follow the same framework as a private sector business.
12. Why is there a change in the transfer amount of the sewer fund?
    Allocation; salaries and other costs changed.

13. What is the authority utilities payment in the drainage fund?
    Boxelder agreement.
14. What are the publishing requirements?
    The date and time of the hearing at which the adoption of the proposed budget will be considered.
15. What would tap fees have to be raised to in order to shift more burden to new construction?
    Principal and interest payments on 2019 Water Plant Expansion approximately $1.5M per year.
    - $7,500 X 100 permits = $750,000 or 50%.
    - $8,000 X 100 permits = $800,000 or 53.3%
    - $8,500 X 100 permits = $850,000 or 56.7%
    - $9,000 X 100 permits = $900,000 or 60%

    - $7,500 X 125 permits = $937,500 or 62.5%.
    - $8,000 X 125 permits = $1,000,000 or 66.7%
    - $8,500 X 125 permits = $1,062,500 or 70.8%
    - $9,000 X 125 permits = $1,125,000 or 75%

    Changing the number of permits and or tap fee will impact the percentage. Plant capacity will dictate how many permits we can issue. Post COVID water usage is unknown. Original scenario of 100 homes was a conservative estimate.

Trustee Gaiter inquired about the salary percentages and if those included the additional 6.5 positions.

Per Ms. Tippetts; yes, the 53.75 positions include the additional positions for 2021.

Trustee Gaiter inquired about the number of permits that were issued in 2020.

Mr. Bird stated there have been approximately 270 single family home permits issued this year.

Mr. Gowing informed the Board that professional services are unforeseen professional services that may come up that could include things like geotechnical reports, structural design and surveying.

The sludge removal costs increase was a deferred maintenance item that Public Works started working on this year. Sludge removal should be done every year or two and it had not been done in about four years, so we did that and there was a lot more sludge than normal.

The raw water increase is the main change in the water fund, the 40% increase in volumetric water use this year is assumed to be contributed to COVID.

Ms. Woodruff informed the Board of the description of the positions being requested for 2021.

Management Analyst: This position handles high-level assignments for department heads and Town Administrators such as Water Conservation, Water Rate Survey and other special projects, presentations, serving as liaison for boards and committees, COVID 19 business and grant management, DOLA and other grant management, provides research, project management, back up support for double and triple booked meetings, intra-departmental communication, meetings and agenda facilitation, and analysis and problem-solving to name a few. In addition to having the ability to manage any situation or request, the position must be able to take leadership roles, hold confidences, and maneuver sensitive or politically charged situations with professional grace. This position requires fundamental education in public administration, political science, business administration and human resources so minimum requirements include a BS/BA in one of these or a related field plus experience in a municipal setting. The Management Analyst supports the Town Administrator, Deputy Town Administrator, All Directors, HR Manager, Town Clerk, Town committees, Town Hall projects (including construction projects), internal and external constituents, etc.

Director of Parks and Recreation: At the last regular meeting, there was discussion regarding if the Town should move forward with the Director positions or move forward with the Manager of Parks and Recreation. The Manager position is less expensive, but it would still allow us to handle the same roles and allow the Parks Department to move out of Public Works. This would also allow the recreation department to grow.

Trustee Gaiter inquired about the IT Technician and the costs saving with that position; are those savings reflective in the budget.

> Ms. Woodruff stated that cost cannot be offset yet, partly because when that person comes onboard, they will need to do some back work in order to catch the Town up to be able to see a profit from hiring an IT Technician.

Trustee Gaiter inquired about the Building Official position and if there will be a delay in costs savings to get caught up with that position.

> Mr. Bird stated we would expect to see cost savings over time although we would not expect to see those savings in the first year.

Trustee Gaiter inquired as to what would be more beneficial to the Town, hiring a Director of Parks and Recreation or the Management Analyst position.

> Ms. Woodruff commented that if we can move towards the Manager of Parks and Recreation and channel money to preserve the Management Analyst position, that would be a win for the Town in both areas. The ultimate goal would be to move the Manager of Parks and Recreation to a Director position in future years to drive the recreation programming for the Town.

Trustee Gaiter commented that it may be beneficial to go with the Manager of Parks and Recreation and the Management Analyst positions and look at the Director of Parks and Recreation down the road as things become more stable.

Trustee Whitehouse commented that he agrees with Trustee Gaiter and believes the Management Analyst position is an important one.

Trustee Kinney commented that she feels that the Management Analyst and the Director of Parks Recreation are needed.

Trustee Macdonald inquired what the timeline would be like bringing on a Manager or Director for Parks and Recreation.

Ms. Woodruff stated a staffing strategy that is used is to delay the hiring of an individual when there are fiscal concerns. One option could be to hire the Manager of Parks and Recreation for the first two quarters of the year which would allow the Town some time to come out of COVID and then look at recruitment for the Director position.

Trustee Macdonald commented that she would be in favor of the Management Analyst and Director positions.

Trustee Gaiter commented that his preference would still be to do the Manager position for the full year but would be amenable to work something later in the year.

Ms. Woodruff suggested moving forward with the Manager position for the first quarter and then coming back in the second quarter with an update to the Board on where we are financially to see how that transition could look. That process can be repeated every quarter to see how things are progressing.

The Board agreed to move in that direction.

c. Wellington Utility Rate Model – Update

Mr. Sexton informed the Board that on April 23, 2019, the Board approved a utility rate study for the Town's water, wastewater and stormwater utility rates. The findings of that study were presented to the Board on March 17, 2020 and the Board selected Scenario II that was presented on September 15, 2020. Scenario II increased the water base rates to $35 on October 1, 2020 and another increase to $69.83 on January 1, 2021.

The three major factors when considering utility rates are total users and growth, capital improvement projects and raw water costs. In preparation for the budget cycle, it is common to review the model, the current assumptions and update as necessary.

The original model and assumptions excluded impact fees. The rationale was that the impact fees are a one-time fee and the best practice would be to not include them in long term projections. This assumption would have been sustainable, but with the limited capacity of the current water plant and the idea of a strategic smart growth pattern, we have decreased the numbers of new users than the original model anticipated. Finance has discussed this topic with both Bob Gowing, Public Works Director and Cody Bird, Planning Director and we conclude that we can handle about 2% growth for the next three years, or roughly 1,000 homes for the next five years.

In finance, we always err on the side of conservatism, so we project out about 750 new homes in our models. We also looked at the current fund balance policy which required commitment of two years debt service, subsequent years, capital improvement and then 25% of revenues. We reduced that to 33% of expenditures or the 110% of debt service, whichever was larger.

The CIP projects have increased significantly as the original assumption was roughly around $1.6 million and then with the updated CIP, we are approaching approximately $7 million. The original model has the Town being able to cover all costs, including capital projects with the incoming revenues except for 2021. In order to absorb these costs and maintain our fund balance, we had to include the impact fees. The new model is assuming the impact fee increases from $5,500 to $7,500 with a $200 increase per year for the next five years. A major difference between the original model and the updated model is that we have a more consistent base rate for the next three years although there is also a 25% increase in the tiers for the next five years

The updated model maintains a $66 base rate for the next three years with a decrease to $55 in 2024 and then $50 in 2025. The decrease will happen because the new water plant is estimated to be complete which will allow the Town to grow. This will allow us to collect more impact fees and spread the operational costs among more users.

Trustee Gaiter inquired about what was driving that significant increase in the CIP project over what it was before.

> Mr. Gowing stated what is being seen this year, is some of the projects got deferred because of the issues related to having two projects. A lot of that is rolled over so that basically is being shown as additional budget items. This doesn't really reflect all the CIP money that we are not spending this year that we will be spending next year.

Trustee Gaiter commented that he had a concern that the base rates will be going up slightly less but staying up for longer as well as an additional increase in the tier rates and fears they may not come down.

> Mr. Sexton stated there is not much difference between the models as a whole. The difference in the next three years is due to growth and not being able to collect the impact fees as well as not being able to spread the costs over more users. Once the plant does come online, there will be more options. It is anticipated that the rates will go down.

d. <u>5 year Capital Improvement Plan</u>

Mr. Sexton informed the Board that The Town of Wellington's Capital Improvement Plan (CIP) contains all the individual capital projects, equipment purchases, and major studies for the Town; in conjunction with construction and completion schedules, and in consort with financing plans. The plan provides a working blueprint for sustaining and improving the community's infrastructures. It coordinates strategic planning, financial capacity, and physical development. The CIP is the epicenter for the Planning, Public Works, and Finance Departments.

The estimated revenues for 2021 are at $7,228,938, less operating costs of $7,135,763 leaves $93,175 for capital projects and debt. The 2020 available fund balance is $7,482,732 and the total capital equipment and project expenditures for 2021 are at $1,780,178. It is estimated there will be $398,000 obtained in grants for 2021 as well.

Mayor Hamman inquired about the Downtown Study and if that is something that needs to move forward right now.

Mr. Bird stated the downtown area has been identified as a strategic area for the town's future both by staff, the Board and from public comments we received in the comprehensive plan feedback. The proposal was to hire a consultant in 2021 through the RFP process.

Trustee Whitehouse inquired if the stormwater master plan will cover the downtown area.

Mr. Bird stated the stormwater concerns that we have heard about in the downtown area will see some overlap between the downtown area and the stormwater master plan. The solution probably will extend beyond the downtown area.

Trustee Gaiter inquired about the property acquisition line item and what it is being used for.

Ms. Tippetts stated that on the revised budget, the $300,000 was taken out. If there is a property to purchase, that can be brought before the Board for approval. The funding in the property acquisition is all for the Harrison House.

Mayor Hamman inquired about the $50,000 recreation feasibility study.

Ms. Woodruff stated that is part of being able to redirect, grow and build the recreation department to look ahead toward future needs. This money is being set aside for the Town to complete the study and find out how we can grow all of recreation for the residents.

Trustee Whitehouse commented that this looks like a rollover from 2020.

Trustee Gaiter commented that the advisory boards like the PAB and CAC could start working on these kinds of studies and then bring in professionals in if needed. Individuals on these advisory boards feel like they don't have much to do.

Trustee Kinney commented that she respectfully disagrees and feels that if these projects are approached strategically with a vision of the Town of Wellington, we have to have a coordinated effort. That is where these professional studies come into play. The volunteers that are on our advisory boards can implement the outcomes of the studies.

Mayor Hamman commented that the professionals working on these studies would reach out and work with our advisory boards.

Trustee Gaiter commented that depending on what happens with these lockdowns, there are some severe concerns. My concern is that we're going to start seeing citizens potentially lose houses who are not able to make payments and tax payments which could potentially hurt Wellington. I would prefer us to keep us as healthy and balanced as possible. The $50,000 and $70,000 studies add up fast.

Mayor Hamman inquired about the new street sweeper.

Mr. Gowing stated the Town's current street sweeper is about 20 years old and the manufacture doesn't carry parts over 20 years to make any repairs to the machine. The Town spent approximately $5,000 this year and we expect to spend closer to $20,000 next year.

Trustee Whitehouse inquired about the four, $60,000 payments and this year it looks like a single year financing purchase.

Mr. Gowing commented that we were looking at a lease purchase for this and in exploring that more, we discovered some hidden costs that we didn't really like. We felt like it was the more prudent approach to make the purchase outright.

Trustee Gaiter inquired as to the lifespan on a piece of equipment like the street sweeper.

Mr. Gowing stated it is about 15-20 years.

Mayor Hamman inquired about the zero turn mowers.

Mr. Gowing stated as we acquire more parks and open space that need to be mowed, we need more resources to do that and mowers need to be cycled in and out as they are used pretty hard.

Trustee Whitehouse inquired if this is for one or two mowers.

Mr. Sexton stated it was for two mowers.

Trustee Whitehouse inquired as to the life expectancy of the mowers.

Mr. Gowing stated it is roughly 10 years.

Mayor Hamman inquired about the mower for the water department.

Mr. Gowing stated he thought that was moved back and that was the intention; it can come off the budget for 2021.

Trustee Gaiter inquired if the mowers for the streets department were not purchased, would staff still be able to do their jobs.

Mr. Gowing stated the short answer is yes but not at the level of service we hope to provide. As mowers get older, they go down and need repairs. When mowers are down, we would have to deal with longer grass at times and may not be the manicured look that residents are used to.

Trustee Gaiter commented that he would prefer to hold off on the mowers for now and focus the funds on essential items then take a look next year.

Mr. Gowing commented that these are all priority three projects so they are not critical so we can take a look at deferring all three of the mowers. We may come back with a request to purchase at least one of them.

Mayor Hamman commented that we may need one and he is not opposed to getting one.

Mr. Gowing stated they will look at this item and evaluate.

Mayor Hamman inquired as to the John Deere Gators.

Mr. Gowing stated they have slowly brought in gators into the equipment fleet because they are so handy. As we have needed to ramp up maintenance, these gators allow staff to carry parts and tools around, especially in the plant sites. They are also safer than wrestling heavy parts into the back of pickups and they can get into tighter spaces that a pickup can't get into.

Mayor Hamman inquired if the gator could be used interchangeably between the plants.

Mr. Gowing stated that is a possibility; it takes a little more time by taking a trailer to a site to load the gator. The gators wouldn't be used on the road between plants.

Trustee Gaiter inquired as to how many gators the Town has.

Mr. Gowing stated he believed there is just one and it sits at the wastewater plant.

Trustee Whitehouse commented that water and wastewater are critical utilities and these sound like what we need to do business.

Trustee Macdonald commented that she agrees with Trustee Whitehouse by giving staff what they need to do their jobs and the appearance of the community attracts new residents and new businesses. Trustee Macdonald commented that she supports Mr. Gowing's asks that he has brought before the Board.

Trustee Macdonald asked if it was possible to get an inventory list of what is currently in the fleet.

Mr. Gowing stated he could send that out.

Mayor Hamman inquired about the water efficiency program equipment.

Mr. Gowing stated it is a program budget with several of the higher priority water conservation elements that came out of the water efficiency study. From that study, the Town has chosen three of the items to move forward with. The first one is an advanced meter system which connects directly to the Casselle billing system and gives continuous information. The advanced meter system can give real time information on usage and could provide tools for leak detection.

The second piece of the water efficiency program is community outreach and how we get more effective information out to citizens. The third piece is a revision to the landscape standards.

Trustee Whitehouse inquired about the meter that he had replaced a few years ago and if that will be compatible with the advanced meter system.

Mr. Gowing stated if the meter was replaced in the last five or six years it will be compatible; it will require a few minutes of programming.

Mayor Hamman inquired about the two pickups for public works.

Mr. Gowing stated that is part of the ongoing fleet update as the Town still has a 1999 Dodge Durango that breaks down frequently.

Mayor Hamman inquired about the sewer vac truck.

Mr. Gowing stated that is another piece of equipment that is over 20 years old. That piece of equipment is needed for several compliance related tasks. The truck that we do have was broke down last year, so the Town was forced to rent a truck.

Mayor Hamman inquired about the skid steer attachment.

Mr. Gowing stated that is a piece of equipment to spread out the solids at the wastewater treatment plant.

Mayor Hamman inquired about the pedestrian access over the Windsor ditch.

Mr. Gowing stated that is a project that has been on the books which was an agreement that the Town entered into with Windsor Ditch to enclose that portion of the ditch.

Mayor Hamman inquired as to Mr. Gowing firming up the CIP and bringing it back to the Board.

Mr. Gowing stated that is what he will do.

C. CONSENT AGENDA

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

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

Yeas – Gaiter, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays – None
Motion carried.

D. ACTION ITEMS

1. Chamber of Commerce Funding Request

Ms. Tippetts informed the Board that staff needs direction to close out the Chamber funding request. Inside the CARES funding there is language that allows for financial assistance, such as rent relief to businesses. “Specifically, if the local government views such organizations as businesses (chambers), they would be eligible for such grant assistance.” Furthermore, the financial assistance provided would have to be related to COVID-19.

Currently, we have 9 existing employees sharing Town Hall, sharing one bathroom and a small kitchen area. In addition, we have several other positions that either share a workspace, work from the Planning Department or work from home. Space needs and the availability to social distance dictates that we will need the Harrison House to accommodate our employees to reduce the number of shared surfaces and to practice social and physical distancing.

Following the above logic, I think we could consider using some of the CARES funding for a portion of the rental request. Date of move to year end. Funding language specifically states the expenditures must be for 2020, therefor I do not believe twelve months of funding would be defensible. The balance of the items, purchasing of furniture, would not be related to COVID-19. The cost of internet, phone service and printer expenses are on-going business expenses. There are additional funds available in the 2020 budget under the Board Discretionary Funds.

Trustee Whitehouse inquired about the move out date of the Chamber.

Ms. Tippetts stated it was sometime after September, but the exact date would need to be verified.

Mayor Hamman asked for the amount of assistance Wellington would provide.

Ms. Tippetts stated her recommendation was 1-2 months of rent and installation fees of $420.

Trustee Macdonald asked the Board for consideration of first and last month rent, the costs of the moving truck and cost of the utilities.

Mayor Hamman inquired as to Trustee Macdonald's bottom line figure.

Trustee Macdonald stated it was $2,300.

Trustee Kinney commented that she would support splitting the costs as that would be a good gesture.

Trustee Gaiter commented that he could be comfortable splitting the $7,000 cost. The Chamber would have still had expenses if they had not moved into the Harrison House.

Trustee Whitehouse inquired if the Board is looking to reimburse the Chamber $3,500.

Trustee Macdonald commented that the $3,500 is one option that is being proposed although she is not in support of that. For clarification, Trustee Macdonald is in support up to $2,300 which includes $1,340.88 for internet and phone as well as the $940 in moving costs.

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

Trustee Macdonald moved to approve a reimbursement to the Chamber of $2,300; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Motion carried.

2. Resolution No. 39-2020 - A Resolution Appointing a Town Administrator

Mr. March informed the Board that this is the resolution that follows up on the Town Administrator contract that was approved at the previous meeting. This resolution will appoint Patti Garcia as the Town Administrator.

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

Ms. Garcia commented that she is excited to join the Town of Wellington on December 1, 2020.

Trustee Gaiter moved to approve Resolution No. 39-2020; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None

Motion carried.

3. Resolution No. 40-2020 - A Resolution Adopting the Colorado Model Municipal Records Retention Schedule

Ms. Eucker informed the Board that the Town of Wellington originally adopted the Colorado Municipal Retention Schedule in 2005. The adopted resolution did not expressly state that future amendments to the Model Schedule would be automatically adopted. In order to assure that the Town is adhering to the most current version, we are recommending adoption of Resolution No. 40- 020 which will encompass any and all future amendments to the Colorado Municipal Retention Schedule.

Trustee Gaiter commented that he has concerns that we would automatically agree with what the State says.

Ms. Eucker stated the Colorado Municipal Clerks Association along with the State Archives Office review and debate any pros and cons of changes that are made to the schedule. Wellington can also file a local exception if they see any issues that arise with the schedule.

Mayor Hamman inquired who monitors the schedule.

Per Ms. Eucker; I do that and will let the Board know of any issues that could arise.

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

Trustee Kinney moved to approve Resolution No. 40-2020; Trustee Whitehouse seconded the motion. Roll call on the vote resulted as follows:

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

4. Resolution No. 41-2020 - A Resolution Appointing Community Activities Commission Members

Ms. Eucker informed the Board that the next three items are all related to the appointment of advisory board members. Trustees Kinney and Whitehouse completed interviews for the applicants on November 4, 2020 and have recommended Shirrell Tietz and Wyatt Schwendeman-Curtis to the CAC.

Trustee Kinney commented that Wyatt came with a lot of excitement and enthusiasm to be involved in the community and Shirrell has been a volunteer for some time with the CAC.

Mayor Hamman opened the meeting for public comment.

Christine Gaiter, 8132 4th Street, Wellington, CO inquired as to how many applicants were interviewed.

Trustee Kinney stated there were three applicants for the CAC and two were available for an interview.

Trustee Gaiter moved to approve Resolution No. 41-2020; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

Yeas - Gaiter, Kinney, Whitehouse, Knutson, Hamman
Nays – None
Abstain – Macdonald
Motion carried.

5. Resolution No. 42-2020 - A Resolution Appointing a Board of Adjustment Member
Trustee Kinney commented that Eric Stahl was the only applicant for this position, but he was very excited and has an accounting background.

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

Trustee Macdonald moved to approve Resolution No. 42-2020; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays – None
Motion carried.

6. Resolution No. 43-2020 - A Resolution Appointing a Wellington Parks Advisory Board Member
Trustee Kinney commented that there were two candidates and one was available for an interview. Erin Leesley is an avid volunteer coordinator for many organizations in the community and is very passionate about the community.

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

Trustee Kinney moved to approve to approve Resolution No. 43-2020; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays – None
Motion carried.

7. Proposed Ordinance - An Ordinance Concerning the Regulation of Retail and Medical Marijuana Sales in the Town of Wellington
Mr. March informed the Board that this has been a placeholder on the agenda for some time based on the initiated ordinance that is still before the court. There have been some settlement discussions that have taken place to refer this to the voters if there are items that can be worked out. That offer has been extended but as of now have not received a response. An email was sent to the proponent's attorney on Thursday and was followed up on Friday, but it is my understanding that he had not heard from his clients.

The proponents have the obligation to brief and that schedule has been set. The Town does not have any briefs due. It is my recommendation to discontinue putting this on the agenda as a placeholder. If it comes back, we will reintroduce it at that time which will be in conjunction with the lawsuit or, alternatively, it will be in conjunction with a possible settlement offer which may require an executive session.

Trustee Kinney commented that she doesn't like the perspective of not acknowledging it.

Mr. March stated it will still be out there and that he will report back to the Board. The tax issue has been set for the November 2021 election, but the hearing officer did determine the ordinance is insufficient.

Trustee Gaiter commented that he would prefer to leave the item on the agenda but does not have any issue pushing it out a few meetings.

Trustee Gaiter moved to postpone agenda item D.7 to December 22, 2020; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:

Yeas - Gaiter, Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays - None
Motion carried.

8. <u>Health Restriction and Guideline Discussion</u>
Item moved to Board Reports.

E. REPORTS

1. Town Attorney
Mr. March clarified the voting on the Sage Meadows item from the last meeting. The research did show that the item did pass. The meetings are governed by Robert's Rules of Order although the Board of Trustees did adopt Bob's Rules or Order which is an abbreviated version that was done by an attorney. Even though there were two abstain votes, those abstain votes counted towards a quorum but there were three yes votes which was enough to carry the matter.

2. Town Administrator
Nothing to add.

3. Staff Communications
Ms. Woodruff updated the Board that a highly qualified candidate is being recruited for the Civil Engineer position with Public Works. This individual has previously been a Director of Public Works and has a very strong engineering background.

4. Board
Trustee Gaiter commented that there have been new health restrictions that have come from the State recently and adopted by the County. The last few days I have been corresponding with the County Commissioners and County Health Officials and sharing with them the concerns from citizens that have been received. There are businesses that will not reopen if there is another shutdown. I have also had communication with the Sheriff's Office regarding the constitutional rights of our citizens. The goal with putting an item on the agenda was to read a letter from the Sheriff's Office and as a Board, supporting the community in any way we can.

Trustee Gaiter read the statement from Sheriff Smith, "Sheriff Smith and his office understand and appreciate that we are in a very difficult time. COVID has created many public health concerns and the recent spike and reported incident infections and hospitalizations has public health officials understandably concerned. Under Colorado Statutes, state and local health officials have the authority to implement public health orders. Violations of those orders are to be reported to the public health officials to investigate. The orders relating to the operation of businesses are rather complex and tedious and therefore only public health officials are in the position to interpret those orders. If the health authority believes they have a violation, it is up to them to communicate with that party in question. If it does not resolve the issue either the county attorney or the state attorney general can choose to intervene and file motions with the court. These issues are not handled by local policing agencies. While the Sheriff understands and appreciates the concerns of public health officials about private gatherings. He believes that private gatherings, especially for constitutionally protected worship are not an area that can be regulated in the manner, as outlined by the State in their current color-coded health restriction scheme. This opinion mirrors the position the Governor has taken when it comes to other first amendment right to peaceably assemble, and to petition the government for a redress of grievances. Therefore, the Sheriff's Office. Well, urging caution with gatherings will not be fielding calls or complaints about gatherings over the Thanksgiving holiday weekend."

That is the end of the statement and I would just like to add that I would wholeheartedly agree that all government should be fully respecting the constitutional rights of all of our citizens.

Trustee Kinney commented that she wished health and happiness to all the citizens of Wellington and hope that all are taking the precautions necessary to make sure people are staying safe. There are major concerns that the businesses in Wellington could be facing with the current restrictions. It has become very clear that there are significant consequences for any organizations that do potentially violate any of the restrictions in place whether or not they're being enforced and by who and definitely not by the Town of Wellington. It is known that there are significant concerns or consequences for violating any of these items. The Town of Wellington should know who's going to be enforcing these. Our Town relies on our businesses specifically our restaurants, breweries, and bars. They are the ones who are going to be suffering significantly through these restrictions. I think it might be a better idea to see how we can offer additional support to these businesses; whether that is from a communication standpoint of encouragement and understanding of what's available and where to go to support our local businesses. The last time this occurred, there were moving parts and pieces such as working on patios and understanding capacity concerns. The things that we did before are not applicable because it's freezing cold outside. My ask of the Board is to actively participate in a task force where we can initiate and actively be involved in planning and supporting our businesses in conjunction with many of the service related organizations in our community like Main Streets, the Chamber and/or Kiwanis. We need to poll our businesses to ask them what they would need to help them survive. Once we figure out some of those needs, come back as a Board and see if there is a funding request or what kind of actions or steps would be needed to support our businesses.

Trustee Gaiter commented that he agrees with Trustee Kinney and inquired as to what CARES Funding is still available.

> Ms. Houghteling commented that she is not sure what is left for CARES Funding but that was part of the business support program that the Town did. Some businesses did put in for heaters and those types of things. We can look into what additional funding may be available.

Trustee Macdonald inquired if it is just the Chamber and Main Streets involved in a task force.

> Trustee Kinney stated she believed so.

Ms. Houghteling commented that she can have the Communication Specialist, Mahalia reach out to Main Streets and the Chamber to see how we can support and help communicate the needs of our businesses.

Trustee Kinney requested a survey to businesses to find out what they are needing.

Mayor Hamman offered assistance to helping businesses as well.

Trustee Gaiter informed the Board that Main Streets and the CAC will be working together on a parade of lights event instead of the tree lighting ceremony. The details are still being worked on.

Trustee Kinney commented that the downtown lights look good.

F. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:59 p.m.

____

Krystal Eucker, Town Clerk