Town of Timnath
Regular Meeting Minutes
Tuesday, March 20, 2018
IMMEDIATELY FOLLOWED THE TIMNATH LIQUOR BOARD AND TIMNATH DEVELOPMENT AUTHORITY MEETING, at 6:00 p.m.
Meeting was held at Timnath Administration Building,
4800 Goodman Street, Timnath, Colorado

1. CALL TO ORDER AND ROLL CALL:
Mayor Pro Tem Voronin called to order the meeting of the Town Council on Tuesday, March 20, 2018, at 6:07 p.m.

Present:
a. Mayor Pro Tem Bryan Voronin
b. Councilmember Bill Neal
c. Councilmember Aaron Pearson

Absent:
a. Mayor Jill Grossman-Belisle
b. Councilmember Paul Steinway

Also Present:
a. April Getchius, Town Manager
b. Milissa Peters, Town Clerk
c. Robert Rogers, Contracted Town Attorney
d. Matt Blakely, Contracted Community Development Director
e. Brian Williamson, Contracted Town Planner
f. Kevin Koelbel, Contracted Town Planner
g. Phil Goldstein, Timnath Resident
h. Laura Olive, Applicant
i. Bob Hosana, Neenan Company

2. AMENDMENTS TO THE AGENDA:
a. NONE

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:
a. NONE

4. CONSENT AGENDA:
a. Approval of the February 27, 2018, Town Council Meeting Minutes
b. Approval of the Check Register

Councilmember Pearson moved to approve the consent agenda. Councilmember Neal seconded the motion. The motion passed unanimously by voice vote.
5. REPORTS:
   a. Mayor/Council
      i. April 4th Elected Officials dinner
      ii. Candidate Forum success
      iii. Mr. Belisle funeral service

6. BUSINESS:
   a. RESOLUTION NO. 21, SERIES 2018, PUBLIC HEARING, A Resolution Approving the Minor Subdivision Plat for 4033 Kern Street
      Staff Comments:
      • Mr. Blakely spoke to Council about the proposed resolution.

      Council Comments:
      • Mayor Pro Tem Voronin asked about the existing out buildings and Ms. Olive stated that the out buildings would be demoed.

      Councilmember Neal moved to approve RESOLUTION NO. 21, SERIES 2018, PUBLIC HEARING, A Resolution Approving the Minor Subdivision Plat for 4033 Kern Street. Councilmember Pearson seconded the motion. The motion passed unanimously by voice vote.

   b. RESOLUTION NO. 22, SERIES 2018, PUBLIC HEARING, A Resolution Approving the Riverbend Timnath Minor Subdivision, Lots 1-3 of the Riverbend Subdivision
      Staff Comments:
      • Mr. Koelbel spoke to Council about the proposed resolution.

      Applicant Presentation:
      • Mr. Hosana spoke to Council about the proposed development of the property.

      Council Comments:
      • Councilmember Neal asked about parking lot lighting and Mr. Koelbel explained the size and type of lighting expected.
      • Council discussed the need for EV Stations and it was explained that the owner association would be responsible for completion of the stations.

      Councilmember Neal moved to approve RESOLUTION NO. 22, SERIES 2018, PUBLIC HEARING, A Resolution Approving the Riverbend Timnath Minor Subdivision, Lots 1-3 of the Riverbend Subdivision. Councilmember Pearson seconded the motion. The motion passed unanimously by voice vote.

   c. RESOLUTION NO. 23, SERIES 2018, A Resolution Approving the Riverbend Timnath Site Plan, Lots 1-3 of Riverbend Subdivision
      Staff Comments:
• Mr. Koelbel spoke to Council about the proposed resolution.

Councilmember Neal moved to approve RESOLUTION NO. 23, SERIES 2018, A Resolution Approving the Riverbend Timnath Site Plan, Lots 1-3 of Riverbend Subdivision. Councilmember Pearson seconded the motion. The motion passed unanimously by voice vote.

d. RESOLUTION NO. 24, SERIES 2018, A Resolution Approving the Annual Agreement with Larimer County Weed District

Staff Comments:
• Mr. Williamson spoke to Council about the proposed resolution.

Councilmember Neal moved to approve RESOLUTION NO. 24, SERIES 2018, A Resolution Approving the Annual Agreement with Larimer County Weed District. Councilmember Pearson seconded the motion. The motion passed unanimously by voice vote.

e. RESOLUTION NO. 25, SERIES 2018, A Resolution Approving the Intergovernmental Agreement Between the Town of Timnath and the Town of Severance

Staff Comments:
• Mr. Rogers spoke to Council about the proposed resolution. Letter from Drapac included in the minutes.

Councilmember Pearson moved to approve RESOLUTION NO. 25, SERIES 2018, A Resolution Approving the Intergovernmental Agreement Between the Town of Timnath and the Town of Severance. Councilmember Neal seconded the motion. The motion passed unanimously by voice vote.

7. ADJOURNMENT:

Mayor Pro Tem Voronin adjourned the meeting 6:46 p.m.

Town Council approved the March 20, 2018, Town Council Meeting Minutes on March 27, 2018.

TOWN OF TIMNATH

[Signature]
Jill Grossman-Belisle, Mayor

ATTEST:

[Signature]
Milissa Peters, CMC
Town Clerk
March 19, 2018

Honorable Mayor Don Brookshire  
And Board of Trustees  
Town of Severance, Colorado

Honorable Mayor Jill Grossman-Belisle  
And Council Members  
Town of Timnath, Colorado

Dear Honorable Mayors, Trustees & Council Members:

Re: Intergovernmental Agreement/Buffalo Creek Annexation Settlement Agreement

Nearly two years ago our Chairman, Michael Drapac, personally visited your communities to present to the Town of Severance Board of Trustees, the Drapac Capital Partners vision for a vibrant, sustainable community at our Buffalo Creek property. Shortly thereafter we closed upon the purchase of Buffalo Creek through our wholly-owned affiliate, Stars & Stripes 3Q, LLC.

In addition to our initial investment to purchase the property, we since have made substantial additional investment through the mandatory bond payments to Boxelder District, property taxes and debt service, and of course the funding of the annexation-related litigation between and among the Towns and Stars & Stripes.

We are very pleased that we now have been able to come to an accommodation with the Town of Timnath to address the Buffalo Creek impacts upon Timnath’s jurisdiction, and we also are equally pleased that the two Town staffs and respective legal counsel have jointly prepared and support the Intergovernmental Agreement which is a condition to our own Settlement Agreement with Timnath.

Unfortunately, we are not able to attend the Severance Board of Trustees meeting tonight or the Timnath Town Council meeting tomorrow night in person; however, we have asked that this letter be read at both meetings due to the critical importance of these approvals to us.

While the past two years unfortunately have been a time of material disagreement and considerable litigation expense between well-intentioned parties, including ourselves, it is important to note that, at
the end of the day, all three parties—Severance, Timnath, and Drapac Capital Partners—have now come to a proposed conclusion in a spirit of compromise, respect, and commercial reasonableness. As with any negotiation and compromise, no party has received 100% of that which it felt was deserved or warranted; yet, each party has accomplished the key, material points which were most important to its own position. More importantly, this resolution is in the best interest of each Town’s existing residents and our future residents at Buffalo Creek. And significantly, the Settlement Agreement and Intergovernmental Agreement collectively provide a template and established pathway toward sustained inter-governmental cooperation with future projects which also will impact both Towns.

Therefore, we strongly urge and respectfully request that you approve the proposed Intergovernmental Agreement, which then will satisfy the required condition of our Settlement Agreement. The Intergovernmental Agreement has the support of both Town’s staffs and legal counsel, after much hard work and diligence by those professionals on behalf of their respective Town’s.

This approval will enable us then to move forward with our design plans for Buffalo Creek, which have been on hold pending resolution of the annexation dispute. We look forward to helping create a great sense of place within the Town of Severance, but also a quality community which the Town of Timnath can proudly share as its adjacent neighbor.

Sincerely,

Costa Alexiou
Chief Executive Officer, on behalf of Stars & Stripes 3Q, LLC

Cc: Town Managers
    Town Counsel
    Max Cookes, Executive Director, DCP
    Joel Tew, General Counsel, DCP
    Michael Drapac, Chairman, DCP