



BOARD OF TRUSTEES
November 28, 2023
6:30 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 muhse@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.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84871162393?pwd=UkVaaDE4RmhJaERnallEK1hvNHJ5Zz09>

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Or One tap mobile :

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Or Telephone:

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360 209 5623

Webinar ID: 848 7116 2393

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. LIQUOR LICENSE AUTHORITY BOARD

1. Avuncular Bob's T Bar Inn & Brewpub - Hotel & Restaurant (City) License Renewal

- Presentation: Ethan Muhs, Town Clerk

D. CONSENT AGENDA

1. November 14, 2023, Regular Meeting Minutes
 - Presentation: Ethan Muhs, Town Clerk
2. Resolution No. 48-2023: A Resolution of the Town of Wellington, Colorado Authorizing the Temporary Closure of Portions of State Highway 1/Cleveland Avenue
 - Presentation: Caitlin Morris, Community and Business Liaison

E. ACTION ITEMS

1. Ordinance No. 10-2023: An Ordinance of the Town of Wellington, Colorado Making Adjustments to Utility Rates
 - Presentation: Meagan Smith, Deputy Director of Public Works and Don Rhoads, Town Treasurer & Finance Director
2. Ordinance No. 11-2023: An Ordinance of the Town of Wellington, Colorado Making Adjustments to Water and Wastewater Capital Investment Fees
 - Presentation: Meagan Smith, Deputy Director of Public Works
3. Ordinance No. 12-2023: An Ordinance of the Town of Wellington, Colorado Recodifying Municipal Code Chapter 6 Concerning Business Licensing
 - Presentation: Dan Sapienza, Town Attorney; & Patti Garcia, Town Administrator
4. Town Treasurer/Finance Director Recruitment
 - Presentation: Patti Garcia, Town Administrator

F. REPORTS

1. Town Attorney
2. Town Administrator
3. Staff Communications
 - a. Larimer County Sheriff's Office Report (October)
 - b. Monthly Utility Report, dated November 1, 2023
4. Board Reports

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.

Board of Trustees Meeting

Date: November 28, 2023
Subject: Avuncular Bob's T Bar Inn & Brewpub - Hotel & Restaurant (City) License Renewal

- **Presentation:** Ethan Muhs, Town Clerk

BACKGROUND / DISCUSSION

AVUNCULAR BOB'S T BAR INN & BREW PUB OPERATIONS LLC has submitted their annual renewal for their Hotel and Restaurant (city) liquor license. A review of the application found the establishment is in good standing with the Colorado Secretary of State, the establishment is current with sales tax and the Larimer County Sheriff's Office reported no issues directly related to the establishment's liquor license. The establishment has legal possession of the premise and there were no issues or concerns during a visual inspection of the premise.

STAFF RECOMMENDATION

Staff has identified the following options for Trustee consideration:

1. Approve the Retail Liquor License Renewal Application.
2. Postpone to hold a hearing on the Renewal Application after the hearing is posted on the licensed premise for at least 10 days and notice has been provided to the applicant for at least 10 days prior to the hearing.
3. Deny the application for good cause. Good Cause for the purpose of denying a license renewal means:
 - a. The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of article 3 or any rules promulgated pursuant to article 3;
 - b. The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license in prior disciplinary proceedings or arose in the context of potential disciplinary proceedings;
 - c. Evidence that the licensed premises have been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located, which evidence must include a continuing pattern of fights, violent activity, or disorderly conduct.

ATTACHMENTS

1. 2024 Renewal Application
2. Avuncular Bobs T Bar Inn LL Renewal Receipt
3. Liquor Inspection Report - Avuncular Bob's T-Bar Inn - 111623

Submit to Local Licensing Authority

RECEIVED

OCT 25 2023

AVUNCULAR BOB'S T BAR INN & BREW PUB OPERATIONS LLC
PO BOX 421
Wellington CO 80549

APPLICANT ID: 681693

Fees Due	
Renewal Fee	625.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Colorado Beer and Wine License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name AVUNCULAR BOB'S T BAR INN & BREW PUB OPERATIONS LLC		Doing Business As Name (DBA) AVUNCULAR BOB'S T BAR INN & BREW PUB OPERATIONS LLC	
Liquor License # 03-12295	License Type Hotel & Restaurant (city)		
Sales Tax License Number 40857776	Expiration Date 12/10/2023	Due Date 10/26/2023	
Business Address 3803 CLEVELAND AVENUE Wellington CO 80549			Phone Number 9705689829
Mailing Address PO BOX 421 Wellington CO 80549		Email k@nococoffee.com	
Operating Manager K Campbell	Date of Birth 4/28/60	Home Address 1024 Dargyn Ln. Ft. Collins, CO 80549	Phone Number (970) 217-1474
1. Do you have legal possession of the premises at the street address above? ☒ Yes ☐ No Are the premises owned or rented? ☐ Owned ☒ Rented* *If rented, expiration date of lease <u>July, 2025</u>			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. ☐ Yes ☒ No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) ☒ Yes ☐ No			
3b. If so, which are you renewing? ☐ Delivery ☒ Takeout ☐ Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? ☐ Yes ☒ No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? ☐ Yes ☒ No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. ☐ Yes ☒ No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. ☐ Yes ☒ No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. ☐ Yes ☒ No
8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. ☒ Yes ☐ No

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>K Campbell</i>	Title <i>Sole Member</i>
Signature <i>K Campbell</i>	Date <i>10/17/23</i>

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For		Date
Signature	Title	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, K Campbell am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Avuncular Bob's T Bar Inn (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Avuncular Bob's T Bar Inn & Branspub</u>		Social Security Number/Tax Identification Number <u>84-2078738</u>	
Address <u>7024 Dargyn Ln.</u>			
City <u>Fort Collins</u>		State <u>CO</u>	Zip <u>80524</u>
Home Phone Number <u>(970) 217-1474</u>		Business/Work Phone Number <u>(970) 568-9029</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>K Campbell</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>K Campbell</u>			Date signed <u>10/17/23</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

Receipt No: 1.012321

Oct 26, 2023

Avuncular Bobs TBar Inn

Previous Balance:	.00
Miscellaneous Revenue - LL Renewal	175.00
Total:	175.00
Check	175.00
Check No: 10910	
Total Applied:	175.00
Change Tendered:	.00

Duplicate Copy

10/26/2023 4:34 PM



LIQUOR INSPECTION REPORT

Licensee Name: Avuncular Bob's T-Bar Inn & Brew Pub Operations LLC/DBA (same)	Contact/Manager Name: K. Campbell and Carla Smith
License #: 03-12295	Contact Number: K. Campbell (970-217-1474) and Carla Smith (970-589-0747)
Address: 3803 Cleveland Ave	Contact Email: k@nococoffee.com and carlas8499@gmail.com
City, State, Zip: Wellington, CO 80549	Date of Report: 11/16/2023

ITEM	YES	NO	NA
State Liquor License Posted	✓		
Local Liquor License Posted	✓		
Sales Tax License Posted	✓		
Food Service License Posted	Exp. 12/2022		
Minor Warning Sign Posted	✓		
Meals/Snacks Available	✓		
Cleanliness is Adequate	✓		
Books and Invoices Available	✓		
Alcohol Purchased from Permitted Source	✓		
Beer, Wine and Liquor Stock Acceptable	✓		
Manager Registered with Authorities	✓		
Licensee in Possession/Control of Premise	✓		
Premise Diagram Accurate	✓		
Acceptable Dispensing Systems	✓		
Larimer County Sheriff's Office Violation Report: No violations since last report on 10/24/22.			

LIQUOR LICENSE INSPECTION NOTES: "License to Operate a Retail Food Establishment" was clearly posted but expired as of 12/31/2022. Carla Smith had a record of an application renewal in January of 2023, but not a copy of the current license. She advised she will forward that once she finds it. No other issues noted.

Inspection Representative(s):

Sgt. Matthew Cherry #04035 - Larimer County Sheriff's Office

Board of Trustees Meeting

Date: November 28, 2023
Subject: November 14, 2023, Regular Meeting Minutes

- **Presentation:** Ethan Muhs, Town Clerk

BACKGROUND / DISCUSSION

Minutes for the November 14, 2023 Regular Meeting. [A link to the video recording of this meeting was available as of 11/22/2023.](#)

STAFF RECOMMENDATION

Staff have identified the following options for Board consideration:

1. Approve the November 14, 2023 Minutes with the Consent Agenda
2. Remove the the November 14, 2023 Minutes from the Consent Agenda and consider further as an Action Item

ATTACHMENTS

1. 11.14.23 Board of Trustees Regular Meeting Minutes
2. 11.14.23 Exhibit 1



BOARD OF TRUSTEES
November 14, 2023
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting Agenda

A. CALL TO ORDER

Mayor Chaussee called the meeting to order at 6:30 p.m.

1. Pledge of Allegiance
Mayor Chaussee asked for all to rise for the Pledge of Allegiance.
2. Roll Call
The Clerk noted a quorum with the following roll call:
Mayor Chaussee – present
Mayor Pro Tem Macdonald – present
Trustee Daily – present
Trustee Gaiter –present
Trustee Mason – present
Trustee Tietz – present
Trustee Wiegand – absent
3. Amendments to Agenda
Mayor Chaussee asked if there were any amendments to the agenda; Trustee Mason made an amendment to move the Safe Routes to Parks Application Letter to the front of the agenda.

The amendment was unanimously approved.
4. Conflict of Interest
Mayor Chaussee asked if there were any conflict of interest; there were none.

B. COMMUNITY PARTICIPATION

1. Public Comment
Mayor Chaussee asked if there were any public comments; Jeff Schofield made public comment.
2. Proclamation
Mayor Chaussee proclaimed November 25th 2023 as Small Business Saturday and November 18th 2023 as Love Your Lawyer Day.

C. PRESENTATION

1. 2024 Budget Presentation with Public Comment

Mayor Chaussee invited Mr. Don Rhoads, Finance Director and Town Treasurer, to present the 2024 Budget.

Mayor Chaussee invited comments from the Board; Trustee Tietz, Trustee Daily, Trustee Mason, Mayor Pro Tem Macdonald and Trustee Gaiter made comments. Ms. Stephanie Anderson, Human Resources Director, and Mr. Cody Bird, Planning Director, responded to questions from the Board.

Mayor Chaussee invited Ms. Anderson to present Employee Compensation in the budget and responded to questions from the Board.

Mayor Chaussee called for public comment; Ms. Lisa Chollet and Ms. Christine Gaiter made public comment.

Mayor Chaussee called for final Board Member comments, Trustee Tietz made a comment, to which Ms. Patti Garcia responded. Trustee Dailey and Trustee Gaiter made final comments.

D. CONSENT AGENDA

1. October 24, 2023 Regular Meeting Minutes

2. Resolution No. 46-2023: A Resolution of the Town of Wellington, Colorado Making Appointments to the Finance Committee and Parks, Recreation, Open Space, and Trails Board

3. Approval to Open Safe Deposit Box at Points West Community Bank

Mayor Chaussee asked for the items on the Consent Agenda to be read, then, called for a motion.

Trustee Tietz moved to approve the Consent Agenda. Trustee Mason seconded.

Yeas: Tietz, Mason, Dailey, Gaiter, Macdonald, Chaussee

Nays: N/A

The motion carried unanimously and the Consent Agenda was approved.

Mayor Chaussee declared the meeting to be in recess at 8:13 p.m. He then reconvened the meeting at 8:20 p.m.

E. ACTION ITEMS

1. Letter of Support - Safe Routes to Parks Grant Application

Mayor Chaussee invited Ms. Garcia, Town Administrator, to present this item to the board. Ms. Lisa Chollet made comments regarding this item and answered questions from the Board.

Mayor Chaussee called for public comment on this item; there was none.

Mayor Chaussee called for a motion on this item.

Trustee Gaiter moved to approve the Letter of Support – Safe Routes to Parks Grant Application. Trustee Tietz seconded.

Yeas: Gaiter, Tietz, Dailey, Macdonald, Mason, Chaussee
Nays: N/A

The motion carried unanimously and Letter of Support – Safe Routes to Parks Grant Application was approved.

2. Ordinance No. 09-2023: An Ordinance Recodifying Chapter 13 of the Municipal Code Concerning Municipal Utilities

Mayor Chaussee invited Mr. Dan Sapienza, Town Attorney, to present this item to the Board and answered questions from the Board.

Mayor Chaussee called for public comment on this item; there was none.

Mayor Chaussee called for final comments from the Board, and seeing none, called for a motion on this item.

Trustee Dailey moved to approve Ordinance No. 09-2023: An Ordinance Recodifying Chapter 13 of the Municipal Code Concerning Municipal Utilities. Trustee Gaiter seconded.

Yeas Dailey, Gaiter, Tietz, Macdonald, Mason, Chaussee
Nays: N/A

The motion carried unanimously and Ordinance No. 09-2023: An Ordinance Recodifying Chapter 13 of the Municipal Code Concerning Municipal Utilities was approved.

3. Ordinance No. 10-2023: An Ordinance of the Town of Wellington, Colorado Making Adjustments to Utility Rates

Mayor Chaussee invited Ms. Meagan Smith, Deputy Director of Public Works; Bob Gowing, Director of Public Works; and Don Rhoads, Town Treasurer & Finance Director to present this item and respond to questions from the Board.

Mayor Chaussee called for public comment on this item; Jeff Schofield and Lisa Chollet made public comment.

Mayor Chaussee called for final comments from the Board; Trustee Dailey, Trustee Gaiter, Trustee Mason, Mayor Pro Tem Macdonald, Trustee Tietz made final comments.

Mayor Chaussee called for a motion on this item.

Trustee Gaiter moved to table Ordinance No. 10-2023: An Ordinance of the Town of Wellington, Colorado Making Adjustments to Utility Rates. Trustee Dailey seconded.

Yeas: Gaiter, Dailey, Tietz, Mason, Macdonald, Chaussee
Nays: N/A

The motion carried unanimously and Ordinance No. 10-2023: An Ordinance of the Town of Wellington, Colorado Making Adjustments to Utility Rates was tabled.

4. Ordinance No. 11-2023: An Ordinance of the Town of Wellington, Colorado Making Adjustments to Water and Wastewater Capital Investment Fees

Mayor Chaussee invited Ms. Meagan Smith, Deputy Director of Public Works, to present this item and respond to questions from the Board.

Mayor Chaussee called for public comment on this item; Jeff Schofield made a public comment.

Mayor Chaussee called for final comments from the Board; Trustee Gaiter made a final comment.

Mayor Chaussee called for a motion on this item.

Trustee Gaiter moved to table Ordinance No. 11-2023: An Ordinance of the Town of Wellington, Colorado Making Adjustments to Water and Wastewater Capital Investment Fees. Trustee Dailey seconded.

Yeas: Gaiter, Dailey, Tietz, Mason, Macdonald, Chaussee

Nays: N/A

The motion carried unanimously and Ordinance No. 11-2023: An Ordinance of the Town of Wellington, Colorado Making Adjustments to Water and Wastewater Capital Investment Fees was tabled.

5. Resolution 47- 2023: A Resolution Authorizing Financial Support to Ratepayers through a General Fund Transfer to the Water and Wastewater Enterprise Funds

Mayor Chaussee invited Ms. Patti Garcia, Town Administrator, to present this item and respond to questions from the Board.

Mayor Chaussee called for public comment on this item; there was none.

Mayor Chaussee called for final comments from the Board, and seeing none, called for a motion on this item.

Trustee Dailey moved to approve Resolution 47- 2023: A Resolution Authorizing Financial Support to Ratepayers through a General Fund Transfer to the Water and Wastewater Enterprise Funds. Mayor Pro Tem Macdonald seconded.

Yeas: Dailey, Macdonald, Tietz, Mason, Gaiter, Chaussee

Nays: N/A

The motion carried unanimously and Resolution 47- 2023: A Resolution Authorizing Financial Support to Ratepayers through a General Fund Transfer to the Water and Wastewater Enterprise Funds was approved.

6. Contract for Outside Counsel

Mayor Chaussee invited Mr. Dan Sapienza, Town Attorney, to present this item and respond to questions from the board.

Mayor Chaussee called for public comment on this item; there were none.

Mayor Chaussee called for final comments from the Board; there were none and called for a motion on this item.

Trustee Gaiter moved to approve Contract for Outside Counsel with stipulation cap of \$7,500 and report back to the Board at \$6,000. Trustee Tietz seconded.

Yeas: Gaiter, Tietz, Macdonald, Mason, Dailey, Chaussee

Nays: N/A

The motion carried unanimously and the Contract for Outside Counsel was approved with the stated stipulation.

F. REPORTS

1. Town Attorney

No report.

2. Town Administrator

Ms. Garcia reported reminder of water treatment plant tour on Saturday November 16th 2023 at 10:00 a.m.

3. Staff Communications

Mayor Chaussee called for questions about Staff Communications; there were none.

a. Larimer County Sheriff's Office Report - September 2023

b. Treasurer's Report and September 2023 Financials

4. Board Reports

Mayor Chaussee – no report.

Trustee Tietz – no report.

Trustee Gaiter – no report.

Mayor Pro Tem Macdonald – reported on the Larimer County Emergency Preparedness meeting with staff and stake holders and attendance at a Commissioner meeting.

Trustee Daily – reported on the Veteran Day's event and Fall Fest at the Wellington Middle/High school, and a Mac – n – Cheese cook off fundraiser.

Trustee Mason – no report.

Trustee Gaiter moved to extend the Board of Trustee meeting to 10:30 p.m. Trustee Daily seconded. The motion carried with unanimous consent.

G. EXECUTIVE SESSION

1. Conferences with an attorney for the Town pursuant to § 24-6-402(4) (b), for the purpose of receiving legal advice relative to pending litigation related to the appeal of a site plan approval. The executive session will not be recorded and an attorney certification will be provided as required by C.R.S. §24-6-402(2)(d.5)(II)(B) that discussions in the executive session constitute privileged attorney-client communications.

Trustee Gaiter moved to enter the Executive Session. Trustee Daily seconded.

Yeas: Gaiter, Daily, Mason, Tietz, Macdonald, Chaussee

Nays: N/A

Mayor Chaussee opened the Executive Session at 10:00 p.m.

Trustee Gaiter Moved to exit the Executive Session. Trustee Tietz seconded. Upon the motion duly noted and with unanimous consent, Mayor Chaussee exited the Executive Session at 10:04 p.m.

Trustee Gaiter moved to enter the Executive Session. Trustee Daily seconded.

Yeas: Gaiter, Daily, Mason, Tietz, Macdonald, Chaussee

Nays: N/A

Mayor Chaussee opened the Executive Session at 10:05 p.m.

2. An executive session pursuant to C.R.S. 24-6-402(4)(f)(I) to discuss personnel matters concerning the Town Administrator, under circumstances where the Town Administrator has not requested an open meeting.
3. An executive session pursuant to C.R.S. 24-6-402(4)(f)(I) to discuss personnel matters concerning the Town Attorney, under circumstances where the Town Attorney has not requested an open meeting.

Trustee Dailey left the Executive Session at 11:08 p.m. and did not return for the duration of the meeting.

Trustee Gaiter Moved to exit the Executive Session. Trustee Tietz seconded. Upon the motion duly noted and with unanimous consent, Mayor Chaussee exited the Executive Session at 11:47 p.m.

H. ADJOURN

Upon the motion duly noted and with unanimous consent, Mayor Chaussee adjourned the meeting at 11:47 p.m.

Ethan Muhs, Town Clerk

Attachments:

Exhibit 1- Attorney Certification Related to October 24, 2023 Executive Session of the Meeting of the Board of Trustees of the Town of Wellington, Colorado

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.

ATTORNEY CERTIFICATION RELATED TO NOVEMBER 14, 2023 EXECUTIVE SESSION OF THE MEETING OF
THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO

The undersigned as Town Attorney of the Town of Wellington, Colorado certifies that the Board of Trustees of the Town of Wellington, Colorado at its regular meeting on November 14, 2023, properly announced and convened, in executive session, for conferences with an attorney for the Town pursuant to § 24-6-402(4)(b), for the purpose of receiving legal advice relative to pending but not yet filed litigation. Pursuant to C.R.S. §24-6-402(4)(b) and (d.5)(II)(B), it is the opinion of the undersigned attorney that the meeting was properly announced and that discussions which occurred during the executive session constituted a privileged attorney-client communication. No record was kept or required to be kept of the discussions. This statement shall be included with the written minutes of the referenced meeting. This statement is also signed by the Town Attorney and Mayor of the Town of Wellington, attesting that the executive session was not recorded and was confined to the topics authorized for discussion in executive session pursuant to §24-6-402(4)(d.5)(11)(B).

March, Olive and Sapienza, LLC

Town Attorney


Daniel L. Sapienza

11/21/23

Calar Chaussee, Mayor

Board of Trustees Meeting

Date: November 28, 2023
Subject: Resolution No. 48-2023: A Resolution of the Town of Wellington, Colorado
Authorizing the Temporary Closure of Portions of State Highway 1/Cleveland
Avenue

- **Presentation: Caitlin Morris, Community and Business Liaison**

BACKGROUND / DISCUSSION

The Town of Wellington hosts an annual holiday parade referred to as the "Parade of Lights." This event brings our community together to celebrate the holiday season with music, treats, and a parade of floats made by members of the community. These road closures will provide protection for the large attendance of pedestrians that line the streets of Cleveland Avenue the night of the parade.

The following streets are proposed to be closed to traffic, except for residents and/or business owners of these streets at the time specified:

- Highway 1 from the Y (intersection of CR9 and Hwy 1) - East to First Street from 2:30 pm - 7pm
- Cleveland Avenue from First Street - Fifth Street from 2:30 pm - 7pm
- First Street from Cleveland Avenue to Mae Court from 2:30 pm - 7pm

STAFF RECOMMENDATION

1. Approve Resolution No. 48-2023.
2. Approve Resolution No. 48-2023 with amendments as the Board of Trustees deems appropriate.
3. Vote to deny Resolution No. 48-2023.

ATTACHMENTS

1. Reso 48-2023 - Road Closure Parade of Lights
2. Wellington Christmas Parade Cleveland
3. Wellington Christmas Parade Detour Route
4. Wellington Christmas Parade Hwy 1 and 62
5. Wellington Christmas Parade Hwy 1 and 62e
6. Wellington Christmas Parade No Parking Plan
7. Wellington Christmas Parade South

TOWN OF WELLINGTON

RESOLUTION NO. 48-2023

A RESOLUTION OF THE TOWN OF WELLINGTON, COLORADO AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF STATE HIGHWAY 1/CLEVELAND AVENUE WITHIN THE TOWN OF WELLINGTON DURING THE ANNUAL PARADE OF LIGHTS EVENT ON DECEMBER 2, 2023

WHEREAS, the Town of Wellington, are conducting the holiday “Parade of Lights” for the residents of Wellington on Saturday, December 2, 2023; and

WHEREAS, it is necessary to temporarily close a portion of State Highway 1 and Cleveland Avenue within the Town of Wellington to traffic on December 2, 2023 for the holiday parade; and

WHEREAS, said temporary closures are permitted by C.R.S. 42-4-106 and Section 106(6)(b) of the Colorado Model Traffic Code.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, LARIMER COUNTY, COLORADO.

Section I. The following streets are to be closed on December 2, 2023 to automobile traffic, except for residents and/or business owners of these streets at the time specified: Cleveland Avenue from First Street to Fifth Street, Fifth Street from Cleveland to Roosevelt and First Street from Cleveland to Mae Ct. from 2:30 p.m. to 7:00 p.m.

Section 2. Cleveland Avenue traffic during the time of closure will be rerouted on State Highway 1 at Jefferson Street East to Sixth Street and North to Cleveland or Cleveland Avenue at Sixth Street South to Jefferson Street and West on Jefferson Street to State Highway 1.

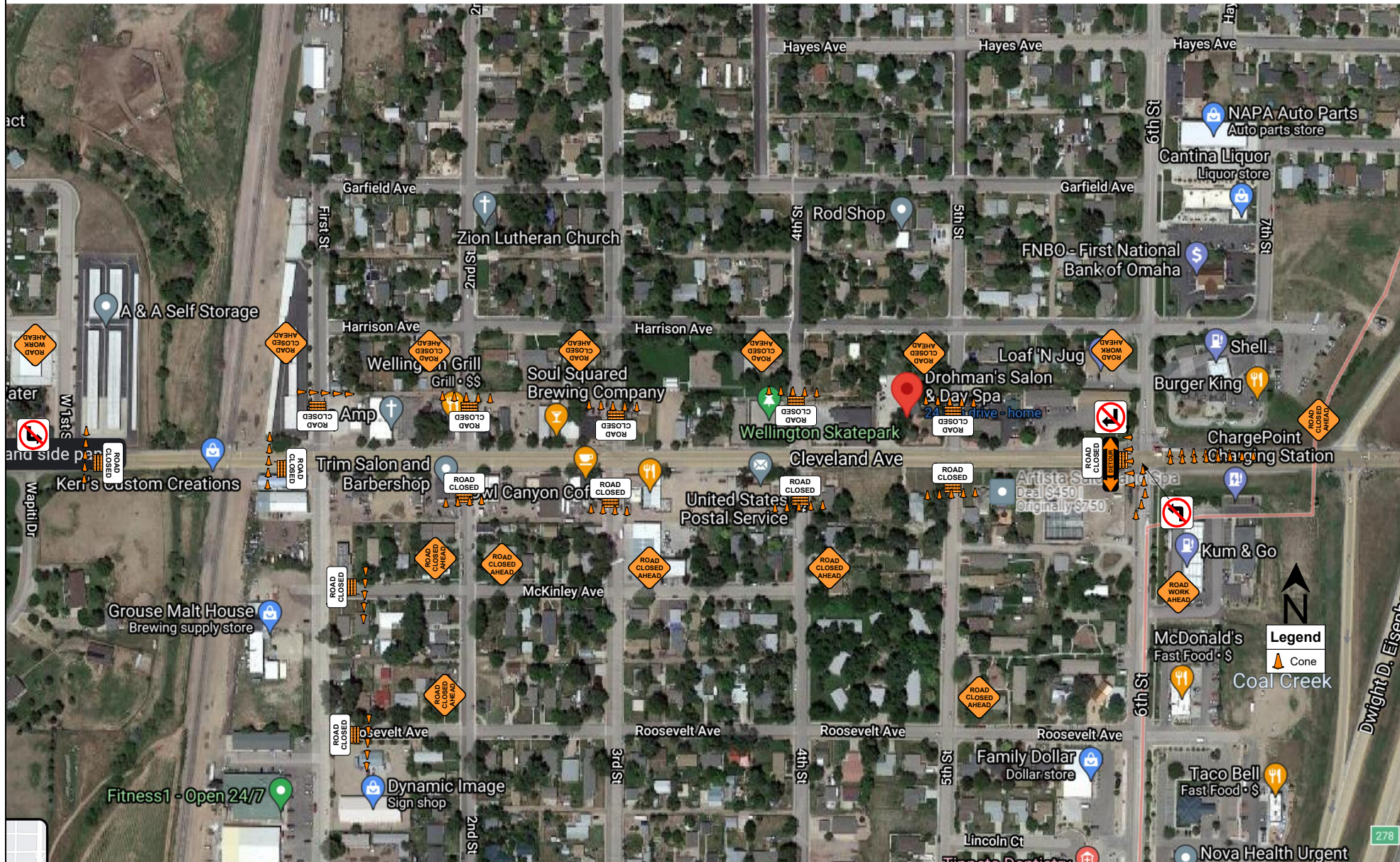
Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted this 28th day of November, 2023.

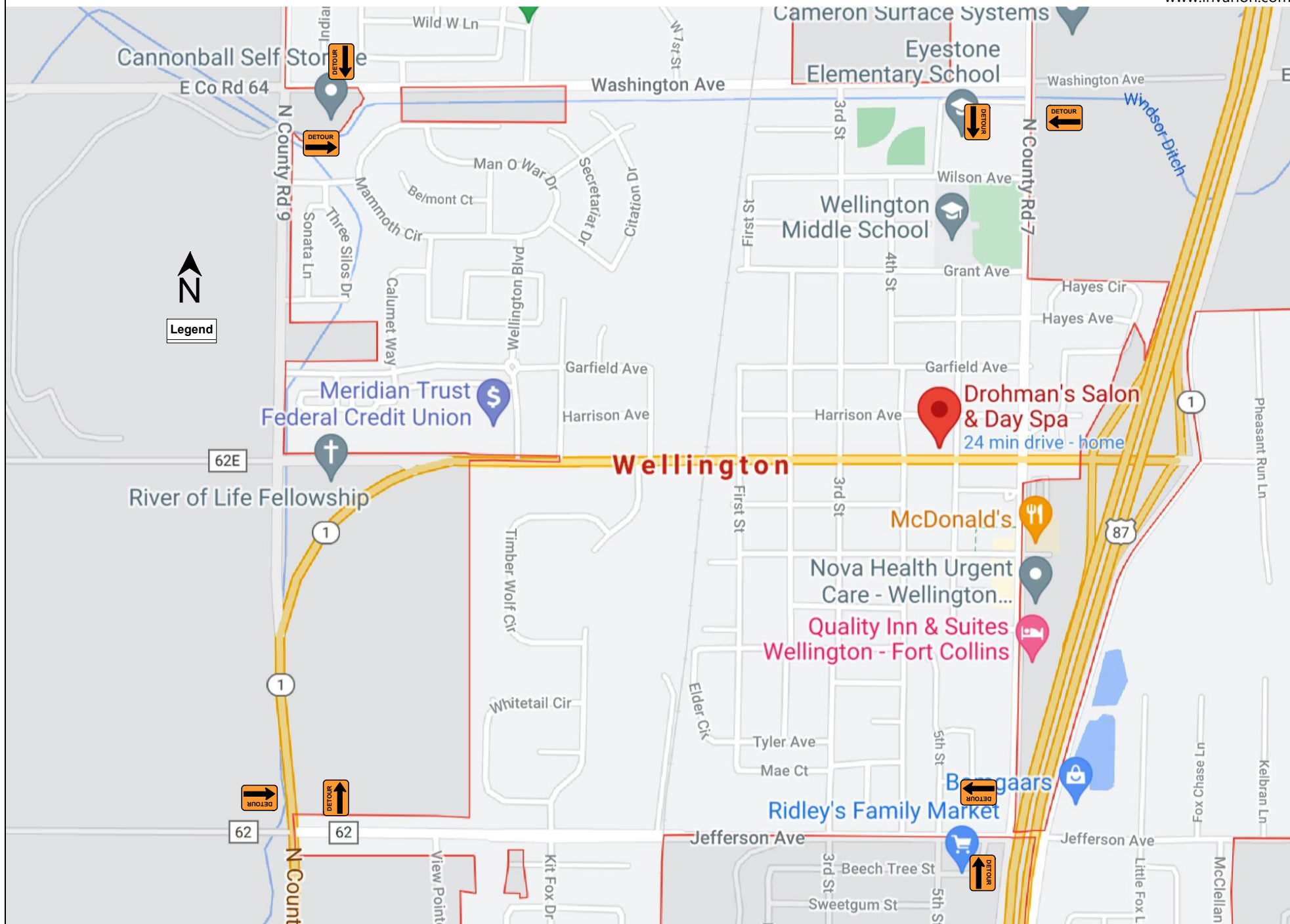
TOWN OF WELLINGTON

By: _____
Calar Chaussee, Mayor

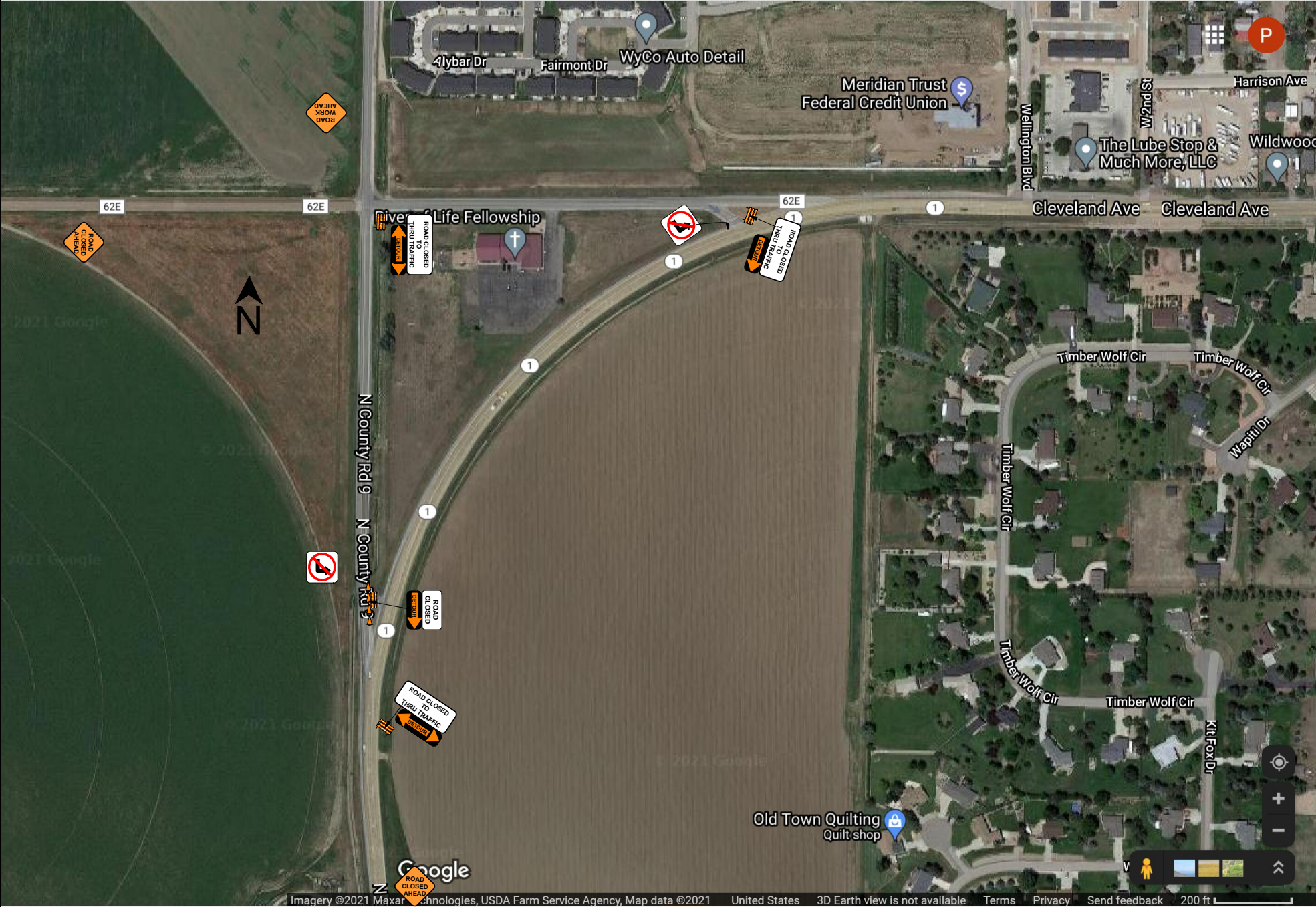
ATTEST:

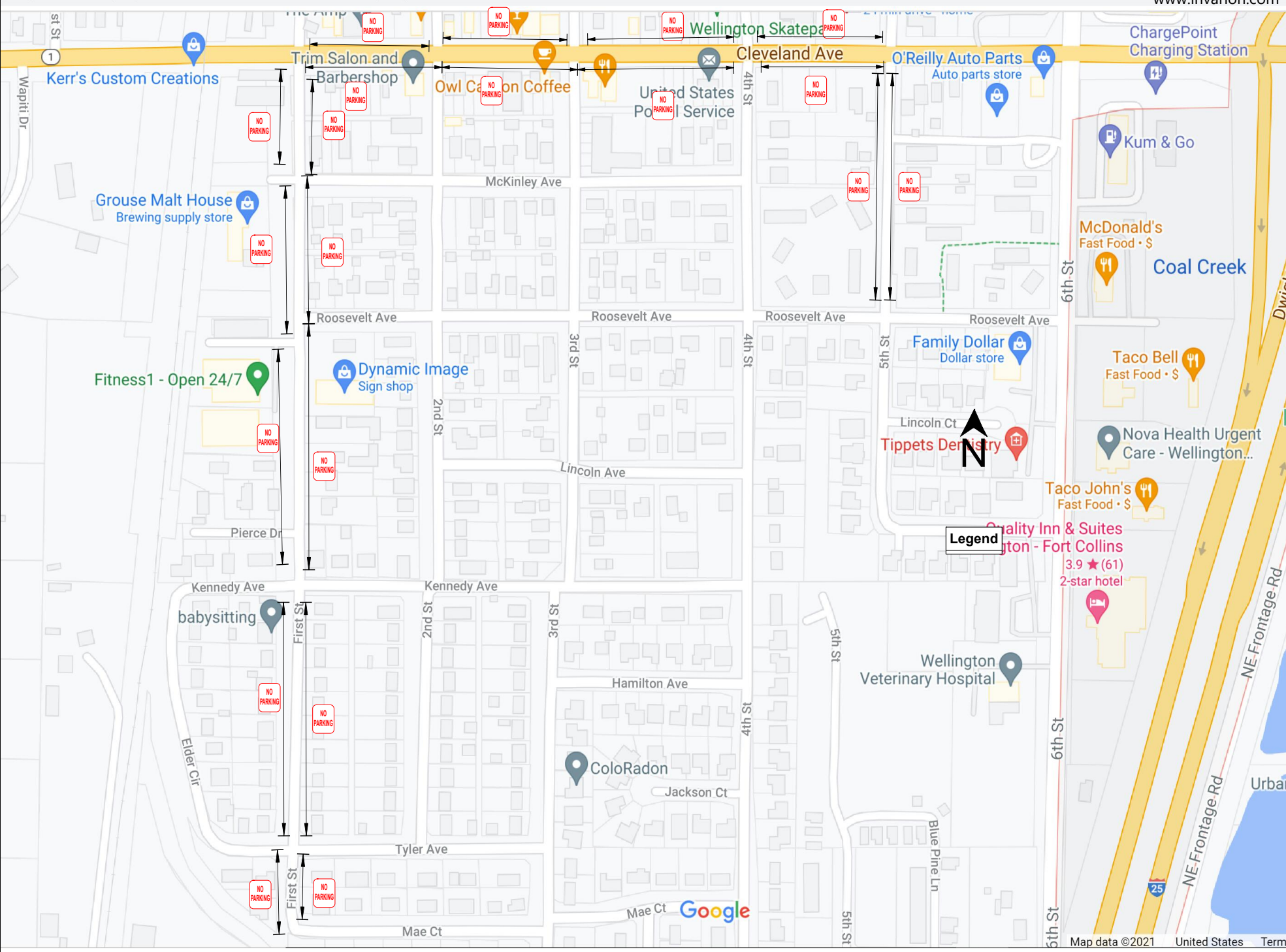
Ethan Muhs, Town Clerk

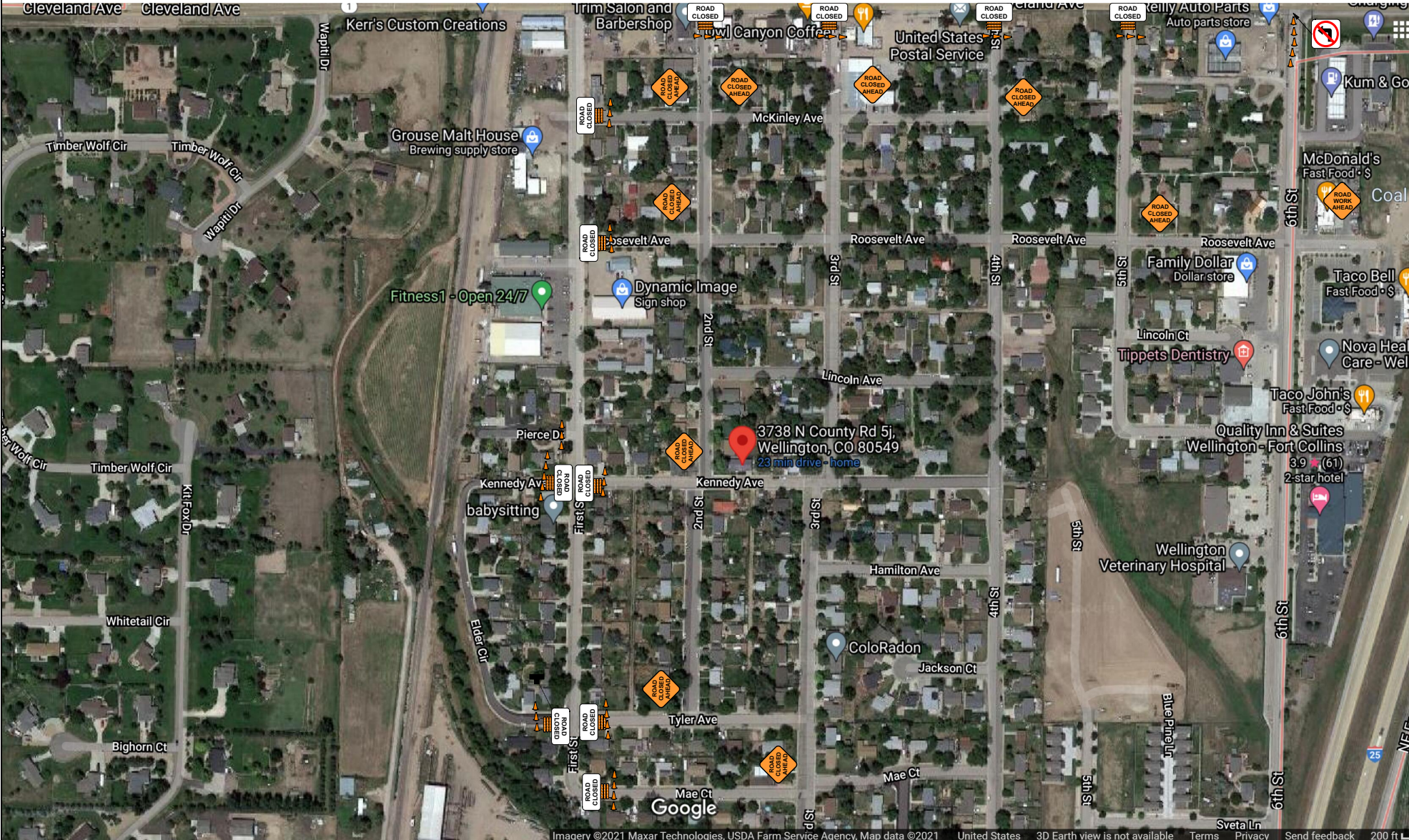












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Board of Trustees Meeting

Date: November 28, 2023

Subject: Ordinance No. 10-2023: An Ordinance of the Town of Wellington, Colorado
Making Adjustments to Utility Rates

- **Presentation: Meagan Smith, Deputy Director of Public Works and Don Rhoads, Town Treasurer & Finance Director**

BACKGROUND / DISCUSSION

Attached for Board of Trustee review is ORDINANCE NO. 10-2023 – AN ORDINANCE ESTABLISHING FEES TO BE CHARGED BY THE TOWN OF WELLINGTON, COLORADO, FOR UTILITY SERVICES. Background material for the next action item, ORDINANCE NO. 11-2023 – AN ORDINANCE ESTABLISHING CAPITAL INVESTMENT FEES TO BE CHARGED BY THE TOWN OF WELLINGTON, COLORADO FOR CONNECTION TO THE WATER AND WASTEWATER UTILITY SYSTEMS, is also included with this description.

In April 2022, the Town of Wellington contracted with Raftelis, a Colorado-based consulting firm, to perform a comprehensive rate and fee study (“study”) for the water and wastewater utilities. The study process incorporated a 10-person Utility Rate Structure Roundtable (“Roundtable”) with members appointed by Trustees and selected representatives from other Town Boards. Roundtable members developed rate-setting values and principles for the community and set the pricing objectives for the rate design. The pricing objectives included:

- Essential Water Use Pricing – providing water at the lowest possible cost for low water users while maintaining the financial health of the utilities
- Customer Impact – minimizing the financial impact to customers of changing rates
- Cost Recovery Between New and Existing Customers – growth pays for growth
- Cost Recovery Between Customer Classes – no one customer class should be subsidizing another

The rate and fee study process led by Raftelis included rate structure best practices and recommendations for the following:

- Utilize the Cost-of-Service approach to ensure the full cost of providing utility service to each customer class is assigned appropriately.
- Utilize the Cost-of-Service approach to allocate the costs between the base charge (customer related costs) and the volume charge (treatment and conveyance related costs).
- Update the fund balance policy for the enterprise funds to equal 90 days of operations and maintenance expense plus 1-years’ depreciation expense.
- Increase rate revenue in the water and wastewater enterprise funds by 5% each year, for the next five years to match the rising cost of service.
- Increase capital investment fee revenue in the water and wastewater enterprise funds by 4% each year for the next five years to match the rising cost of providing service to new development.

The current 2023 water and wastewater utility rates and capital investment fees adopted by the Board of Trustees on November 8, 2022 reflect the pricing objectives defined by the Roundtable and the best practices and recommendations provided by Raftelis. Current 2023 water and wastewater utility rates are summarized in Appendix A.

As part of the commitment to fiscal responsibility, Town Staff are committed to annually reviewing all variables with the potential to impact the financial health of the water and wastewater funds. In alignment with this commitment, Staff updated, and Raftelis reviewed, the water and wastewater utility rate models developed with the study to reflect end-of-year budget projections for 2023, proposed budget for 2024, updated 5-year CIP planning, and updated growth projections based on the best available information and assumptions at that time. Planned rate and fee increases can change in future years in response to new and updated information and assumptions.

Staff presented originally proposed 2024 water and wastewater rates and fees and the resulting 5-year financial plans to the [Board of Trustees at a Work Session on October 24, 2023](#). The proposed rate and fee increases in that presentation aligned with the rate study recommendations of a 5% increase to water and wastewater rates and a 4% increase to water and wastewater capital investment fees.

Upon additional review of multiple cost indices, including the CDOT construction index, and Raftelis recommendation, Staff proposed an additional 1% increase to water and wastewater capital investment fees for 2024, totaling to an increase of 5%. This change was included in the presentation to the [Board of Trustees at a regular meeting on November 14](#).

Proposed 2024 water and wastewater rates are summarized in Appendix B. The current 2023 and proposed 2024 water and wastewater capital investment fees are summarized in Appendix C.

Staff continues to update the water and wastewater utility rate models as the Town progresses through the 2024 Budget process. Attached in Appendix D are updated modeled financial plans for the Water Utility Fund (Appendix D) and the Wastewater Utility Fund (Appendix E). Of note, the financial plans include updated growth projections based on best available current data. These projections estimate 50 building permits in 2024, 108 building permits in 2025, and a return to previously developed projections in 2026 and beyond.

STAFF RECOMMENDATION

Staff have identified the following options for Trustee consideration:

1. Move to approve Ordinance No. 10-2023
2. Move to approve Ordinance No. 10-2023 with amendments determined by the Board of Trustees
3. Move to postpone consideration of Ordinance No. 10-2023 to a specified date
3. Deny Ordinance No. 10-2023

ATTACHMENTS

1. Ordinance 10-2023 - Utility Service Fees
2. Proposed 2024 Water & Wastewater Rate & Fee Presentation
3. Appendix A - Current 2023 Water and Wastewater Usage Rates
4. Appendix B - Proposed 2024 Water and Wastewater Usage Rates
5. Appendix C - Current 2023 and Proposed 2024 Water and Wastewater Capital Investment Fees
6. Appendix D - Updated Water Fund Financial Plan
7. Appendix E - Updated Wastewater Financial Plan

TOWN OF WELLINGTON

ORDINANCE NO. 10-2023

AN ORDINANCE ESTABLISHING FEES TO BE CHARGED BY THE TOWN OF WELLINGTON, COLORADO, FOR UTILITY SERVICES

WHEREAS, the Town of Wellington Municipal Code provides that the Board of Trustees of the Town of Wellington shall set fees for various services provided by the Town; and

WHEREAS, the Town of Wellington has previously set fees for utility services by resolution and by ordinance; and

WHEREAS, the Board previously set fees for utility services by Ordinance No. 17-2022; and

WHEREAS, the fees for utility services are to be reviewed and set annually in order for the Town to recoup the full cost of service for the provision of water and wastewater services.

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

1. **Residential Water Fees.** For all residential users, the Town shall charge the following fees for each water tap connected to the Town's municipal water system:

For water taps serving a single residential unit (single-family dwelling):

Base rate, charge per month based on size of water tap:

0.75 inch:	\$52.20
1.0 inch:	\$63.96
1.5 inch:	\$91.58
2.0 inch:	\$126.64

Volume Rate, charge per 1,000 gallons of usage:

Tier 1 (0 – 3,000 gallons):	\$0.00
Tier 2 (3,001 – 7,000 gallons)	\$12.29
Tier 3 (7,001 – 20,000 gallons)	\$15.96
Tier 4 (more than 20,000 gallons)	\$22.72

For water taps serving multiple residential units (multi-family dwellings):

Base rate, charge per month:

\$32.50 per unit served

Volume Rate, charge per 1,000 gallons of average usage per unit served:

Tier 1 (0 – 3,000 gallons):	\$0.00
Tier 2 (3,001 – 7,000 gallons)	\$7.43
Tier 3 (7,001 – 20,000 gallons)	\$9.67

Tier 4 (more than 20,000 gallons) \$13.77

Multi-unit tap volume charges are calculated as an average of monthly usage for all units served by the tap.

- 2. Residential Wastewater Fees.** For all residential users, the Town shall charge each user the following fees for connection to the Town's wastewater system:

For all wastewater taps serving residential units:

Base Rate, charge per month:

\$14.65

Volume Rate, charge per 1,000 gallons of average monthly water usage for user between January 1 and March 31:

\$8.42

- 3. Commercial Water Fees.** For all commercial users, the Town shall charge the following fees for each tap connected to the Town's municipal water system:

Base Rate, charge per month based on size of water tap:

0.75 inch:	\$25.27
1.0 inch:	\$37.03
1.5 inch:	\$64.66
2.0 inch:	\$99.72

Volume Rate, charge per 1,000 gallons of usage:

Tier 1 (0 – 25,000 gallons):	\$12.31
Tier 2 (25,001 – 120,000 gallons)	\$15.37
Tier 3 (more than 120,000 gallons)	\$18.45

- 4. Commercial Wastewater Fees.** For all commercial users, the Town shall charge each user the following fees for connection to the Towns' wastewater system:

Base Rate, charge per month:

\$14.65

Volume Rate, charge per 1,000 gallons of actual monthly water usage reduced by 15% to account for water uses not returned as wastewater:

\$8.42

5. **Irrigation Water Fees.** For all usage of water by irrigation-only taps, the Town shall charge the following fees:

Base Rate, charge per month based on size of water tap:

0.75 inch:	\$25.27
1.0 inch:	\$37.03
1.5 inch:	\$64.66
2.0 inch:	\$99.72

Volume Rate, charge per 1,000 gallons of usage:

Winter Months (Nov-Apr):	\$9.44
Summer Months (May-Oct):	\$18.88

6. **Bulk Water.** For all usage at the Bulk Water Station or via hydrants for Construction Bulk Water Usage, the Town shall charge the following fees:

Volume Rate, charge per 1,000 gallons of usage: \$22.72

7. **Validity.** The Board of Trustees hereby declares that should any section, paragraph, sentence, or word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from any such portion which may be declared invalid.
8. **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.
9. **Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this 28th day of November, 2023 and ordered to become effective January 1, 2024.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

2024 Proposed Water and Wastewater Usage Rates and Capital Investment Fees

November 28, 2023





AGENDA

- Background
- Proposed 2024 Water and Wastewater Rates and Fees
- Water and Wastewater Fund Impacts
- Potential Opportunities



Background



2022 Rate and Fee Study

- Contracted with Raftelis in April 2022
- Primary purpose of rate study
 - Ensure financial sustainability of the water and wastewater utilities
 - Ensure rates and fees recover costs proportionately across all customer classes
- Engaged Resident Roundtable
 - Identified values and principles used to develop rate structure
- Study Outcomes
 - Updated water and wastewater rate structures across all customer classes
 - Updated water and wastewater capital investment fees
 - 5-year financial plan for both utilities – showed deficit spending through 2025
 - Recommended 5% annual rate increases for 5 years
 - Recommended 4% annual impact fee increases for 5 years

2023 Rates and Fees

Residential Water Base Rates, Usage Rates,* and Tiers					
Type	Base Rate/Unit	Tier 1 0-3K gal	Tier 2 4-7K gal	Tier 3 8-20K gal	Tier 4 20K+ gal
Single-family Residential	\$49.71	\$0.00	\$11.70	\$15.20	\$21.64
Multi-family Residential	\$30.95	\$0.00	\$7.08	\$9.21	\$13.11

* Usage rate per 1,000 gallons

Commercial and Irrigation Water Base Rates, Usage Rates, and Tiers						
		Commerical Usage Rates*			Irrigation Usage Rates*	
Tap Size	Base Rate	Tier 1 0-25K gal	Tier 2 26-120K gal	Tier 3 120K+ gal	Nov-Apr (per 1K gal)	May-Oct (per 1K gal)
0.75 inch	\$24.07					
1.0 inch	\$35.27					
1.5 inch	\$61.58	\$11.72	\$14.64	\$17.57	\$8.99	\$17.98
2 inch	\$94.97					
>2 inch	Calculated					

* Usage rate per 1,000 gallons

2023 Rates and Fees

Wastewater Base Rate and Usage Rate	
Base Rate	Usage Rate* ** (per 1,000 gal)
\$13.95	\$8.02
* Residential usage volume based on water use in the months of Jan-Mar	
** Commercial usage volume based on 85% of monthly water use	

Capital Investment Fees		
Type	Water	Wastewater
Residential	\$\$/Unit	\$\$/Unit
0.75 inch Single-family	\$10,437	\$9,742
Multi-family	\$7,306	\$6,819
Commercial & Irrigation*	\$\$/Tap	\$\$/Tap
0.75 inch	\$10,437	\$9,742
1.0 inch	\$16,699	\$15,587
1.5 inch	\$48,010	\$44,813
2.0 inch	\$59,491	\$55,529
>2 inch	Calculated	Calculated
*Wastewater Capital Investment Fees do NOT apply to Irrigation taps		



2024 Proposed Rates and Impact Fees

2024 Proposed / Current 2024 Rates and Fees

2024 Proposed / Current Residential Water Base Rates, Usage Rates,* and Tiers

Type	Base Rate/Unit	Base Rate/Unit	Tier 1 0-3K gal	Tier 1 0-3K gal	Tier 2 4-7K gal	Tier 2 4-7K gal	Tier 3 8-20K gal	Tier 3 8-20K gal	Tier 4 20K+ gal	Tier 4 20K+ gal
Single-family Residential	\$52.20	\$49.71	\$0.00	\$0.00	\$12.29	\$11.70	\$15.96	\$15.20	\$22.72	\$21.64
Multi-family Residential	\$32.50	\$30.95	\$0.00	\$0.00	\$7.43	\$7.08	\$9.67	\$9.21	\$13.77	\$13.11

* Usage rate per 1,000 gallons

2024 Proposed / Current Commercial and Irrigation Water Base Rates, Usage Rates, and Tiers

Tap Size	Base Rate	Base Rate	Commerical Usage Rates*						Irrigation Usage Rates*			
			Tier 1 0-25K gal	Tier 1 0-25K gal	Tier 2 26-120K gal	Tier 2 26-120K gal	Tier 3 120K+ gal	Tier 3 120K+ gal	Nov-Apr (per 1K gal)	Nov-Apr (per 1K gal)	May-Oct (per 1K gal)	May-Oct (per 1K gal)
0.75 inch	\$25.27	\$24.07										
1.0 inch	\$37.03	\$35.27										
1.5 inch	\$64.66	\$61.58	\$12.31	\$11.72	\$15.37	\$14.64	\$18.45	\$17.57	\$9.44	\$8.99	\$18.88	\$17.98
2 inch	\$99.72	\$94.97										
>2 inch	Calculated	Calculated										

* Usage rate per 1,000 gallons

2024 Proposed / Current 2024 Rates and Fees

2024 Proposed / Current Wastewater Base Rate and Usage Rate			
Base Rate	Base Rate	Usage Rate* ** (per 1,000 gal)	Usage Rate* ** (per 1,000 gal)
\$14.65	\$13.95	\$8.42	\$8.02
* Residential usage volume based on water use in the months of Jan-Mar			
** Commercial usage volume based on 85% of monthly water use			

2024 Proposed / Current Capital Investment Fees				
Type	Water		Wastewater	
Residential	\$\$/Unit	\$/Unit	\$\$/Unit	\$/Unit
0.75 inch Single-family	\$10,959	\$10,437	\$10,229	\$9,742
Multi-family	\$7,671	\$7,306	\$7,160	\$6,819
Commercial & Irrigation*	\$\$/Tap	\$/Tap	\$\$/Tap	\$/Tap
0.75 inch	\$10,959	\$10,437	\$10,229	\$9,742
1.0 inch	\$17,534	\$16,699	\$16,366	\$15,587
1.5 inch	\$50,411	\$48,010	\$47,054	\$44,813
2.0 inch	\$62,466	\$59,491	\$58,305	\$55,529
>2 inch	Calculated	Calculated	Calculated	Calculated
*Wastewater Capital Investment Fees do NOT apply to Irrigation taps				



Summary of proposed rate impacts to utility bills

- Average Residential $\frac{3}{4}$ inch tap
 - Typical winter use (4,000 gal) - \$5.37 increase
 - Typical summer use (14,000 gal) - \$12.45
- Commercial $\frac{3}{4}$ inch tap - Restaurant
 - 10,000 gal – \$9.27 increase
 - 32,000 gal – \$30.68 increase
- Commercial 1.5-inch tap – Industrial
 - 27,000 gal - \$29.09 increase
 - 131,000 gal – \$136.05 increase
- Irrigation 1.5-inch tap - HOA
 - 103,000 gal - \$95.68 increase



Water and Wastewater Fund Impacts



Five-year Financial Plan - 2022

- Raftelis Final Report - 5-yr Water and Wastewater Financial Plans
 - Combined Water Fund – Appendix A, Table A-3
 - Combined Wastewater Fund – Appendix B, Table B-3
- Financial projections included:
 - \$4.5M outside loan to the Water Fund
 - 5% annual water and wastewater rate increases 2024-2028
 - 4% annual water and wastewater impact fee increases 2024-2028
 - Three years of deficit spending in water and wastewater fund 2023-2025



Significant Fund Impacts – 2022 - 2024

- Water Fund
 - 2022 NPIC Invoice - \$640,000 more than budget
 - 2023 Rate Revenue - \$965,000 less than budget
 - Identified duplicate ARPA Revenue in original rate model - \$1,300,000
 - Reduced 2024 growth projections (150→50 building permits) - \$1,085,000
 - Total impact - ~\$3,990,000
- Wastewater Fund
 - 2022 Paid off outstanding 2002 CW&PA loan - \$306,500
 - 2022 Defeasance of 2014 wastewater bond - \$1,932,000
 - Reduced 2024 growth projections (150→50 building permits) - \$1,008,000
 - Total impact - ~\$3,246,500



Highest Singular Fund Expenses

- Water Fund

- NPIC lease agreement cost increases
 - 300% increase in unit-cost from 2017 to 2023; \$951/AF → \$3,785/AF
 - 2022 Invoice - \$2,675,000
 - NPIC Water Usage comparison – 686 AF (2015 / 2023)
 - \$338,000 / \$1,517,000
- Water Treatment Plant Expansion SRF Loan
 - Closed May 1, 2019
 - Total loan amount - \$24,800,000; Annual payment - \$1,460,000

- Wastewater Fund

- Water Treatment Plant Expansion SRF Loan
 - Closed May 1, 2022
 - Total loan amount - \$48,500,000; Annual payment - \$2,340,000



Updated Financial Plans

- Updated Water and Wastewater Financial Plans included in Packet
 - Based on Draft 2024 Budget presented November 14
 - There could be minor budget changes before final planned adoption on December 12
- Water Fund
 - \$6 million intra-fund loan with 10-year repayment schedule
 - General Fund transfers 2023-2025
 - Combined Fund deficit spending in years 2024-2027
 - Negative Combined Fund balance in years 2026-2028 – Reaches low of -\$755,000
 - Fund balance begins turning around in 2028 and becomes positive in 2029
- Wastewater Fund
 - General Fund transfers 2023-2025
 - Combined Fund deficit spending in years 2024-2025
 - Negative Combined Fund balance in years 2025-2026 – Reaches low of -\$1.54 million
 - Fund balance begins turning around in 2026 and becomes positive in 2027



Opportunities

- General Fund Grants to Water and Wastewater Funds
 - 2023 – Water \$599,000; Wastewater \$336,000
 - 2024 (estimate) – Water \$695,000; Wastewater \$371,000
 - 2025 (estimate) – Water \$693,000; Wastewater \$417,000
- Ongoing contract renegotiations with North Poudre Irrigation Company
 - NPIC performing an internal water accounting review prior to next steps
 - Board can expect an update in an upcoming Executive Session
- Re-timing of capital projects
- Higher than anticipated growth



Question?

Appendix A

Current 2023 Water and Wastewater Usage Rates

Residential Water Base Rates, Usage Rates,* and Tiers					
Type	Base Rate/Unit	Tier 1 0-3K gal	Tier 2 4-7K gal	Tier 3 8-20K gal	Tier 4 20K+ gal
Single-family Residential	\$49.71	\$0.00	\$11.70	\$15.20	\$21.64
Multi-family Residential	\$30.95	\$0.00	\$7.08	\$9.21	\$13.11

* Usage rate per 1,000 gallons

Commercial and Irrigation Water Base Rates, Usage Rates, and Tiers						
		Commerical Usage Rates*			Irrigation Usage Rates*	
Tap Size	Base Rate	Tier 1 0-25K gal	Tier 2 26-120K gal	Tier 3 120K+ gal	Nov-Apr (per 1K gal)	May-Oct (per 1K gal)
0.75 inch	\$24.07					
1.0 inch	\$35.27					
1.5 inch	\$61.58	\$11.72	\$14.64	\$17.57	\$8.99	\$17.98
2 inch	\$94.97					
>2 inch	Calculated					

* Usage rate per 1,000 gallons

Wastewater Base Rate and Usage Rate	
Base Rate	Usage Rate* ** (per 1,000 gal)
\$13.95	\$8.02

* Residential usage volume based on water use in the months of Jan-Mar
 ** Commercial usage volume based on 85% of monthly water use

Appendix B

Proposed 2024 Water and Wastewater Usage Rates

2024 Proposed Residential Water Base Rates, Usage Rates,* and Tiers					
Type	Base Rate/Unit	Tier 1 0-3K gal	Tier 2 4-7K gal	Tier 3 8-20K gal	Tier 4 20K+ gal
Single-family Residential	\$52.20	\$0.00	\$12.29	\$15.96	\$22.72
Multi-family Residential	\$32.50	\$0.00	\$7.43	\$9.67	\$13.77

* Usage rate per 1,000 gallons

2024 Proposed Commercial and Irrigation Water Base Rates, Usage Rates, and Tiers						
		Commerical Usage Rates*			Irrigation Usage Rates*	
Tap Size	Base Rate	Tier 1 0-25K gal	Tier 2 26-120K gal	Tier 3 120K+ gal	Nov-Apr (per 1K gal)	May-Oct (per 1K gal)
0.75 inch	\$25.27					
1.0 inch	\$37.03					
1.5 inch	\$64.66	\$12.31	\$15.37	\$18.45	\$9.44	\$18.88
2 inch	\$99.72					
>2 inch	Calculated					

* Usage rate per 1,000 gallons

2024 Proposed Wastewater Base Rateand Usage Rate	
Base Rate	Usage Rate* ** (per 1,000 gal)
\$14.65	\$8.42

* Residential usage volume based on water use in the months of Jan-Mar
 ** Commercial usage volume based on 85% of actual monthly water use

Appendix C

Current 2023 and Proposed 2024

Water and Wastewater Capital Investment Fees

Current 2023 Capital Investment Fees		
Type	Water	Wastewater
Residential	\$\$/Unit	\$\$/Unit
0.75 inch Single-family	\$10,437	\$9,742
Multi-family	\$7,306	\$6,819
Commercial & Irrigation*	\$\$/Tap	\$\$/Tap
0.75 inch	\$10,437	\$9,742
1.0 inch	\$16,699	\$15,587
1.5 inch	\$48,010	\$44,813
2.0 inch	\$59,491	\$55,529
>2 inch	Calculated	Calculated
*Wastewater Capital Investment Fees do NOT apply to Irrigation taps		

2024 Proposed Capital Investment Fees		
Type	Water	Wastewater
Residential	\$\$/Unit	\$\$/Unit
0.75 inch Single-family	\$10,959	\$10,229
Multi-family	\$7,671	\$7,160
Commercial & Irrigation*	\$\$/Tap	\$\$/Tap
0.75 inch	\$10,959	\$10,229
1.0 inch	\$17,534	\$16,366
1.5 inch	\$50,411	\$47,054
2.0 inch	\$62,466	\$58,305
>2 inch	Calculated	Calculated
*Wastewater Capital Investment Fees do NOT apply to Irrigation taps		

Line		Projected						
No.	Description	2023	2024	2025	2026	2027	2028	2029
		\$	\$	\$	\$	\$	\$	\$
	Sources of Funds							
1	Transfer From Operating Fund	0	0	0	0	0	0	0
	Grant Funding	0	0	0	0	0	0	0
2	Tap Fees*	597,588	550,410	1,188,886	2,091,558	2,157,607	2,157,607	2,157,607
3	Revenue Bond Issuance Proceeds	0	0	0	0	0	0	0
4	State Loans Already Issued	17,257,385	2,598,641	0	0	0	0	0
5	Intrafund Loan	0	6,000,000	0	0	0	0	0
6	Investment Income	652,000	652,000	0	0	24,382	61,200	99,800
7	Total Sources	18,506,973	9,801,051	1,188,886	2,091,558	2,181,990	2,218,807	2,257,407
	Uses of Funds							
8	Capital Projects - Expansion	15,477,086	15,109,347	0	0	0	0	0
9	Transfer To Operating Fund	0	0	0	0	0	0	0
	Debt Service							
10	Existing	1,490,399	1,464,694	1,492,016	1,463,001	1,462,818	1,465,794	1,464,178
11	Proposed	0	0	0	0	0	0	0
12	Total Uses	16,967,485	16,574,041	1,492,016	1,463,001	1,462,818	1,465,794	1,464,178
13	Annual Surplus (Deficiency)	1,539,488	(6,772,990)	(303,131)	628,557	719,171	753,013	793,229
14	Beginning Balance	5,036,137	6,575,625	(197,365)	(500,496)	128,061	847,232	1,600,245
15	Ending Balance	6,575,625	(197,365)	(500,496)	128,061	847,232	1,600,245	2,393,474

*Tap Fee revenues shown on line 2 reflect a 5% increase in the Fee for 2024, however subsequent years do not reflect further fee increases. Staff is continuing to refine the model to more accurately reflect future proposed rate increases.

Line		Projected						
No.	Description	2023	2024	2025	2026	2027	2028	2029
		\$	\$	\$	\$	\$	\$	\$
	Sources of Funds							
1	Revenue from Existing Water Service Rates	4,342,475	5,095,697	5,189,495	5,366,462	5,597,281	5,831,588	6,065,896
2	Additional Water Sales Revenue Required	0	254,785	531,923	845,889	1,206,249	1,611,160	1,675,895
3	Total Water Service Rate Revenue	4,342,475	5,350,482	5,721,419	6,212,350	6,803,530	7,442,749	7,741,791
4	Miscellaneous Revenue	50,263	51,030	51,030	51,030	51,030	51,030	51,030
5	Property Tax Revenue	0	0	0	0	0	0	0
6	APRA Funding	0	0	0	0	0		
7	Transfer From Capital Fund	0	0	0	0	0	0	0
8	Transfer From General Fund	599,000	695,000	693,000	0	0	0	0
9	Investment Income	0	0	51,097	547	0	0	0
10	Total Sources	4,991,738	6,096,512	6,516,546	6,263,928	6,854,560	7,493,779	7,792,821
	Uses of Funds							
11	Operation and Maintenance Expense	3,694,867	5,459,131	5,719,340	6,050,922	6,435,378	6,843,490	7,274,018
12	Existing Debt Service	0	0	0	0	0	0	0
	Intrafund Loan	0	0	600,000	600,000	600,000	600,000	600,000
13	Repair and Replacement Projects	505,500	1,573,712	753,600	1,078,600	700,000	282,366	0
14	Transfer To Capital Expansion Fund	0	0	0	0	0	0	0
15	Total Uses of Funds	4,200,367	7,032,843	7,072,940	7,729,522	7,735,378	7,725,856	7,874,018
16	Annual Surplus (Deficiency)	791,371	(936,331)	(556,394)	(1,465,595)	(880,818)	(232,077)	(81,197)
17	Beginning Balance	1,445,096	2,236,467	1,300,136	743,742	(721,852)	(1,602,671)	(1,834,748)
18	Ending Balance	2,236,467	1,300,136	743,742	(721,852)	(1,602,671)	(1,834,748)	(1,915,945)

Line		Projected						
No.	Description	2023	2024	2025	2026	2027	2028	2029
		\$	\$	\$	\$	\$	\$	\$
	Sources of Funds							
1	Revenue from Existing Water Service Rates	4,342,475	5,095,697	5,189,495	5,366,462	5,597,281	5,831,588	6,065,896
2	Additional Water Sales Revenue Required	0	254,785	531,923	845,889	1,206,249	1,611,160	1,675,895
3	Total Water Service Rate Revenue	4,342,475	5,350,482	5,721,419	6,212,350	6,803,530	7,442,749	7,741,791
4	Miscellaneous Revenue	50,263	51,030	51,030	51,030	51,030	51,030	51,030
5	Tap Fees	597,588	550,410	1,188,886	2,091,558	2,157,607	2,157,607	2,157,607
6	Property Tax Revenue	0	0	0	0	0	0	0
7	ARPA Funding	0	0	0	0	0		
8	Bond/Loan Proceeds	17,257,385	2,598,641	0	0	0	0	0
9	Intrafund Loan	0	6,000,000	0	0	0	0	0
10	Transfer From General Fund	599,000	695,000	693,000	0	0	0	0
11	Investment Income	652,000	652,000	51,097	547	24,382	61,200	99,800
12	Total Sources	23,498,711	15,897,563	7,705,431	8,355,486	9,036,549	9,712,586	10,050,228
	Uses of Funds							
13	Operation and Maintenance Expense	3,694,867	5,459,131	5,719,340	6,050,922	6,435,378	6,843,490	7,274,018
	Debt Service							
14	Existing - Bonds/Loans	1,490,399	1,464,694	1,492,016	1,463,001	1,462,818	1,465,794	1,464,178
	Intrafund Loan	0	0	600,000	600,000	600,000	600,000	600,000
15	Proposed - Bonds/Loans	0	0	0	0	0	0	0
16	Total Debt Service	1,490,399	1,464,694	2,092,016	2,063,001	2,062,818	2,065,794	2,064,178
17	Total Capital	15,982,586	16,683,059	753,600	1,078,600	700,000	282,366	0
18	Total Uses	21,167,852	23,606,884	8,564,956	9,192,523	9,198,196	9,191,650	9,338,196
19	Annual Surplus (Deficiency)	2,330,859	(7,709,321)	(859,525)	(837,038)	(161,647)	520,936	712,032
20	Beginning Balance	6,481,233	8,812,092	1,102,771	243,246	(593,792)	(755,439)	(234,503)
21	Ending Balance	8,812,092	1,102,771	243,246	(593,792)	(755,439)	(234,503)	477,529

Wastewater Utility

Capital Expansion Fund Cash Flow Analysis

Line		Projected						
No.	Description	2023	2024	2025	2026	2027	2028	2029
		\$	\$	\$	\$	\$	\$	\$
	Sources of Funds							
1	Transfer From Operating Fund	0	0	0	0	0	0	0
2	Grant Funding	0	167,500	448,000	0	0	0	0
3	Tap Fees*	555,294	511,455	1,104,743	1,943,529	2,004,904	2,004,904	2,004,904
4	State Loan Proceeds	21,791,929	17,365,002	0	0	0	0	0
5	2022 GPR Loan	0	0	0	0	0	0	0
6	Future Loan Proceeds	0	0	0	0	0	0	0
7	Investment Income	377,000	377,000	0	0	0	0	0
8	Total Sources	22,724,223	18,420,957	1,552,743	1,943,529	2,004,904	2,004,904	2,004,904
	Uses of Funds							
9	Expansion Related Capital Projects	17,183,168	20,817,607	658,130	96,000	96,000	96,030	0
10	Transfer To Operating Fund	0	0	0	0	0	0	0
	Debt Service							
11	Existing	1,940,781	2,468,119	2,469,649	2,470,492	2,466,884	2,466,884	2,471,194
12	Proposed	0	0	0	0	0	0	0
13	Total Debt Service	1,940,781	2,468,119	2,469,649	2,470,492	2,466,884	2,466,884	2,471,194
14	Total Uses	19,123,949	23,285,726	3,127,779	2,566,492	2,562,884	2,562,914	2,471,194
15	Annual Surplus (Deficiency)	3,600,274	(4,864,769)	(1,575,036)	(622,963)	(557,980)	(558,010)	(466,290)
16	Beginning Balance	(3,295,781)	304,493	(4,560,275)	(6,135,311)	(6,758,274)	(7,316,254)	(7,874,264)
17	Ending Balance	304,493	(4,560,275)	(6,135,311)	(6,758,274)	(7,316,254)	(7,874,264)	(8,340,555)

*Tap Fee revenues shown on line 3 reflect a 5% increase in the Fee for 2024, however subsequent years do not reflect further fee increases. Staff is continuing to refine the model to more accurately reflect future proposed rate increases.

Town of Wellington, CO
Wastewater Utility
Operating Fund Cash Flow Analysis

Table B-2

Line		Projected						
No.	Description	2023	2024	2025	2026	2027	2028	2029
		\$	\$	\$	\$	\$	\$	\$
	Sources of Funds							
1	Revenue from Existing Wastewater R	2,191,008	2,511,447	2,563,317	2,655,296	2,772,202	2,890,945	3,009,689
2	Additional Revenue Required	0	125,572	262,740	418,541	597,427	798,715	831,522
3	Total Wastewater Service Rate Reven	2,191,008	2,637,019	2,826,057	3,073,837	3,369,628	3,689,660	3,841,211
4	Transfer From Capital Fund	0	0	0	0	0	0	0
5	Transfer From General Fund	336,000	371,000	417,000	0	0	0	0
6	ARPA Funding	0	0	0	0	0		
7	Investment Income	0	0	240,504	261,488	330,061	411,528	510,674
8	Total Sources	2,527,008	3,008,019	3,483,561	3,335,325	3,699,689	4,101,188	4,351,885
	Uses of Funds							
9	Operation and Maintenance Expense	1,632,657	1,844,650	1,900,155	1,966,653	2,035,455	2,106,740	2,180,491
10	Repair and Replacement Capital	25,243	1,020,350	2,022,700	90,000	200,000	200,000	0
	Debt Service							
	Existing	0	0	0	0	0	0	0
	Proposed						0	0
	Total Debt Service	0	0	0	0	0	0	0
	Debt Service Reserve and Issuance Ex	0	0	0	0	0	0	0
11	Transfer To Capital Expansion Fund	0	0	0	0	0	0	0
12	Total Uses of Funds	1,657,900	2,865,000	3,922,855	2,056,653	2,235,455	2,306,740	2,180,491
13	Annual Surplus (Deficiency)	869,108	143,019	(439,294)	1,278,671	1,464,234	1,794,448	2,171,393
14	Beginning Balance	4,017,590	4,886,699	5,029,718	4,590,424	5,869,095	7,333,330	9,127,778
15	Ending Balance	4,886,699	5,029,718	4,590,424	5,869,095	7,333,330	9,127,778	11,299,171

Wastewater Utility

Combined Wastewater Enterprise Fund

Line		Projected						
No.	Description	2023	2024	2025	2026	2027	2028	2029
		\$	\$	\$	\$	\$	\$	\$
Sources of Funds								
1	Revenue from Existing Wastewater Rates	2,191,008	2,511,447	2,563,317	2,655,296	2,772,202	2,890,945	3,009,689
2	Additional Revenue Required	0	125,572	262,740	418,541	597,427	798,715	831,522
3	Total Wastewater Service Rate Revenue	2,191,008	2,637,019	2,826,057	3,073,837	3,369,628	3,689,660	3,841,211
4	Tap Fees	555,294	511,455	1,104,743	1,943,529	2,004,904	2,004,904	2,004,904
5	State Loan Proceeds	21,791,929	17,365,002	0	0	0	0	0
6	Grant Funding	0	167,500	448,000	0	0	0	0
7	ARPA Funding	0	0	0	0	0	0	0
8	Transfer From General Fund	336,000	371,000	417,000	0	0	0	0
9	2022 GPR Loan	0	0	0	0	0	0	0
10	Investment Income	377,000	377,000	240,504	261,488	330,061	411,528	510,674
11	Total Sources	25,251,231	21,428,976	5,036,303	5,278,854	5,704,593	6,106,092	6,356,788
Uses of Funds								
12	Operation and Maintenance Expense	1,632,657	1,844,650	1,900,155	1,966,653	2,035,455	2,106,740	2,180,491
Debt Service								
13	Existing	1,940,781	2,468,119	2,469,649	2,470,492	2,466,884	2,466,884	2,471,194
14	Proposed	0	0	0	0	0	0	0
15	Total Debt Service	1,940,781	2,468,119	2,469,649	2,470,492	2,466,884	2,466,884	2,471,194
	Debt Service Reserve and Issuance Expense	0	0	0	0	0	0	0
16	Total Expansion and R&R Capital Program	17,208,410	21,837,957	2,680,830	186,000	296,000	296,030	0
17	Total Uses	20,781,848	26,150,726	7,050,634	4,623,145	4,798,338	4,869,653	4,651,685
18	Annual Surplus (Deficiency)	4,469,383	(4,721,749)	(2,014,330)	655,709	906,254	1,236,438	1,705,103
19	Beginning Balance	721,809	5,191,192	469,443	(1,544,887)	(889,179)	17,075	1,253,514
20	Ending Balance	5,191,192	469,443	(1,544,887)	(889,179)	17,075	1,253,514	2,958,617



Board of Trustees Meeting

Date: November 28, 2023

Subject: Ordinance No. 11-2023: An Ordinance of the Town of Wellington, Colorado Making Adjustments to Water and Wastewater Capital Investment Fees

- **Presentation: Meagan Smith, Deputy Director of Public Works**

BACKGROUND / DISCUSSION

Please see full background and discussion, including presentation and appendices, for previous packet item, Ordinance No. 10-2023: An Ordinance of the Town of Wellington, Colorado Making Adjustments to Utility Rates.

STAFF RECOMMENDATION

Staff have identified the following options for Trustee consideration:

1. Move to approve Ordinance No. 11-2023
2. Move to approve Ordinance No. 11-2023 with amendments determined by the Board of Trustees
3. Move to postpone consideration of Ordinance No. 11-2023 to a specified date
3. Deny Ordinance No. 11-2023

ATTACHMENTS

1. Ordinance 11-2023 - Capital Investment Fees Water Taps WW Taps

TOWN OF WELLINGTON

ORDINANCE NO. 11-2023

AN ORDINANCE ESTABLISHING CAPITAL INVESTMENT FEES TO BE CHARGED BY THE TOWN OF WELLINGTON, COLORADO FOR CONNECTION TO THE WATER AND WASTEWATER UTILITY SYSTEMS

WHEREAS, the Town of Wellington Municipal Code provides that the Board of Trustees of the Town of Wellington can charge capital investment fees for water taps and wastewater taps; and

WHEREAS, the capital investment fee charged by the Town enables the Town to build the necessary infrastructure for the provision of services to water and wastewater users; and

WHEREAS, the Board previously set capital investments fees for water taps and wastewater taps by Ordinance No. 16-2022; and

WHEREAS, the Town of Wellington Board of Trustees desires to adopt capital investment fees by ordinance.

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

1. **Water Capital Investment Fees.** The Town shall require payment of Capital Investment Fees in relation to the issuance of any new water tap as follows:

Residential Taps:

0.75-inch water tap serving a single residential unit (single-family dwelling): \$10,959

Water tap serving multiple residential units (multi-family dwellings): \$7,671 per unit served

Commercial and Irrigation Taps, based on the size of the water tap:

0.75 inch: \$10,959

1.0 inch: \$17,534

1.5 inch: \$50,411

2.0 inch: \$62,466

More than 2 inches: Calculated

Capital Investment Fees for water taps that exceed 2.0 inches in size shall be calculated based on the proposed use and assumes maximum operating flow based on pipe capacity.

The above requirements and schedule are subject to existing and new development agreements and memoranda of public improvements to the contrary.

2. **Wastewater Capital Investment Fees.** The Town shall require payment of Capital Investment Fees in relation to the issuance of any new wastewater tap as follows:

Residential Taps:

0.75-inch water tap serving a single residential unit (single-family dwelling): \$10,229

Water tap serving multiple residential units (multi-family dwellings): \$7,160 per unit served

Commercial Taps, based on size of the user’s water tap:

0.75 inch:	\$10,299
1.0 inch:	\$16,366
1.5 inch:	\$47,054
2.0 inch:	\$58,305
More than 2 inches:	Calculated

Capital investment fees for wastewater taps serving water taps that exceed 2.0 inches in size shall be calculated based on the proposed use and assumes maximum operating flow based on pipe capacity, flowing full at two percent (2%) slope.

The above requirements and schedule are subject to existing and new development agreements and memoranda of public improvements to the contrary.

- 3. **Validity.** The Board of Trustees hereby declares that should any section, paragraph, sentence, or word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from any such portion which may be declared invalid.
- 4. **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.
- 5. **Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this 28th day of November, 2023 and ordered to become effective January 1, 2024.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

Board of Trustees Meeting

Date: November 28, 2023

Subject: Ordinance No. 12-2023: An Ordinance of the Town of Wellington, Colorado
Recodifying Municipal Code Chapter 6 Concerning Business Licensing

- **Presentation:** Dan Sapienza, Town Attorney; & Patti Garcia, Town Administrator

BACKGROUND / DISCUSSION

As part of an effort to update the Town's Business Licensing procedures and enhance business engagement, this Ordinance proposes to repeal Chapter 6, Articles 1 & 2 of the Wellington Municipal Code. In its place, Article 1 is left reserved for future use and a new Article 2 shifts the processing requirements for licenses into the Town Clerk's office. The application process is streamlined, benefiting business applicants as well as the town. Processing new and renewal applications should be faster than under the current code's processes.

The proposed ordinance then creates a clear process for the Town to identify violations and to place a probationary status on licenses. That status allows the town and business to work together to remedy issues. If that is unsuccessful or if the licensee fails to renew their license, the license is revoked, with a clear reapplication procedure and appeal process.

In addition to these changes, the local sales tax license requirement will be retired. Businesses that collect sales tax are required to be licensed by the State of Colorado and that information is collected through the business license application process. The current local license has been identified as unnecessary and its repeal will reduce the administrative burden on town businesses and town staff.

This ordinance makes no changes to the following:

- Article 3 - Auctions and Peddling—Canvassing, Soliciting or Peddling for Residential Sales of Property or Operation of a Public Auction
- Article 4 - Mobile Home Parks
- Article 5 - Pawnbrokers
- Article 6 - Secondhand Dealers
- Article 7 - Trash Collectors

STAFF RECOMMENDATION

Staff have identified the following options for Trustee consideration:

1. Move to approve Ordinance No. 12-2023
2. Move to approve Ordinance No. 12-2023 with amendments determined by the Board of Trustees
3. Move to postpone consideration of Ordinance No. 12-2023 to a specified date
3. Deny Ordinance No. 12-2023

ATTACHMENTS

1. Ord 12-2023_Chapter 6 amendments



2. Current Articles 1 and 2 of CHAPTER_6

TOWN OF WELLINGTON
ORDINANCE NO. 12-2023

AN ORDINANCE AMENDING CHAPTER 6 OF THE WELLINGTON MUNICIPAL CODE REGARDING BUSINESS LICENSING.

WHEREAS, the Town of Wellington has adopted Chapter 6 of the Municipal Code of the Town of Wellington, Colorado (the “Town Code”), addressing business licensing; and

WHEREAS, the Town Board of Trustees of the Town of Wellington, Colorado (the “Board of Trustees”) has reviewed Chapter 6 and wishes to clarify the requirements and processes for the issuance and revocation of business licenses and increasing consistency of language throughout the Municipal Code.

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

1. Article 1. Article 1 of Chapter 6 of the Municipal Code is hereby repealed and replaced in its entirety as follows:

ARTICLE 1 – Reserved

2. Article 2. Article 2 of Chapter 6 of the Municipal Code is hereby repealed and replaced in its entirety as follows:

ARTICLE 2 - Business Licenses

Sec. 6-2-10. Purpose.

The purpose of this Article is the regulation and registration of businesses operating within the Town.

Sec. 6-2-20. License required.

Every person shall obtain a license from the Town before operating, conducting or carrying on any business within the Town; provided, however, that nonprofit corporations are hereby exempt from the license requirements set forth in this Article. A separate license for each location of a business is required.

Sec. 6-2-30. Application.

- (a) An application for a business license shall be filed with the Town Clerk. Every applicant shall state under oath or affirmation such facts as may be required for the granting of such license. It is unlawful for any person to make any false statement or misrepresentation in connection with any application for a license.
- (b) The application for every license shall contain:
 - (1) The name of the applicant.

-
- (2) The physical and mailing address of the applicant and the local street address where such business is to be carried on, or the address of the principal place of business if other than a local address.
 - (3) A statement as to the type of business, trade, or profession for which the license is requested.
 - (4) A statement that the applicant is aware of the federal, state, and local laws, regulations, and rules pertaining to the conduct of the business and that such business complies with the same.
 - (5) The calendar year for which the license is requested.
 - (6) The applicant's Colorado sales tax license number, if appropriate.
 - (7) The applicant's Federal Employer I.D. number or Social Security number.
 - (8) Other such information which may be required by the Town to ensure compliance with this Code.
- (c) An application for a business that is considered a Home Occupation under Chapter 15 of this Code shall additionally contain:
- (1) A description of the intended hours of operation when clients or customers are expected to visit the business.
 - (2) A description of the total area of the residence and the total area dedicated to the business use.
 - (3) A statement that the applicant will comply with the specific requirements and restrictions applicable to Home Occupation in the Land Use Code.
- (d) Every application shall be accompanied by the fee established by resolution of the Board of Trustees.

Sec. 6-2-40. Issuance.

- (a) Upon receipt of the application and required fee, and after a determination that the application complies with the applicable provisions of this Code, the Town Clerk shall issue a business license to the applicant.
- (b) The Town Clerk shall notify the applicant, in writing, when an application is denied and, in such notice, shall state the grounds for the denial.

Sec. 6-2-50. Notice of change.

The licensee shall notify the Town Clerk of any change in location, nature, or use of any licensed business within ten (10) days of such change is given to the Town Clerk, and provided that the requirements of this Code are complied with.

Sec. 6-2-60. Carrying or posting license.

The license for a particular business location shall be posted at all times in a conspicuous place at the business. If the business is not operated, conducted, or carried on at a fixed location, then the licensee shall carry the license upon their person when operating, conducting or carrying on any such business.

Sec. 6-2-70. License nontransferable and non-assignable

No license shall be assignable or transferable.

Sec. 6-2-80. Period of license.

All licenses shall expire on December 31st of each year.

Sec. 6-2-90. Probationary Status

- (a) A business license shall be on probationary status:
 - (1) Upon the expiration of the business license if no business license renewal application has been received by the Town Clerk;
 - (2) When any money due the Town has not been paid, including without limitation the failure to pay civil penalties, fines, taxes, impact fees or any other money owed to the Town; or
 - (3) When any activity conducted by the licensee, their employee or agent violates any federal, state or local rule, regulation or law in the standard course of business.
- (b) The Town Clerk shall promptly notify a licensee of the probationary status of their business license in writing mailed to the mailing address listed on the licensee's business license application. Such notice shall specify the grounds for the probation and the process for restoration of the license to non-probationary status.
- (c) Failure of a licensee to restore a business license to non-probationary status within thirty (30) days shall result in the revocation of the license pursuant to this Article. The Town Clerk may provide an extension to the Probationary Status upon a showing of good cause.

Sec. 6-2-100. Revocation.

- (a) A business license may be revoked:
 - (1) For failure to timely restore a business license to a non-probationary status pursuant to this Article;
 - (2) When it appears that the license was obtained by fraud, misrepresentation, or false statements within the application;
 - (3) When it appears that the activity conducted pursuant to such license is a public nuisance as defined by this Code or statute, is a danger to the health or safety of the public, or violates any federal, state or local rule, regulation or law.
- (b) A business license shall be revoked by administrative action of the Town Clerk. Upon revocation of a license, the Town Clerk shall notify a licensee of the revocation in writing mailed to the mailing address listed on the licensee's business license application. Such notice shall specify the grounds for the revocation, the process for an appeal of the revocation, and the process for restoration of the license.
- (c) A revoked business license may only be restored upon submission of a new business license application, payment of the appropriate fee, and confirmation by appropriate Town staff that the condition or activity that caused the revocation has been corrected.
- (d) The revocation of any license shall not release or discharge anyone from the payment of taxes, penalty, and interest due and owing to the Town.

Sec. 6-2-110. Appeals.

- (a) A licensee may appeal a denial of a business license application or an administrative revocation of a business license by requesting in writing a hearing before the Town Clerk within twenty one (21) days of the denial or revocation. The Town Clerk, in hearing such an appeal, may consider evidence that the denial or revocation was in error at the time the decision was made.
- (b) A licensee may further appeal the decision of the Town Clerk within seven (7) days of the hearing and decision of the Town Clerk. Such an appeal shall be requested in writing submitted to the Town Administrator and the appeal shall be heard by the Board of Trustees. Such appeal must be in writing with reasons for the appeal so stated. At the time of hearing the appeal, the applicant may submit to the Board of Trustees any material evidence relating to the revocation, and the Board of Trustees shall consider the same, together with the report of the Town Administrator/Clerk, and make a final determination upon the application or revocation.

Sec. 6-2-120. Cease and desist.

If any business is operating without a license, the Town Clerk may issue an order to the business to cease and desist all further operation until a license is issued for the business.

Sec. 6-2-130. Penalty.

Failure to comply with the terms of this Article shall constitute a noncriminal violation of the Town of Wellington Municipal Code. Any person who is found guilty of or pleads guilty or nolo contendere to the violation of any portion of this Article shall be punished in accordance with the provisions of Section 1-4-20 of this Code. Each day that the violation continues shall be considered and held to be a separate and distinct offense.

Sec. 6-2-140. Liability of operator, manager.

The licensing provisions hereof shall apply to the owner of any business; provided, however, that where the owner is a firm or corporation, or where the owner is a nonresident or cannot be found, the operator or manager of such business shall be responsible for obtaining the necessary license and shall be liable for their failure to obtain such license.

- 3. **Validity.** The Board of Trustees hereby declares that should any section, paragraph, sentence, word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from of any such portion which may be declared invalid.

-
4. 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.
 5. 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.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this 28th day of November, 2023 and ordered to become effective 30 days from the date of publication.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

ARTICLE 1 General Provisions

Sec. 6-1-10. Persons subject to license.

Whenever in this Code or in any code adopted herein by reference, a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person shall be subject to the requirement if, by himself or herself or through an agent, employee or partner, the person holds himself or herself forth as being engaged in the business or occupation; so solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the Town. (Prior code 6.01.01)

Sec. 6-1-20. Definitions.

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given in this Section:

Business means and includes all kinds of vocations, occupations, professions, enterprises and establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, on any premises in this Town or anywhere else within its jurisdiction.

Casual sale means an individual, single or incidental transaction which in itself does not constitute the carrying on of business.

License or *licensee*, as used generally in this Chapter, means and includes, respectively, the word permit or permittee, or the holder for any use or period of time of any similar privilege wherever relevant to any provision of this Chapter or any ordinance of the Town.

Premises means and includes all lands, structures and places, and the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises. (Prior code 6.01.02; Ord. 11-2007 §1)

Sec. 6-1-30. License required for conduct of business.

It is unlawful for any person, whether as principal, agent, clerk or employee, either for himself or herself or for any other person, to commence or carry on any kind of lawful business, profession, vocation or occupation in the Town without first having procured the necessary license as required by this Chapter from the Town, or without complying with any and all regulations of such business, profession, vocation or occupation contained in this Chapter. (Prior code 6.01.03; Ord. 11-2007 §1)

Sec. 6-1-40. General requirements for license.

Every licensee under this Chapter shall:

- (1) Ascertain and at all times comply with all laws and regulations applicable to the licensed business.
- (2) Avoid all illegal or unlawful practices or conditions which do or may affect the public health, safety, morals or welfare.

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- (3) Refrain from operating the licensed business on the premises after expiration of his or her license and during the period his or her license is revoked or suspended. (Prior code 6.01.04)

Sec. 6-1-50. Exempt activities.

- (a) The provisions of this Chapter shall not be deemed or construed to require the procurement of a license to conduct, manage or carry on any business, occupation or activity, or to require the payment of any license fee from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable, municipal or public purposes from which profit is not derived, either directly or indirectly, by any person. In addition, a license shall not be required for the conducting of any entertainment, dance, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects whenever the entire receipts from the same are to be appropriated to, or such projects are conducted under the auspices of, any church, school, government or religious, nonprofit or benevolent organization. A license shall also not be required for the conducting of any entertainment, dance, concert, exhibition or lecture whenever the receipts from the same are to be appropriated for the purposes and objects for which such association or organization was formed and from which profit is not derived, either directly or indirectly, by any person.
- (b) A license shall not be required of any person for any mere delivery in the Town where no intent by such person is shown to exist to evade the provisions of this Chapter.
- (c) No newsperson selling magazines or newspapers on public streets or in public places shall be required to obtain a license.
- (d) A license shall not be required for a casual sale, as defined in Section 6-1-20 of this Chapter.
- (e) A license shall not be required of persons performing professional services within the Town who are licensed by the State, such as physicians, dentists, lawyers, accountants and engineers. (Prior code 6.01.05; Ord. 11-2007 §1)

Sec. 6-1-60. License applications.

The application for every license required by and issued under authority of the Town shall contain the following information stated in writing on a form prescribed by the Town Administrator/Clerk.

- (1) The name of the person desiring such license.
- (2) The residence and mailing address of such applicant, or if such applicant is a firm or corporation, of each individual member of such firm, or of each directing officer of such corporation and its principal place of business.
- (3) The kind of license desired, stating the business, trade or profession to be performed, practiced or carried on.
- (4) The street and mailing address, if any, where such business is to be carried on.
- (5) The year for which such license is sought.
- (6) Any other relevant information required by the terms of the provision pertaining to the particular license sought. (Prior code 6.01.06; Ord. 11-2007 §1)

Sec. 6-1-70. Duties of Town Administrator/Clerk.

- (a) The Town Administrator/Clerk shall collect all license fees and issue licenses in the name of the Town to all persons qualified under the provisions of this Chapter, and shall perform the following duties:

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- (1) Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Chapter.
 - (2) Adopt all forms and prescribe the information to be given in such forms as to character and other relevant matter for all necessary papers.
 - (3) Require applicants to submit to affidavits and oaths necessary to the administration of this Chapter.
 - (4) Submit all applications in a proper case to interested Town officials for their endorsements on such applications as to compliance by the applicant with all Town regulations which such officials have the duty of enforcing.
 - (5) Investigate and determine the eligibility of any applicant for a license as required.
 - (6) Notify any applicant of the acceptance or rejection of his or her application and, upon refusal of any license or permit, at the applicant's request, state in writing the reasons for such refusal and deliver them to the applicant.
- (b) The Town Administrator/Clerk shall keep all information furnished or secured under the authority of this Chapter in strict confidence. The information shall not be subject to public inspection and shall be kept so that the contents shall not become known except to the person charged with the administration of this Chapter. (Prior code 6.01.07; Ord. 11-2007 §1)

Sec. 6-1-80. Investigations.

- (a) Upon receipt of an application for a license or permit where any provision of this Code or any secondary code adopted by this Code, necessitates an inspection or investigation before the issuance of such permit or license, the Town Administrator/Clerk shall refer the application to the proper officer, board or commission for making such investigation within forty-eight (48) hours of the time of receipt of such application. The officer, board or commission charged with the duty of making the investigation or inspection, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof, shall conduct such investigation. Failure to comply with the time limits set forth herein shall not impair the validity of any action taken.
- (b) The Town Administrator/Clerk may, in his or her discretion, make or cause to be made an inspection in regard to licenses connected with the care and handling of food, the prevention of nuisances and the spread of disease for the protection of health. The Building Inspector shall make or cause to be made any inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise specifically provided, shall be made by a law enforcement officer or by another officer designated by the Town Administrator/Clerk. (Prior code 6.01.08; Ord. 11-2007 §1)

Sec. 6-1-90. Compliance with building and zoning regulations.

No license shall be issued for the conduct of any business, and no permit shall be issued for anything or act if the premises and building to be used for the purpose do not fully comply with the requirements of this Code and any secondary code adopted by this Code. No license or permit shall be issued for the conduct of any business or the performance of any act which would involve a violation of the zoning regulations of the Town. (Prior code 6.01.09; Ord. 11-2007 §1)

Sec. 6-1-100. Inspections.

- (a) Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this Code or any secondary code adopted herein, or are reasonably necessary to secure compliance with any provision of this Code or any such secondary code or to

detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Town who is authorized or directed to make such inspection at any reasonable time that admission is requested. It is unlawful for such person to fail or refuse to admit such officer or employee for such purpose.

- (b) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or any secondary code adopted herein or to detect violations thereof, it shall be the duty of the licensee in the Town whose business is governed by such provision to give to any authorized officer or employee of the Town requesting the same sufficient samples of such material or commodity for such analysis upon request. It is unlawful for such licensee to fail or refuse to give such samples to such officer or employee.
- (c) Conviction of a violation of any provision of this Section shall automatically forfeit and revoke any license issued under this Chapter; provided that there shall be no violation of this Chapter unless written demand is made upon the licensee or person in charge of the premises in the name of the Town stating that such inspection or sample is desired at the time it is sought to make the inspection of or obtain the sample. (Prior code 6.01.10; Ord. 11-2007 §1)

Sec. 6-1-110. Term and fee proration.

In the absence of any specific provision to the contrary, all licenses shall be issued on a calendar year basis, and they shall expire with the calendar year for which they are issued; provided, however, that issuance and expiration of all classes of liquor licenses and all fermented malt beverage licenses shall be according to the laws of the State. In the absence of any specific provision to the contrary, for an applicant who has not engaged in the business until after the expiration of part of the current license year, fees may be prorated on a quarterly basis, with the applicant responsible for the entire fee for the quarter in which the application is made and each succeeding quarter up to and including the final quarter of the calendar year of the initial application. (Prior code 6.01.11)

Sec. 6-1-120. Issuance.

Upon the receipt of the application containing the information set forth in the preceding Section, proof that the annual fee therefor has been paid in advance, the execution and delivery of any bond or insurance that may be required, the approval of the application for license where the license is required and the fulfillment of all other specific requirements relating to the issuance of the particular license, the Town Administrator/Clerk shall issue and deliver to the applicant the license requested. (Prior code 6.01.12)

Sec. 6-1-130. Appeal of license denial.

- (a) If an application for a license is denied by the Town Administrator/Clerk, the applicant may appeal such denial to the Town Administrator/Clerk. In authorizing the issuance of a license hereunder, the Town Administrator/Clerk may specify conditions, including hours of operation or manner of operation, which are intended to ensure that the place of business will not be unduly annoying to any residential areas in the vicinity. The Town Administrator/Clerk may deny the application the Town Administrator/Clerk determines that such business in the location requested will unreasonably disrupt the peace and quiet of any residential neighborhood in the Town.
- (b) In the event that any application for a license hereunder is denied by the Town Administrator/Clerk or if the Town Administrator/Clerk will issue the license only upon conditions which are not acceptable to the applicant, the applicant may appeal the decision of the Town Administrator/Clerk to the Board of Trustees, provided that notice of such appeal is filed at least ten (10) days before the meeting of the Board of Trustees at which the applicant requests that the appeal be heard. Such appeal must be in writing with reasons for the

appeal so stated. At the time of hearing the appeal, the applicant may submit to the Board of Trustees any material evidence relating to the application, and the Board of Trustees shall consider the same, together with the report of the Town Administrator/Clerk, and make a final determination upon the application. (Prior code 6.01.13; Ord. 11-2007 §1)

Sec. 6-1-140. Records posting, exhibition.

The Town Administrator/Clerk shall keep a record of all licenses issued, setting forth the name of every licensee, the place of business licensed, if any, and the kind of license issued. Every license for a business to be conducted at a particular street address shall be posted in a prominent place during the period such license is valid. It shall be the duty of each and every person to whom a license has been issued by the Town to exhibit the same upon the request of any law enforcement officer, inspector or other officer of the Town. (Prior code 6.01.14)

Sec. 6-1-150. Notice of change.

The location or nature of any licensed business or occupation or of any permitted act may be changed, provided that ten (10) days' notice of such change is given to the Town Administrator/Clerk, in the absence of any provision to the contrary, and provided that the building and zoning requirements of this Code and any secondary code adopted herein are complied with. (Prior code 6.01.15)

Sec. 6-1-160. Transfers.

No license may be transferred from one (1) person to another, or from one (1) place to another, except where permitted by state law or the provisions of this Code relating to the particular license, and then only by the Town Administrator/Clerk after written application therefor and the payment of a fee established by resolution by the Board of Trustees to offset the Town's costs for the transfer of such license. (Prior code 6.01.16; Ord. 11-2007 §1)

Sec. 6-1-170. Renewals.

Any licensee may make application for a new license for the succeeding year and pay the required fee therefore, on or before the expiration date of any license issued to the licensee for the current year. Whenever any application and license fee payment therefore is not received on or before February 1st for the current year, and the licensee continues to engage in business or activity for which the license was issued, a penalty of ten percent (10%) of the amount of the license fee shall be imposed and collected and an additional five percent (5%) of the original fee shall be added on the last day of each calendar month after the expiration date. In addition to the above penalty provision, it is unlawful for a licensee to continue to engage in any business or activity after his or her license therefore has expired. (Prior code 6.01.17)

(Ord. No. 2-2012 , § 1, 2-14-12)

Sec. 6-1-180. Revocation.

The Board of Trustees may, upon seven (7) days' written notice to a licensee stating the contemplated action and in general the grounds therefor, and after a reasonable opportunity to be heard, revoke any license issued by the Town if it finds that:

- (1) The licensee has failed to pay the annual license fee;
- (2) The licensee has failed to file any reports or furnish any other information that may be required by the provisions relating to the specific license;

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- (3) The licensee has violated any of the terms of the provisions pertaining to his or her license or any regulation or order lawfully made relating thereto; or
 - (4) Any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of such license. (Prior code 6.01.18)

Sec. 6-1-190. Return of fees.

Upon refusal of any license, the fee therefor paid in advance shall be returned to the applicant. In the event that any license is revoked, all moneys paid therefor shall be and remain the moneys of the Town and no refund shall be made to any licensee. (Prior code 6.01.19)

Sec. 6-1-200. Legal action for failure to pay fee.

The amount of any license fee imposed by this Chapter shall be deemed a debt to the Town, and any person carrying on any lawful business in the Town without having the necessary license from the Town to do so shall be subject to an action in the name of the Town in any court of competent jurisdiction for the collection of the amount of license fee imposed on such business. (Prior code 6.01.20)

Sec. 6-1-210. Conviction not exemption from fee payment.

The conviction and punishment of any person for transacting any business without the necessary license shall not excuse or exempt such person from the payment of such license fee due or unpaid at the time of such conviction. Nothing in this Section shall prevent a criminal prosecution for any violation of the provisions of this Chapter. (Prior code 6.01.21)

Sec. 6-1-220. Each day of violation separate offense.

The carrying on of any business, profession, vocation or occupation as provided in this Chapter, without first having procured the necessary license from the Town to do so, or without complying with any and all regulations of such business, profession, vocation or occupation contained in this Chapter, shall be deemed a separate violation of this Chapter for each and every day that such business, profession, vocation or occupation is carried on. (Prior code 6.01.22)

ARTICLE 2 Business Licenses

Division 1 Generally

Sec. 6-2-10. Purpose.

The purpose of this Article shall be to require the licensing and regulation of all business activities and enterprises conducted within the Town, except as exempted from this Chapter, and to provide the Town with necessary information concerning the business activities within the Town, including the nature of the business operation, the place of business and such other information relating to businesses and professions operating within the Town in order to protect the health, welfare and safety of its inhabitants. (Prior code 6.02.01)

Sec. 6-2-20. License required.

It is unlawful to carry on or engage in any business, profession or occupation within the Town, which business, profession or occupation consists in the selling of goods, wares or merchandise, or the performing or rendering of service, for charge, except as exempted from this Chapter, without first having obtained a license for each such business, profession or occupation so carried on or engaged in. (Prior code 6.02.02)

Sec. 6-2-30. Fee designated; term.

- (a) The license fee for the license required by this Article shall be an amount established by resolution by the Board of Trustees to offset the Town's costs, and shall be paid to the Town Administrator/Clerk on or before February 1st of each and every year.
- (b) The license required by this Article is for the privilege of pursuing the business, profession, vocation or occupation until the next succeeding February 1st for the following year. (Prior code 6.02.03; Ord. 19-1995 §1; Ord. 11-2007 §1)

(Ord. No. 2-2012 , § 2, 2-14-12)

Sec. 6-2-40. Separate license for separate locations.

A separate license must be obtained for each branch, establishment or separate place of business in which the business is carried on, without payment of any additional fee. (Prior code 6.02.04)

Sec. 6-2-50. Liability of operator, manager.

The licensing provisions hereof shall apply to the owner of any business; provided, however, that where the owner is a firm or corporation, or where the owner is a nonresident or cannot be found, the operator or manager of such business shall be responsible for obtaining the necessary license and shall be liable for his or her failure to obtain such license. (Prior code 6.02.05)

Sec. 6-2-75. Town Clerk.

The Town Administrator may delegate duties imposed on the Town Administrator (Town Administrator/Clerk) by this Chapter 6, Article 2, related to license applications, collection of license fees and record keeping to the Town Clerk.

(Ord. No. 09-2020 , § 1, 7-18-20, eff. 8-1-20)

Division 2 Sales and Use Tax Licenses

Sec. 6-2-110. License required.

Except as specifically allowed herein, it is unlawful for any person to engage in the business of selling tangible personal property at retail, or to furnish certain services as herein specified, without first having obtained a license therefor. Such license shall be granted and issued by the Town Administrator/Clerk and shall be in force and effect until December 31 of the year in which it is issued, unless sooner revoked. (Prior code 3.06.03; Ord. 11-2007 §1)

Sec. 6-2-120. Application for license.

Such license shall be granted or renewed only upon application, on a form provided by the Town, stating the name and address of the person desiring such a license, the name and location of such business, and such other facts as the Town Administrator/Clerk may require. (Prior code 3.06.03; Ord. 11-2007 §1)

Sec. 6-2-130. Renewal of license.

It shall be the duty of each licensee on or before January 1 of each year to obtain a renewal of the license if the licensee remains in the retail business or liable to account for the sales or use tax imposed by this Code; however, nothing herein contained shall be construed to empower the Town Administrator/Clerk to refuse such renewal except revocation for cause of the licensee's prior license. (Prior code 3.06.03; Ord. 11-2007 §1)

Sec. 6-2-140. Multiple locations.

In case business is transacted at two (2) or more separate premises by one (1) person, a separate license for each place of business shall be required. (Prior code 3.06.03)

Sec. 6-2-150. Posting of license.

Each license shall be numbered and shall show the name, residence, place and character or business of the licensee, and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable. (Prior code 3.06.03)

Sec. 6-2-160. Commodities exempt.

No license shall be required for any person engaged exclusively in the business of selling commodities or providing services which are exempt from taxation under Chapter 4 of this Code. (Prior code 3.06.03; Ord. 11-2007 §1)

Sec. 6-2-170. License fee.

The annual fee for such license or renewal shall be an amount established by resolution by the Board of Trustees to offset the Town's costs, which shall accompany the application for license or renewal. (Prior code 3.06.03; Ord. 11-2007 §1)

Sec. 6-2-180. Revocation.

Any license may be revoked for cause as provided in Section 39-26-103, C.R.S., which provision is incorporated herein by this reference. (Prior code 3.06.03)

Board of Trustees Meeting

Date: November 28, 2023
Subject: Town Treasurer/Finance Director Recruitment

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

BACKGROUND / DISCUSSION

Town staff is preparing the recruitment process for a new Finance Director/Treasurer which staff is hoping to kick off after the first of the year. Don Rhoads, Baker Tilly LLP, has been a great asset for Wellington. He has planned to continue to provide his expertise in the finance department during the recruitment and the transition to a fulltime Finance Director/Treasurer.

Staff would like to get direction from the Board of Trustees on how this particular recruitment is conducted. Human Resources has placed \$29,000 in the 2024 budget for executive recruitment purposes; this can be used for the Finance Director/Treasurer position. We can also conduct the recruitment in-house. We have had success with recruitment of employees using internal processes for posting of positions, creating the marketing materials and using various networks to promote the opportunity. We have the resources to run background checks and verify work experience and technical capabilities. Mr. Rhoads has offered his experience to assist us with this effort as he is very aware of the skills a candidate would need to be successful in Wellington. There would be a nominal cost to post the position on external marketing sites.

Additionally, as the Treasurer position is appointed by the Board of Trustees, there has traditionally been Board of Trustees participation in the interview process. Historically, there have been two Board members that have participated in the Town Clerk and Finance Director interviews. For ease of scheduling and preparation, staff is asking that the Board appoint one or two Trustees that would represent the Board at the Finance Director interviews. A request for an appointee from the Finance Committee to participate will also be made.

There is no timeline for interviews yet.

Staff is looking for direction on the following:

- Method to conduct the Finance Director/Treasurer Recruitment; hiring of an executive recruiter which would require an RFP process or conduct the recruitment internally.
- Appointment of one or two Trustees to participate in the interview process.

STAFF RECOMMENDATION

For Trustee discussion and direction.

ATTACHMENTS

None



Board of Trustees Meeting

Date: November 28, 2023
Subject: Larimer County Sheriff's Office Report (October)

BACKGROUND / DISCUSSION

LCSO Report for October.

STAFF RECOMMENDATION

Review and retain report.

ATTACHMENTS

1. 10-2023 Wellington Monthly Report - FINAL



John J. Feyen, Sheriff

LARIMER COUNTY SHERIFF'S OFFICE

One Agency

One Mission

Public Safety

November 22, 2023

Town of Wellington

Attn: Patti Garcia, Town Administrator

PO Box 127

Wellington, Colorado 80549

Dear Ms. Garcia:

The Law Enforcement Services Agreement for the Town of Wellington obligates the Larimer County Sheriff's Office to provide monthly reporting.

In meeting the contract, for the month of **October 2023**, the Larimer County Sheriff's Office maintained six deputies, one corporal, and one sergeant providing full-time law enforcement for the Town. In addition, one half-time investigator, one full-time desk deputy, and one full-time School Resource Officer assisted the town with law enforcement activities.

During the month of **October 2023**, non-assigned deputies spent a total of **184.79** hours in Wellington responding to calls, patrolling, and making contacts in the town.

During the month of **October 2023** there were **0.0** hours worked by Northern Colorado Drug Task Force.

Investigations – ongoing and active cases include:

Sex Crime – 3

Burglary – 1

Criminal Mischief – 1

Suspicious Circumstances - 1

Animal Cruelty – 1

Administration

2501 Midpoint Dr.
Fort Collins, CO 80525
970 498-5100

County Jail

2405 Midpoint Dr.
Fort Collins, CO 80525
970 498-5200

Emergency Services

1303 N. Shields St.
Fort Collins, CO 80524
970 498-5300

Of Note:

- Deputy Eric Schultz transferred from the Wellington Squad to accept a position with the LCSO Mental Health Co-Responder Unit. Deputy Schultz' patient and professional demeanor over the last two years in Wellington have served the citizens well. He will certainly take those skills to a much higher level as he serves side-by-side with a Mental Health Clinician to help our citizens countywide who are in crisis. Although he has big shoes to fill, Deputy Troy Boggs took Deputy Schultz' place with the Wellington Squad and we welcome him to the team!
- The Wellington Squad participated in In-Service Training, consisting of Defensive Tactics/Arrest Control (DTAC), an Officer-Involved Shooting Debrief, and Legislative & Case Law Updates via the District Attorney's Office.
- Successful planning and coordination with the Town of Wellington led to a safe and fun-filled Trick or Treat Down Main Street event on October 31st. Deputies from the Wellington Squad, Reserves, Cadets, Drone Pilot, and Explosive Detection K-9 Team participated in not only ensuring the safety of our citizens, but also having fun handing out loads of candy.

Pursuant to the Law Enforcement Agreement between the Town of Wellington and Larimer County, applicable documenting monthly forms are attached.

Thank you,



Captain Ian Stewart
(970) 619-4649
Attachments



LARIMER COUNTY SHERIFF'S OFFICE

Wellington Calls for Service and Patrol Time
(For Non-Wellington Officers)

Dispatch Dates between 10/01/2023 and 10/31/2023

Excluded from this report -

Squads: Civilian, Parks, and Investigations

Units: 9ME, 9S27;9Z10;9E64;9E53;9E78;9E75;9E32;9E35;9E49;9E7*

Call Times by Month

	Call/Contact Time (Minutes/Hours)	Patrol Time (Minutes/Hours)	Totals
2023-10	8,762.07 146.03	2,325.45 38.76	11,087.52 184.79
Totals	8,762.07 146.03	2,325.45 38.76	11,087.52 184.79

Wellington Monthly Report

October 2023

Larimer County Sheriff's Office

Christine Harpel
Administrative Coordinator

11/15/2023

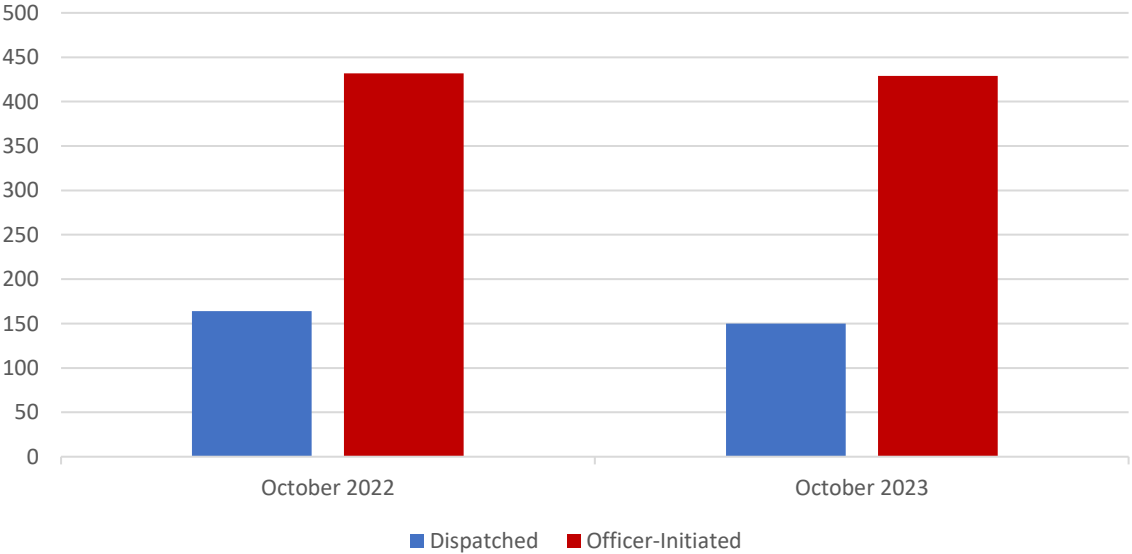
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October 2023 Totals

Dispatched / Officer-Initiated Activity

Dispatched Calls	150
Officer Initiated	429
October 2023 Total	579

Dispatched vs Officer-Initiated Activity



- Dispatched calls were Down 14 or 9% from October 2022
- Officer-Initiated Activity was Down 3 or 1% from October 2022

	Oct. 2022	Oct. 2023
Dispatched Calls	164	150
	28%	26%
Officer Initiated	432	429
	72%	74%
Total	596	579

- 26% were Dispatched Calls
- 74% was Officer-Initiated Activity

October 2023 Calls for Service

Calls for Service Comparison

Call Types A-M

Call Type	2020	2021	2022	Avg 20-22	2023	% Change 3-Yr Avg to 2022
9-1-1 Hangup	2	1	2	1.67	2	20%
Alarm Calls	12	7	5	8.00	4	-50%
Animal Calls	6	7	8	7.00	13	86%
Arson	0	1	0	0.33	0	-100%
Assault	5	1	4	3.33	2	-40%
Assist Business	1	10	4	5.00	7	40%
Assist Other Agency (Fire/Med)	8	12	11	10.33	13	26%
Bar Checks	0	2	0	0.67	5	650%
Burglary	0	0	0	0.00	1	NC
Child abuse	0	0	0	0.00	1	NC
Citizen Assist	16	7	16	13.00	16	23%
Civil	12	28	14	18.00	16	-11%
Criminal Mischief	9	2	2	4.33	3	-31%
Death Investigation	0	1	0	0.33	1	200%
Disturbance	5	8	5	6.00	6	0%
Drug case	0	0	1	0.33	1	200%
DUI Arrest	3	1	1	1.67	0	-100%
Extra Checks & Business Check	178	249	133	186.67	170	-9%
Family Problems	12	9	7	9.33	14	50%
Fire Ban Violation	2	0	0	0.67	0	-100%
Fireworks Complaint	0	1	0	0.33	0	-100%
Follow up	21	29	64	38.00	34	-11%
Found property	1	2	2	1.67	1	-40%
Fraud	9	4	4	5.67	5	-12%
Harassment	10	3	12	8.33	3	-64%
Juvenile Problem	2	4	4	3.33	4	20%
Littering	0	1	0	0.33	0	-100%
Lost Property	2	1	1	1.33	0	-100%
Mental Health Call	1	1	4	2.00	5	150%
Missing Person (Child/Adult)	3	4	6	4.33	2	-54%
Motor Vehicle Accident	3	2	4	3.00	6	100%
Municipal Code Violation	0	0	1	0.33	38	11300%

Call Types N-Z

Call Type	2020	2021	2022	Avg 20-22	2023	% Change 3-Yr Avg to 2022
Neighbor Problems	1	2	4	2.33	5	114%
Noise\Party Complaint	5	6	2	4.33	3	-31%
Parks Incident	0	0	1	0.33	0	-100%
Pedestrian Contact/Subject St	0	1	10	3.67	6	64%
Private Tow	1	2	6	3.00	4	33%
REDDI Report	1	0	4	1.67	1	-40%
Restraining Order Violation	2	0	2	1.33	1	-25%
Safe 2 Tell	1	0	2	1.00	1	0%
School Check	2	7	12	7.00	24	243%
Sex Offense	2	3	4	3.00	2	-33%
Sex Offender Check	1	5	0	2.00	0	-100%
Shooting	0	0	0	0.00	1	NC
Suicide Attempt	1	1	0	0.67	0	-100%
Suicide Threat	3	9	3	5.00	4	-20%
Suspicious Circumstances	29	18	40	29.00	19	-34%
Theft	8	7	11	8.67	6	-31%
Traffic Problem	16	21	19	18.67	9	-52%
Traffic Stop	77	41	133	83.67	79	-6%
Trespass	1	2	2	1.67	1	-40%
Vehicle Theft	3	1	1	1.67	1	-40%
Vehicle Trespass	5	0	0	1.67	2	20%
VIN Check	6	6	5	5.67	8	41%
Warrant Attempt/Arrest	5	6	6	5.67	6	6%
Weapon Related (menacing,	1	0	2	1.00	0	-100%
Welfare Check	12	11	7	10.00	14	40%
Unspecified	0	2	5	2.33	9	286%
TOTALS	506	549	596	550.33	579	5%

NC = Not Calculable. Cannot divide by 0.

Calls for Service DOWN 17 or 3% from October 2022
October 2023 calls UP 5% from October 2020-2022 Average

October 2023 Call Categories

Crime Type Averages / Trends

Property Crimes					
Call Type	2020	2021	2022	Avg 20-22	2023
Burglary	0	0	0	0.00	1
Theft	8	7	11	8.67	6
Vehicle Theft	3	1	1	1.67	1
Vehicle Trespass	5	0	0	1.67	2
Property Crimes Totals	16	8	12	12.00	10

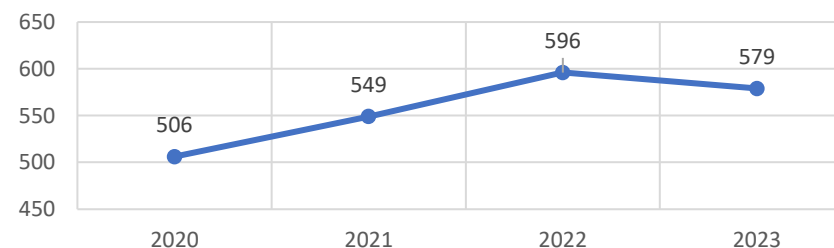
Persons Crimes					
Call Type	2020	2021	2022	Avg 20-22	2023
Assault	5	1	4	3.33	2
Missing Person (Child/Adult)	3	4	6	4.33	2
Robbery	0	0	0	0.00	0
Sex Offense	2	3	4	3.00	2
Weapon Related (menacing,	1	0	2	1.00	0
Persons Crimes Totals	11	8	16	11.67	6

Disorder/Other Crimes					
Call Type	2020	2021	2022	Avg 20-22	2023
Alcohol Calls	0	0	0	0.00	0
Animal Calls	6	7	8	7.00	13
Criminal Mischief	9	2	2	4.33	3
Disturbance	5	8	5	6.00	6
Drug case	0	0	1	0.33	1
Family Problems	12	9	7	9.33	14
Harassment	10	3	12	8.33	3
Juvenile Problem	2	4	4	3.33	4
Noise\Party Complaint	5	6	2	4.33	3
Suspicious Circumstances	29	18	40	29.00	19
Trespass	1	2	2	1.67	1
Disorder Crimes Totals	79	59	83	73.67	67

Red numbers indicate a DECREASE in crime from October 2022

Yellow backgrounds indicate an INCREASE in crime from October 2020-2022 Average

October 2020-2023 Totals



October 2023 Traffic

Traffic Citations	10/22	10/23
Traffic Citations Issued	40	20
Traffic Warnings	74	87

➤ Citations Issued Down 20

➤ Warnings Up 13

Call Type	10/22	10/23
Traffic Stop	133	79
Motor Vehicle Accident	4	6
DUI Arrest	1	0
Traffic Problem	19	9
REDDI Report	4	1

➤ Traffic Stops Down 54 or 41%

➤ MV Accidents Up 2

➤ DUI Arrests Down 1

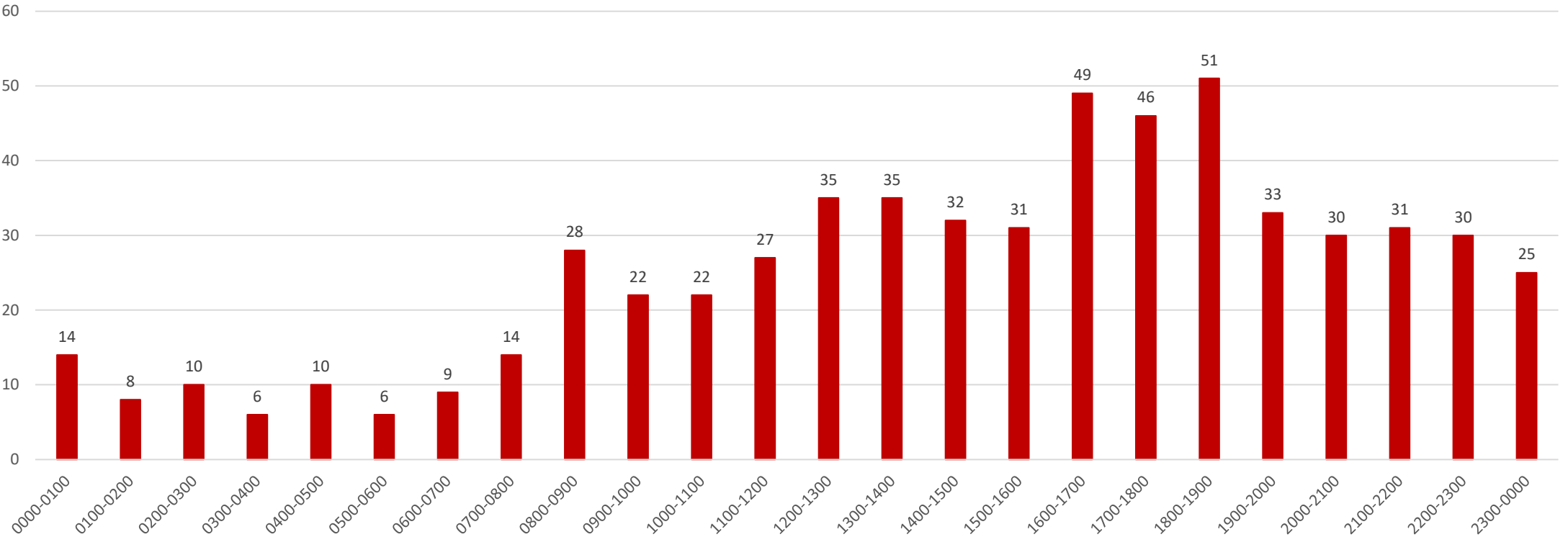
➤ Traffic Problems Down 10

➤ REDDI Reports Down 3

October 2023

Call Totals by Hour

Busiest Hours
1800-1900 (51)
1600-1700 (49)

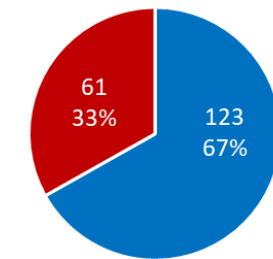


41 Calls between 0200-0700

October 2023

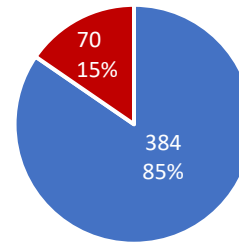
Wellington/Non-Wellington Units

Dispatched



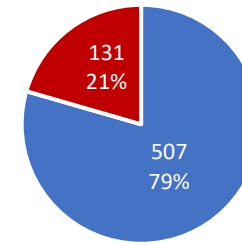
Wellington Non-Wellington

Officer-Initiated



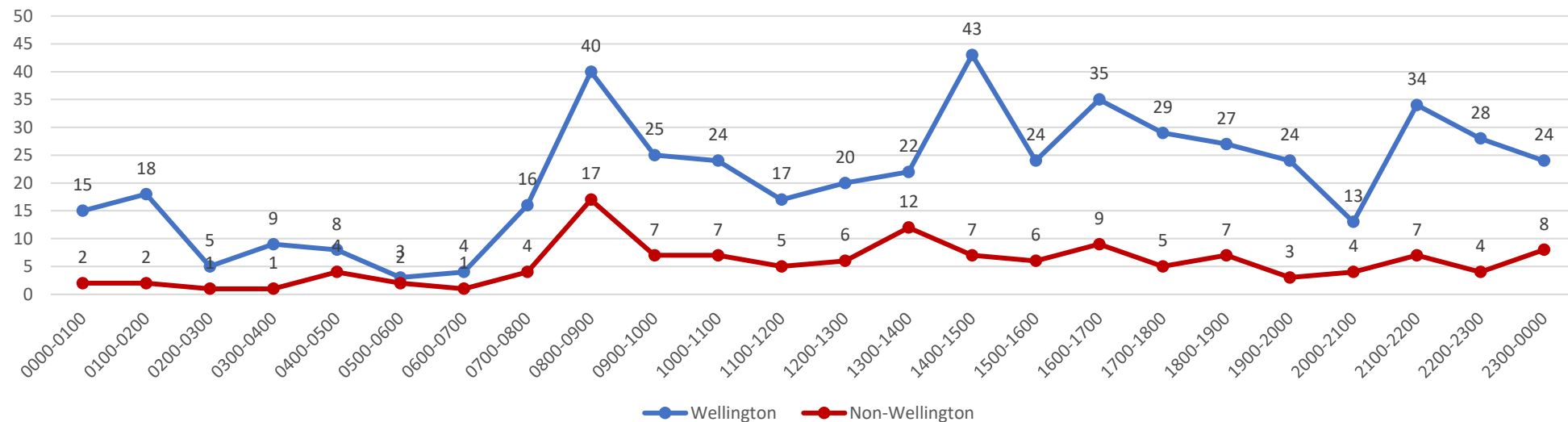
Wellington Non-Wellington

Total Calls



Wellington Non-Wellington

Wellington/Non-Wellington Calls by Hour



October 2023

Response Times / Time on Calls

Dispatched Calls Only

All Times in Minutes

Average Response Time (All Units)		
High		16.07
Medium		10.59
Low		45.16
Avg. Response Time		23.94

Average Time on Calls (All Wellington Calls)			
High			88.43
Medium			48.72
Low			37.22
Avg. Time			58.12

Board of Trustees Meeting

Date: November 28, 2023
Subject: Monthly Utility Report, dated November 1, 2023

BACKGROUND / DISCUSSION

The Monthly Utility Report for the period ending 10/31/2023 is provided.

STAFF RECOMMENDATION

ATTACHMENTS

1. 2023-11-01 Utility Production and Operational Summary Report - Combined



Wellington Water and Wastewater Utilities Monthly Production and Operational Summary Report As of November 1, 2023

September Production Summary

- **Water**
 - Total October monthly volumetric production to meet demand was 22 million gallons (MG), which is the lowest October production in the last 5 years. This continues a trend the lower-than-average water usage for 2023.
 - The Conventional Plant produced 14.5 MG.
 - The Nanofiltration Plant produced 7.6 MG.
 - Please see the attached charts for various additional data related to drinking water production.
- **Wastewater**
 - October Summary
 - The total influent volume for October was approximately 20 MG, which is about average for the last 5 years.
 - Hydraulic loading was at 0.64 million gallons per day (MGD). This hydraulic loading represents 71% of the maximum permitted hydraulic capacity.
 - Organic loading was 1,655 pounds of BOD, which is the fourth highest total for the last 5 years. This represents 63% of the maximum permitted organic capacity.
 - Please see the attached charts for various additional data related to water reclamation production.

September Operational Summary

- **Water Treatment Plants**
 - Conventional Plant
 - The Water Treatment Plant was shut down for portions of the week of October 16th to allow construction of a new Clearwell tie-in and also a new backwash supply tie-in. Town operations staff assisted in the construction through coordinating draining and filling of the Clearwell as well as disinfection and testing operations in order to return the Clearwell to operation following construction. The construction was successfully completed on time with minimal issues.
 - The Water Treatment Plant was again shutdown on October 25th to start draining the 2 million gallon (2 MG) treated water storage tank for the upcoming tank coating and repair project. Town operators closely monitored tank levels, and treated water quality within the existing tanks as the 2MG tank drained during the week. The Tank was emptied on November 1.
- **Water Reclamation Facility**
 - Operators continue to coordinate with the expansion project contractor daily. Numerous sequencing and coordination issues are resolved on a daily or hourly basis.



Wellington Water Treatment Plant Expansion Project

Project Status Summary Report

As of November 1, 2023

Schedule Update

- The contractor has requested eleven (11) weather days to date. The project is currently on schedule for Final Completion on July 29, 2024. Material and equipment procurement continues to be the biggest threat to the project schedule. Milestone dates are as follows:
 - Notice to Proceed May 11, 2022
 - Substantial Completion May 10, 2024
 - Final Completion July 29, 2024
 - Days remaining to Final Completion 184 days.

Construction Update

- Work completed or in progress listed under each structure.
 - Site Work
 - Maintained SWMP BMPs.
 - Installed 12" potable water line to the Chemical Building
 - Install Chemical containment piping
 - Prep and excavate for the Clearwell tie in
 - Prep and excavate for the Backwash supply tie in.
 - Complete installation of the new Clearwell tie-in
 - Complete installation of the new backwash supply tie-in.
 - Treatment Building
 - Completed installation of the upper deck, stripped forms and shoring.
 - Installed perimeter curbs on the upper slab
 - Installed settled water channel.
 - Ozone Building
 - Installed metal building panels both wall and roof panels
 - Installed exterior CMU wall
 - Installed interior CMU wall
 - Began work on framing and sheet rock
 - Started work on electrical installation
 - Set chillers on the exterior equipment pads.
 - Chemical Building
 - Continued installation of mechanical, electrical and plumbing systems
 - Installed scaffolding in Chemical bays
 - Began HVAC installation
 - Pre-Treatment Building
 - Installed new breaker during shutdown
 - Pulled new wire
 - Construction team continues to work through design and material submittals requiring approval from the design engineer and Town Project Managers prior to construction.
 - Concrete, backfill, compaction testing, welding, and bolt inspections by CTL Thompson as needed.



- Safebuilt has been performing construction inspection on electrical and plumbing components as needed.
- Issues
 - Material availability and long lead times for equipment are currently the biggest issues the project team is dealing with.
 - This month the priority for the Team was getting through the Clearwell and BWS tie in. Both operations required shutdown of the WTP as well as draining of the Clearwell. The team successfully completed both installations within the time window specified by the Town.

Contingency Update

- Contractor Contingency Actions
 - Recycle Pump Station Escalation
 - Price escalation for the Recycle Pump Station was approved for the Contractor Contingency for a total cost of \$43,818.00.
 - CO2 Feed and Storage Escalation
 - Price escalation for the CO2 Feed and Storage system was approved for the Contractor Contingency for a total cost of \$75,680.00.
 - Concrete Material Escalation
 - Concrete material pricing has increased several times during the project. This material escalation contingency item captures the additional costs to complete the concrete work as well as projects the remaining concrete costs through the end of the project. A material escalation for Concrete costs was approved for the Contractor Contingency for a total cost of \$183,567.00.
 - Ozone Chiller Room Gates
 - Exterior chiller room gates were missed by the Contractor during the GMP phase. A contingency item was approved for the Ozone Chiller Room Gates for the Contractor Contingency for a total cost of \$14,901.00.
 - Contractor contingency has \$669,000 remaining, which is 44% of the original contingency.
- Town Contingency Actions
 - Access Control
 - This PCO covers the additional access control hardware for a door in the Treatment Building that was omitted from the original quote by the access control and security hardware contractor. The total approved cost for the Owner Contingency was \$7,876.00.
 - Treatment Facility Windows
 - This contingency item covers the addition of five (5) windows to the Treatment Building. The building was originally designed without any windows primarily for cost savings. It was decided to add windows to the building to provide a better work environment as well as let in some natural light. The total cost to the Owners Contingency was \$11,258.00.
 - Recycle Pump Station Modification
 - This contingency item covers the material changes to the Recycle Pump Station required by design changes from Jacobs that modified the stations inlet, outlet and drain pipe locations. This contingency item was approved for the Owner Contingency for a total cost of \$22,329.00.



- Clearwell Leak Repair
 - During excavation of the new raw water line near the Clearwell Building excessive groundwater was found indicating that a potential leak may be present at an existing nearby pipe penetration to the Clearwell. Town Engineering staff directed the contractor to expose the existing Clearwell pipe penetration in order to identify a leak. No leak was found however, the existing fittings and bolts were heavily corroded and needed to be replaced. Town Engineering staff directed the contractor to replace the existing fitting bolts as well as wrap the pipe and fittings and install cathodic protection. This PCO covers the labor to excavate the pipe and replace the existing hardware and then backfill. This contingency item was approved for the Owners Contingency for a total cost of \$12,047.00.
- Owner contingency currently has \$1.357 million remaining, which is 90% of the original contingency.



Wellington Water Reclamation Facility Expansion Project

Project Status Summary Report

As of October 1, 2023

Schedule Update

- Project is currently on schedule for Final Completion on October 30, 2024. There have been twelve (12) weather days tracked to date. Material and equipment procurement continues to be the biggest threat to the project schedule. Milestone dates are as follows:
 - Notice to Proceed April 19, 2022
 - Substantial Completion August 1, 2024
 - Final Completion October 30, 2024
 - Days remaining to Final Completion 248 days

Construction Update

- Work completed or in progress listed under each structure:
 - Site Work
 - Installation of the 4" RS from the headworks to the tie in point.
 - Installation of 4" DS to UV Building
 - Installation of 2" air step line from step feed to the Orbal
 - 18" ALP from SFPB to the Step Feed Aeration Basin
 - Step Feed Aeration Basin
 - Installed various yard pipe around the basin and backfilled
 - Influent Pump Station
 - No work
 - Secondary Clarifiers
 - No work
 - Step Feed Process Building
 - Installed metal building structural components
 - Installation of metal building roof and wall panels
 - Backfilled around the building
 - Set pump, blowers and compressors
 - Installed backup generator
 - Orbal Reactor
 - No work
 - UV Digester 5 & 6
 - Prep for grout topping
 - Poured grout topping in Digester 5
 - UV Digester Blower Building
 - Multiple section bulkheads prepped and poured.
 - Form and pour curbs
 - Prep for metal building installation
 - Form and pour electrical equipment pads
 - Administration Building
 - Rough plumbing
 - Rough electrical
 - HVAC ductwork installation
 - Headworks Building

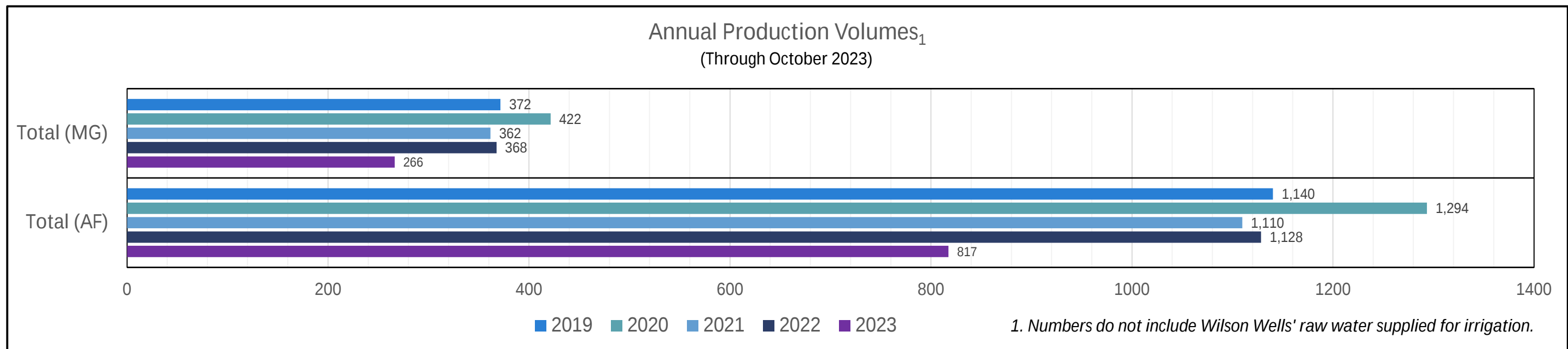
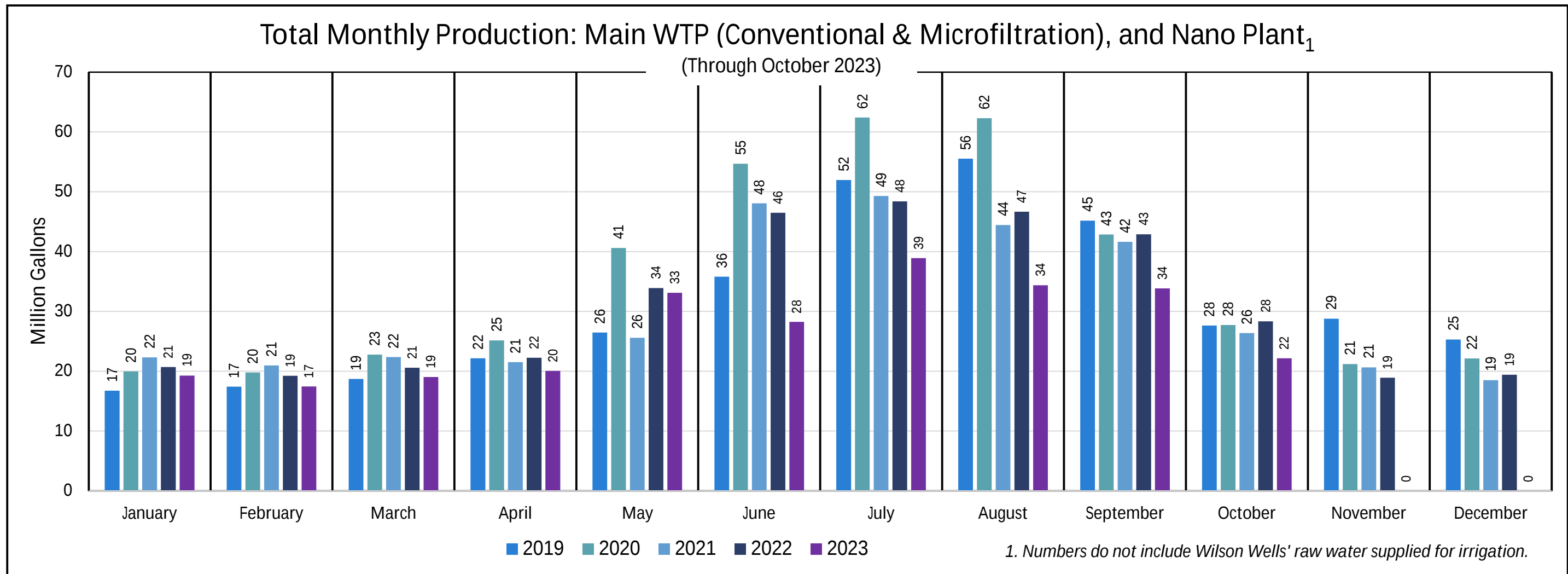


- Structural Masonry completed
 - Installed backup generator
 - Veneer installation started
 - Roof installation started
 - Started installation of channel gates and equipment
- Construction team continues to work through final material submittals requiring approval from the design engineer prior to construction.
- Concrete, backfill, compaction testing, welding, and bolt inspections by CTL Thompson as needed.
- Electrical and plumbing inspections by Safebuilt as needed.
- **Issues**
 - The Colorado Water Conservation Board (CWCB) notified the Town of potential changes to the Boxelder Creek Floodplain in August. The changes are being made as part of the Larimer County Physical Map Revision (PMR). Town staff is monitoring the proposed changes as changes to the 100-year Base Flood Elevations have the potential to impact the facilities and hydraulic design of the proposed WRF processes. This issue is still outstanding and the team has been working diligently with CWCB to get a final resolution to the floodplain however, no new information has been provided over the last month.

Contingency Update

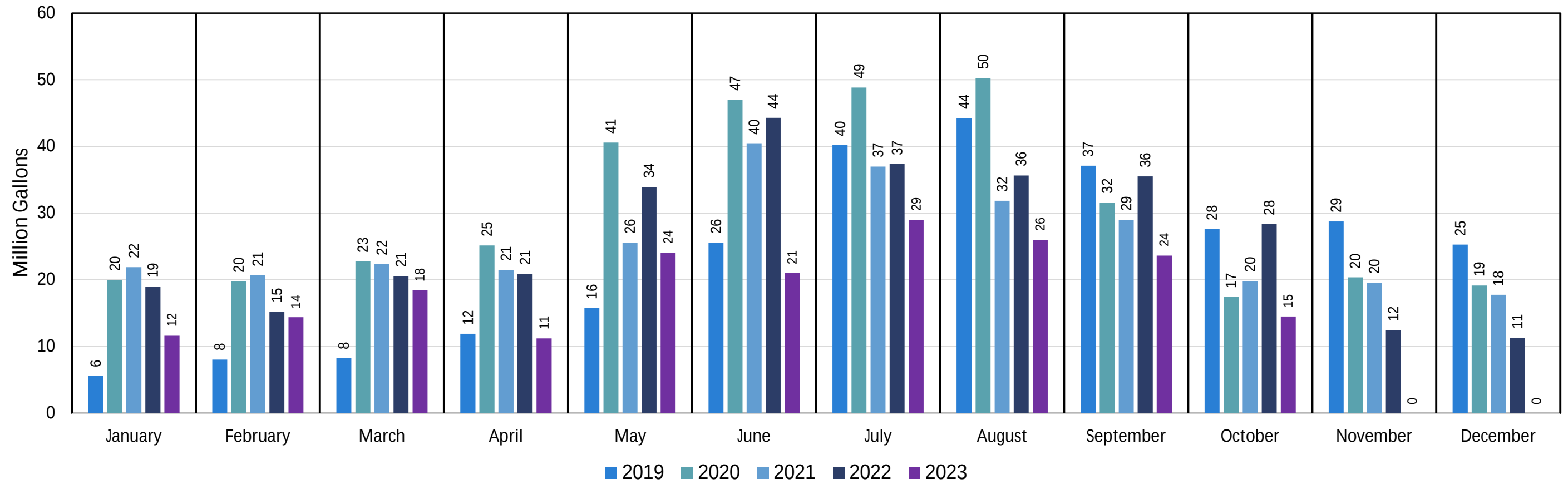
- **Contractor Contingency**
 - The security system was not part of the GMP package that was bid on by the Contractor in 2022/2023. In order to install the security system, conduits needed to be installed to run the cabling required by the cameras and the door hardware. Additionally, network components required to connect the security hardware and cameras to the internal plant network were not in the GMP bid package. This contingency item for Security Cameras and additional scope items was approved for the Owner Contingency for a total cost of \$54,961.00.
 - Contractor contingency currently has \$1.69 million remaining or is at 78% remaining.
- **Town Contingency**
 - Town operators and Engineers requested the contractor provide a cost estimate to complete the installation of a water line loop within the plant for the non-potable service water that is being used in multiple processes. Creating a loop of the non-potable water service provides redundancy for when there is a line break as non-potable water can be fed from two directions. When non-potable water is not available for the processes the plant either relies on potable water as the backup source or is not able to use the process equipment. This contingency item was approved for the Owner Contingency for a total cost of \$85,436.00.
 - Owner contingency currently has \$991,145 remaining, which is 46% of the original contingency.

Town of Wellington Water Treatment

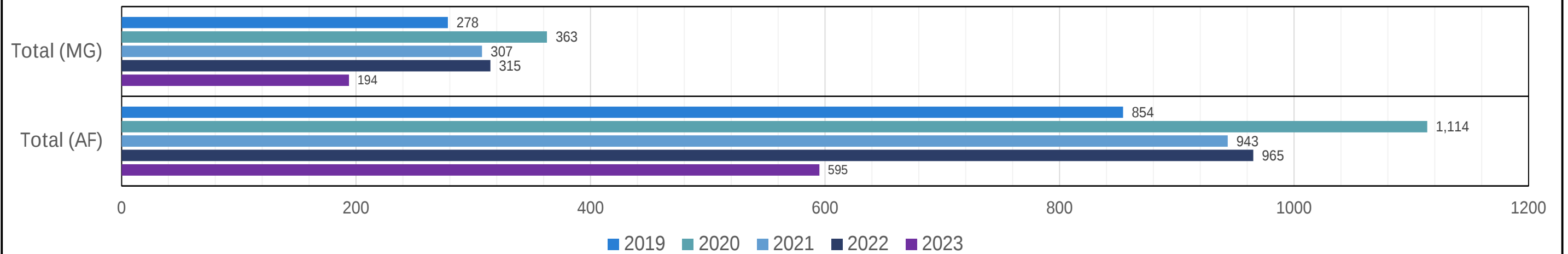


Town of Wellington Water Treatment

Monthly Production: Main WTP (Conventional & Microfiltration) (Through October 2023)

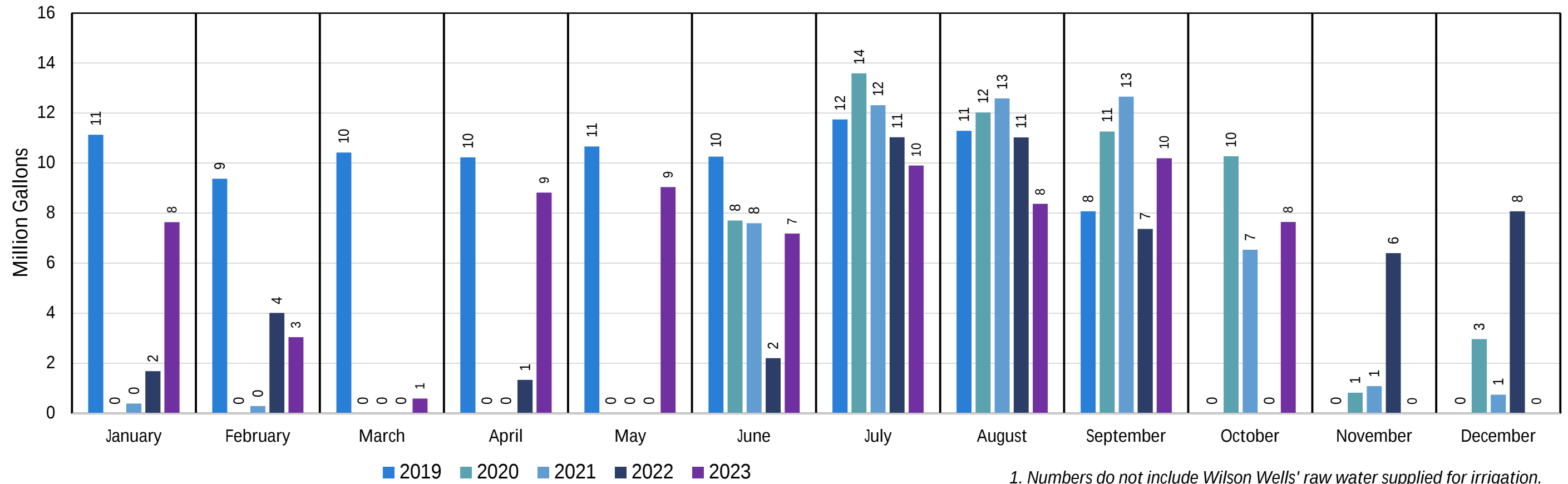


Annual Production Volumes (Through October 2023)

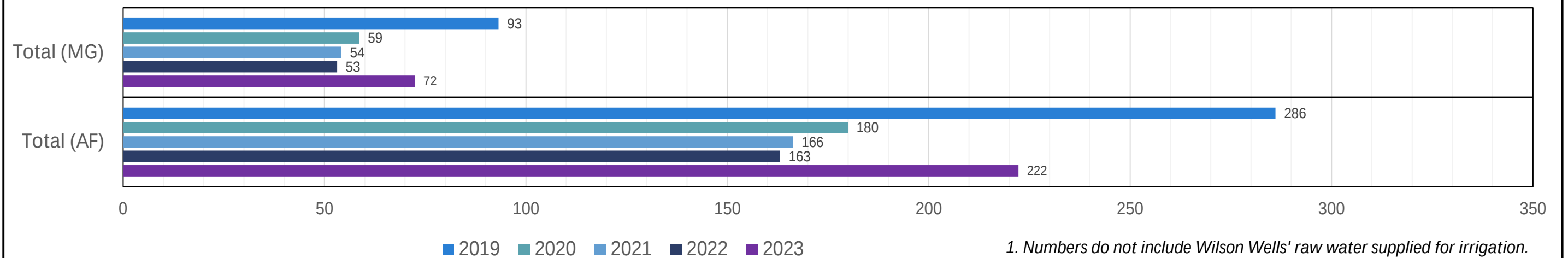


Town of Wellington Water Treatment

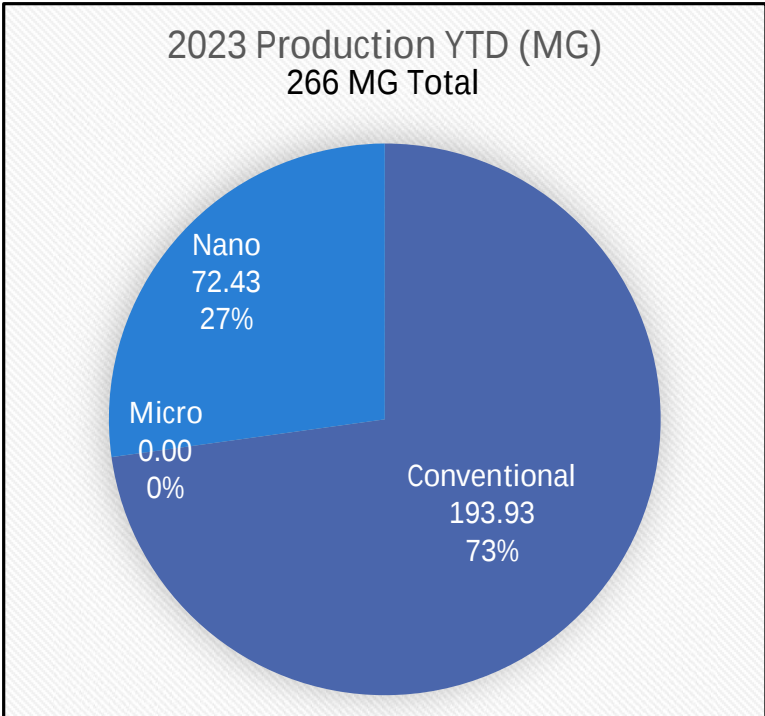
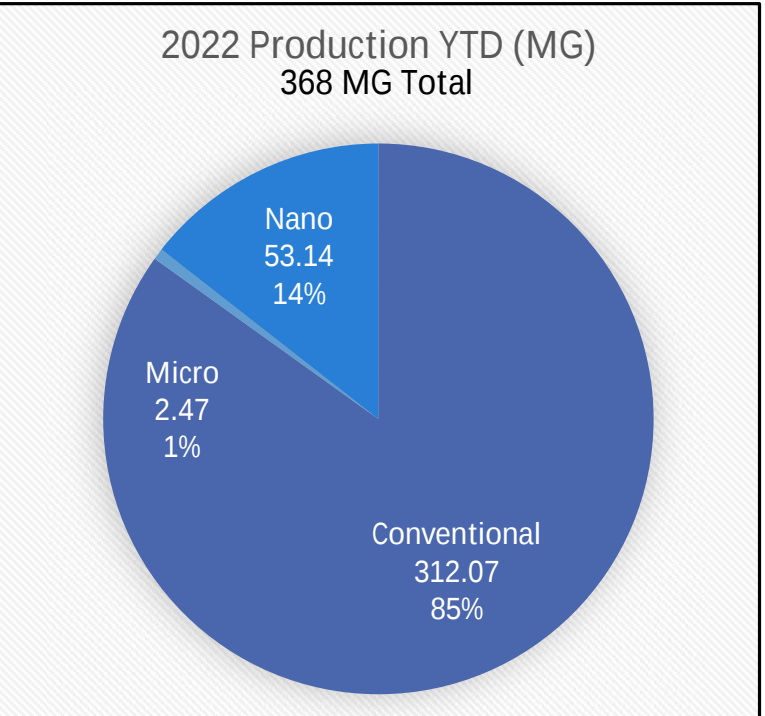
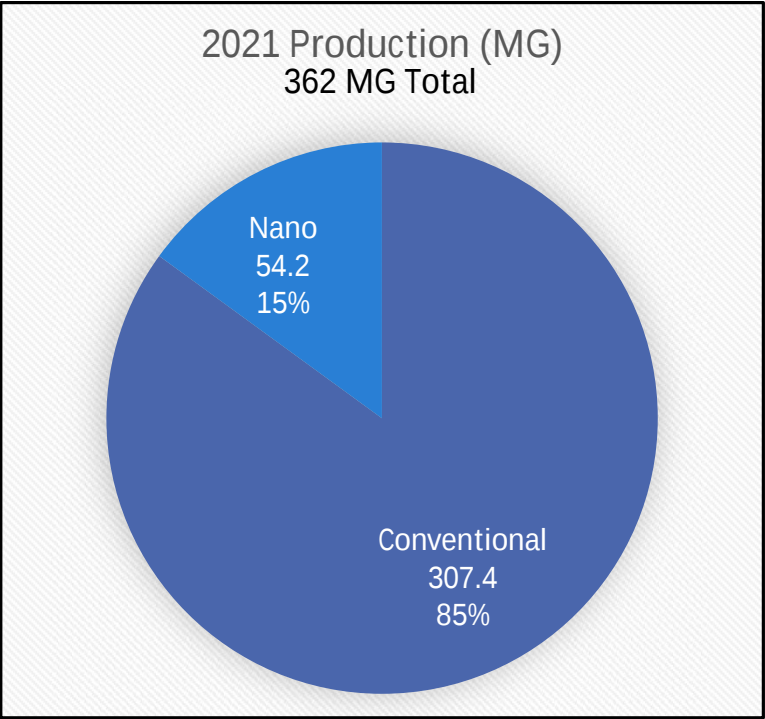
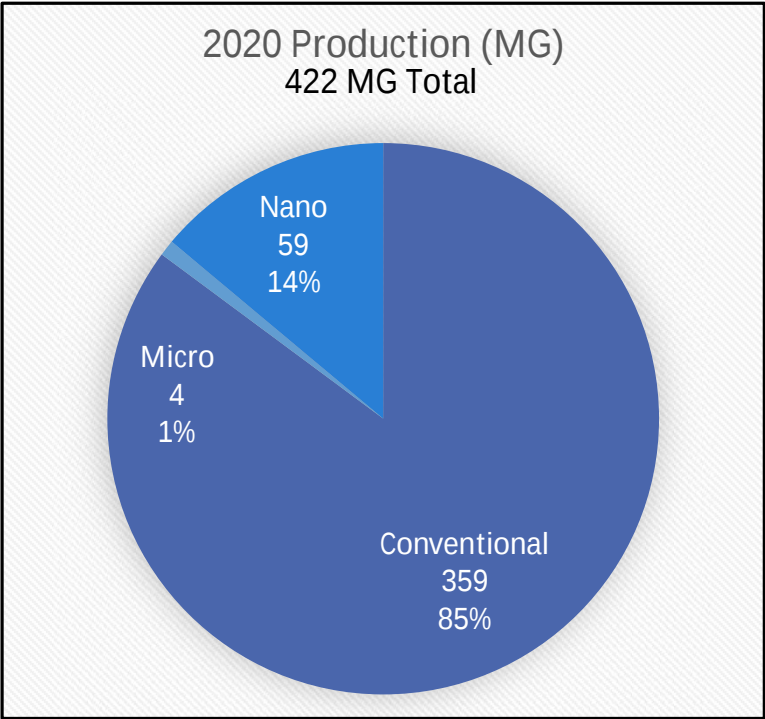
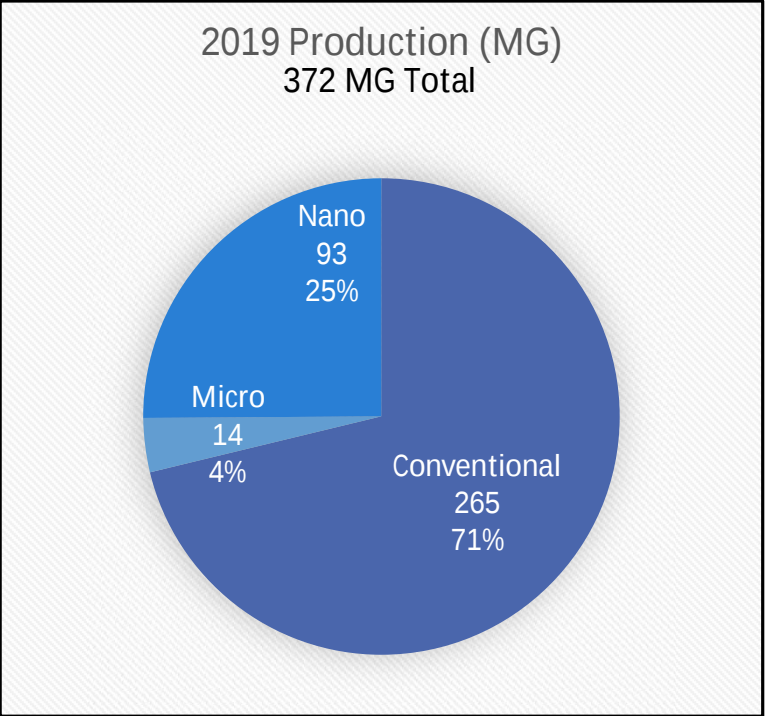
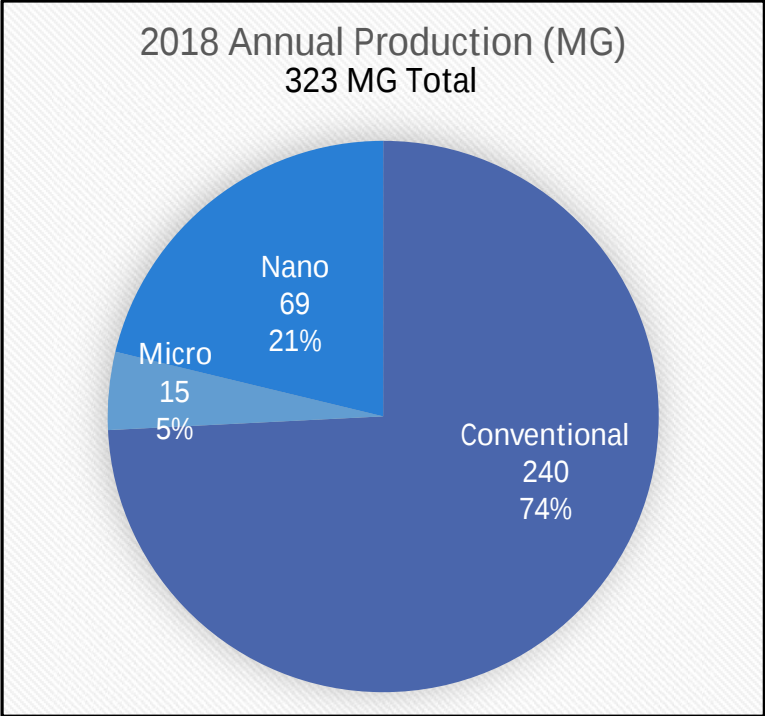
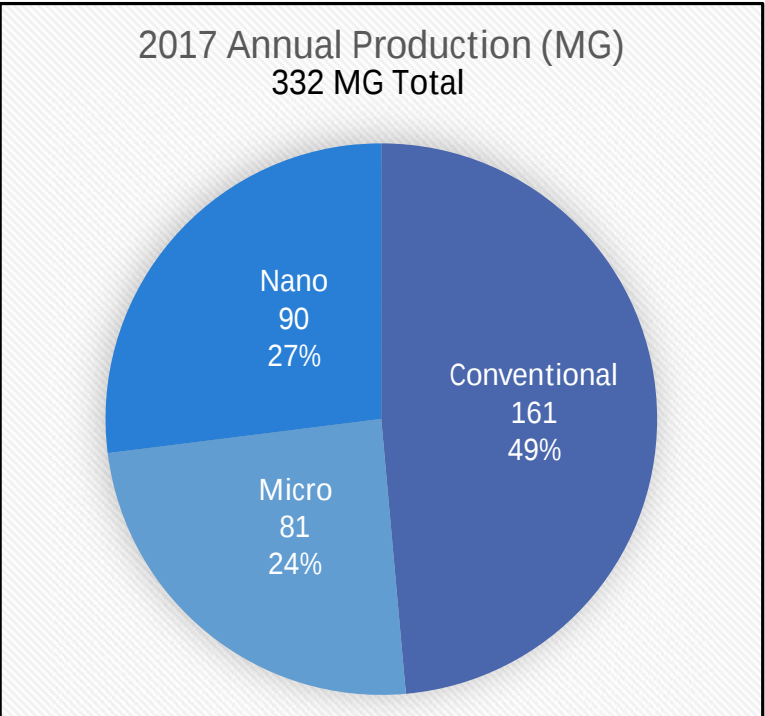
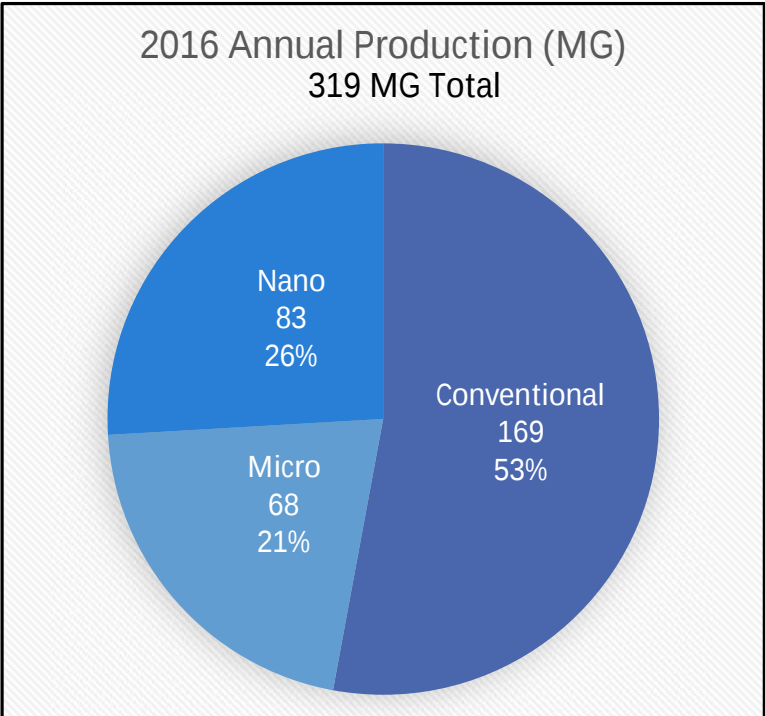
Monthly Production: Nano Plant₁ (Through October 2023)



Annual Production Volumes₁ (Through October 2023)

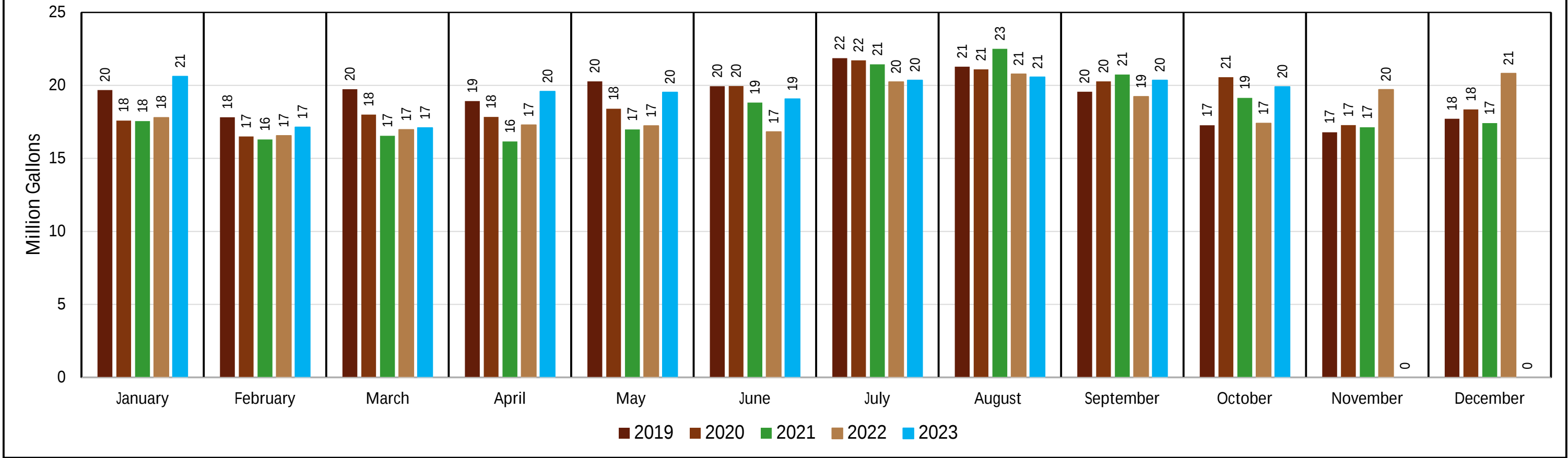


Town of Wellington
Water Treatment

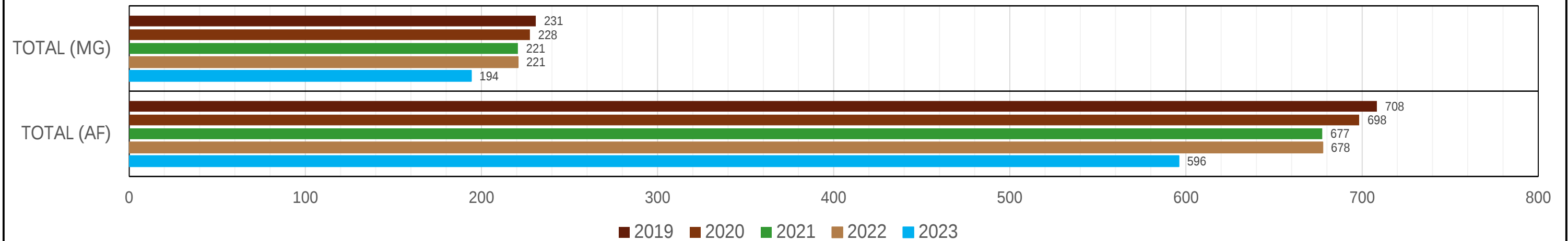


Town of Wellington
Water Reclamation Facility Treatment

Monthly Production: Monthly Volume of Influent
(Through October 2023)

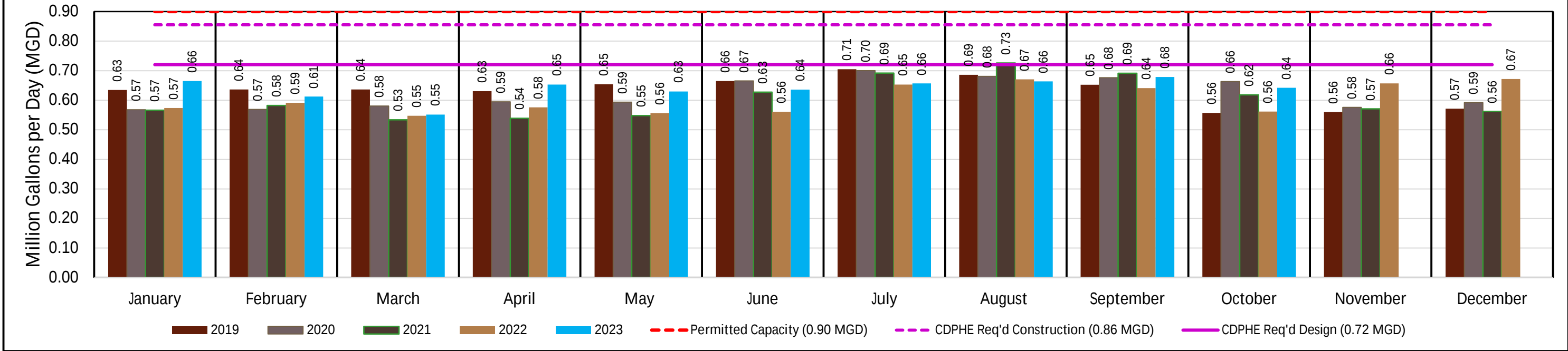


Annual Volume of Influent
(Through October 2023)

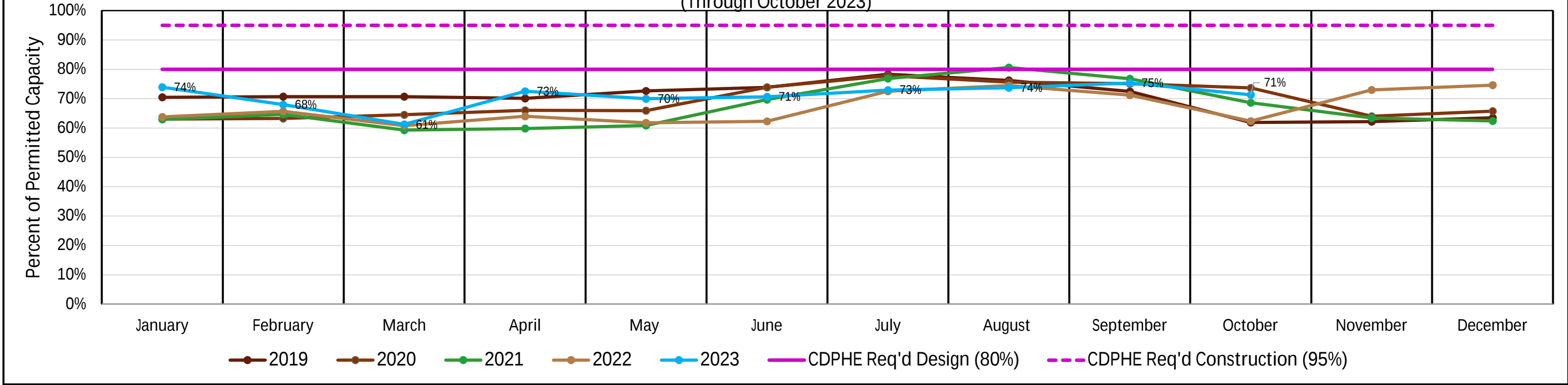


Town of Wellington
Water Reclamation Facility

Monthly Production: Hydraulic Loading
(Through October 2023)



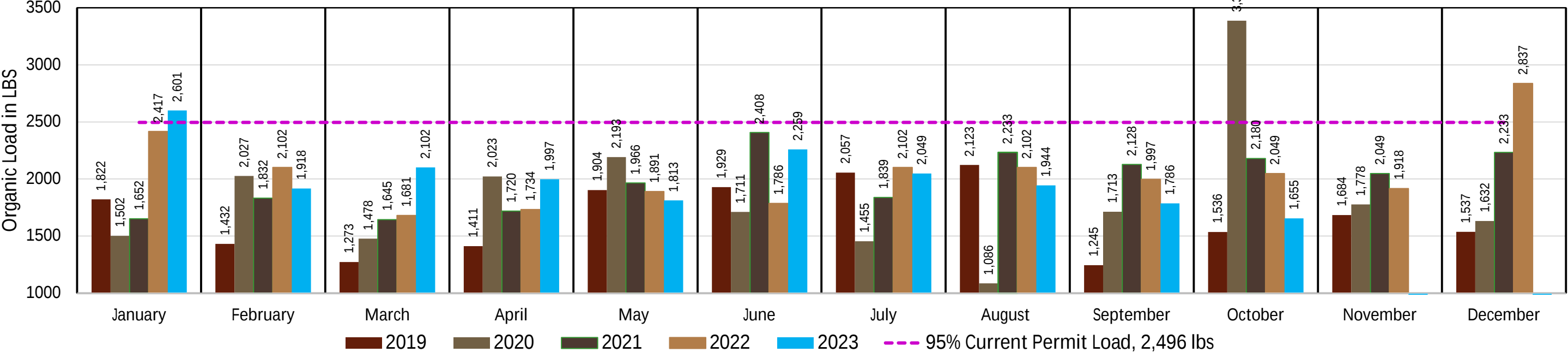
Monthly Production: Percent of Permitted Hydraulic Capacity
(Through October 2023)



Town of Wellington
Water Reclamation Facility

Monthly Production: Organic Loading
(Through October 2023)

Note: June 2018 permitted capacity increased from 1314lbs to current level of 2627lbs.



Monthly Production: Percent of Permitted Organic Capacity
(Through October 2023)

Note: June 2018 permitted capacity increased from 1314lbs to current level of 2627lbs.

