BOARD OF TRUSTEES
April 26, 2022
7:00 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting Agenda

Individuals wishing to make public comments must attend the meeting in person or may submit comments by sending an email to euckerkk@wellingtoncolorado.gov. The email must be received by 4:00 p.m. on the day of the meeting. The comments will be provided to the Trustees and added as an addendum to the packet. Emailed comments will not be read during the meeting.

The Zoom information below is for online viewing and listening only.

https://us06web.zoom.us/j/85867038249?pwd=eGVBRjNZRDY4eCtEUjZ0WGxka25tdz09
Passcode: 478998
Webinar ID: 858 6703 8249

Or One tap mobile:
+17207072699,,85867038249# US (Denver) or +13462487799,,85867038249# US (Houston)

Or join by phone:
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US: +1 720 707 2699 or +1 346 248 7799 or +1 253 215 8782

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Amendments to Agenda
4. Conflict of Interest

B. COMMUNITY PARTICIPATION

1. Public Comment

C. CONSENT AGENDA

1. Minutes of the March 22, 2022 Board of Trustees Regular Meeting
2. Minutes of the April 12, 2022 Board of Trustees Regular Meeting

D. ACTION ITEMS

1. Resolution No. 17-2022 - A Resolution of the Board of Trustees Making Appointments to the Planning Commission

    - Presentation: Cody Bird, Planning Director

2. Resolution No. 18-2022 - A Resolution of the Board of Trustees Making Appointments to the Board of Adjustments

    - Presentation: Cody Bird, Planning Director

3. Public Hearing: Zone Change Request from C-1 Community Commercial District to C-3 Highway Commercial District at the northwest corner of Jefferson Ave. and Sixth Street

    - Presentation: Cody Bird, Planning Director

4. Ordinance No. 09-2022: An Ordinance Concerning a Zone Change Request from C-1 Community Commercial to C-3 Highway Commercial at the northwest corner of Jefferson Avenue and Sixth Street

    - Presentation: Cody Bird, Planning Director

5. 2022 Wastewater Bond Debt Service Coverage

    - Presentation: Vik Runkle, Interim Finance Director/Town Treasurer

6. Resolution No. 19-2022 - A Resolution of the Board of Trustees Appointing Officers and Municipal Judge until 2024 Election

    - Presentation: Patti Garcia, Town Administrator

E. REPORTS

1. Town Attorney
2. Town Administrator
3. Staff Communications
    a. Colorado Open Records Act (CORA) Quarterly Report
4. Board Reports

F. EXECUTIVE SESSION

1. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to Section 24-6-402(4)(e), C.R.S. – regarding negotiations with North Poudre Irrigation Company. As required by C.R.S. §24-6-402(2)(d.5)(II)(A) and (II) (E) the executive session proceedings will be electronically recorded and the record will be preserved for 90 days through July 25, 2022.

G. ADJOURN

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.

TOWN OF WELLINGTON

Board of Trustees Meeting

Date: April 26, 2022
Submitted By:
Subject: Minutes of the March 22, 2022 Board of Trustees Regular Meeting

EXECUTIVE SUMMARY

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

ATTACHMENTS

1. 03.22.22 BOT Minutes - DRAFT

BOARD OF TRUSTEES
March 22, 2022
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

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 6:32 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:
   Patti Garcia, Town Administrator
   Dan Sapienza, March & Olive, LLC, Town Attorney
   Krystal Eucker, Town Clerk
   Cody Bird, Planning Director
   Bob Gowing, Public Works Director
   Kelly Houghteling, Deputy Town Administrator
   Sergeant Cherry, Larimer County Sheriff's Office
   Hallie Sheldon, Management Analyst
   Kallie Cooper, Community and Business Laison
   Mahalia Henschel, Communications Specialist
   Meagan Smith, Deputy Public Works Director
   Stephanie Anderson, Human Resource Manager

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, Jay Mendoza with Poudre Valley REA commented.

C. CONSENT AGENDA

1. Minutes of the February 8, 2022 regular meeting

2. Minutes of the February 22, 2022 regular 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, Macdonald, Whitehouse, Knutson, Hamman
Nays – None
Motion carried.

D. ACTION ITEMS

1. Public Hearing: Consider Land Use Code Adoption
   Mayor Hamman read a letter to residents regarding the Draft Land Use Code.

   Mr. Bird informed the Board that the Land Use Code is the regulatory tool that implements the visionary plan of the Comprehensive Plan that was adopted by the Planning Commission. The Planning Commission has been evaluating and making recommendations for updates to the Town's land use codes to reflect the Comprehensive Plan and to bring the land use codes into compliance with changes to regulatory requirements, emerging technologies, changes in development practices, and water conservation. Mr. Bird reviewed the revisions that have been made to the Draft Land Use Code.

   The meeting was opened for public comment; Linda Knaack, Lowrey Moyer, Calar Chaussee and Wyatt Schwendeman-Curtis provided comments in favor of approving the Land Use Code; Angie Blanton, Hannah Michaud, Lisa Chollet, Brian Mason, Shirrell Tietz, Christine Gaiter, Karen Eifert, Kathy Wydallis and David Wiegand provided comments regarding amendments or clarifications.

2. Ordinance No. 07-2022 - An Ordinance Adopting the Land Use Code
   Mr. Bird reminded the Board of the clean version of the Land Use Code that was included in the packet material.

Trustee Kinney moved to approve Ordinance No 07-2022 Adopting the Land Use Code with Revisions to Sections 5.08 Regarding Signs Including Sandwich Boards, Manual Readers and Details Regarding Temporary Signs; 4.03 Regarding Home Occupations; 9 Regarding Child Care Centers and Home Occupation Definitions; 3.02 Regarding Density Language; 2.03 Regarding the Table for Regarding Board of Adjustments and also Direct Town Staff to Reflect the Revisions in the Final Document and Allow Town Staff to make Corrections for Final Document Formatting Including Punctuation, Spacing, Pagination, Section Numbering, Internal References and Consistency of Thoughts and Graphics; Mayor Pro Tem Knutson seconded the motion. Roll call on the vote resulted as follows:

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

3. Ordinance No. 08-2022 - An Ordinance Concerning the Town of Wellington Board of Adjustment

Mr. Sapienza informed the Board that the Town Board held a work session looking at all of the various boards and commissions of the Town, with a goal of standardizing membership requirements, language about meetings, and vacancies/appointments. Of particular importance was the goal of removing trustees from voting roles on all boards and commissions. For the Planning Commission and Board of Adjustment, staff recommended removal of trustees in order to avoid potential conflicts in their various roles.

In the proposed ordinance there are a number of changes that wouldn't create significant changes in the operation of the Board of Adjustments although there are two notable changes:

- Membership – 7 members including 2 alternate members, who must be residents of the Town of Wellington, none of whom are Trustees. At present, both alternate members are members of the Board of Trustees.
- Co-membership – This ordinance allows, but does not require, members of the Board of Adjustment to serve simultaneously on the Planning Commission. Overlap is not required, but this would allow the Town to explore the option of having the same membership on both boards, in order that the members' expertise could be best utilized and to fill difficult-to-fill seats. Members would not be eligible to simultaneously serve on any other board or commission.

The meeting was opened for public comment, Christine Gatier, Shirrell Tietz and Kathy Wydallis provided comments.

Mayor Pro Tem Knutson moved to approve Ordinance 08-2022 – An Ordinance Concerning the Town of Wellington Board of Adjustment; Trustee Macdonald seconded the motion. Roll call on the vote resulted as follows:

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

4. Boys and Girls Club Memorandum of Understanding

Ms. Garcia informed the Board that on September 14, 2021, a request for funding was presented to the Board of Trustees by the Boys and Girls Club of Larimer County for the 2022 Wellington program year. The Board of Trustees discussed this request during the 2022 town budget cycle and most recently at a work session on February 22, 2022. The Board of Trustees designated $107,500 in the 2022 Outreach Fund; $82,500 has been committed to the Main Streets Program (approved January 25, 2022) which leaves a balance of $25,000

The Wellington Boys and Girls Club presented and made a request for $25,000 for 2022; this included $5,000 which had been previously designated and budgeted for the Eagles After Hours program. The Boys and Girls Club have partnered with Wellington Middle School and are now leading the Eagles After Hours program which has been renamed the Eagles Club. Membership cost is $20 per year, per child; the child is required to be a resident of Wellington. The Wellington club serves ages 6-18 and offers programs in a variety of areas including but not limited to sports, fitness, recreation, workforce readiness, music and art. Over 340 individual youth were served between 2020 and 2021.

The meeting was opened for public comment; Lisa Chollet, Karen Eifert, Lowrey Moyer, Kathy Wydallis, Shirrell Tietz and Christine Gaiter made comments.

Trustee Macdonald moved to approve the Boys and Girls Club Memorandum of Understanding; Trustee Kinney seconded the motion. Roll call on the vote resulted as follows:
Yeas – Kinney, Macdonald, Whitehouse, Knutson, Hamman
Nays – Gaiter
Motion carried.

5. Call for a Special Meeting on March 29, 2022
Ms. Garcia informed the Board that due to the Land Use Code being adopted there is no a need for a special meeting on that topic. Although, the 90% Guaranteed Maximum Price for the Water Treatment Plant has been received and is scheduled for consideration by the Board of Trustees on April 12, 2022. Staff would like to present the information to the Trustees during a work session on March 29, 2022. A motion is not needed for a work session.

E. REPORTS

1. Town Attorney
Mr. Sapienza informed the Board that he will be meeting with Kristin Brown regarding marijuana.

2. Town Administrator

   a. Review of the Emergency Declaration
   Ms. Garcia informed the Board that the emergency declaration related to the COVID pandemic for the Town of Wellington is currently in place. Staff was requested at the January 25, 2022 Trustee meeting to bring back discussion of this item in March. Pursuant to Trustee discussion, if the direction is to revoke the emergency declaration, a resolution for that purpose will be included in the April 12, 2022 packet. If the direction is not to revoke the declaration, the next update will be at a meeting in June, 2022. After the Board discussion, it was the consensus of the Board to revoke the emergency declaration at the next meeting.

   Ms. Garcia informed the Board that in the past, water bill inserts were included in water bills when the bills were printed in-house. That process has changed, and the printing has been outsourced. Due to the high cost of printing water bill inserts with the outside company, the line item was removed from the 2020 budget, although it was added back into the 2022 budget for quarterly inserts.

3. Staff Communications
Ms. Eucker gave a brief election update.

   a. Report of Bills - February 2022

   b. Larimer County Sheriff's Office Monthly Report

4. Board Reports
Trustee Macdonald thanked the members of the Board for their service.

Trustee Gaiter mentioned there is a transportation survey that will be out regarding the transport between Wellington and Fort Collins.

F. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:57 p.m.

____

Krystal Eucker, Town Clerk

TOWN OF WELLINGTON

Board of Trustees Meeting

Date: April 26, 2022
Submitted By:
Subject: Minutes of the April 12, 2022 Board of Trustees Regular Meeting

EXECUTIVE SUMMARY

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

ATTACHMENTS

1. 04.12.22 BOT Minutes - DRAFT

TOWN OF WELLINGTON

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. <u>Resolution No. 15-2022 - A Resolution Acknowledging Public Comments Related to Zoning Designation for Residential Properties Along Harrison Avenue and McKinley Avenue</u>
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. <u>First Amendment to Development Agreement for Bonfire Subdivision</u>
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

Board of Trustees Meeting

Date: April 26, 2022
Submitted By: Krystal Eucker, Town Clerk
Subject: Resolution No. 17-2022 - A Resolution of the Board of Trustees Making Appointments to the Planning Commission

- **Presentation: Cody Bird, Planning Director**

EXECUTIVE SUMMARY

On April 18, 2022, Trustees Macdonald and Kinney, along with the Chair of the Planning Commission (Eric Sartor) and the Chair of the Board of Adjustments (Christine Gaiter) and Town staff conducted interviews for current vacancies on the Planning Commission. Pursuant to those interviews, it is being recommended that the following individuals be appointed to the Planning Commission:

- One Regular Term Expiring – April 2026 - Lisa Chollet
- One Regular Term Expiring – April 2025 - Lowrey Moyer
- One Regular Term Expiring – April 2024 - Tim Whitehouse (Term begins May 3, 2022)
- One Regular Term Expiring – April 2023 - Gary Dicenta

The regular term expiring April 2024 will be filling a seat that will become vacant on May 3, 2022 due to a Commissioner's resignation.

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

Recommended motion: Move to approve Resolution 17-2022, A Resolution of the Board of Trustees Making Appointments to the Planning Commission.

ATTACHMENTS

1. Resolution 17-2022
2. Applications

TOWN OF WELLINGTON

RESOLUTION NO. 17-2022

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON MAKING APPOINTMENTS TO THE PLANNING COMMISSION

WHEREAS, the Board of Trustees of the Town of Wellington, Colorado (the "Board") has adopted and reenacted the Wellington Municipal Code (the "Code"); and

WHEREAS, the Code provides for the appointment of a Planning Commission member as called for by Chapter 2, Article 10; and

WHEREAS, Section 2-10-30 of the Code provides that membership terms of members of the Planning Commission shall be four (4) year staggered terms; and

WHEREAS, the Planning Commission currently has four (4) vacant seats; a term expiring April of 2023, April 2024 (seat vacant as of May 3, 2022), April 2025 and April 2026; and

WHEREAS, The Town accepted applications for candidates to fill the vacant seats; and

WHEREAS, candidates were interviewed on April 18, 2022 and recommendations were made to fill the vacancies.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO, AS FOLLOWS:

1. Appointment of Gary Dicenta to the Planning Commission to fill a vacancy with a term ending April, 2023.

2. Appointment of Tim Whitehouse to the Planning Commission to fill a vacancy beginning May 3, 2022 with a term ending April, 2024.

3. Appointment of Lowrey Moyer to the Planning Commission to fill a vacancy with a term ending April, 2025.

4. Appointment of Lisa Chollet to the Planning Commission to fill a vacancy with a term ending April, 2026.

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted this 26th day of April, 2022.

TOWN OF WELLINGTON

By: ______________________________
Calar Chaussee, Mayor

ATTEST:

____
Krystal Eucker, Town Clerk

From:	noreply@civicplus.com
To:	Mahalia Henschel; Krystal Eucker
Subject:	Online Form Submittal: Application for Board or Commission Vacancy
Date:	Sunday, March 6, 2022 8:15:44 AM

Application for Board or Commission Vacancy

Eligibility Requirements
- Board/Commissions that require 1-year residency

Which board or commission would you like to be appointed to?	Planning Commission
Name	Gerhard H Dicenta (Gary)
Address	[redacted]
City	Wellington
State	CO
Zip Code	80549
Home Phone Number	*Field not completed.*
Work Phone Number	*Field not completed.*
Cell Phone Number	[redacted]
Email Address	[redacted]
Wellington Resident (Number of Years/Months)	23 months
Current Occupation	Retired
Please list any relevant education, employment, or volunteer experience you have.	I worked for an Engineering firm in McCook Nebraska from 1978-2019. I was a licensed Land Surveyor, Licensed City Street Supt, Licensed County Road Supt, Licensed bridge inspector. I worked with numerous developers laying out subdivisions. I was also the construction inspector for all infrastructure. I conducted numerous meetings for Cities and Counties. I was Supt. for 17 Towns and 4 counties.
Are you currently serving on any other board or commission?	No

Have you attended a meeting of the board or commission you are applying to?	No
Why do you want to become a member of this particular board or commission?	I have experience in this area.
What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?	Development-Housing Infrastructure keeping up development Water well development and costs
Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.	NONE

Signature

Upon application for and acceptance of appointment, board and/or commission members demonstrate their intention and ability to attend meetings. If appointed, frequent non-attendance may result in termination of appointment.

I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

Signature of Applicant	Gerhard Dicenta
Date	3/6/2022

From:	noreply@civicplus.com
To:	Mahalia Henschel; Krystal Eucker
Subject:	Online Form Submittal: Application for Board or Commission Vacancy
Date:	Wednesday, February 9, 2022 11:38:26 AM

Application for Board or Commission Vacancy

Eligibility Requirements
- Board/Commissions that require 1-year residency

Which board or commission would you like to be appointed to?	Planning Commission
Name	Tim Whitehouse
Address	[redacted]
City	Wellington
State	CO
Zip Code	80549
Home Phone Number	N/A
Work Phone Number	N/A
Cell Phone Number	[redacted]
Email Address	[redacted]
Wellington Resident (Number of Years/Months)	14 years
Current Occupation	timber framer
Please list any relevant education, employment, or volunteer experience you have.	Owner of Arris Timber Works in Wellington. 20 years experience timber framing Familiar with all aspects of building trades. Able to read plans and specifications 4 years as Planning Commissioner. 5 years Trustee Participated in Comp Plan development, Currently working on the Land Use Code update BA History Trinity College BA Industrial Design, Rhode Island School of Design
Are you currently serving on any other	Yes

board or commission?

Have you attended a meeting of the board or commission you are applying to?	Yes
Why do you want to become a member of this particular board or commission?	I wish to continue to serve the needs our growing community
What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?	Managing sustainable growth using the wastewater model and other information Addressing transportation needs Extending trails system to tie neighborhoods together
Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.	None I will withdraw my application if successful in my re election bid for Trustee

Signature

Upon application for and acceptance of appointment, board and/or commission members demonstrate their intention and ability to attend meetings. If appointed, frequent non-attendance may result in termination of appointment.

I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

Signature of Applicant	Tim Whitehouse
Date	2/9/2022

From: noreply@civicplus.com
To: Mahalia Henschel; Krystal Eucker
Subject: Online Form Submittal: Application for Board or Commission Vacancy
Date: Monday, April 11, 2022 9:56:40 AM

Application for Board or Commission Vacancy

Eligibility Requirements
- Board/Commissions that require 1-year residency

Which board or commission would you like to be appointed to?	Planning Commission
Name	Lowrey Moyer
Address	[redacted]
City	Wellington
State	CO
Zip Code	80549
Home Phone Number	*Field not completed.*
Work Phone Number	*Field not completed.*
Cell Phone Number	[redacted]
Email Address	[redacted]
Wellington Resident (Number of Years/Months)	5 years 5 months
Current Occupation	Senior Development Director, GWHFH
Please list any relevant education, employment, or volunteer experience you have.	Through Habitat and my work there, I have participated in completing a 60 home development and bringing several affordable developments out of the ground: a 14- home, 12-home and a 95-unit community providing disaster relief from the 2013 floods. We are currently in the final planning stages with the City of Greeley for a 40 acre development with a total of 491 units. My experience and knowledge working with varying municipalities will be of value.
Are you currently serving on any other board or commission?	No

Have you attended a meeting of the board or commission you are applying to?	Yes
Why do you want to become a member of this particular board or commission?	To give value and support with my unique skill set and background.
What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?	The land use code conversation. The Zoning map. New residential and commercial development.
Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.	Habitat for Humanity.

Signature

Upon application for and acceptance of appointment, board and/or commission members demonstrate their intention and ability to attend meetings. If appointed, frequent non-attendance may result in termination of appointment.

I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

Signature of Applicant	Lowrey Moyer
Date	4/11/2022

Email not displaying correctly? View it in your browser.

From:	noreply@civicplus.com
To:	Mahalia Henschel; Krystal Eucker
Subject:	Online Form Submittal: Application for Board or Commission Vacancy
Date:	Tuesday, April 12, 2022 1:56:45 PM

Application for Board or Commission Vacancy

Eligibility Requirements
- Board/Commissions that require 1-year residency

Which board or commission would you like to be appointed to?	Planning Commission
Name	Lisa Marie Chollet
Address	[redacted]
City	Wellington
State	CO
Zip Code	80549
Home Phone Number	[redacted]
Work Phone Number	*Field not completed.*
Cell Phone Number	[redacted]
Email Address	[redacted]
Wellington Resident (Number of Years/Months)	4 years 7 months
Current Occupation	Self-employed - Project Management (construction)
Please list any relevant education, employment, or volunteer experience you have.	I have worked in the commercial and residential construction industry for 30 years. I currently sit on the Budget Advisory Committee for PSD I currently sit on the School Accountability Committee for Wellington Middle School I currently sit on the Sewer Rate Resident Roundtable for the Town of Wellington I currently sit on the Youth Committee for USBC Youth Bowling

	"Why Ask Why" League I currently sit on several Advisory Committees for PSD regarding Career Path Opportunities including Construction, Architecture, and Business
Are you currently serving on any other board or commission?	Yes
Have you attended a meeting of the board or commission you are applying to?	Yes
Why do you want to become a member of this particular board or commission?	I believe my experience within the construction and architecture fields along with my knowledge regarding the Town of Wellington as an active attendee and participant at Trustee meetings and my knowledge of how developments progress within cities and municipalities will be an asset. It is important to me to be involved in my town both as a personal aspiration but also to lend my knowledge and skills where they may be needed.
What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?	With the new Land Use Code passing, there will most likely be changes requested by citizens and the BOT. I am deeply familiar with the Code and have sought out answers if something is unclear. The learning curve would not be steep. As the Town pursues economic development opportunities, my skills and understanding of development will be useful in making recommendations to the BOT. I am torn between infrastructure needs within the Town and at the high school intersection and potential residential growth for the third important item. I feel I am equipped to address these as well as they come along and would love the opportunity to serve my town through these needs.
Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.	I work with clients in the residential building industry that could potentially want to build in Wellington, however, as of right now, that is not in the foreseeable future. I do not foresee any conflicts at this time.

Signature

Upon application for and acceptance of appointment, board and/or commission members demonstrate their intention and ability to attend meetings. If appointed, frequent non-attendance may result in termination of appointment.

I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

Signature of Applicant	Lisa Chollet
Date	4/12/2022

Email not displaying correctly? View it in your browser.

TOWN OF WELLINGTON

Board of Trustees Meeting

Date: April 26, 2022
Submitted By: Krystal Eucker, Town Clerk
Subject: Resolution No. 18-2022 - A Resolution of the Board of Trustees Making Appointments to the Board of Adjustments

- **Presentation: Cody Bird, Planning Director**

EXECUTIVE SUMMARY

On April 18, 2022, Trustees Macdonald and Kinney, along with the Chair of the Planning Commission (Eric Sartor) and the Chair of the Board of Adjustments (Christine Gaiter) and Town staff conducted interviews for current vacancies. Pursuant to those interviews, the following options are being presented for appointment to the Board of Adjustments.

The Board of Adjustments consists of 5 regular members and 2 alternate members. Alternate members serve on the Board of Adjustments when a regular member is unable to attend the meeting or may have a conflict of interest with an agenda item. Board of Adjustments members are not allowed to serve on any other board of commission, except that members of the Board of Adjustments may also serve on the Planning Commission.

Option 1
Option 1 would appoint alternate members that would not have an overlapping seat on the Planning Commission. Alternate members without an overlapping term on the Planning Commission would not be permitted to serve on any other board or commission with the Town.

- Regular Member Term Expiring April 2026 - Kathy Wydallis
- Regular Member Term Expiring April 2024 - Wyatt Knutson
- First Alternate Term Expiring – April 2026 – Levi Killough
- Second Alternate Term Expiring – April 2024 – Reginald Westphal

Option 2
Option 2 would appoint alternate members to the Board of Adjustments that have an overlapping, coinciding term on the Planning Commission, leaving the option for the alternate members in Option 1 to serve on another board or commission that maintains a more consistent meeting schedule.

- Regular Member Term Expiring April 2026 - Kathy Wydallis
- Regular Member Term Expiring April 2024 - Wyatt Knutson
- First Alternate Term Expiring – April 2026 – Lisa Chollet
- Second Alternate Term Expiring – April 2024 –Tim Whitehouse

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

Recommended Motion: Move to Approve Resolution 18-2022, A Resolution Making Appointments to the Board of Adjustments with Option ___.

ATTACHMENTS

1. Resolution 18-2022 - Option 1
2. Option 1 Applications
3. Resolution 18-2022 - Option 2
4. Option 2 Appllications

TOWN OF WELLINGTON

RESOLUTION NO. 18-2022

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON MAKING APPOINTMENTS TO THE BOARD OF ADJUSTMENTS

WHEREAS, the Board of Trustees of the Town of Wellington, Colorado (the "Board") has adopted and reenacted the Wellington Municipal Code (the "Code"); and

WHEREAS, the Code provides for the appointment of a Board of Adjustment member as called for by Chapter 2, Article 11; and

WHEREAS, Section 2-11-30 of the Code provides that membership terms of members of the Board of Adjustment shall be four (4) year staggered terms; and

WHEREAS, the Board of Adjustment currently has four (4) vacant seats; two (2) regular terms expiring April of 2024 and April of 2026 and two (2) alternate member terms expiring April of 2024 and April of 2026; and

WHEREAS, The Town accepted applications for candidates to fill the vacant seats; and

WHEREAS, candidates were interviewed on April 18, 2022 and recommendations were made to fill the vacancies.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO, AS FOLLOWS:

1. Reappointment of Kathy Wydallis to the Board of Adjustment to fill a vacancy with a term ending April, 2026.

2. Appointment of Wyatt Knutson to the Board of Adjustment to fill a vacancy with a term ending April, 2024.

3. Appointment of Levi Killough to the Board of Adjustment to fill the first alternate vacancy with a term ending April, 2026.

4. Appointment of Reginald Westphal to the Board of Adjustment to fill the second alternate vacancy with a term ending April, 2024.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 26th day of April, 2022.

TOWN OF WELLINGTON

By: ______________________________
Calar Chaussee, Mayor

ATTEST:

____
Krystal Eucker, Town Clerk

From:	noreply@civicplus.com
To:	Mahalia Henschel; Krystal Eucker
Subject:	Online Form Submittal: Application for Board or Commission Vacancy
Date:	Wednesday, April 13, 2022 4:11:04 PM

Application for Board or Commission Vacancy

Eligibility Requirements
- Board/Commissions that require 1-year residency

Which board or commission would you like to be appointed to?	Board of Adjustment
Name	Levi Killough
Address	[redacted]
City	Wellington
State	CO
Zip Code	80549
Home Phone Number	[redacted]
Work Phone Number	*Field not completed.*
Cell Phone Number	*Field not completed.*
Email Address	[redacted]
Wellington Resident (Number of Years/Months)	4
Current Occupation	Civil construction consultant
Please list any relevant education, employment, or volunteer experience you have.	Reclamation of existing oil and gas sites. Prior military. Project management. Civil pad construction
Are you currently serving on any other board or commission?	No
Have you attended a	No

meeting of the board or commission you are applying to?	
Why do you want to become a member of this particular board or commission?	To keep Wellington a great place to live for generations to come
What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?	Water, future subdivisions and commercial development
Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.	None

Signature

Upon application for and acceptance of appointment, board and/or commission members demonstrate their intention and ability to attend meetings. If appointed, frequent non-attendance may result in termination of appointment.

I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

Signature of Applicant	Levi killough
Date	4/13/2022

Email not displaying correctly? View it in your browser.

From:	noreply@civicplus.com
To:	Mahalia Henschel; Krystal Eucker
Subject:	Online Form Submittal: Application for Board or Commission Vacancy
Date:	Monday, April 11, 2022 4:51:45 PM

Application for Board or Commission Vacancy

Eligibility Requirements
- Board/Commissions that require 1-year residency

Which board or commission would you like to be appointed to?	Board of Adjustment
Name	Reginald R. Westphal
Address	[redacted]
City	Wellington
State	CO
Zip Code	80549
Home Phone Number	[redacted]
Work Phone Number	*Field not completed.*
Cell Phone Number	[redacted]
Email Address	[redacted]
Wellington Resident (Number of Years/Months)	4.5 years
Current Occupation	Retired
Please list any relevant education, employment, or volunteer experience you have.	Familiarity with Adjustments from personal experience, having been on the plaintiff/petitioner side of these issues. Some experience with Land Use Code and Zoning development and application.
Are you currently serving on any other board or commission?	No
Have you attended a	No

meeting of the board or commission you are applying to?	
Why do you want to become a member of this particular board or commission?	In my experience this process particularly requires wisdom and fairness to all persons involved. Such issues can take patience, humility on the part of the Town, and respect for all persons involved in order to reach a fair and satisfactory decision that both protects the Town of Wellington's interests while at the same time satisfying, to any extent possible, the request of the petitioner.
What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?	1.The new Land Use and Zoning Codes, in and of themselves, will generate situations that the most careful attention to detail have failed to uncover: unforeseen conflicts and grey areas within the codes. Hopefully, there will not be many of these. 2. Solving any conflicts in an impartial manner with professionalism, grace, humility, and respect for all parties involved. 3. Recording any apparent weaknesses, or excesses, in the Town Codes and relaying these, in a timely fashion, to the Planning Commission so changes may be implemented to avoid similar issues, if possible, in the future.
Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.	If one is a member of both the Planning Commission and the Board of Adjustments, a claim of Conflict of Interest may be filed by a petitioner if a sitting member of both the Planning Commission and the Board of Adjustments is involved in the same case. This may have never happened in the Town of Wellington but, I could foresee a situation that if the stakes are high enough and the petitioner(s) has/have well lined pockets this may be argued.

Signature

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I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

Signature of Applicant	Reginald R. Westphal
Date	4/11/2022

TOWN OF WELLINGTON

RESOLUTION NO. 18-2022

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON MAKING APPOINTMENTS TO THE BOARD OF ADJUSTMENTS

WHEREAS, the Board of Trustees of the Town of Wellington, Colorado (the "Board") has adopted and reenacted the Wellington Municipal Code (the "Code"); and

WHEREAS, the Code provides for the appointment of a Board of Adjustment member as called for by Chapter 2, Article 11; and

WHEREAS, Section 2-11-30 of the Code provides that membership terms of members of the Board of Adjustment shall be four (4) year staggered terms; and

WHEREAS, the Board of Adjustment currently has four (4) vacant seats; two (2) regular terms expiring April of 2024 and April of 2026 and two (2) alternate member terms expiring April of 2024 and April of 2026; and

WHEREAS, The Town accepted applications for candidates to fill the vacant seats; and

WHEREAS, candidates were interviewed on April 18, 2022 and recommendations were made to fill the vacancies.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO, AS FOLLOWS:

1. Reappointment of Kathy Wydallis to the Board of Adjustment to fill a vacancy with a term ending April, 2026.

2. Appointment of Wyatt Knutson to the Board of Adjustment to fill a vacancy with a term ending April, 2024.

3. Appointment of Lisa Chollet to the Board of Adjustment to fill the first alternate vacancy with a term ending April, 2026.

4. Appointment of Tim Whitehouse to the Board of Adjustment to fill the second alternate vacancy with a term ending April, 2024.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 26th day of April, 2022.

TOWN OF WELLINGTON

By: ______________________________
Calar Chaussee, Mayor

ATTEST:

____
Krystal Eucker, Town Clerk

From:	noreply@civicplus.com
To:	Mahalia Henschel; Krystal Eucker
Subject:	Online Form Submittal: Application for Board or Commission Vacancy
Date:	Sunday, April 17, 2022 11:16:59 AM

Application for Board or Commission Vacancy

Eligibility Requirements
- Board/Commissions that require 1-year residency

Which board or commission would you like to be appointed to?	Board of Adjustment
Name	Tim Whitehouse
Address	[redacted]
City	Wellington
State	CO
Zip Code	80549
Home Phone Number	N/A
Work Phone Number	N/A
Cell Phone Number	[redacted]
Email Address	[redacted]
Wellington Resident (Number of Years/Months)	14
Current Occupation	timber framer
Please list any relevant education, employment, or volunteer experience you have.	Owner of Arris Timber Works in Wellington. 20 years experience timber framing Familiar with all aspects of building trades. Able to read plans and specifications 4 years as Planning Commissioner. 5 years Trustee Participated in Comp Plan development, Participated in the Land Use Code update BA History Trinity College BA Industrial Design, Rhode Island School of Design
Are you currently serving on any other	Yes

board or commission?

Have you attended a meeting of the board or commission you are applying to?	No
Why do you want to become a member of this particular board or commission?	I wish to continue to serve the needs of our growing community.
What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?	The rezoning map update has the potential to increase the number of items for the BOA. This is conjecture as this process has not begun. As Wellington grows, develop/redevelopment pressures may increase in the Old Town neighborhoods.
Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.	None

Signature

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I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

Signature of Applicant	Tim Whitehouse
Date	4/17/2022

Email not displaying correctly? View it in your browser.

From:	noreply@civicplus.com
To:	Mahalia Henschel; Krystal Eucker
Subject:	Online Form Submittal: Application for Board or Commission Vacancy
Date:	Wednesday, April 13, 2022 3:56:19 PM

Application for Board or Commission Vacancy

Eligibility Requirements
- Board/Commissions that require 1-year residency

Which board or commission would you like to be appointed to?	Board of Adjustment
Name	Lisa Marie Chollet
Address	[redacted]
City	Wellington
State	CO
Zip Code	80549
Home Phone Number	[redacted]
Work Phone Number	*Field not completed.*
Cell Phone Number	*Field not completed.*
Email Address	[redacted]
Wellington Resident (Number of Years/Months)	4 years 7 months
Current Occupation	Self-employed - Project Management (construction)
Please list any relevant education, employment, or volunteer experience you have.	I have extensive knowledge of the Land Use Code (revised edition) along with 30 years in the construction management and development field. Additionally, I provide drafting and design services as a profession which will be useful when building and development questions come forth. I am the former VP of the National Association for Women in Construction (Colorado) and on the advisory board for PSD Career Paths in Architecture and Construction.
Are you currently serving on any other	No

board or commission?

Have you attended a meeting of the board or commission you are applying to?	No
Why do you want to become a member of this particular board or commission?	I believe the continuity of also sitting on the Planning Commission (which I also applied for) would be valuable as this is an area that requires current thorough knowledge of all areas covered by the Planning Commission.
What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?	1. Ensuring that items that come before the Board are handled professionally, per code, and without prejudice regardless of who may bring the issue. 2. Consistent membership as this Board only meets on an as needed basis. 3. As the Zoning Map is developed based on the Land Use Code, we may see several people come forth with issues.
Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.	I do not see a conflict unless a builder I work with were to come before this board. There is not currently any plans to have a presence in Wellington by this builder.

Signature

Upon application for and acceptance of appointment, board and/or commission members demonstrate their intention and ability to attend meetings. If appointed, frequent non-attendance may result in termination of appointment.

I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

Signature of Applicant	Lisa Chollet
Date	4/13/2022

Email not displaying correctly? View it in your browser.

Board of Trustees Meeting

Date: April 26, 2022
Submitted By: Cody Bird, Planning Director
Subject: Public Hearing: Zone Change Request from C-1 Community Commercial District to C-3 Highway Commercial District at the northwest corner of Jefferson Ave. and Sixth Street

- **Presentation: Cody Bird, Planning Director**

EXECUTIVE SUMMARY

- The owner of property generally located at the northwest corner of Jefferson Avenue and Sixth Street has requested the zoning be changed from C-1 Community Commercial District to C-3 Highway Commercial District.
- Rezoning a specific tract of land is a quasi-judicial proceeding and requires a public hearing. The procedure for conducting a public hearing is attached.
  - If any conflicts of interest exist, Board Members will need to recuse themselves from the meeting during the agenda item.
  - Quasi-judicial proceedings require disclosure of any *ex parte* communications. *Ex parte* communications are any communications or information obtained outside of the public hearing that could influence how Board members vote on the agenda item. Disclosure of any *ex parte* communications is required so all Board members have access to the same information in making their decisions.
- The action for this agenda item is to conduct a public hearing to receive information describing the request, hear from the applicant and Town staff, receive the recommendation of the Planning Commission, and hear public testimony.
- Following the close of the public hearing, the Board of Trustees has a separate item on the agenda to take action on the rezone request.

* Special Note: The Town has recently been in the process of updating the Town's Land Use Codes, including zoning. The Land Use Code changes were adopted by the Town Board of Trustees on March 22, 2022, but are not effective until 30 days after publication of the ordinance (April 25, 2022). This application for rezone was submitted, and the public hearing dates for Planning Commission and Board of Trustees were set prior to the new Land Use Codes becoming effective. A comparison of the C-1 and C-3 zone district uses in place at the time of application are included with this report for reference.

BACKGROUND / DISCUSSION

- The property proposed to be rezoned consists of two parcels – Lot 20, Parkview Manor Subdivision along with an unplatted parcel described by meets and bounds (location map attached).
- The two parcels combined total 1.29 acres. The parcels may be considered together as one development property.
- The contract purchaser desires to rezone the property to allow for more intensive highway commercial uses for future development.

- Zone change requests require public hearings by the Planning Commission and Board of Trustees:
  - Notice of the public hearings was published in the Coloradoan as prescribed by State law.
  - A sign advertising the public hearings has been continuously displayed on the property.
  - Notices were mailed to surrounding property owners as prescribed by State law.
- The Planning Commission held a public hearing on April 4, 2022 to consider the rezone request. The staff report presented to the Planning Commission is included with this report and contains factors the Planning Commission and Board of Trustees consider when evaluating a zone change request.
- Following the public hearing, the Planning Commission voted unanimously to forward a recommendation to the Board of Trustees to retain the existing zoning classification, C-1 Community Commercial District.
- The findings of fact used by the Planning Commission as a basis for its recommendation are included with this report.

STAFF RECOMMENDATION

Conduct a public hearing to consider the request for a change of zoning district classification from C-1 Community Commercial District to C-3 Highway Commercial District at the northwest corner of Jefferson Avenue and Sixth Street.

ATTACHMENTS

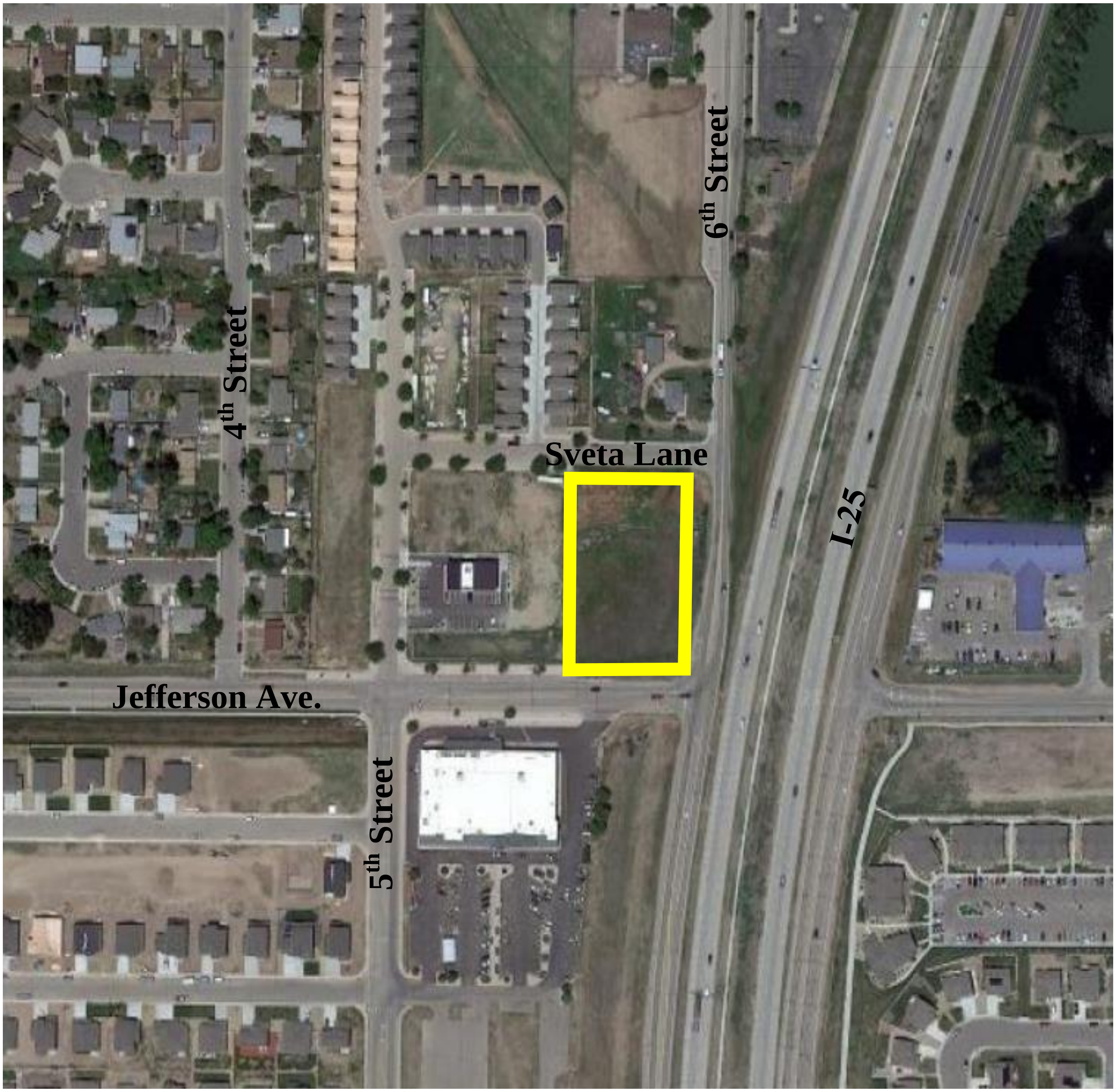
1. Public Hearing Procedures
2. Location Map
3. Zoning Map
4. C1 District and C3 District Uses
5. Applicant Narrative
6. Planning Commission Findings of Fact - 4/4/2022
7. Staff Report to Planning Commission - 4/4/2022

Public Hearing Procedures

1. Conflicts of Interest (if any)
2. Disclose *Ex Parte* Communications (if any)
3. Town Staff introduction/presentation
4. Applicant presentation
5. Board may ask general questions (i.e. to help understand the request or the regulations)
6. Public Hearing
    a. Open Public Hearing
    b. Public Testimony
    c. Close Public Hearing
7. Applicant closing comments
8. Staff closing comments
9. Board Deliberates
10. Action by the Board

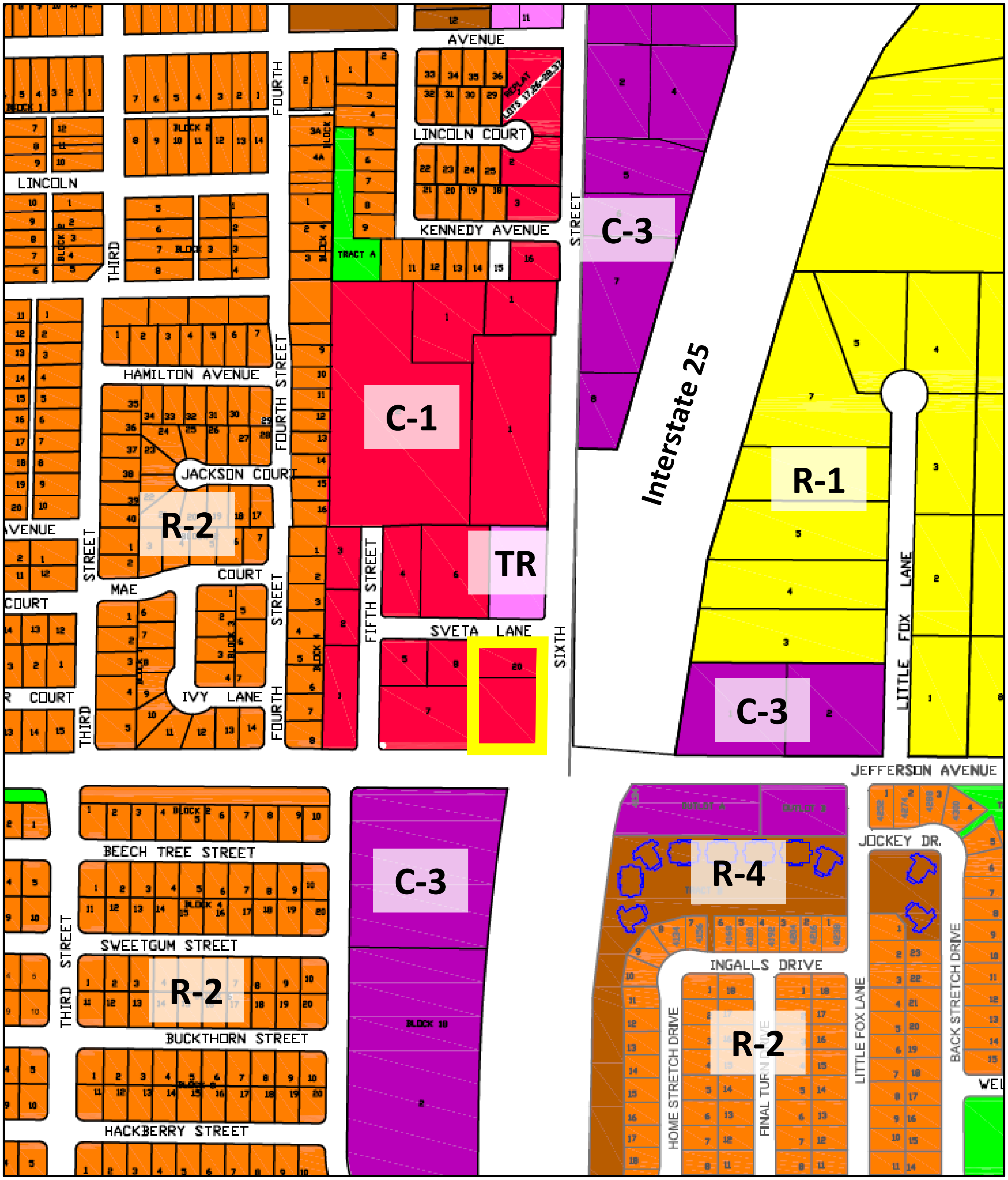
LOCATION MAP

REZONE REQUEST:
C-1 Community Commercial to C-3 Highway Commercial



Zoning Map

Lot 20, Parkview Manor



Sec. 16-5-90. C-1 - Community Commercial District.

(a) *Intent.* The Community Commercial District is intended to preserve the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community.

(b) *Principal uses.* Permitted principal uses in the C-1 District shall be as follows:

(1) Accessory/miscellaneous uses:

a. Accessory buildings.

b. Accessory uses

(2) Residential uses:

a. Residential lofts above ground-level retail or office space.

b. Group homes.

(3) Institutional/civic/public uses:

a. Churches or places of worship and assembly.

b. Parks and open space.

c. Public facilities, no business offices or repair and storage facilities.

(4) Commercial/retail uses:

a. Artisan and photography studios and galleries.

b. Bed and breakfasts.

c. Boarding and rooming houses.

d. Child care centers.

e. Convenience shopping and retail establishments without fuel sales.

f. Health and membership clubs.

g. Limited indoor recreation facilities.

h. Medical and dental offices and clinics.

i. Mixed-use dwelling units.

j. Open-air farmers' markets.

k. Personal and business service shops.

l. Professional offices, financial services and clinics.

m. Restaurants, standard and fast food without drive-through facilities.

n. Small grocery stores.

o. Tourist facilities.

(c) *Conditional uses.* Permitted conditional uses in the C-1 District shall be as follows:

(1) Residential uses.

a. Single-family residential and accessory dwellings when associated with a principal use.

b. Multi-family dwellings.

(2) Institutional/civic/public uses.

a. Community facilities.

b. Public and private schools, including colleges, universities, vocational and technical training.

c. Public facilities with business offices and repair and storage facilities.

d. Parks or open space.

(3) Commercial/retail uses:

a. Bars and taverns.

b. Entertainment facilities and theaters.

c. Gasoline stations.

d. Limited outdoor recreation facilities.

e. Hotel/motel/lodging establishments.

f. Long-term care facilities.

g. Motor vehicle service and repair facilities.

h. Parking lots and parking garages as a principal use.

i. Restaurants, standard and fast food with drive-through facilities.

(4) Industrial uses:

a. Light industrial (production, assembly packaging).

b. Workshops and custom small industry uses. (Ord. 11-2007 §1)

(Ord. No. 5-2008 , § 1, 3-11-08; Ord. No. 17-2008 , § 1, 11-11-08; Ord. No. 9-2013 , § 1, 7-3-13; Ord. No. 11-2013 , § 1, 7-23-13; Ord. No. 6-2016 , § 1, 5-10-16)

Sec. 16-5-110. C-3 - Highway Commercial District.

(a) *Intent.*

(1) The Highway Commercial Use District is intended to be a setting for development of a wide range of community and regional retail uses, offices and personal and business services, and it is intended to accommodate a wide range of other uses, including multi-family housing and mixed-use dwelling units. The C-3 District should integrate various commercial and multi-family uses while transitioning from the highway to adjacent lower density neighborhoods.

(2) While some Highway Commercial District areas may continue to meet the need for auto-related and other auto-oriented uses, it is the Town's intent that the C-3 District emphasize safe and convenient personal mobility in many forms, with planning and design that accommodate pedestrians. Further, the C-3 District is intended to function with, rather than compete with, the Downtown District.

(3) The highway corridor is a visible commercial area of the community. Attention to the architectural standards outlined in Section 16-3-460 is required for approval.

(b) *Permitted uses.* Permitted principal uses in the C-3 District are as follows:

(1) Accessory/miscellaneous uses:

a. Accessory buildings.

b. Accessory uses.

(2) Residential uses:

a. Group homes.

(3) Institutional/civic/public uses:

a. Churches or places of worship and assembly.

b. Parks and open space.

c. Public facilities, without business offices or repair and storage facilities.

d. Transit facilities without repair or storage.

(4) Commercial/retail uses.

a. Bed and breakfasts.

b. Boarding and rooming houses.

c. Car washes.

d. Child care centers.

e. Convenience retail stores with or without fuel sales.

f. Equipment rental establishments (without outdoor storage).

g. Food catering.

h. Funeral homes.

i. Gasoline stations.

j. Health and membership clubs.

k. Limited indoor recreation facilities.

l. Hotel/motel/lodging establishments.

m. Long-term care facilities.

n. Mixed-use dwelling units.

o. Motor vehicle service and repair (minor repairs).

p. Open-air farmers' markets.

q. Personal and business service shops.

r. Plant nurseries and greenhouses.

s. Print shops.

t. Professional offices, financial services and clinics.

u. Restaurants, with or without drive-through facilities.

v. Large retail establishments.

w. Small grocery stores.

x. Supermarkets.

y. Tourist facilities.

z. Veterinary facilities, small animal clinics.

(5) Industrial uses.

a. Workshop and custom small industry uses.

(c) *Conditional uses.* Permitted conditional uses in the C-2 District include the following:

(1) Residential uses.

a. Single-family residential and accessory dwellings when associated with a principal use.

b. Multi-family dwellings.

(2) Institutional/civic/public uses:

a. Community facilities.

b. Golf courses.

c. Public and private schools, including colleges, universities, vocational and technical training.

d. Public facilities with business offices and repair and storage facilities.

(3) Commercial/retail uses:

a. Artisan and photography studios and galleries.

b. Auto, RV, boat and truck sales.

c. Auto, RV, boat and truck storage.

d. Bars and taverns.

e. Clubs and lodges.

f. Entertainment facilities and theaters.

g. Equipment, truck and trailer rental establishments.

h. Hospitals.

i. Limited outdoor recreation facilities.

j. Motor vehicle service and repair (major repairs).

k. Nightclubs.

l. Parking lots and parking garages.

m. Retail and supply yard establishments with outdoor storage.

n. Veterinary hospitals.

o. Small animal boarding (kennels and catteries).

(4) Industrial uses.

a. Enclosed mini-storage facilities.

b. Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).

c. Light industrial uses.

d. Research, experimental or testing laboratories. (Ord. 11-2007 §1)

(Ord. No. 17-2008 , § 1, 11-11-08; Ord. No. 6-2016 , § 1, 5-10-16)

Northwest Corner 6th Street and Jefferson Avenue Rezoning

ALPINE
PLANNING

February 8, 2022

Background

Sixth Street Well LLC ("**Developer**") is under contract to purchase the following property:

PARCEL I:

LOT 20, PARK VIEW MANOR PUD, TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO

PARCEL II:

A PORTION OF TRACT 62, WELLINGTON PLACE, A SUBDIVISION OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 68 WEST OF THE 6TH P.M., LARIMER COUNTY, COLORADO, WHICH BEGINS AT A POINT 12 FEET NORTH OF THE SOUTHEAST CORNER OF SAID TRACT 62, THENCE NORTH ALONG THE EAST SIDE OF SAID TRACT 62, 208 FEET 8 INCHES, THENCE WEST 208 FEET 8 INCHES, THENCE SOUTH 208 FEET 8 INCHES TO A POINT 12 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 62, THENCE EAST 208 FEET 8 INCHES TO THE POINT OF BEGINNING. EXCEPT THAT PORTION CONVEYED BY DEED RECORDED AUGUST 30, 2007 AT RECEPTION NO. 20070067000

collectively referred to as the "**Property**".

The Property vicinity map is shown in Figure 1 and the current Town Official Zoning Map is shown in Figure 2. The Developer intends to rezone the Property from the C1 Community Commercial Zone District to the C3 Highway Commercial District to allow for more intensive highway commercial uses.

The size of the Property is 1.29 acres with its main frontage onto 6th Street and I-25 to the east. The Property has approximately 300 lineal feet of frontage onto the 6th Street Right-of-Way on its eastern side. Jefferson Avenue is located on the Property's south side with approximately 178 lineal feet of frontage. The Property is vacant with very flat topography.

Rezoning Approval Criteria

The proposed rezoning meets the Town recommended Findings of Facts for a zoning amendment as provided for in the following sections:

1. CHARACTER OF THE NEIGHBORHOOD: (Factual description of the application area and surrounding property as to general nature, conditions, age of structures, etc.).

The area surrounding the property has a highway frontage road and commercial corner character. 6th Street and Jefferson Avenue are primary arterial roads that intersect with I-25 to create a very active commercial area character.

I-25 and 6th Street are located to the east. Jefferson Avenue and the newer Ridley's Market shopping center are located to the south of the Property. A newer mixed-use office building with an apartment are located to the west of the Property with an intervening parcel of vacant

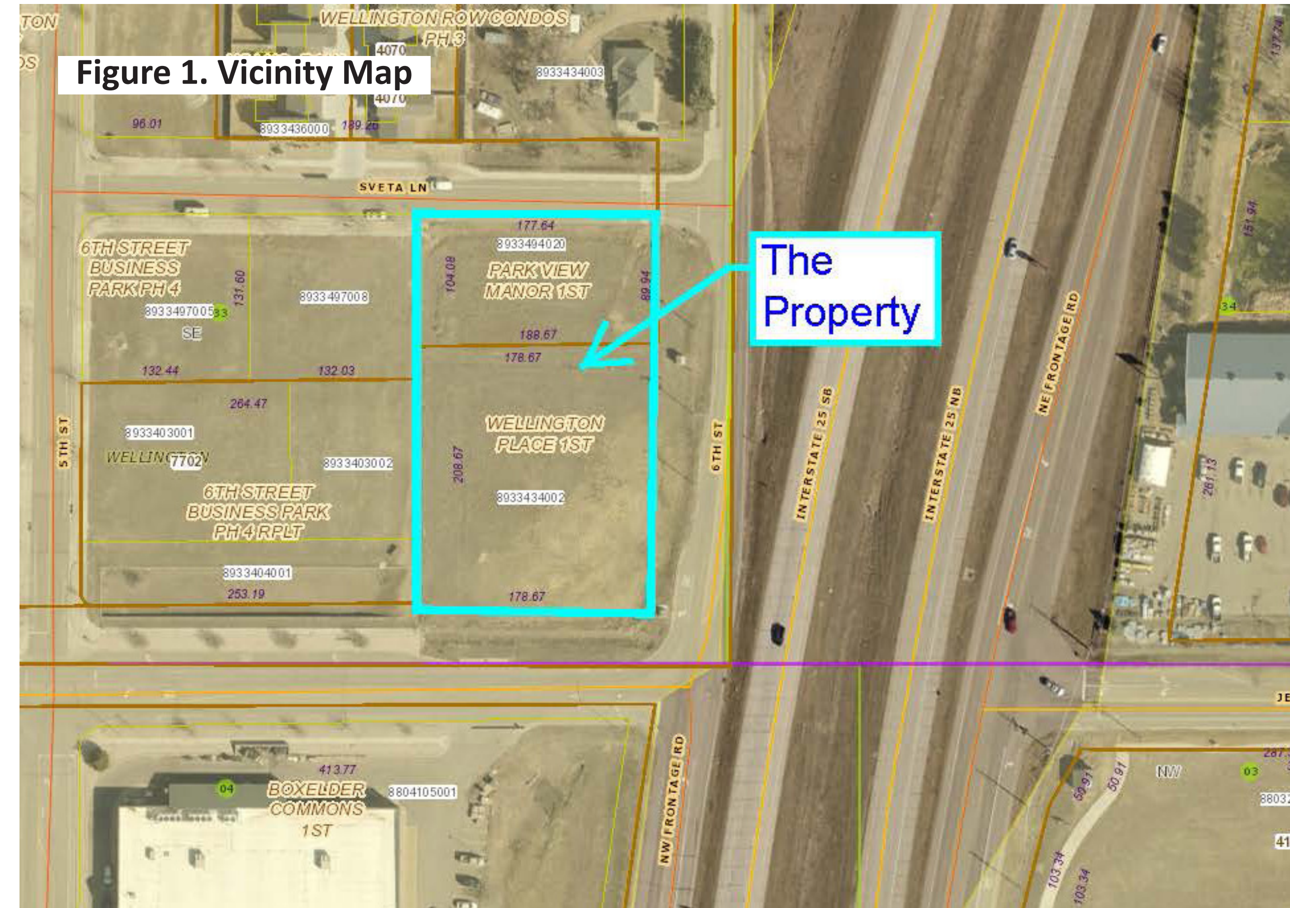


Figure 1. Vicinity Map

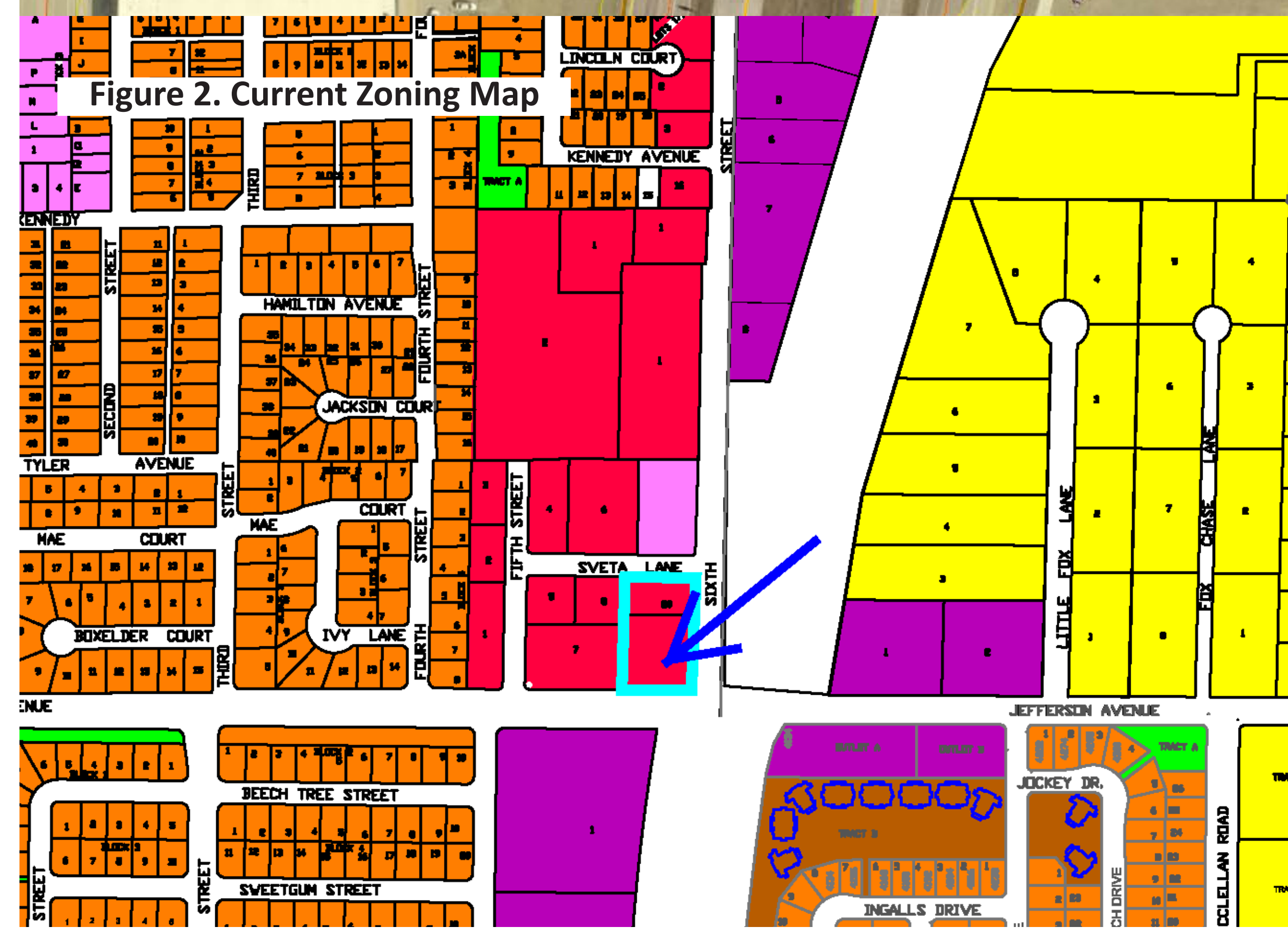


Figure 2. Current Zoning Map

land. Sveta Lane and what appears to be a remnant agricultural single-family home are located to the north of the Property. The newer Wellington Row Condos are located to the northwest of the Property across Sveta Lane.

2. ZONING AND USES OF PROPERTIES NEARBY: (Factual description of surrounding property as to existing zoning and land uses).

Table 1 shows the zoning and uses of surrounding properties.

Table 1. Zoning and Land Use of Surrounding Properties

Property Location	Address	Zoning	Land Use
South of the Property	7670 5th Street	C-2	Market and Shopping Center.
South of the Property	Jefferson Avenue	N/A	Arterial Road
West of the Property	**7702 5th Street**	C-1	Mixed-Use Office Building
East of the Property	4104 Jefferson Ave.	C-2	Bomgaars Supply
East of the Property	6th Street and I-25	N/A	Arterial Frontage Road & Interstate
North of the Property	7735 6th Street	TR	Remnant Agricultural Residential Use
North of the Property	4070 Sveta Lane	C-1	Multi-family Condos

3. SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: (How is the property currently zoned and what uses are allowed on the property? Are there uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones that might be appropriate for this property?)

The Property is currently in the C-1 Zone District that allows for intensive commercial uses. We are proposing the C-3 Zone District Because the Property is located along I-25 and the 6th Street frontage road. Other properties fronting onto 6th Street and I-25 are located in the C-3 Zone District as shown in Figure 2. The current uses allowed in C-1 and the C-3 zone districts are shown in Table 2.

The C-1 Community Commercial District "...is intended to preserve the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community." The intent of the C-3 Zone District "... is intended to be a setting for development of a wide range of community and regional retail uses, offices and personal and business services, and it is intended to accommodate a wide range of other uses, including multi-family housing and mixed-use dwelling units. The C-3 District should integrate various commercial and multi-family uses while transitioning from the highway to adjacent lower density neighborhoods" The Property is clearly suitable for the C-3 Zone District since it abuts the frontage road and I-25, and is located on the corner of two major arterial roads. The C-3 Zone District allows for more intensive commercial uses by right as should be the case for a property abutting I-25 that is located at the intersections of two major roads.

Table 2. C-1 and C-3 Zone Districts Permitted Uses

C-1 Zone District Land Uses	C-3 Zone District Land Uses
(b) Principal uses. Permitted principal uses in the C-1 District shall be as follows:	(b) Permitted uses. Permitted principal uses in the C-3 District are as follows:
(1) Accessory/miscellaneous uses: a. Accessory buildings. b. Accessory uses.	(1) Accessory/miscellaneous uses: a. Accessory buildings. b. Accessory uses.
(2) Residential uses: a. Residential lofts above ground-level retail or office space. b. Group homes.	(2) Residential uses: a. Group homes.
(3) Institutional/civic/public uses: a. Churches or places of worship and assembly. b. Parks and open space. c. Public facilities, without business offices or repair and storage facilities.	(3) Institutional/civic/public uses: a. Churches or places of worship and assembly. b. Parks and open space. c. Public facilities, without business offices or repair and storage facilities d. Transit facilities without repair or storage.
(4)Commercial/retail uses: a. Artisan and photography studios and galleries.Bed and breakfasts. b. Boarding and rooming houses. c. Child care centers. d. Convenience shopping and retail establishments without fuel sales. e. Health and membership clubs. f. Limited indoor recreation facilities. g. Medical and dental offices and clinics. h. Mixed-use dwelling units. i. Open-air farmers' markets. j. Personal and business service shops. k. Professional offices, financial services and clinics. l. Restaurants, standard and fast food without drive-through facilities. m. Small grocery stores. n. Tourist facilities.	4) Commercial/retail uses. a. Bed and breakfasts. b. Boarding and rooming houses. c. Car washes. d. Child care centers. e. Convenience retail stores with or without fuel sales. f. Equipment rental establishments (without outdoor storage). g. Food catering. h. Funeral homes. i. Gasoline stations. j. Health and membership clubs. k. Limited indoor recreation facilities. l. Hotel/motel/lodging establishments..Long-term care facilities. m. Mixed-use dwelling units. n. Motor vehicle service and repair (minor repairs). o. Open-air farmers' markets. p. Personal and business service shops. q. Plant nurseries and greenhouses. r. Print shops. s. Professional offices, financial services and clinics. t. Restaurants, with or without drive-through facilities. u. Large retail establishments. v. Small grocery stores. w. Supermarkets. x. Tourist facilities. y. Veterinary facilities, small animal clinics.
	(5) Industrial uses. a. Workshop and custom small industry uses.
Please refer to the Municipal Code for Conditional Uses.	Please refer to the Municipal Code for Conditional Uses.

4. EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: (Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address [for example: allowed uses, minimum lot size, height, setbacks, traffic generation, landscaping and screening, use limitations, etc.])

The Property is zoned for intensive commercial land uses under the C-1 District. The change to the C-3 District will not increase the level of intensity or trip generation beyond what is allowed under the C-1 Zone District today.

5. LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: (Factual information, but its importance may be somewhat subjective. A property may be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a glut of available property of the same zoning district, financing problems, land speculation, fragmented ownership, lack of available public services, or other development problems.)

The Property has been vacant for quite some time; however, surrounding land is quickly being developed. The C-3 Zone District allows for highway businesses that are best suited for the Property.

6. GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE POSSIBLE DIMINUATION IN VALUE OF THE APPLICANT'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED ON THE APPLICANT IF THE REQUEST IS DENIED: (The protection of public health, safety, and welfare is the primary basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the Town's responsibility to its citizens should be weighed.)

The public health, safety and welfare are not impacted since intensive commercial uses are allowed on the Property under the C-1 or C-3 Zone Districts.

7. IMPACT OF THE PROPOSED DEVELOPMENT ON COMMUNITY FACILITIES: (Are water and sewer available for extension? How are roads impacted? Can other community facilities [for example: police, fire, parks, libraries, and schools] handle the increased development? Should be based on factual information referencing standards used to make the determination.)

The proposed zoning amendment will not have any adverse impacts on community facilities. The C-3 District land uses will not use more water or sewer, fire or police services than the land uses allowed under the C-1 District. The site has access by two arterial roads with 6th Street or Jefferson Avenue providing driveway access. Commercial land uses provide positive tax benefits to the community without generating additional impacts like new residential developments.

8. OPPOSITION OR SUPPORT OF NEIGHBORHOOD RESIDENTS: (Neighborhood support or opposition is just one of the factors to be considered in a decision to approve or deny a zoning request. Other applicable factors should also be considered.)

We look forward to working with area residents during the zoning amendment process.

9. CONFORMANCE OF THE REQUESTED CHANGE TO THE TOWN'S MASTER OR COMPREHENSIVE PLAN: (Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?)

The Comprehensive Plan's Future Land Use Map designates the Property as a Downtown Neighborhood with the following advisory policies:

> **"Potential Uses.** Primarily detached and attached single-family homes, backyard cottages, cottage
> courts, duplexes to fourplexes, and townhouses, no taller than 3 stories.
> Secondary uses may include small-format office and home-based business; neighborhood restaurant; live-work units; civic and community uses; places of worship; and neighborhood and
> community parks.
>
> **Suggested Net Density Range**: 4-12 DU/Acre
>
> **Suggested Intensity Range**: 0.1 – 1.0 FAR"

The Comprehensive Plan Future Land Use Map is clearly recommending a down zoning from the current permitted C-1 District land uses. We do not believe that is appropriate on this corner lot that is located adjacent to two arterial roads and I-25 that should clearly be allowed to have commercial uses like properties to the south, west and east.

10. RECOMMENDATION OF PROFESSIONAL PLANNING STAFF: (Should be based on the preceding factors, adopted plans and policies, other technical reports [such as Capital Improvement Plan, facility master plans, etc.] which speak to the topic and staff's best professional judgement.)

We look forward to working with Town staff on the zoning amendment.

Planning Commission Recommendation

Public Hearing:	Rezone
Date:	April 4, 2022
Time:	6:30pm
Place:	Wilson Leeper Center 3800 Wilson Avenue, Wellington, CO, 80549
Applicant:	Aubrey Bigelow and Evan Larimer (owners) Sixth Street Well, LLC (contract purchaser)
Current Zoning:	C-1 Community Commercial District
Proposed Zoning:	C-3 Highway Commercial District
Property Location:	West of Sixth Street, between Sveta Lane and Jefferson Avenue, Wellington, CO, 80549
Legal Description:	Available Upon Request

Planning Commission Recommendation:

- Forward a recommendation to the Board of Trustees to retain the C-1 Community Commercial District zoning for the described property based on the findings of fact.

Planning Commission's Findings of Fact:

- Safety and access at the intersections would be negatively impacted if the higher intensity C-3 Highway Commercial District zoning is allowed;
- Uses allowed in C-3 Highway Commercial District zoning such as fast-food drive thrus and gasoline stations are not appropriate for the location;
- Increased impact of higher volume traffic counts on local streets;
- Development of the property would be beneficial to address identified utility, street and drainage infrastructure needs on or adjacent to the property;
- Surrounding area has existing residential uses that need to be protected, including recently approved attached single-family townhomes and second floor residential lofts within the C-1 Community Commercial District;
- Buffering, setbacks, screening and other typical zoning requirements would be ineffective in mitigating impacts of increased traffic adjacent to residential properties in the area; and
- Consistency of zoning districts along Sixth Street north of Jefferson Avenue and consistency of development approvals within existing zoning districts along Sixth Street.

TOWN OF
WELLINGTON

Planning Commission Meeting

Date: **April 4, 2022**
Submitted By: **Cody Bird, Planning Director**
Subject: **Public Hearing: Zone Change Request from C-1 Community Commercial to C-3 Highway Commercial at the northwest corner of Jefferson Ave. and Sixth Street**

EXECUTIVE SUMMARY

General Location:

- Northwest corner of Jefferson Ave. and Sixth St.

Applicant/Agent:

- Applicant: Aubrey Bigelow and Evan Larimer
- Contract Purchaser: Sixth Street Well, LLC – John Dyet
- Agent: Alpine Planning, LLC – Chris Hawkins

Reason for request: Allow for more intensive highway commercial uses

Background Information:

- The applicant has requested to change the zoning district classification of the property from C-1 Community Commercial District to C-3 Highway Commercial District.
- The property proposed to be rezoned consists of two parcels – Lot 20, Parkview Manor Subdivision along with an unplatted parcel described by meets and bounds (location map attached).
- The two parcels combined total 1.29 acres. The parcels may be considered together as one development property.
- The contract purchaser desires to rezone the property to allow for more intensive highway commercial uses for future development.
- Zone change requests require public hearings by the Planning Commission and Board of Trustees:
  - Notice of the public hearings was published in the Coloradoan as prescribed by State law.
  - A sign advertising the public hearings has been continuously displayed on the property.
  - Notices were mailed to surrounding property owners as prescribed by State law.
- At the time of this writing, Town staff has not received any written or verbal comments concerning this rezone request.

* Special Note: The Town has recently been in the process of updating the Town's Land Use Codes, including zoning. The Land Use Code changes were adopted by the Town Board of Trustees on March 22, 2022, but are not effective until 30 days after publication of the ordinance (end of April, 2022). This application for rezone was submitted, and the public hearing dates for Planning Commission and Board of Trustees is prior to the new Land Use Codes becoming effective.

BACKGROUND / DISCUSSION

The below findings of fact are intended to provide a guideline for matters which may be considered when approving or disapproving a rezoning request. The Planning Commission may find that not all factors will be relevant to this zone change request. Matters that are determined by the Planning Commission to be important will be the basis for the Planning Commission's recommendation to the Board of Trustees. In order to properly make a recommendation to the Town Board of Trustees, the Planning Commission should make specific and substantiated findings supporting its recommendation.

FINDINGS OF FACT:

The following are the rezoning factors the Planning Commission should consider, a brief explanation of each factor, and staff's opinion of findings for each factor.

1. CHARACTER OF THE NEIGHBORHOOD:*(Factual description of the application area and surrounding property as to general nature, conditions, age of structures, etc.).*

- The subject property is a 1.29 acre property located west of Sixth Street and north of Jefferson Ave.
- The property consists of two separate parcels that are being considered as one development property.
- The site is adjacent to Jefferson Ave. and Sixth Street, major collector roadways. Vehicular access to the site is limited to Sveta Lane, a local street.
- The site is located near and has visibility from Interstate 25.
- The property is located within a subdivision that has a street layout (Sveta Lane and Fifth Street) and lot size and configuration that was designed for small offices, neighborhood businesses and mixed-use commercial/residential.
- Remaining undeveloped parcels within the subdivision are small lots ranging from 0.34 acres to 0.63 acres in size.
- Properties surrounding the subject property are mostly developed for residential uses and a commercial center to the south.
- North along Sixth Street is an area of more automobile-oriented businesses that are frequented by travelers on Interstate 25.
- Single-family attached townhomes have been approved and constructed immediately north of the property. Townhomes were built in 2016, 2017 and 2020. The Townhomes are in good condition.
- Additional townhome units are under construction further north on Fifth Street and have access via Sveta Lane and Fifth Street through this subdivision.
- There is a farmhouse north of the property built in 1916 and is in fair condition.
- West of the property is a mixed-use building with a commercial pharmacy and chiropractic office with residential lofts above. The building was built in 2019 and is in good condition.
- West of the subdivision is an established residential neighborhood. Homes in this subdivision were built in the early 1970s and are in good condition.
- South of the property is a newer residential subdivision that is currently under construction and nearing build-out.
- South and east of Fifth Street is a commercial center that includes a neighborhood grocery store, a general merchandise store, and a number of smaller retail, service and dining establishments.

TOWN OF WELLINGTON

2. ZONING AND USES OF PROPERTIES NEARBY:*(Factual description of surrounding property as to existing zoning and land uses).*

- Existing zoning and land uses adjacent to the proposed rezoning area are as follows:

Surrounding Zoning and Land Uses

Direction	**Zoning**	**Land Use**
North	C1 – Community Commercial District	Townhomes
	TR – Transitional District	Farmhouse
		Open space and floodplain
East	N/A	Interstate 25
South	R2 – Single-Family Residential, medium density	Single-family subdivision
	C3 – Highway Commercial District	Grocery and general merchandise
		Retail, Service and Dining
West	C1 – Community Commercial District	Mixed-use Medical/Pharmacy
	R2 – Single-Family Residential, medium density	2nd Floor Residential lofts
		Vacant C1 parcels
		Single-family subdivision

3. SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED:*(How is the property currently zoned and what uses are allowed on the property? Are there uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones that might be appropriate for this property?)*

- The property is presently zoned C1 – Community Commercial District.
- Uses allowed within the C1 District include personal and business offices, professional offices, small grocery stores, medical uses, health and membership clubs, childcare centers, photo or art studios, convenience stores (without fuel sales), bed and breakfasts, mixed-uses including residential lofts on the second floor. Restaurants are allowed, but fast food drive-thrus are not permitted. Religious land uses are also allowed.
- Allowed uses within the C1 District are intended to meet the needs of local residents, preserve the character of the original town, and to strengthen and expand the core community.
- Surrounding properties are primarily residential uses and a small commercial center with grocery shopping, general merchandise, small retail or service business establishments, and some limited dining.
- Properties north of the area along Sixth Street include more quick-serve restaurants, drive-thrus, fuel sales, lodging and other uses that support vehicle traffic traveling on Interstate 25.
- The requested C3 - Highway Commercial District designation would allow additional uses intended to support highway traffic and visitors to the community that are currently restricted on the property.

TOWN OF WELLINGTON

4. EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: *(Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address)*

- The requested C3 - Highway Commercial zoning allows a wide range of business uses that are intended to attract and/or be conveniently accessed by vehicles from the interstate and highways.
- Although the property is adjacent to Sixth Street, proximity to intersections with Jefferson Ave. and Sveta Lane limit the site access for traffic safety and turn lane configurations. Sveta Lane and Fifth Street are not designed to be local roadways and are not intended to handle a large volume of commercial vehicles.
- Some uses allowed within the C3 District may not be compatible with existing residential uses. Fuel sales, restaurants with drive-thrus, car washes, large retail establishments, supermarkets and hotels/motels would attract a higher volume of vehicular traffic.
- Consideration at the time of development of the mixed-use building west of the subject property included restrictions on the drive-thru that excluded drive-thru liquor stores. The limitation was placed in consideration of the increase in traffic volume on local streets and the impacts to adjacent residential properties and second floor residential lofts.
- Lot sizes within the subdivision surrounding the property are relatively small and may not be able to support many of the larger uses allowed in the C3 District, including required parking and circulation aisles.
- A limited number of uses within the C3 District may be appropriate for the property with careful consideration given to site design, vehicle access landscape screening and buffering to mitigate potentially adverse impacts from noise, appearance, lighting and traffic.

5. LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: *(Factual information, but its importance may be somewhat subjective. A property may be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a glut of available property of the same zoning district, financing problems, land speculation, fragmented ownership, lack of available public services, or other development problems.)*

- The property has been zoned C1 Community Commercial District since 2007 when the Town first adopted a local zoning code.
- A portion of the property (south parcel) has not been platted. The Sixth Street Subdivision to the west was platted in 2007, but did not include the subject property.
- Portions of the property are impacted by floodplain and will need to be resolved for the property to develop. Mitigating floodplain and addressing needed drainage can be a deterrent to development.
- Improvements to stormwater drainage and Sixth Street are anticipated in order to develop this site. Since developers are responsible for financing improvements necessitated by their site, the costs of public improvements may be an additional factor in the length of time the property has remained vacant.
- Adjacent properties zoned C1 District have recently developed, indicating market viability for the C1 District uses restricted to the property.

TOWN OF
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6. GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE POSSIBLE DIMINUATION IN VALUE OF THE APPLICANT'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED ON THE APPLICANT IF THE REQUEST IS DENIED: *(The protection of public health, safety, and welfare is the primary basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the Town's responsibility to its citizens should be weighed.)*

- Rezoning of the property from C1 Community Commercial District to C3 Highway Commercial District may have a detrimental impact to residential properties on Sveta Lane and Fifth Street north of Jefferson Ave. The increased vehicular traffic expected with development of uses allowed in the C3 District would not be compatible with the design or intent of the local streets in the neighborhood.
- The C3 zoning, if approved, would allow a wider range of permissible uses on the property. Automobile-oriented uses allowed in the C3 Highway Commercial District could diminish the value of the adjacent residential properties for residential purposes.
- Maintaining the existing C1 Community Commercial District allows a number of commercial, mixed-use and residential uses that would be appropriate for development of the property. Recent (2019) development west of the site has been a successful mixed-use development within the existing C1 District.
- Changing the zoning to allow a wider range of commercial uses could increase opportunities for expanding the town's commercial tax base which can in turn support overall town fiscal health.

7. IMPACT OF THE PROPOSED DEVELOPMENT ON COMMUNITY FACILITIES: *(Are water and sewer available for extension? How are roads impacted? Can other community facilities handle the increased development? Should be based on factual information referencing standards used to make the determination.)*

- Municipal water and sewer infrastructure are currently available near the site, and are capable of being extended to accommodate uses permitted within the C3 District.
- Sixth Street improvements, stormwater conveyance and pedestrian sidewalk connections have been identified as needed at this intersection. Impacts of increased commercial development will need to address these concerns as part of a site plan review and development approval process.
- Local streets of Sveta Lane and Fifth Street north of Jefferson Ave. are designed to a local street standard and are not designed for large volumes of vehicular traffic.
- Police and fire protection are already provided to serve the site. Rezoning to C3 is not anticipated to create any additional burden that cannot be accommodated with existing resources.
- Parks and library services are not expected to experience a significant increase in use as a result of the rezoning.
- Development of commercial uses permitted within the C3 District would not be expected to result in an increase in school enrollment.

8. OPPOSITION OR SUPPORT OF NEIGHBORHOOD RESIDENTS: *(Neighborhood support or opposition is just one of the factors to be considered in a decision to approve or deny a zoning request. Other applicable factors should also be considered.)*

TOWN OF WELLINGTON

- At the time of this writing, town staff has not received any written or verbal comments related to this rezone request.
- Any communications received by town staff prior to the public hearing will be reported during the hearing.
- The Planning Commission will also need to consider any testimony presented during the public hearing.

9. CONFORMANCE OF THE REQUESTED CHANGE TO THE TOWN'S COMPREHENSIVE PLAN: *(Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?)*

- The future land use component of the Comprehensive Plan identifies the area around the subject property as Downtown Neighborhoods. At the time the Comprehensive Plan was adopted (August 2021), the intent of the Downtown Neighborhoods was to allow limited business uses which would have been suitable to be intermixed with residential properties. Through the course of updating the Land Use Code, it was determined that business uses should be further restricted within the Downtown Neighborhoods District.
- Due to the changes in Land Use Code update process, the future land use designation identified for the subject property may not be appropriate. The Commercial or Mixed Use categories as identified in the Comprehensive Plan may be found to be more suitable for the subject property.

10. RECOMMENDATION OF PROFESSIONAL PLANNING STAFF:*(Should be based on the preceding factors, adopted plans and policies, other technical reports which speak to the topic and staff's best professional judgement.)*

- Town staff suggests that the C-1 Community Commercial District is an appropriate zoning designation for the property based upon the preceding factors, and in particular:
  - Finding 1: The existing neighborhoods are primarily residential with a limited amount of commercial businesses that support local residents. The subdivision consists of small lots and local streets designed for smaller businesses and mixed-uses that would not support many of the uses allowed within the C3 District. Although the property is located at the corner of two arterial/collector roadways, Jefferson Ave. is primarily developed with residential on both sides. Sixth Street is primarily developed for automobile-oriented traffic that supports traveling motorist on Interstate 25. The smaller local businesses, mixed-use commercial and attached townhomes serves as a good transition between the existing residential neighborhoods and the higher intensity commercial uses along Sixth Street.
  - Finding 4: Removing the restrictions of the C1 District and allowing commercial development for uses permitted within the C3 zone district would have negative impacts on the adjacent residential and mixed-use developments that would diminish the value of adjacent properties for the uses to which they are restricted. Zoning tools such as building height, setbacks, or screening and buffering would not be effective for mitigating impacts of increases of vehicular traffic on local streets.
  - Finding 5: The C1 District zoning assigned to the property is not the sole reason the property has not been developed. Recent development of adjacent properties zoned C1 Community Commercial is evidence that there is market viability for uses permitted within the existing C1 District the property is presently zoned.

TOWN OF WELLINGTON

STAFF RECOMMENDATION

- Move to forward a recommendation to the Board of Trustees to approve the change of zoning district classification of the described property from C1 Community Commercial District to C3 Highway Commercial District based on the findings of fact.

– Or –

- Move to forward a recommendation to the Board of Trustees to retain the C1 Community Commercial District for the described property based on the findings of fact.

– Or –

- Move to continue the public hearing for the request to change the zoning district classification of the described property from C1 Community Commercial District to C3 Highway Commercial District to the next regular meeting of the Planning Commission to be held May 2, 2022 at 6:30pm at the Wilson Leeper Center, 3800 Wilson Ave., Wellington, Colorado.

ATTACHMENTS

1. Location Map
2. Zoning Map
3. Applicant Narrative

TOWN OF WELLINGTON

Board of Trustees Meeting

Date: April 26, 2022
Submitted By: Cody Bird, Planning Director
Subject: Ordinance No. 09-2022: An Ordinance Concerning a Zone Change Request from C-1 Community Commercial to C-3 Highway Commercial at the northwest corner of Jefferson Avenue and Sixth Street

- **Presentation: Cody Bird, Planning Director**

EXECUTIVE SUMMARY

This agenda item is for the official action of the Board of Trustees on a zone change request from C-1 Community Commercial District to C-3 Highway Commercial District for property at the northwest corner of Jefferson Avenue and Sixth Street. Please refer to background materials and attachments included with the public hearing agenda item.

BACKGROUND / DISCUSSION

- The Planning Commission, following a public hearing, forwarded a recommendation to the Board of Trustees to retain the existing C-1 Community Commercial District zoning that the property is currently zoned. The Planning Commission's recommendation and findings of fact are attached.
- The Board of Trustees may take one of the following actions when the Planning Commission submits a recommendation for approval or disapproval of a rezone request:
    - Adopt the recommendation of the Planning Commission (disapprove and retain the existing C-1 Community Commercial District zoning);
    - Override the recommendation of the Planning Commission (approve the requested C-3 Highway Commercial District zoning).
- The Board of Trustees should also make specific and substantiated findings of fact to support its decision to either approve or disapprove the rezone request. Findings of fact are factors or matters that are considered by the Board in evaluating the rezone request, and factors determined by the Board to be important will be the basis for the Board's approval or disapproval.
- The following are rezoning factors and a brief explanation of each factor evaluated by Town staff and the Planning Commission:
    1. **CHARACTER OF THE NEIGHBORHOOD:** *(Factual description of the application area and surrounding property as to general nature, conditions, age of structures, etc.).*
    2. **ZONING AND USES OF PROPERTIES NEARBY:** *(Factual description of surrounding property as to existing zoning and land uses).*
    3. **SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED:** *(How is the property currently zoned and what uses are allowed on the property? Are there uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones that might be appropriate for this property?)*
    4. **EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** *(Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address)*

TOWN OF WELLINGTON

5. **LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED:** *(Factual information, but its importance may be somewhat subjective. A property may be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a glut of available property of the same zoning district, financing problems, land speculation, fragmented ownership, lack of available public services, or other development problems.)*
6. **GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE POSSIBLE DIMINUATION IN VALUE OF THE APPLICANT'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED ON THE APPLICANT IF THE REQUEST IS DENIED:** *(The protection of public health, safety, and welfare is the primary basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the Town's responsibility to its citizens should be weighed.)*
7. **IMPACT OF THE PROPOSED DEVELOPMENT ON COMMUNITY FACILITIES:** *(Are water and sewer available for extension? How are roads impacted? Can other community facilities handle the increased development? Should be based on factual information referencing standards used to make the determination.)*
8. **OPPOSITION OR SUPPORT OF NEIGHBORHOOD RESIDENTS:** *(Neighborhood support or opposition is just one of the factors to be considered in a decision to approve or deny a zoning request. Other applicable factors should also be considered.)*
9. **CONFORMANCE OF THE REQUESTED CHANGE TO THE TOWN'S COMPREHENSIVE PLAN:** *(Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?)*
10. **RECOMMENDATION OF PROFESSIONAL PLANNING STAFF:** *(Should be based on the preceding factors, adopted plans and policies, other technical reports which speak to the topic and staff's best professional judgement.)*

- The Board may choose to adopt the Planning Commission's findings, may modify the Planning Commission's findings, or may adopt its own findings.
- Approval of a rezone requires adoption of an ordinance. The Board of Trustees may choose to adopt an ordinance granting the requested C-3 Highway Commercial District zoning. An ordinance approving the requested C-3 Highway Commercial District zoning is included with this report.

STAFF RECOMMENDATION

The board should move to:
1. Adopt findings of fact;
2. Approve or deny the zone change request; and
3. Take action or postpone Ordinance 09-2022.

ATTACHMENTS

1. Planning Commission Findings of Fact - 4/4/2022
2. Ordinance

Planning Commission Recommendation

Public Hearing:	Rezone
Date:	April 4, 2022
Time:	6:30pm
Place:	Wilson Leeper Center 3800 Wilson Avenue, Wellington, CO, 80549
Applicant:	Aubrey Bigelow and Evan Larimer (owners) Sixth Street Well, LLC (contract purchaser)
Current Zoning:	C-1 Community Commercial District
Proposed Zoning:	C-3 Highway Commercial District
Property Location:	West of Sixth Street, between Sveta Lane and Jefferson Avenue, Wellington, CO, 80549
Legal Description:	Available Upon Request

Planning Commission Recommendation:

- Forward a recommendation to the Board of Trustees to retain the C-1 Community Commercial District zoning for the described property based on the findings of fact.

Planning Commission's Findings of Fact:

- Safety and access at the intersections would be negatively impacted if the higher intensity C-3 Highway Commercial District zoning is allowed;
- Uses allowed in C-3 Highway Commercial District zoning such as fast-food drive thrus and gasoline stations are not appropriate for the location;
- Increased impact of higher volume traffic counts on local streets;
- Development of the property would be beneficial to address identified utility, street and drainage infrastructure needs on or adjacent to the property;
- Surrounding area has existing residential uses that need to be protected, including recently approved attached single-family townhomes and second floor residential lofts within the C-1 Community Commercial District;
- Buffering, setbacks, screening and other typical zoning requirements would be ineffective in mitigating impacts of increased traffic adjacent to residential properties in the area; and
- Consistency of zoning districts along Sixth Street north of Jefferson Avenue and consistency of development approvals within existing zoning districts along Sixth Street.

TOWN OF WELLINGTON

ORDINANCE NO. 09-2022

AN ORDINANCE REZONING REAL PROPERTY LOCATED WITHIN THE TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO FROM C-1 COMMUNITY COMMERCIAL DISTRICT TO C-3 HIGHWAY COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OR MAPS OF THE TOWN TO REFLECT SUCH AMENDMENT.

WHEREAS, Owners Aubrey Bigelow and Evan Larimer, 5807 Renault Way, San Diego, California, 921222256, have requested to rezone the below described property from C-1 Community Commercial District to C-3 Highway Commercial District:

> A tract of land located in the Southeast Quarter of Section 33, Township 9 North, Range 68 West of the 6^{th} P.M., Town of Wellington, County of Larimer, State of Colorado and being more particularly described as follows:
>
> Lot 20, Park View Manor PUD, Town of Wellington, County of Larimer, State of Colorado
>
> Together with
>
> A Portion of Tract 62, Wellington Place, a Subdivision of Section 33, Township 9 North, Range 68 West of the 6^{th} P.M., Larimer County, Colorado, Beginning at a Point 12 feet North of the Southeast Corner of said Tract 62, Thence North along the East line of Said Tract 62, 208 feet 8 inches, Thence West 208 feet 8 inches, Thence South 208 feet 8 inches to a Point 12 feet North of the South line of Said Tract 62, Thence East 208 feet 8 inches to the Point of Beginning, Except that Portion conveyed by deed recorded August 30, 2007 at Reception No. 20070067000
>
> ; and

WHEREAS, the notices have been given and the public hearings required by the Wellington Municipal Code have been held; and

WHEREAS, the Planning Commission by motion and vote on April 4, 2022 recommended retaining the existing C1 - Community Commercial District zoning based on specific findings of fact; and

WHEREAS, the Board of Trustees of the Town of Wellington has found the application to be in substantial compliance with the requirements of the Wellington Municipal Code; and

WHEREAS, it has been determined by the Board of Trustees of the Town of Wellington, following a public hearing on the matter, that the request to rezone the described property to C-3 Community Commercial District should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO, AS FOLLOWS:

1. Having received the recommendation of the Town Planning Commission and the Town Board of Trustees having acted, following notice and hearing thereon as provided by law and pursuant to the Municipal Code of the Town of Wellington, Colorado, the zoning of the following described real property is hereby amended from C-1 Community Commercial District to C-3 Highway Commercial District:

   A tract of land located in the Southeast Quarter of Section 33, Township 9 North, Range 68 West of the 6th P.M., Town of Wellington, County of Larimer, State of Colorado and being more particularly described as follows:

   Lot 20, Park View Manor PUD, Town of Wellington, County of Larimer, State of Colorado

   Together with

   A Portion of Tract 62, Wellington Place, a Subdivision of Section 33, Township 9 North, Range 68 West of the 6th P.M., Larimer County, Colorado, Beginning at a Point 12 feet North of the Southeast Corner of said Tract 62, Thence North along the East line of Said Tract 62, 208 feet 8 inches, Thence West 208 feet 8 inches, Thence South 208 feet 8 inches to a Point 12 feet North of the South line of Said Tract 62, Thence East 208 feet 8 inches to the Point of Beginning, Except that Portion conveyed by deed recorded August 30, 2007 at Reception No. 20070067000.

2. The official zoning map of the Town of Wellington, Colorado is hereby amended in accordance with Section 1 of this Ordinance.

3. Necessity. In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

4. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted ordinance available for inspection by the public during regular business hours and shall record at least one certified copy of the ordinance with the Clerk and Recorder of Larimer County.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this ____ day of ______________, 2022 and ordered to become effective 30 days from the date of publication.

TOWN OF WELLINGTON, COLORADO

By:______________________________
Troy Hamman, Mayor

ATTEST:

____
Krystal Eucker, Town Clerk

Board of Trustees Meeting

Date: April 26, 2022
Submitted By: Vik Runkle
Subject: 2022 Wastewater Bond Debt Service Coverage

- **Presentation: Vik Runkle, Interim Finance Director/Town Treasurer**

EXECUTIVE SUMMARY

In connection with the issuance of the Wastewater Treatment Plant Expansion bonds, the Town staff members and our Bond Counsel reviewed all outstanding indebtedness to ensure compliance with certain requirements, including requirements related to the issuance of additional obligations. The Town has two previous bond issues, including a 2002 CWRPDA loan and a 2014 bond issuance. We have analyzed and reviewed all outstanding bond covenants, particularly those covenants relating to "debt service coverage" in connection with the issuance of additional debt. Debt service coverage covenants require the Town to demonstrate its ability to pay all future operating and maintenance costs, as well as the debt service requirements of the Town's outstanding and proposed obligations. The review of such provisions is a standard process as a municipality issues financial obligations.

The analysis demonstrated a debt service coverage issue that needs to be addressed before we can accept any additional debt obligations.

BACKGROUND / DISCUSSION

Analysis.

The CWRPDA loan has one outstanding payment of $166,000.78, which is due for payment in August 2022. Once that payment is made the loan will be repaid in its entirety.

The 2014 bond issuance is not currently scheduled to reach its final maturity date until September 2035. The Town has outstanding principal of $1,770,000 and interest payments of $467,575.00. Attachment A provides the debt service payments. Interest payments are due in February and August of each year. The principal payments are due in August of each year.

The discovered challenge is in connection with the covenants of the 2014 bond issuance. The 2014 Bond covenants state that prior to the issuance of additional obligations, the Town must have in current revenue, after operating costs, an amount equal to, at least, of 1.2x the Maximum Annual Debt Service (MADS) of all outstanding debt, including the proposed obligation. Taking into consideration the proposed 2022 CWRPDA loan, the MADS for all outstanding debt is currently scheduled to occur in 2030 in the amount of $3,122,584. This is highlighted in Attachment B. Despite the fact this amount of debt service is not due for some years (years during which the Town reasonably expects growth that will facilitate the payment of such obligations), it is a requirement of the 2014 bond documents the Town demonstrate its ability to pay its obligations now, prior to the issuance of additional debt. Given the anticipated growth, Town staff members are confident that revenues will be sufficient to pay the MADS amount when due. However, while our revenues will increase, so will operating costs. The only thing the bond holders have certainty of is the current revenue and expenditures. Further, this is the agreement to the 2014 bond holders, thus, it is a legal commitment, and the Town must meet that requirement.

Pursuant to our calculations, as reviewed with the Bond Counsel, the Town is currently only showing $2,558,302 in revenues available for debt service coverage. This calculation is provided in Attachment C. In accordance with the 2014 bond documents, we have used 2021 actual revenues to make this calculation but have adjusted the actual revenue to the most recent rate changes for an annual basis. The calculation then reduces the revenues to provide for the 2021 operating expenditures.

The very important conclusion of this analysis is the Town is short of the debt service coverage goal by $564,282.49. The calculation does not allow us to use any cash balances or the transfer of monies from the General Fund. Use of such General Fund financial support is not considered revenues for the purposes of debt service coverage under the 2014 bond documents; they are "other resources" the Town policy makers can change at any time.

The best way to resolve this challenge is to eliminate the 2014 bond covenants. One way to do this would be to refinance the outstanding 2014 bonds. However, refinancing requires time, costs money, and the interest rates on the current outstanding debt are extremely favorable. Due to current tax law restrictions on advance refundings (i.e., refinancing bonds more than 90 days prior to the date in which the bonds are subject to operational redemption), the 2014 bonds would have to be refinanced as taxable debt, and the resulting interest would cost the Town more than our current payments. This did not seem a good option.

Bond Counsel and staff members began to explore other creative options. The Town has $9.5 million in Wastewater cash reserves. The reserves are for a series of needs: to meet the design costs of the Wastewater Treatment Plant, to meet the needs for all bond reserves, and to ensure for current and future operating cash flow requirements. The cash needs for the design costs is estimated to be $4,000,000 between 2021 and 2022. Some of the cash reserves were explicitly to meet this cost above any revenue. The 2014 bond reserves, per the bond documents, is approximately $177,000. Our operating reserve is three (3) months of expenditures. In 2022 this is an estimated cost of $244,283. The 2022 Bond covenants state we must have 3 months of reserves. While one can use the same reserve, a best practice is to establish this new bond reserve separately from any operating needs.

Thus, the Town has:

Cash Reserves	$9,518,198.77
• ***Estimated*** to be used for Plant Design	($4,000,000)
• Reserve for Operating Cash Flow	($244,283)
• 2022 Bond Reserve Requirement	($244,28)3
= Balance	$5,029,632.77

This leaves the Town with resources to address the 2014 challenge.

Staff Recommendation.

As an alternative to refinancing the outstanding 2014 bonds, the Town can defease the 2014 bonds and eliminate the problematic debt service coverage covenants. Defeasance would be achieved by setting aside funds in a trust

TOWN OF WELLINGTON

that are sufficient to pay the debt service requirements of the 2014 bonds until September 15, 2024, which is the earliest date on which the bonds can be called for optional redemption. This is our recommendation.

The recommendation has two-steps. The first step is to establish a trust with a Trustee Bank – usually UMB or USBank. The Town will transfer into the trust a total of $2,417,775.00 in accordance with the following:

Outstanding 2002 Debt Payment	$ 161,000
Outstanding 2014 Principal Payments: August 2021 – 2034	$ 1,770,000
Outstanding 2014 Interest Payments: August 2021 – 2034	$ 486,775
Total	**$2,417,775**

The Trustee will be responsible for making all principal and interest payments as defined in the bond documents until the call date. The account would also generate interest earnings for the Town that would be used to pay down the required debt service on the defeased 2014 bonds.

The second step occurs in September 2024, when the Trustee on the Town's behalf, the Town will "call" all outstanding 2014 debt obligations. This means the Trustee will notify all bond holders that their bonds have been redeemed at the Town's option, that all principal amounts and interest accrued to the redemption date (i.e., September 15, 2024) will be paid, and that interest will no longer accrue on the bonds after such date. This is legal, and a best practice for outstanding debt. This action will save the Town approximately $300,000 in interest payments that would have been made between 2025 through 2034.

Defeasance not only eliminates the 2014 bond covenants, thus addressing debt service coverage issues for the 2022 bond issuance, it will save the Town in interest costs on the 2014 bonds.

A draft of the defeasance escrow agreement with the Trustee (the "Agreement") is attached. The Town's Bond Counsel prepared the Agreement. Kutak Rock and the Town's Attorney will ensure all negotiations and requirements are addressed.

Between now and September 2024 the cash reserves will be as follows:

Wastewater Cash Reserves as of March 31, 2022	$9,518,198.77
• ***Estimated*** to be used for Plant Design	($4,000,000.00)
• Reserve for Operating Cash Flow	($244,283.00)
• 2022 Bond Reserve Requirement	($244,283.00)
• Transfer to Trustee for Future Bond Payments	($2,417,775.00)
= Estimated Cash Balance	**$2,611,857.77**

By the end of 2024, these figures are anticipated to be adjusted pursuant to the interest savings on the defeased bonds.

A final comment is the Operating Cash Flow amount will also be reviewed in our rates analysis.

Action.

The requested action is to have the Board of Trustees approve the following motion:

Move that the Town Board of Trustees, acting for itself and in its authority as the governing body of the Town Wastewater Enterprise, upon final document approval by the Town Attorney and the Town's bond counsel, authorize the Mayor to execute a defeasance escrow agreement and all other documents necessary to establish a trust account with a trustee bank and authorize the Town Wastewater Enterprise to fund such account in an amount sufficient to remove restrictive covenants associated with outstanding bonds.

This allows the Town's Treasurer, with City Attorney and Bond Counsel oversight, to enter into the Agreement with a Trustee that is to be selected and establish the Trust account with the Trustee. These tasks need to be completed by or before May 4, 2022, to remove the restrictive covenants prior to the closing of the 2022 CWRPDA loan. Town staff will then return to the Board with a ratification resolution documenting the actions and ensuring transparency with all Town monies

Summary.

We believe the defeasance of the 2014 bonds addresses all our outstanding material issues in accepting the State's 2022 bond proceeds. The 2014 Bonds should be called in any case, as that is good financial management and would result in an interest costs savings for the utility. We are simply moving the timetable to eliminate the bond covenant of those bonds.

STAFF RECOMMENDATION

Move that the Town Board of Trustees, acting for itself and in its authority as the governing body of the Town Wastewater Enterprise, upon final document approval by the Town Attorney and the Town's bond counsel, authorize the mayor to execute a defeasance escrow agreement and all other documents necessary to establish a trust account with a trustee bank and authorize the Town Wastewater Enterprise to fund such account in an amount sufficient to remove the restrictive covenants associated with outstanding bonds.

ATTACHMENTS

1. Debt Service Coverage Attachments
2. Wellington Sewer Revenue Bonds 2014 Defeasance Escrow Agreement5523
3. Presentation of Debt Service Coverage Issue April 26_2022

ATTACHMENT A: OUTSTANDING 2014 DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P&I
8/01/2022	$110,000	2.55%	$31,442.50	$141,442.50
2/01/2023	0		$30,040.00	$30,040.00
8/01/2023	$115,000	2.75%	$30,040.00	$145,040.00
2/01/2024			$28,458.75	$28,458.75
8/01/2024	$120,000	3.00%	$28,458.75	$148,458.75
2/01/2025			$26,658.75	$26,658.75
8/01/2025	$120,000	3.20%	$26,658.75	$146,658.75
2/01/2026			$24,738.75	$24,738.75
8/01/2026	$125,000	3.35%	$24,738.75	$149,738.75
2/01/2027			$22,645.00	$22,645.00
8/01/2027	$130,000	3.50%	$22,645.00	$152,645.00
2/01/2028			$20,370.00	$20,370.00
8/01/2028	$135,000	3.70%	$20,370.00	$155,370.00
2/01/2029			$17,872.50	$17,872.50
8/01/2029	$140,000	3.70%	$17,872.50	$157,872.50
2/01/2030			$15,282.50	$15,282.50
8/01/2030	$145,000	3.70%	$15,282.50	$160,282.50
2/01/2031			$12,600.00	$12,600.00
8/01/2031	$150,000	4.00%	$12,600.00	$162,600.00
2/01/2032			$9,600.00	$9,600.00
8/01/2032	$155,000	4.00%	$9,600.00	$164,600.00
2/01/2033			$6,500.00	$6,500.00
8/01/2033	$160,000	4.00%	$6,500.00	$166,500.00
2/01/2034			$3,300.00	$3,300.00
8/01/2034	$165,000	4.00%	$3,300.00	$168,300.00
Totals to Bond Retirement	$1,770,000		$467,575.00	$2,237,575.00
Totals from Call Date	$1,425,000		$319,135.00	$1,744,135.00

ATTACHMENT B: The Maximum Annual Debt Service (MADS)

Wellington Combined Debt Service Coverage Calculation						
Date	2002 Loan	2014 Bonds	2022 SRF Loan	2022 GPR Loan	Annual Total	1.2x Coverage
2022	$161,000.78	$172,885.00	$842,322.49	$0.00	$1,176,208.27	
2023		$175,080.00	$2,301,727.02	$73,351.54	$2,550,158.56	
2024		$176,917.50	$2,297,110.02	$125,944.72	$2,599,972.24	
2025		$173,317.50	$2,299,795.02	$125,944.72	$2,599,057.24	
2026		$174,477.50	$2,297,104.02	$125,944.72	$2,597,526.24	
2027		$175,290.00	$2,296,566.02	$125,944.72	$2,597,800.74	
2028		$175,740.00	$2,296,591.02	$125,944.72	$2,598,275.74	
2029		$175,745.00	$2,297,301.02	$125,944.72	$2,598,990.74	
2030		$175,565.00	$2,300,644.02	$125,944.72	**$2,602,153.74**	**$3,122,584.49**
2031		$175,200.00	$2,296,851.02	$125,944.72	$2,597,995.74	
2032		$174,200.00	$2,301,514.02	$125,944.72	$2,601,658.74	
2033		$173,000.00	$2,301,277.02	$125,944.72	$2,600,221.74	
2034		$171,600.00	$2,299,610.02	$125,944.72	$2,597,154.74	
2035			$2,301,689.02	$125,944.72	$2,427,633.74	
2036			$2,298,002.02	$125,944.72	$2,423,946.74	
2037			$2,300,432.02	$125,944.72	$2,426,376.74	
2038			$2,296,962.02	$125,944.72	$2,422,906.74	
2039			$2,300,968.02	$125,944.72	$2,426,912.74	
2040			$2,297,967.02	$125,944.72	$2,423,911.74	
2041			$2,298,647.02	$125,944.72	$2,424,591.74	
2042			$2,296,698.02	$125,944.72	$2,422,642.74	
2043			$2,299,003.02	$125,944.72	$2,424,947.74	
2044			$2,299,126.02	$125,944.72	$2,425,070.74	
2045			$2,299,874.02	$125,944.72	$2,425,818.74	
2046			$2,298,238.14	$125,944.72	$2,424,182.86	
2047			$2,298,008.38	$125,944.72	$2,423,953.10	
2048			$2,300,970.64	$125,944.72	$2,426,915.36	
2049			$2,297,301.88	$125,944.72	$2,423,246.60	
2050			$2,300,704.26	$125,944.72	$2,426,648.98	
2051			$2,300,123.50	$125,944.72	$2,426,068.22	
2052			$2,300,047.76	$125,945.13	$2,425,992.89	

ATTACHMENT C
Sewer Calculations

Description	2021 Actual	Revised for 2022 MADS Analysis
Revenue		
Tap Fees	$781,121.87	$965,000
Rate Revenue	1,446,791.92	2,200,908.00
Misc	100,000.00	100,000.00
Operating Expenditures	(707,606)	(707,606.00)
Available for MADS		$2,558,302.00
Needed for MADS		$3,122,584.49
Difference		**($564,282.49)**

DEFEASANCE ESCROW AGREEMENT

between

THE TOWN OF WELLINGTON, COLORADO

and

[Trust Bank]
as Escrow Bank

Providing for the payment
and discharge of

Loan Agreement between the
Colorado Water Resources & Power Development Authority, and
the Town of Wellington, Colorado
dated as of May 1, 2002 and the

Town of Wellington, Colorado
Wastewater Revenue Bonds,
Series 2014

Dated as of May ___, 2022

ESCROW AGREEMENT

THIS DEFEASANCE ESCROW AGREEMENT, dated as of May ___, 2022 (this "Escrow Agreement"), made and executed by and between **TOWN OF WELLINGTON, COLORADO, COLORADO, ACTING BY AND THROUGH THE TOWN WASTEWATER ENTERPRISE** (the "Town"), a statutory town and political subdivision of the State of Colorado, and [Trust Bank], Denver, Colorado (the "Escrow Bank"), a national banking association duly organized and existing under the laws of the United States of America and having full trust powers.

W I T N E S S E T H :

The parties hereto recite and, in consideration of the mutual covenants and payments referred to and contained herein, covenant and agree as follows:

Section 1. The Town, acting by and through the Town Wastewater Enterprise, has heretofore authorized, executed and delivered a Loan Agreement dated as of May 1, 2022 (the 2002 Loan Agreement between the Town and the Authority, as evidenced by a Governmental Agency Bond (the "2002 Bond" and, collectively with the 2002 Loan Agreement, the "2002 Financing Documents") in the original aggregate principal amount of $4,826,280.60. The Town, acting by and through the Town Wastewater Enterprise, has also heretofore authorized, issued and delivered $2,500,000 aggregate principal amount of its Wastewater Revenue Bonds, Series 2014 (the "Series 2014 Bonds"). The 2002 Bond remains outstanding in the aggregate principal amount of $167,917.73 and finally matures on August 1, 2022. The Series 2014 Bonds are currently outstanding in the principal amount of $1,770,000, finally mature on August 1, 2034 and are subject to optional redemption on any date on or after September 15, 2024. The outstanding 2002 Bond and the outstanding Series 2014 Bonds are referred to collectively herein as the "Defeased Obligations." The Town has determined to pay and discharge all of the outstanding Defeased Obligations at the first opportunity and, in order to effect the discharge of such amounts to deposit in escrow with the Escrow Bank an amount sufficient, together with the known minimum income from the investment thereof, to fully pay and discharge the Defeased Obligations.

Section 2. The Escrow Bank shall establish, pursuant to this Escrow Agreement, a special fund and separate trust account designated as the "Town of Wellington, Colorado, Wastewater Defeasance Escrow Account" (the "Escrow Account"). The Town shall deposit $________ (which amount includes a cash contribution by the Town from reserve and debt service funds associated with the Series 2014 Bonds in the amount of $______) into the Escrow Account with the Escrow Bank. Moneys deposited in the Escrow Account shall be used to purchase for deposit in the Escrow Account, United States Treasury Securities—State and Local Government Series in the aggregate maturity amount of $______ (the "Escrow Account Securities").

The Escrow Bank agrees, without the necessity of any further direction from the Town, to hold the Prepayment Amount in cash until the Prepayment Date and to use moneys on deposit in the Escrow Account to purchase the Escrow Account Securities in accordance with the preceding paragraph. The Escrow Account Securities to be purchased shall mature on the dates, be of the aggregate face amounts and yield or bear interest at the rates set forth in Exhibit A attached hereto.

Section 3. The Escrow Bank agrees to transfer the Prepayment Amount to the Colorado Water Resources & Power Development Authority on the Prepayment Date. The maturing principal of and interest on the Escrow Account Securities, together with other moneys in the Escrow Account, shall be held and transferred by the Escrow Bank to the paying agent for the outstanding Series 2014 Bonds, to pay in the ordinary course and redeem the outstanding Series 2014 Bonds, on September 15, 2024, at a redemption price (expressed as a percentage of principal amount) of 100%, and to pay interest accrued on such Refunded Obligations to their respective dates of redemption.

The debt service schedule for the Refunded Obligations is set forth in Exhibit B to the Verification Report (as defined below) attached hereto.

Set forth as Exhibits B and C hereto are the forms of Notice of Refunding, Defeasance and Redemption in which First National Bank of Omaha, in Omaha, Nebraska, as paying agent for the Series 2014 Bonds, shall give notice to each registered owner of the outstanding Series 2014 Bonds, to the original purchasers of the outstanding Series 2014 Bonds and to the respective insurers of the outstanding Series 2014 Bonds, if any, of the refunding and redemption of the Refunded Obligations in accordance with the provisions of Ordinance No. 2-2014SE of the Town (the "2014 Ordinance") authorizing their issuance.

Section 4. Set forth as Exhibit A attached hereto is a copy of the report (the "Verification Report") prepared by ________, certified public accountants, showing (a) the payment of the principal of and interest on the Refunded Obligations projected to be made with funds held in cash in the Escrow Account or derived from payments on the Escrow Account Securities; and (b) the cumulative balance in the Escrow Account after each such payment is made from the Escrow Account. With the Verification Report, ______ will deliver its opinion that, if the interest on the Escrow Account Securities purchased and the principal thereof are paid as interest and principal become due, the proceeds from the collection of such interest and principal, together with the beginning cash balance, if any, will be sufficient to permit the prompt payment of the principal of and interest on the Refunded Obligations as provided in Section 3 of this Escrow Agreement.

Section 5. The Escrow Bank acknowledges the receipt of the amounts initially deposited in the Escrow Account, as specified in Section 2 above. The Escrow Bank shall hold the beginning cash balance and the Escrow Account Securities in the Escrow Account and shall collect and receive on behalf of the Town all payments of principal and interest on the Escrow Account Securities. The Escrow Bank agrees to remit to First National Bank of Omaha, as paying agent for the Series 2014 Bonds, funds for the payment of the principal of and interest on the outstanding Series 2014 Bonds as provided in this Escrow Agreement, and First National Bank of Omaha, as paying agent for the Series 2014 Bonds, shall remit such funds directly to The Depository Trust Company ("DTC"), registered owner of the outstanding Series 2014 Bonds. Such funds shall be forwarded to DTC or the respective paying agents for the Refunded Obligations in such a manner as to enable said paying agents to make or cause to be made punctual payment of the principal of and interest on the outstanding Series 2014 Bonds to the registered owners thereof as described herein. After payment of the principal of and interest on the outstanding Series 2014 Bonds and the payments described in the preceding sentence, the Escrow Bank shall pay any remaining funds in the Escrow Account to the Town.

Section 6. The Escrow Bank agrees that it shall not reinvest any cash or redeem and reinvest the proceeds of the Escrow Account Securities or substitute other securities for the Escrow Account Securities held in the Escrow Account unless and until the Town requests that such reinvestment or substitution be made. Any such reinvestment or substitution must be in Federal Securities, as defined in the 2014 Ordinance. Prior to any request for such redemption and reinvestment of any proceeds of the Escrow Account Securities or request to substitute other securities for the Escrow Account Securities held in the Escrow Account, the Town shall provide to the Escrow Bank: (a) an opinion by an independent certified public accountant that after such reinvestment or substitution the principal amount of the Federal Securities (as defined in the Ordinance) purchased, plus the remaining Escrow Account Securities, together with the earnings thereon and other available moneys, will be sufficient to pay or redeem the Refunded Obligations as provided in Section 3 of this Escrow Agreement; and (b) an opinion of nationally recognized municipal bond counsel to the effect that (i) such reinvestment or substitution will not cause the Series 2014 Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations in effect thereunder on the date of such reinvestment; and (ii) such reinvestment or substitution complies with the constitution and laws of the State of Colorado and the provisions of all relevant documents relating to the issuance of the Refunded Obligations.

Section 7. As full consideration for all services to be performed by the Escrow Bank under this Escrow Agreement, the Town agrees to pay the Escrow Bank the sum of $______ upon the execution of this Escrow Agreement, receipt of which amount is hereby acknowledged by the Escrow Bank. The Escrow Bank expressly waives any lien upon or claim against the moneys and securities in the Escrow Account for its services under this Escrow Agreement.

Section 8. The Escrow Bank, during the month of January of each calendar year, commencing in the first calendar year following the date hereof, so long as the Escrow Account is maintained, shall forward to the Town a statement in detail of the income, investments, redemptions and transfers of money from the Escrow Account for the immediately preceding fiscal year, which, for the purpose of this Escrow Agreement, commences the first day of January of each calendar year and ends on the last day of December of said year. Not later than December 31, 2024 (after all remaining Refunded Obligations shall have been paid), the Escrow Bank shall submit to the Town a report covering all money it shall have received and all payments it shall have made or caused to be made hereunder as of such date.

Section 9. The Escrow Bank shall hold the Escrow Account Securities and money held in the Escrow Account in a special trust fund and shall never commingle such money or securities with other money or securities held in the non-trust areas of the Escrow Bank. To the extent not insured by the Federal Deposit Insurance Corporation, all uninvested money held at the time in the Escrow Account shall be continuously secured by the deposit in a Federal Reserve Bank of direct obligations of the United States of America or such securities as are eligible for pledge pursuant to 12 CFR 9, in a principal amount which at all times is not less than the total amount of such uninvested money. It is understood and agreed that the responsibilities of the Escrow Bank under this Escrow Agreement are limited to the safekeeping and segregation of the money and securities held in such Escrow Account, the collection of and accounting for the principal and interest payable with respect thereto, and the payment of the principal of, premium, and interest on the

Refunded Obligations to the paying agent thereof in accordance with the provisions of this Escrow Agreement.

Section 10. This Escrow Agreement is made by the Town for the benefit of the registered owners of the Refunded Obligations and Ambac and is not revocable by the Town, and the securities and other moneys held in the Escrow Account and all income therefrom have been irrevocably set aside for the payment of the Refunded Obligations in accordance with this Escrow Agreement; provided, however, that when all amounts required to be paid pursuant to Section 5 hereof have been paid in full, and all amounts payable to the Escrow Bank hereunder have been paid in full, any amount which may remain on deposit in the Escrow Account shall be paid to the Town; and provided, further, that if and when any substitution of securities for Escrow Account Securities pursuant to Section 6 hereof results in excess cash or securities, such excess cash or securities shall be paid or delivered to the Town.

Section 11. This Escrow Agreement shall be binding upon and shall inure to the benefit of the Town and the Escrow Bank and their respective successors and assigns. In addition, this Escrow Agreement shall constitute a third-party beneficiary contract for the benefit of the registered owners of the Refunded Obligations and Ambac. Said third-party beneficiaries shall be entitled to enforce performance and observance by the Town and the Escrow Bank of the respective agreements and covenants herein contained as fully and completely as if such third-party beneficiaries were parties hereto. Any bank into which the Escrow Bank may be merged or with which it may be consolidated or any bank resulting from any merger or consolidation to which it shall be a party or any bank to which it may sell or transfer all or substantially all of its corporate trust business shall, unless the Town disapproves in writing, be the successor Bank without the execution of any document or the performance of any further act. In the event the Town disapproves of the successor Bank resulting from any of the events described above, the Town shall immediately appoint a state or national bank within the State of Colorado which is a member of the Federal Deposit Insurance Corporation and which has trust powers to be the successor Bank, whereupon such successor Bank shall immediately succeed to the respective agreements and covenants hereunder.

Section 12. The Escrow Bank shall immediately notify the Town, with copies to the original underwriters of the Refunded Obligations (the "Underwriters") by first-class mail, postage prepaid, whenever, for any reason, the funds or accounts created pursuant to this Escrow Agreement, plus the Escrow Account Securities therein and interest on said Escrow Account Securities, as the same accrues, and the principal amount of any Federal Securities (as defined in the Ordinance) purchased and held in the Escrow Account pursuant to the Escrow Agreement will be insufficient to pay the principal of, premium, and interest on the Refunded Obligations as provided in Section 3 hereof, or to make the other payments required to be made by Section 5 hereof, in accordance with Section 5 hereof. The Town shall, upon receipt of such notice, immediately deposit the amount of any such deficiency with the Escrow Bank for application in accordance with this Escrow Agreement.

Section 13. The Town shall have the right, during regular business hours and upon reasonable notice, to examine all the records of the Escrow Bank regarding the status of the funds or accounts created pursuant to this Escrow Agreement and the details of all income, investments, reinvestments, redemptions and withdrawals therefrom with respect to the funds or accounts created pursuant to this Escrow Agreement.

Section 14. The Escrow Bank shall be under no obligation to inquire into or be in any way responsible for the performance or non-performance by the Town of any of the obligations of the Town, or to protect any of the rights of the Town under any bond ordinance or any of the other contracts of the Town with or franchises or privileges from any state, county, municipality or other governmental agency or with any corporation or individual; and the Escrow Bank shall not be liable for any act done or step taken or omitted by the Escrow Bank or any mistake of fact or law or for anything which the Escrow Bank may do or refrain from doing, except for its negligence or its default in the performance of any obligation imposed upon the Escrow Bank hereunder. The Escrow Bank shall not be responsible in any manner whatsoever for the recitals contained herein, or in the Refunded Obligations or any proceeding taken in connection therewith.

Section 15. If any one or more of the covenants or agreements provided in this Escrow Agreement on the part of the Town or the Escrow Bank to be performed should be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Escrow Agreement.

Section 16. This Escrow Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument. This Escrow Agreement shall be governed by the laws of the State of Colorado, without regard to conflict of laws principles.

Section 17. This Escrow Agreement shall terminate upon the payment of all amounts required to be paid from the Escrow Account hereunder and submission by the Escrow Bank of the report required by Section 8 hereof.

Section 18. Time shall be of the essence in the performance of obligations from time to time imposed upon the Escrow Bank by this Escrow Agreement.

Section 19. The parties hereto agree that the transaction described herein may be conducted and related documents may be stored by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed by their duly authorized officers as of the date first written above.

[SEAL]

TOWN OF WELLINGTON, COLORADO

By ___________________________________
Mayor

Attest:

By ________________________________
Town Clerk

_______, as Escrow Bank

By ___________________________________
Authorized Signatory

4887-0635-9325.2

EXHIBIT A

VERIFICATION REPORT OF ________, CERTIFIED PUBLIC ACCOUNTANTS

EXHIBIT B

FORM OF NOTICE OF REFUNDING, DEFEASANCE AND REDEMPTION

Town of Wellington, Colorado
acting by and through the
Town Wastewater Enterprise
Wastewater Revenue Bonds
Series 2007A

NOTICE IS HEREBY GIVEN to the registered owners of all outstanding Town of Wellington, Colorado, Wastewater Revenue Bonds, Series 2014 originally issued in the aggregate principal amount of $2,500,000 (the "Series 2014 Bonds"), that legally available funds of the Town are to be applied to the payment and redemption of those outstanding Series 2014 Bonds (the "Refunded Obligations") maturing on and after August 1, 2025. The Refunded Obligations shall be redeemed on September 15, 2024 (the "Redemption Date"), as described below.

Refunded Obligations

Maturity (August 1)	Principal Amount	Interest Rate	Bond Number	CUSIP
2025				
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				

There have been deposited with ______, Denver Colorado (the "Bank") under an Escrow Agreement between the Town of Wellington, Colorado and the Bank, cash or direct obligations of the United States of America (including obligations issued or held in book entry form on the books of, or obligations the principal of and interest on which are guaranteed by, the United States of America) the maturing principal of and interest on which, together with cash held in escrow, will be sufficient to pay in the ordinary course and redeem the Refunded Obligations maturing in the years 2025 through 2034, inclusive, on the Redemption Date, at a redemption price equal to 100% of par and accrued interest to such date. On the Redemption Date there shall be due and payable upon each Refunded Bond so to be redeemed the principal amount thereof plus accrued interest thereon to the Redemption Date, without premium, and from and after such date interest on the Refunded Obligations shall cease to accrue. Each Refunded Bond will be paid or redeemed on or after said date upon presentation and surrender thereof at the office of First National Bank of Omaha, as paying agent and registrar.

Dated: ______ __, 2022

FIRST NATIONAL BANK OF OMAHA, paying agent for the Refunded Obligations

By ____________________________________
Authorized Signatory

Debt Service Coverage Issues

Board of Trustee Meeting

April 26, 2022

The Challenges

- When issuing new debt, the Town has to ensure all prior debt covenants (promises to the bond holders) are met
- The Town of Wellington has two previous bonds prior to the 2022 State loans we are currently borrowing:
  - 2002: one final payment will be made in fall 2022. Bonds will be retired
  - 2014: Payments through 2034. In February of each year one interest payment, in August a second interest payment and the principal payment
- The 2022 Bonds covenant is to reserve 3 months operating costs
- The 2014 Bonds have a covenant concern

TOWN OF WELLINGTON

2014 Rate Covenant Concern

- The 2014 Bond issue has a covenant that states when new bonds are issued, *current* net revenue must cover the Maximum Annual Debt Service (MADS) by 1.2x
- Based on assumptions to date, the MADS occurs in 2030
- The need is $3,122,584
- The Town’s current net revenue is estimated to be $2,558,302
- Thus, we have a shortfall of $564,282

TOWN OF WELLINGTON

Calculation of the Current Net Revenue

Description	2021 Actual	Revised for 2022 MADS Analysis
Revenue		
Tap Fees	$781,121.87	$965,000
Rate Revenue	1,446,791.92	2,200,908.00
Misc	100,000.00	100,000.00
Operating Expenditures	(707,606)	(707,606.00)
Available for MADS		$2,558,302.00
Needed for MADS		$3,122,584.49
Difference		**($564,282.49)**

TOWN OF WELLINGTON

Facts about 2014 Bond Covenant

- 2014
  - Outstanding Principal: $1,770,000
  - Outstanding Interest: $ 467,575
- These can be "called" or retired in late 2024 and completely paid off
- To meet the immediate need of the Bond Covenant there are two options

TOWN OF WELLINGTON

Ways to address the 2014 Bond Covenant

1. Refinance the outstanding debt
   - + Can lower the bond coverage
   - − Refinancing has issuance costs: time, legal, selling
   - − 2014 Bonds have very favorable interest rates; in this market, this is not assured

2. Set up a trust: Move some portion of current cash balances to a Trust Bank to cover the future principal and interest payments
   - + Eliminates the bond covenant requirements
   - + Trustee bank makes all payments and reporting requirements
   - + The Town receives the interest earnings on the balance we transfer
   - + Allows the Town to call the outstanding debt in late 2024 and then will save $319,135 in interest payments
   - − Setting aside $2,237,575 (P&I) from our reserves to a bond “reserve”

TOWN OF WELLINGTON

Recommendation

- Set up the Trust
  - This permits us to eliminate the 2014 Bond Covenant
  - Adopt the Motion directing the Finance Department to set up a Trust with the oversight of both the City Attorney and Bond Counsel
  - Once we have this set up, the agreement will be returned to the Board of Trustees for the Ratification Resolution
  - The Town will still have over $2.6 million in Wastewater cash reserves
    - The use of this balance will be discussed within the context of the rates review

TOWN OF WELLINGTON

Board of Trustees Meeting

Date: April 26, 2022
Submitted By: Patti Garcia, Town Administrator
Subject: Resolution No. 19-2022 - A Resolution of the Board of Trustees Appointing Officers and Municipal Judge until 2024 Election

- **Presentation: Patti Garcia, Town Administrator**

EXECUTIVE SUMMARY

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

ATTACHMENTS

1. Resolution_town appointments
2. 02.23.21 Agreement for Legal Services

TOWN OF WELLINGTON

RESOLUTION NO. 19-2022

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON APPOINTING OFFICERS AND MUNICIPAL JUDGE UNTIL 2024 ELECTION

WHEREAS, the Board of Trustees of the Town of Wellington, Colorado (the "Board") has adopted and reenacted the Wellington Municipal Code; and

WHEREAS, Section 2 of the Code provides for appointment of officers, including, as set for in Section 2-3-10, the Town Administrator/Clerk, Town Attorney, Town Treasurer and Municipal Judge; and

WHEREAS, the Code at Section 2-3-20 provides that the Board shall appoint the Town Administrator; and

WHEREAS, Section 2-3-25 provides the Board shall appoint a Town Clerk; and

WHEREAS, Section 2-3-30 provides the Board shall appoint a Town Treasurer; and

WHEREAS, Section 2-3-40 provides that the Board shall appoint a Town Attorney and shall fix the attorney's compensation; and

WHEREAS, Section 2-4-30 provides that the Board shall appoint a Municipal Judge for a term of not less than two (2) years and may appoint such additional municipal judges or assistant judges as may be necessary; and

WHEREAS, the Municipal Judge is to appoint the Municipal Court Clerk pursuant to Town Code at Section 2-4-70 and C.R.S. 13-10-108.

NOW, THEREFORE, be it resolved by the Board of Trustees for the Town of Wellington, Colorado, as follows:

1. The Board appoints the following persons to serve as officers of the Town:

Town Administrator	Patti Garcia
Interim Treasurer	Victoria Runkle
Town Clerk	Krystal Eucker
Town Attorney	March and Olive, LLC
Municipal Judge	Teresa Ablao
Assistant Judge	Sara Stieben

The Board confirms the following appointment by the Municipal Judge:

Municipal Court Clerk (appointed by Municipal Judge)	Adrienne Wright

2. Compensation
   Town Attorney. The compensation of the Town Attorney shall be in accordance with the contract entered into between the Board and Town Attorney which was presented to the Board at the Board of Trustee regular meeting on February 23, 2021.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 26th day of April 2022.

TOWN OF WELLINGTON, COLORADO

By:______________________________
Calar Chaussee, Mayor

ATTEST:

____
Krystal Eucker, Town Clerk

TOWN OF WELLINGTON

AGREEMENT FOR LEGAL SERVICES BY TOWN ATTORNEY

THIS AGREEMENT FOR LEGAL SERVICES is made this 23rd day of February, 2021, by and between March & Olive, LLC, a Colorado Limited Liability Company, formerly known as March, Olive and Pharris, LLC and authorized to continue to do business under the name March, Olive and Pharris, LLC, with its principal place of business at 1312 South College, Fort Collins, Colorado, 80524-2880, Attorneys and Counselors at Law (hereinafter called the "Town Attorney"), and the Town of Wellington, Colorado, with the principal Town Hall located at 3735 Cleveland Ave., Wellington, Colorado, 80549, (hereinafter called the "Town").

RECITALS

1. Town Attorney employs attorneys, authorized to practice law in the state of Colorado, and employs support staff.
2. Pursuant to C.R.S. § 31-4-304 the Town of Wellington (Town), by its Board of Trustees (the "Board of Trustees") is required to appoint a Town Attorney.
3. The Wellington Town Code (the "Code') at Sec. 2-3-10 provides that the Town Attorney is an appointed officer of the Town and at Section 2-3-40 provides that the Board shall appoint a Town Attorney and shall fix the attorney's compensation.
4. The Code at Sec. 2-3-40(d) sets forth the duties of the Town Attorney.
5. The Code at Sec. 2-3-50 and state law at C.R.S. § 31-4-307 define the manner in which the Town attorney may be removed.

1. SCOPE OF LEGAL SERVICES

A. The Town Attorney shall provide to and coordinate for the Town all usual and customary legal services authorized by statute and the Code to be provided by the town attorney. The legal services shall include, but not be limited to:

a. Provide legal advice to the Town, Board of Trustees and staff of the Town, and various boards and commissions as may be created by Board of Trustees;
b. Provide legal advice and services associated with land use, subdivision, and other planning applications;
c. Prepare or review all resolutions, ordinances, contracts, bonds, and review other written instruments as requested by the Town;
d. Represent the Town in judicial and appropriate administrative proceedings;
e. Advise the Town on current federal, state, and local laws affecting the Town and changes or developments therein; and
f. Provide advice and topical seminars to the Board of Trustees and Town staff as requested on a periodic basis.

B. The Town Attorney shall provide for support and para-professional personnel in its representation of the Town as deemed necessary and cost effective by the Town Attorney.

TOWN OF WELLINGTON

C. The Board of Trustees reserves the right to engage special legal counsel on any matter deemed appropriate by the Board of Trustees, following consultation with the Town Attorney, to advise the Town or to assist the Town Attorney.

D. The Town Attorney may, including on direction of the Board of Trustees, maintain working relationships with attorneys specializing in fields of interest to municipalities, including but not limited to condemnation, litigation, and water law. The Town Attorney may recommend that the Board of Trustees retain special legal counsel with special knowledge and expertise to represent the Town or assist the Town Attorney when it deems reasonable and in the best interest of the Town and in cases of conflict of interest. The Town Attorney may also recommend hiring special legal counsel to advise the Town or provide second opinions on matters of extraordinary importance to the Town, including matters involving complex litigation or a substantial financial or other impact on the Town or its residents, considering the Town's budget as a whole and considering Town functions or programs, when such matters of extraordinary importance also involve legal uncertainties or complexities.

E. Any attorneys who are not employed by the Town Attorney, but who are employed by or retained by the Board of Trustees to perform legal representation or to assist Town, shall be under the general supervision and coordination of the Board of Trustees. Such non-Town attorneys shall contract directly with the Town and not the Town Attorney. The Town Attorney shall not warrant the quality of the work of such non-Town attorney.

F. Although the Town Attorney shall actively seek to avoid potential for conflicts, the Town understands and recognizes that unanticipated conflicts may arise that could impair the ability of the Town Attorney to represent the Town on specific legal matters. In such event, the Town Attorney shall comply with the requirements of the Colorado Rules of Professional Conduct in addressing such conflict with the Town. The parties understand that the Town is not obligated to waive any conflict to permit the Town Attorney to represent the Town.

2. COMPENSATION

A. The Town shall compensate the Town Attorney at the rates set forth in **Exhibit A** to this Agreement.

B. The Town shall not be required to compensate the Town Attorney for:

a. Electronic and hardcopy library and research materials and research librarian services except database access charges (e.g., Lexis/Nexis or Westlaw) for legal research which shall be billed at the Town Attorney's cost without administrative markup;
b. Employee benefits;
c. Employee insurance, including malpractice insurance;
d. Training and continuing legal education;
e. Bar and professional licensing expenses and registrations;
f. Local professional memberships;
g. Town Attorney owned electronic, computer and computer/network related communications equipment, hardware, software and information technology support

TOWN OF WELLINGTON

C. The Town Attorney will employ or retain on contract at its discretion and own cost, at its office and during regular business hours, such administrative personnel as are necessary to support the Town Attorney.

4. TOWN-DESIGNATED REPRESENTATIVE

In the interest of budget management, the Board of Trustees hereby designates the Mayor and Town Administrator to serve as the primary contacts to the Town Attorney outside of the regular Board of Trustees meetings.

5. NON-DISCRIMINATION

During the performance of this Agreement, the Town Attorney shall:

a. Not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, sexual orientation, age, military service, veteran status, marital status, national origin, or disability.
b. Comply with all state and federal laws, regulations, and executive orders regarding non-discrimination applicable to the Town and its programs.

6. ASSIGNMENT

This Agreement for services is personal to the parties hereto and shall not be assigned by either party.

7. TERM AND TERMINATION

This Agreement shall be effective as provided above and may be terminated by the Town as allowed by the Code at Sec. 2-3-50 and state law at C.R.S. § 31-4-307.

8. CONFLICTS

Unless otherwise agreed by the Town, the Town Attorney shall not accept work on behalf of any client that the Town Attorney believes will create a conflict or the potential for a conflict with the Town. This requirement shall specifically preclude the Town Attorney from undertaking work on behalf of Larimer/Weld Counties, any special district whose jurisdiction or area of service lies within all or any portion of the Town, any special district or municipality that shares a common boundary with the Town or which may potentially provide services within the Town, and any landowners, businesses, and developers residing or working within the Town.

TOWN OF WELLINGTON

9. MISCELLANEOUS PROVISIONS

a. Disputes. Mandatory Arbitration for Claims under $25,000. Although the Parties do not expect that any dispute will arise between the Parties, in the unlikely event of any dispute under this Agreement, including a dispute regarding the amount of legal fees or costs owed to the Town Attorney or the quality of the Town Attorney's services, including any claim of malpractice, such dispute shall be subject to binding arbitration if the damages, liability or claim(s) asserted total less than Twenty-Five Thousand Dollars ($25,000.00) in the aggregate. In such event, the Town and the Town Attorney acknowledge that they are waiving their right to seek remedies in court, including the right to a jury trial. This clause does not prevent the Town and the Town Attorney from trying to resolve any dispute through voluntary mediation, but there is no requirement to do so. The Town agrees that the Town shall have no right to dispute fees within 90 days after payment by the Town.

b. Arbitrations. All arbitrations shall be held in Larimer County, Colorado, unless the Parties mutually agree on some other location. As set forth above arbitration shall not be required for any dispute between the Parties in which the aggregate dollar amount of alleged damages, liability, or claim(s) total Twenty-Five Thousand Dollars ($25,000.00) or more. Such disputes may be resolved by the District Court, County of Larimer, State of Colorado.

c. Document Ownership. The Town Attorney shall maintain all files currently in the Town Attorney's possession titled in the name of the Town in accordance with Colo Rule of Professional Conduct 1.16A. The Town may at any time request a list of Town files maintained by the Town Attorney and complete or partial copies from files, at the Town's expense. Files maintained in the name of the Town, by the Town Attorney, including currently existing files shall be the property of the Town. Upon termination of this Agreement, or on the failure to renew the Town Attorney's appointment, the Town Attorney shall, with a representative of the Town, review files maintained by the Town Attorney and deliver to the Town such files or copies of such files as requested by the Town. The Town Attorney and Town Clerk may, from time to time review files maintained by the Town Attorney and may define files that may be destroyed or turned over to the Town.

d. Professional Liability Insurance. The Town Attorney shall maintain professional liability insurance in an amount no less than one million ($1,000,000.00) dollars and shall provide copies to the Town Attorney's insurance to the Town on request.

e. Enforcement. This agreement shall be enforceable and shall run to the benefit of the Town Board and the Town Attorney and no third party shall have any rights hereunder.

TOWN OF WELLINGTON

IN WITNESS WHEREOF, the parties to this Agreement have executed as of the date(s) set forth below.

Town of Wellington

By:______________________
Troy Hamman, Mayor

ATTEST:

____
Krystal Eucker, Town Clerk

TOWN OF WELLINGTON SEAL COLORADO

March & Olive, LLC

By: ______________________
J. Brad March

TOWN OF WELLINGTON

EXHIBIT A

ATTORNEY RATES PER HOUR FOR MUNICIPAL LEGAL SERVICES

Attorneys:

March & Olive LLC
1312 S. College Ave.
Fort Collins, CO 80524-2880

Attorneys	**$170.00**
Paralegal/Research Professional	**$80.00**

Quarterly CORA Report
January-March 2022

Date of Request	Name of Requester	Records Requested	Date Request Fulfilled
1/19/2022	Shirrell Tietz	Detailed line item for Professional Services and Estimate/bid for Licensing Authority on Dispensary	1/21/2022
1/21/2022	Toni Alvarenga	Building Permit	1/22/2022
1/26/2022	Christine Gaiter	Candidate Affidavits	1/26/2022
1/27/2022	Christine Gaiter	Raw date from Downtown Survey	1/31/2022
1/27/2022	Christine Gaiter	Emails between Cody Bird and Logan Simpson	1/31/2022
1/28/2022	Hannah Michaud	Candidate Affidavit, Acceptance of Nomination and report of Contributions and Esenditures submitted by Melanie Murphy	1/31/2022
1/28/2022	Hannah Michaud	Candidate Affidavit, Acceptance of Nomination and report of Contributions and Esenditures submitted by Lowrey Moyer	1/31/2022
1/28/2022	Hannah Michaud	Candidate Affidavit, Acceptance of Nomination and report of Contributions and Esenditures submitted by Lisa Chollet	1/31/2022
2/1/2022	Christine Gaiter	Emails between Cody Bird and Logan Simpson	2/4/2022
2/1/2022	Criselda Martinez	Property information 8580 Man O War Drive	2/4/2022
2/4/2022	Gabriella Honchanadel	Roofing Permit	2/8/2022
2/4/2022	Tom Donnelly	Zoning and Setback Verifications	2/8/2022
2/14/2022	Dan Hawkins	Mayor and Trustee Job Descriptions	2/15/2022
2/22/2022	Stanley Young	Systemically Racist	2/28/2022
2/22/2022	Shirrell Tietz	Town Fleet Information	2/28/2022
3/2/2022	Katie Hurd	New Committee Registration	3/2/2022
3/9/2022	Christine Gaiter	Trustee Kinney Emails	3/10/2022
3/10/2022	Christine Gaiter	Trustee Kinney Emails	3/15/2022
3/11/2022	Erika Pettit	Community Activities Commission Recording	3/15/2022
3/11/2022	Christine Gaiter	Election Judges	3/14/2022
3/15/2022	Christine Gaiter	Planning Commission Recording	
3/15/2022	Christine Gaiter	Unofficial Minutes	3/17/2022
3/18/2022	Tim Whitehouse	Campaign Finance	3/21/2022
3/21/2022	Christine Gaiter	Election Judges	3/23/2022
3/26/2022	Christine Gaiter	Campaign Finance	3/28/2022