



MINUTES

Timnath Town Council Meeting

6:00 PM - Tuesday, November
13, 2018

4800 Goodman Street, Timnath,
Colorado

- PRESENT:** Mayor Jill Grossman-Belisle, Mayor Pro Tem Aaron Pearson, Councilmember Bill Neal, Councilmember Lisa Laake, and Councilmember Rick Collins
- STAFF:** Contracted Town Attorney Robert Rogers, Town Manager April Getchius, Town Clerk Milissa Peters-Garcia, Contracted Town Engineer Don Taranto, Contracted Community Development Director Matt Blakely, Contracted Town Planner Brian Williamson, and Contracted Town Planner Kevin Koelbel
- PUBLIC:** Ken Merritt of J.R. Engineering, Byron Collins of Harmony LLC, a Builder Ed Rust, Melissa Doherty of Group Real Estate, Jason Sherill of Landmark Homes, Timnath Residents Raymond Wright, Mark Tingey, Tony and Mary Fonte, Jere and Debra Carroll, Bonnie and Denny Volz, Jay Brannen, Ken Oudeman, Steve Foran, Craig Ockers, Don Collins, Ed Holloway, Mark Romerein, Luke Lind, Paul and Pam McGill, Chris Amundson, Doug Schoonoer, Blaine Smith, Terri Burke, Susan Gunstream, Randy Johnston, M. Allori, Joe and Janey Vaccori, Joe and Leslie Potkanowez, Don and Lynn Svitak, Rich Roberts Eric Riles and Kelly Schilling of Timnath Meadows Subdivision.

1 CALL TO ORDER AND ROLL CALL 6:02 P.M.

2 AMENDMENTS TO THE AGENDA

a)

Councilmember Neal made a public announcement for the record.

"Before we move on to the next item, I have a disclosure regarding a discussion I would like in the record. Approximately two weeks ago I had an Ex Parte communication with the developer, Byron Collins, at which time he cleared up some miscommunications I had heard in the community regarding his Filing 6. I want to go on record and insure the Council and the public that the communication with him has not nor will it affect my impartial consideration on any of the Harmony Club items on the agenda. If any of the council members have questions, I would welcome them. Thank you."

b) Councilmember Collins recused himself from all Harmony matters.

3 PUBLIC COMMENT

- a) Raymond Wright spoke to Council about being proud of the additions to the downtown area and he looks forward to supporting the local businesses.

4 CONSENT AGENDA

- a) Approval of the October 23, 2018, Town Council Meeting Minutes
- b) November 13, 2018 Check Register
- c) ORDINANCE NO. 17, SERIES, 2018, An Ordinance Amending and Restating Chapter 2, Article 7 of the Timnath Municipal Code Pertaining to Local Licensing Authority, and setting a Public Hearing on December 11, 2018, at 6:00 p.m.
- d) ORDINANCE NO. 18, SERIES 2018, An Ordinance Amending Chapter 10, Article V, Section 50 of the Timnath Municipal Code Regarding Panhandling
- e) ORDINANCE NO. 19, SERIES 2018, An Ordinance Amending the Town Budget for the 2018 Budget Year and Setting a Public Hearing on December 11, 2018, at 6:00 p.m.
- f) ORDINANCE NO. 20, SERIES 2018, An Ordinance Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Timnath, Colorado, for the Calendar Year Beginning on the First Day of January 2019, and Ending on the Last Day of December 2019, and Setting a Public Hearing on December 11, 2018, at 6:00 p.m.
- g) ORDINANCE NO. 21, SERIES 2018, An Ordinance Appropriating Sums of Money to the Various Funds and Spending Agencies, in the Amount and for the Purpose as set Forth Below, for the Town of Timnath, Colorado, for the 2019 Budget Year and setting a public hearing on December 11, 2018, at 6:00 p.m.
- h) ORDINANCE NO. 22, SERIES 2018, An Ordinance Approving an updated version of the Town of Timnath Employee Handbook.

Mayor Pro Tem Aaron Pearson moved to approve the consent agenda.
Councilmember Bill Neal seconded the motion. CARRIED - unanimously.

5 REPORTS

- a) Mayor and Councilmembers

The Mayor noted:

- There will be a Christmas Home Tour to raise funds for the Voices that Carry Event.
- Larimer County will host the Larimer County Dinner for Elected Officials on December 5th at the Ranch. Please let Town Manager Getchius know if you'd like to attend.
- The Holiday Tree Lighting Festival will be held on December 7th at 5:30 p.m.
- The last council meeting of the year is on December 11th.
- Thank you to the Police Department for the plaques honoring their 10th anniversary and for their service.

Mayor Pro Tem Pearson noted the Town received a thank you note from the Larimer County Food Bank for the Taste in Timnath donations equating to \$30,000.

6 BUSINESS

Councilmember Collins left the meeting room.

a) **Resolution 66, Series 2018, Harmony Subdivision Comprehensive Plan Amendment - Public Hearing**

Mr. Koelbel spoke to Council about the proposed project.

Mr. Ken Merritt of J.R. Engineering spoke to Council about the proposed comprehensive plan amendment as well as the zoning change and preliminary plat proposal. He explained the proposed townhome project, the landscape design, and the architectural elements of the homes.

Mr. Mark Tingey spoke about the vision for Harmony Club.

Mr. Byron Collins spoke about the growth of Harmony Club, its membership and the community vision.

Mr. Jason Sherill of Landmark Homes as the builder of the Townhomes. He spoke of the quality of the construction, the finishes used and his experience with other Townhome projects.

Mayor Grossman-Belisle asked for clarification on the number of lots within Harmony Subdivision in total and Mr. Koelbel explained the platted lots as the development had progressed.

Mayor Grossman-Belisle opened the public hearing at 7:33 p.m. and invited the public to speak on the proposal at this time. If members of the public agree with a previous speaker then can simply state so.

Tony Fonte stated that he sent a letter of support. Approximately four members of the public were opposed to what Mr. Fonte said and over 50 people supported his comments.

Jerry Carroll stated that he would be negatively impacted by the proposed development. He stated that he was not previously informed properly. He asked about future neighborhood meetings and Mayor Grossman-Belisle stated that the Land Use Code will be changed to require neighborhood meetings that are not currently required. Seven members of the public were in support of Mr. Carroll's comments.

Debra Carroll stated that the subdivision was being advertised as a single-family community. She stated that this would impact her property value due to the close location of the proposed town homes to her own home. Eight members of the public indicated support of Mrs. Carroll's comments.

Jay Brannen stated that his initial position was opposing the plan but now agrees with the change.

Steve Foran stated his support the development. A majority of over 50 people present agreed with Mr. Foran's comments.

Craig Ockers stated that the Harmony Subdivision was a great development. He stated that the proposal was consistent with other high-end communities in the area and that Harmony played a significant part in setting the high standards of the area. Most of the public present agreed with Mr. Ockers comments.

Ed Holloway stated that the developer stood by his vision for the development. He expressed his admiration for the developer and said that he was proud of the community. A majority of the public agreed with Mr. Holloway.

Mark Romerein spoke about the beautiful community but stated that he would have not purchased the property he currently owned and would have bought a lot further away from the proposed development. He stated that it was presented to him that if the proposal were not approved that future amenities would not be provided. Six members of the public indicated support of Mr. Romerein's comments.

Luke Lind spoke about the integrity and accountability of the developer. Several members of the public agreed with Mr. Lind.

Doug Schoonover spoke in favor of the proposal. He spoke about the success of the proposed townhome product in the surrounding areas. He spoke about the high quality of the product and design.

Blaine Smith spoke about living in the patio homes in the development. He spoke about need to adapt to market conditions. He recognized Byron Collins for the may many awards he had received. He feels privileged to live in the Harmony Subdivision. Several agreed with Mr. Smith's comments.

Ed Rust spoke about being a builder in Harmony Club and his experience with working with Byron Collins. He stated that most developers' main goal is to make money and that Byron Collins has the highest of standards for his community. Several agreed with Mr. Rust.

Melissa Doherty, Group Realty, spoke about the need for the product being proposed. She stated that it will diversify Harmony Club and fill the needs of buyers she represents. She stated that Landmark Homes and Jason Sherill were exceptional.

Ms. Allori thanked the developers for providing a great community. She stated that she had concerns but understands both sides of the arguments.

Don Svitak spoke about knowing and working with Byron Collins for years. He stated that this development was the highest and best use of the southeast portion of the development.

Chris Amundson stated that he has respect for the development and that he loves what Harmony Club offers and how it has been developed. He spoke about his full support for the proposed development.

Overall four of the public present indicated opposition to the project and the remainder indicated support.

Mayor Grossman-Belisle closed the public hearing at 8:17 p.m.

Mayor Grossman-Belisle stated why she supported and would vote to approve the changes and requests. She further explained that it would reduce the overall density from the current plan. She stated that the developer made changes to better buffer the transition and that the product mix was needed. She also spoke about other developments that needed to make concessions and that Harmony made concessions on their own by adding the two additional single-family homes and removing a townhome building. She spoke about the growth of property values over the years and that she expects the values to continue to increase. She commented that the rental market probably wasn't a concern at \$7000 per month on a \$700,000 town home. She stated that if a neighborhood meeting was held or required prior to the upcoming land use code change, more people would have been informed and would have had more understanding of the proposed development.

Mayor Pro Tem Pearson spoke of his professional real estate experience with the proposed product and expressed his approval of the development.

Councilmember Neal spoke about living in other areas where property values have skyrocketed and about living in Harmony Club. He stated his support of the development.

Councilmember Laake spoke about reading all the comments sent in. She spoke about communication issues, public comments regarding traffic concerns and her support of the development.

Mayor Pro Tem Aaron Pearson moved to approve Resolution 66, Series 2018, A Resolution Approving the Harmony Subdivision Comprehensive Plan Amendment. Councilmember Bill Neal seconded the motion. CARRIED. - unanimously.

- b) Ordinance 16, Series, 2018, Amending the Official Zoning Map of the Town of Timnath for the purpose of Zoning certain real property located in the Harmony Subdivision - Public Hearing

Mayor Grossman-Belisle opened the public hearing at 8:30 p.m.

Mayor Grossman-Belisle closed the public hearing at 8:30 p.m.

Mayor Pro Tem Aaron Pearson moved to approve Ordinance No. 16, Series 2018, An Ordinance Amending the Official Zoning Map of the Town of Timnath for the Purpose of Zoning Certain Real Property Located in the Harmony Subdivision. Councilmember Bill Neal seconded the motion. CARRIED - unanimously.

- c) Resolution 67, Series 2018, Harmony Subdivision Preliminary Plat Amendment No.4

Mayor Grossman-Belisle opened the public hearing at 8:31 p.m.

Mayor Grossman-Belisle closed the public hearing at 8:31 p.m.

Councilmember Bill Neal moved to approve Resolution No. 67, Series 2018, A Resolution Approving the Harmony Subdivision Preliminary Plat Amendment No. 4. Councilmember Lisa Laake seconded the motion. CARRIED - unanimously.

Councilmember Collins rejoined the meeting.

- d) RESOLUTION NO. 68, SERIES 2018, A Resolution Approving the Harmony Road Electrical Undergrounding for Phase 4 Widening

Mr. Taranto spoke to Council about the proposed resolution.

Mayor Pro Tem Aaron Pearson moved to approve Resolution No. 68, Series 2018, A Resolution Approving the Harmony Road Electrical Undergrounding for Phase 4 Widening. Councilmember Lisa Laake seconded the motion. CARRIED - unanimously.

- e) RESOLUTION NO. 69, SERIES 2018, A Resolution Approving the Master Drainage Plan Update - 2018

Mr. Taranto spoke to Council about the proposed resolution.

Mayor Grossman-Belisle opened the public hearing at 8:36 p.m.

Kelly Schilling spoke to Council about his concerns of flow into a ditch near the Timnath Meadows Subdivision from Timnath Reservoir. He spoke about storm water affecting the ditch that the reservoir fills. He spoke about his concerns of water overflowing into Timnath Meadows Subdivision.

Mayor Grossman-Belisle asked if further amendments would be made and Mr. Taranto stated that any outstanding issues would be further researched and improved.

Councilmember Lisa Laake moved to approve Resolution No. 69, Series 2018, A Resolution Approving the Master Drainage Plan Update. Councilmember Bill Neal seconded the motion. CARRIED - unanimously.

- f) RESOLUTION NO. 70, SERIES 2018, A Resolution Approving a Playground Safety Policy

Mr. Blakely spoke to Council about the proposed resolution.

Councilmember Collins asked if more liability was being created by having a policy and Mr. Blakely stated that the proposed resolution would reduce the liability of the Town.

Councilmember Rick Collins moved to approve Resolution No. 70, Series 2018, A Resolution Approving a Playground Safety Policy. Mayor Pro Tem Aaron Pearson seconded the motion. CARRIED - unanimously.

- g) RESOLUTION NO. 71, SERIES 2018, A Resolution Approving 2019 Colorado Employer Benefit Trust (CEBT)

Ms. Getchius spoke to Council about the proposed resolution.

Mayor Pro Tem Aaron Pearson moved to approve Resolution No. 71, Series 2018, A Resolution Approving the 2019 Colorado Employer Benefit Trust (CEBT). Councilmember Bill Neal seconded the motion. CARRIED - unanimously.

- h) RESOLUTION NO. 72, SERIES 2018, A Resolution Approving 2019 Colorado Intergovernmental Risk Sharing Agency (CIRSA) Property/Casualty and Workers Compensation Participation

Ms. Getchius spoke to Council about the proposed resolution.

Councilmember Bill Neal moved to approve Resolution No. 72, Series 2018, A Resolution Approving the 2019 Colorado Intergovernmental Risk Sharing Agency (CIRSA) Property/Casualty and Workers Compensation Participation. Councilmember Rick Collins seconded the motion. CARRIED - unanimously.

- i) Police Department Assessment/Audit - Discussion/Possible Action Item

Ms. Getchius spoke to Council about the proposed Police Department assessment/audit.

Council discussed the need for the proposed assessment as the department grows. It was the consensus of the Council that Ms. Getchius move ahead with securing a consultant for the assessment and bring a contract forward for Council approval at the December 11, 2108 meeting.

- j) 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 Lisa Laake moved to enter executive session at 8:48 p.m.
Councilmember Rick Collins seconded the motion. CARRIED - unanimously.

Mayor Pro Tem Aaron Pearson moved to exit executive session at 9:04 p.m.
Councilmember Bill Neal seconded the motion. CARRIED - unanimously.

7 ADJOURNMENT 9:05 P.M.



Mayor



Town Clerk

