



Town of Timnath
Regular Meeting Minutes
Tuesday, March 25, 2014, 6:00 p.m.
Meeting was held at Timnath Administration Building,
4800 Goodman Street, Timnath, Colorado

1. CALL TO ORDER AND ROLL CALL:

Mayor Grossman-Belisle called to order the meeting of the Town Council on Tuesday, March 25, 2014 at 6:04 p.m.

Present:

- a. Mayor Jill Grossman-Belisle
- b. Councilmember Bill Neal
- c. Councilmember Bryan Voronin

Absent:

- a. Councilmember Marty Chiaramonte
- b. Councilmember Paul Steinway

Also Present:

- a. April Getchius, Town Manager
- b. Milissa Peters, Town Clerk
- c. Robert Rogers, Contracted Town Attorney
- d. Don Taranto, Contracted Town Engineer
- e. Matt Blakely, Contracted Town Planner
- f. Brian Williamson, Contracted Town Planner
- g. Russ Weber, Safebuilt
- h. Bob Ponsel, Poudre Fire Authority
- i. Michael Harrington
- j. John Turner

2. AMENDMENTS TO THE AGENDA:

- a. 6c was moved to 6a.

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

- a. Michael Harrington, 5382 Banner Street, Timnath – spoke to the Council about fracking and asked that the Council hold a public hearing to address the pros and cons of fracking in the area. Several public in attendance were in agreement with the statements made.
- b. Maria Eckman, 5726 Graphite, Timnath – spoke to Council about individual mineral rights.

4. CONSENT AGENDA:



- a. Approval of the March 11, 2014, Town Council Meeting Minutes
- b. Approval of the Check Register

Councilmember Neal moved to approve the consent agenda. Councilmember Voronin seconded the motion. The motion passed unanimously by voice vote.

5. REPORTS:

- a. Mayor/Council – NONE
- b. Staff – Included in the packet

6. ORDER OF BUSINESS:

- a. **B - RESOLUTION NO. 20, SERIES 2014**, A Resolution Approving a Town of Timnath Policy Regarding Timnath Reservoir

Public Comments:

- Jan Clyman – spoke to Council in opposition of motorized boats on the reservoir.
- John Fusaro – spoke to Council about wildlife at the reservoir and opposed motorized boats on the reservoir.
- Diane Fusaro – spoke to Council in opposition of motorized boats on the reservoir.
- Karen Fisher – spoke to Council in opposition of motorized boats on the reservoir.
- Greg Evans, CR 40 – spoke to Council in opposition of motorized boats on the reservoir.
- Glen Schrepel, Weld County - asked for answers on emergency access, water and sewer, road condition and spoke in opposition of motorized boats on the reservoir.
- Patricia Roberts – spoke to Council in opposition of motorized boats on the reservoir and her concern about property values.
- Landon Hoover, Hartford Homes – spoke to Council about his interaction with the Wildwing property owners and represented that the majority of the property owners had knowledge of the proposed reservoir uses and that the majority of the owners support motorized boats. He also spoke about wildlife and noise.
- Denise Fisher – spoke to Council in opposition of motorized boats on the reservoir. She stated that she spoke to a professor at CSU about the impact on wildlife. Ms. Fisher also mentioned the results of what the residents wanted as part of the PROST plan.
- Kate Weinrich – spoke to Council in opposition of motorized boats on the reservoir.
- Todd Kettlekamp – spoke to Council in favor of motorized boats on the reservoir and his interaction with wildlife while boating. He also spoke about how to regulate the number of boats on the water.
- DJ Kub, Timnath – spoke to Council in favor of motorized boats on the reservoir.

Staff Comments:

- Ms. Getchius spoke to the Council about the proposed resolution.

Town Council Questions and Comments:



- Councilmember Neal spoke about his concerns regarding additional resources that may be needed to manage the reservoir with management.
- Mayor Grossman-Belisle spoke about the noise test that was performed last year, the PROST plan statistics that supported both motorized and non-motorized use, the trial program last summer and the proposed limitations.
- Councilmember Neal spoke about finding a “middle of the road” option.
- Councilmember Voronin stated that his interpretation of the PROST plan shows that motorized boats were not wanted but that the proposed resolution needs to be refined.
- Mayor Grossman-Belisle spoke in favor of a trial period.
- Councilmember Neal asked about patrolling and enforcement and Ms. Getchius stated that the Town was planning on hiring a seasonal worker to help with the reservoir.
- Councilmember Neal asked about the Town’s liability and Mr. Roberts spoke about governmental immunity.
- Councilmember Neal stated his recommended amendments to the resolution.
- Mayor Grossman-Belisle spoke about adding limitation and having a one-year trial period. She also spoke about the possibilities of the reservoir use and trying to find balance to all residents.

Councilmember Neal moved to approve RESOLUTION NO. 20, SERIES 2014, A Resolution Approving a Town of Timnath Policy Regarding Timnath Reservoir as amended. Mayor Grossman-Belisle seconded the motion. The motion passed 2-1 by voice vote.

Mayor Grossman-Belisle	Yay
Councilmember Voronin	Nay
Councilmember Neal	Yay

b. C - RESOLUTION NO. 21, SERIES 2014, A Resolution Authorizing the Town Manager’s Extension of the Intergovernmental Agreement with the City of Fort Collins
Staff Comments:

- Ms. Getchius spoke to Council about the proposed resolution.

Councilmember Voronin moved to approve RESOLUTION NO. 21, SERIES 2014, A Resolution Authorizing the Town Manager’s Extension of the Intergovernmental Agreement with the City of Fort Collins. Councilmember Neal seconded the motion. The motion passed unanimously by voice vote.

c. **MOVED TO 6a - ORDINANCE NO. 5, SERIES 2014, FIRST READING, An Ordinance Amending Chapter 18, Article 5, of the Town Code Adopting by Reference the International Fire Code Promulgated by the International Code Council, 2012 Edition, with Amendments and set for Public Hearing on April 8, 2014, at 6:00 p.m.**

Staff Comments:

- Ms. Getchius spoke to Council about the proposed ordinance.

Councilmember Voronin moved to approve ORDINANCE NO. 5, SERIES 2014, FIRST READING, An Ordinance Amending Chapter 18, Article 5, of the Town Code Adopting by Reference the International Fire Code Promulgated by the International Code Council, 2012 Edition, with



Amendments and set for Public Hearing on April 8, 2014, at 6:00 p.m. **Councilmember Neal seconded the motion. The motion passed unanimously by voice vote.**

- d. EXECUTIVE SESSION:** “For the purposes of discussion concerning the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interests under Section §24-6-402(a), C.R.S.; discussion concerning personnel matters under §24-6-402(4)(f), C.R.S.; discussion regarding positions relative to matters that may be subject to negotiations and development of a strategy for negotiations under §24-6-402(4)(e), C.R.S.; and conferences with the Town’s attorney for purposes of receiving legal advice on specific legal questions under §24-6-402(4)(b), C.R.S.”

Councilmember Voronin moved to enter into EXECUTIVE SESSION: “For the purposes of discussion concerning the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interests under Section §24-6-402(a), C.R.S.; discussion concerning personnel matters under §24-6-402(4)(f), C.R.S.; discussion regarding positions relative to matters that may be subject to negotiations and development of a strategy for negotiations under §24-6-402(4)(e), C.R.S.; and conferences with the Town’s attorney for purposes of receiving legal advice on specific legal questions under §24-6-402(4)(b), C.R.S.”. **Councilmember Neal seconded the motion. The motion passed unanimously by voice vote.**

**Council went into executive session at 7:32 p.m.
The regular meeting reconvened at 8:07 p.m.**

- e. ORDINANCE NO. 6, SERIES 2014, FIRST READING,** An Ordinance Approving Amendment 6 to the Fort Collins IGA and set for Public Hearing on April 8, 2014, at 6:00 p.m.

Councilmember Neal moved to approve ORDINANCE NO. 6, SERIES 2014, FIRST READING, An Ordinance Approving Amendment 6 to the Fort Collins IGA and set for Public Hearing on April 8, 2014, at 6:00 p.m. **Councilmember Voronin seconded the motion. The motion passed unanimously by voice vote.**

- f. RESOLUTION NO. 22, SERIES 2014,** A Resolution Adopting a Model Service Plan for Special Districts, a Form Intergovernmental Agreement for Special Districts, and a Form Resolution Approving Special District Service Plans

Staff Comments:

- Mr. Rogers spoke to Council about the proposed resolution.

Public Comments:

- Mr. Turner spoke to Council about the districts not being involved in the process of establishing the form for the service plans.

Town Council Questions and Comments:



- Mayor Grossman-Belisle stated that the Town Attorney had been working with special district attorneys to establish the proposed model service plan form. She also stated that the Town was working with and not against the districts.
- Mr. Rogers stated that there were no consequences for the current districts and their existing plans.

Councilmember Voronin moved to approve RESOLUTION NO. 22, SERIES 2014, A Resolution Adopting a Model Service Plan for Special Districts, a Form Intergovernmental Agreement for Special Districts, and a Form Resolution Approving Special District Service Plans. Councilmember Neal seconded the motion. The motion passed unanimously by voice vote.

7. ADJOURNMENT:

Mayor Grossman-Belisle adjourned the meeting 8:25 p.m.


Town Council approved the March 25, 2014, Town Council Meeting Minutes on April 8, 2014.

TOWN OF TIMNATH



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk



Milissa Peters

From: Matt Blakely
Sent: Tuesday, March 25, 2014 4:16 PM
To: Milissa Peters
Subject: FW: Opposition to Motorized Boating & Water Skiing

FYI...

From: Denise Fisher [<mailto:denise@fisherbeez.com>]
Sent: Sunday, March 23, 2014 12:35 PM
To: Jill Grossman-Belisle; Bill Neal; Marty Chiaramonte; Bryan Voronin; Paul Steinway
Cc: April Getchius; Matt Blakely
Subject: Opposition to Motorized Boating & Water Skiing

Timnath Town Council,

I am writing to oppose RESOLUTION NO. 20, SERIES 2014 and its attached reservoir use policy which essentially turns Timnath Reservoir over to motorized boaters and water skiers every weekend during the boating season (although the "boating season" is not defined in the policy).

I use the reservoir area fairly often to walk my dog and ride my bike. More and more frequently, I see birders using tripods and telescopes to watch the grebes, snowy egrets, bald eagles, cormorants, pelicans, blue herons, and avocets that frequent the reservoir. One gentleman I spoke with last spring had just seen a rare migrating plover. Motorized boating and water skiing will disturb this diverse blend of wildlife that the reservoir is known for and will degrade this asset for Timnath residents.

Quite a few years ago I spoke with an ornithologist at CSU who had been studying the birds at the reservoir for many years. I asked him about the impact of residential development on Timnath Reservoir. At that time, Bruce's Bar in Severence had a lease on the reservoir for a boating and skiing club. The ornithologist told me this type of recreation (boating and skiing) has a negative impact on the birds because it disrupts nesting and feeding. He was hopeful that residential development would have a positive impact by changing the use at the reservoir to more passive uses that are more compatible with the existing wildlife. According to the National Wetlands Research Center, a review of over 1,000 journals and books showed that rapid overwater movement and loud noise, specifically power-boating, water skiing, and aircraft, is the **number one** cause of disturbance to waterfowl. Disturbances "displaced waterfowl from feeding grounds, increased energetic costs associated with flight, and may have lowered productivity of nesting or brooding waterfowl."

In addition, the town's own PROST study supports more passive uses at the reservoir. The town spent a significant amount of money doing the PROST study (holding open houses and doing a survey) to determine what uses residents wanted at the reservoir. Residents wanted **non-motorized/wakeless boating**. I have a non-motorized boat (a kayak) and have been waiting for years for the town to allow this use on the reservoir. The noise and safety issues created by water skiing and boats racing around the lake is not the experience I was looking forward to, nor is it the experience the majority of residents said they want to have at the reservoir.

To quote from the PROST plan (specific to the reservoir, emphases mine):

From page 32:

The reservoir is a Park Preserve which "**Protects large areas with natural resource values of community-wide significance**. Provides opportunities for **nature-oriented**, outdoor recreation. Emphasis is on achieving an appropriate balance between resource protection and public use."

From page 38:

"The community survey **strongly indicated** that people want the immediate opportunity to **enjoy the reservoir for passive activities, such as walking, fishing, non-motorized boating, and picnicking.**"

From page 17 of the community survey:

"Please indicate on a scale of 1 to 5 the level of importance on what elements are important to provide at Timnath Reservoir:

	1	2	3	4	5
Non-motorized boating	11%	6%	29%	18%	36%
Motorized boating	47%	10%	13%	9%	21%

You can see that nearly half of those surveyed put motorized boating at the **bottom** of their list of importance.

I am wondering who and what is driving this decision to veer away from the Town's own PROST plan. Have the residents of WildWing been asked if they want this activity right next door? I cannot imagine they would want the sound of motors serenading every weekend of their summers ad infinitum.

Finally, how will our law enforcement have time to monitor use of alcohol on, or the speeding of, motorized boats?

I am pleased that the Town is creating more opportunities for recreation at the reservoir such as the new trail and allowing non-motorized wakeless watercraft. I would like to see ice-skating added to the allowed surface uses for winter recreation (like City Park in Fort Collins). But for the above reasons, please abide by the recommendations of the PROST plan and do not allow motorized boating and skiing on Timnath Reservoir.

Thanks,

Denise Fisher
4217 Main St.

Matt Blakely

From: April Getchius
Sent: Tuesday, March 25, 2014 4:01 PM
To: Milissa Peters
Cc: Matt Blakely; Don Taranto
Subject: Fwd: Boating on Timnath Reservoir

April

April D. Getchius, AICP
Town Manager
Town of Timnath, Colorado

Sent from my iPad

Begin forwarded message:

From: "Jost, Marty" <mjost@hach.com>
Date: March 25, 2014 at 3:56:03 PM MDT
To: "councilmembers@timnathgov.com" <councilmembers@timnathgov.com>, "agetchius@timnathgov.com" <agetchius@timnathgov.com>
Subject: FW: Boating on Timnath Reservoir

To the Mayor and town Council,

As a resident of Wildwing I have concerns with the proposed usage of the reservoir. My concerns are:

1. The wildlife will be chased away with motorized boating. There are bald eagles that frequent the reservoir all year round as well as many other bird species. There may be areas set aside like the inlet to the south, but these have water in them for a very short period of the year and as such not an area that can be used for waterfowl. Given the presence of the eagles in particular, I would like to see an environmental impact study.
2. Self-policing as indicated in the proposal will essentially mean the Wildwing residents will be left to police the rules for our own protection and peace. If motorized boating is unavoidable, fee structures for the motorized permits should offset the cost to police the activity and added park maintenance, \$450 is simply not adequate.
3. As written the detailed rules are not well defined. For example;
 - a. Only 10 boats on the water at a time. What is the process or length of time allotted on the water if others are waiting?
4. Why are Wildwing residents especially the ones on the lakefront not given highest priority on permits or docks since they are the ones who will have to put up with the noise and inconveniences with the boats, plus their lots cost them thousands more for being lakefront. Those on the waterfront may not be able to utilize the lake if not one of the first 50 given permits.
5. At least one day of the weekend should be non-motorized. This is to give residents at least one day of quiet and also to give those in non-motorized boats weekend time to enjoy the lake. This lake is small and the 10 boat limit may create a dangerous environment for those in kayaks and canoes.

6. What is the policy for speaker noise? We've seen those large speakers on some boats which the people on shore can hear better than the boaters can.
7. State law/policy states that natural swimming areas shall take bacteriological samples at a minimum of once every seven days and no less than five times in a calendar month during use periods. Are provisions being made to adhere to this?
8. Why does putting in a town park get an open house and town input but not opening the lake and another town park to boating when the Town has never had boating on the reservoir. A private ski club did before houses were built and before the town acquired the surface rights.
9. There is nothing in the Timnath Comprehensive Plan 2013 for boating. The Reservoir is mentioned on Page 33 and then it only talks about developing the park around the lake.
10. The old PROST plan of 2011 had the general consensus for non-motorized boating also because of the wildlife.
11. In talking to residents and potential residents, I have found that a minority of those people support motorized use of the reservoir. This has the real chance to be detrimental to Wildwing and Harmony Club property values. I would like to see a resolution to compensate residents for reduced property value if use of motorized boats is passed and property values decline as a result. To me this is not unlike the city deciding to put an airport in my backyard.
12. 50 non-motorized permits do not seem adequate. It would be good to understand the rationale of allowing the same number of motorized and non-motorized boats.

Thank you for your consideration and adding this to the public record

Marty and Renda Jost

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