



MINUTES

Timnath Town Council Meeting

6:00 PM - Tuesday, April 9, 2019
4800 Goodman Street, Timnath,
Colorado

PRESENT: Mayor Pro Tem Aaron Pearson, Councilmember Bill Neal,
Councilmember Lisa Laake, and Councilmember Rick Collins

EXCUSED: Mayor Jill Grossman-Belisle

1 CALL TO ORDER AND ROLL CALL 6:00 P.M.

2 AMENDMENTS TO THE AGENDA

3 PUBLIC COMMENT

4 CONSENT AGENDA

- a) Approval of the March 26, 2019, Town Council Meeting Minutes
- b) April 9, 2019 Check Register

Councilmember Bill Neal made a motion to approve the consent agenda.
Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

5 REPORTS

- a) Mayor and Council Reports

Mayor Pro Tem mentioned the tentative opening of the New Town Center on
May 28th.

6 BUSINESS

- a) RESOLUTION NO. 20, SERIES 2019, A Resolution Proclaiming MAY 2019 as
Mental Health Awareness Month
 - Ms. Getchius spoke to Council about the proposed resolution.
 - Rachel Iverson quoted Abraham Lincoln and spoke about the
importance of mental health awareness. She spoke about mental

illness in our community and within our families.

- Tom Gonzales spoke as a representative of the Larimer County Public Health and asked for the Council's support.
- Kelsey Lyon, Health Specialist spoke about mental health and emotional well-being, being a priority in Larimer County.

Councilmember Bill Neal made a motion to approve RESOLUTION NO. 20, SERIES 2019, A Resolution Proclaiming MAY 2019 as Mental Health Awareness Month. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

- b) RESOLUTION NO. 21, SERIES 2019, A Resolution Approving An Independent Contractor Agreement With Waypoint Real Estate, LLC For Town Center Building Maintenance

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

Councilmember Rick Collins made a motion to approve RESOLUTION NO. 21, SERIES 2019, A Resolution Approving An Independent Contractor Agreement With Waypoint Real Estate, LLC For Town Center Building Maintenance. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

- c) RESOLUTION NO. 22, SERIES, 2019, Resolution approving police technician

- Chief Wagner spoke to Council about the proposed resolution.
- Councilmember Collins asked about maintenance and assistance for Public Works and Ms. Getchius explained the expected process.

Councilmember Bill Neal made a motion to approve RESOLUTION NO. 22, SERIES, 2019, Resolution approving police technician. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

- d) RESOLUTION NO. 23, SERIES 2019, A resolution approving the Wildwing Subdivision Filing 2, Amendment 3 Preliminary Plat

- Mr. Koelbel spoke to Council about the proposed resolution.
- Mr. McMeekin spoke to Council about the preliminary plat being proposed.

Councilmember Lisa Laake made a motion to approve RESOLUTION NO. 23, SERIES 2019, A resolution approving the Wildwing Subdivision Filing 2, Amendment 3 Preliminary Plat. Councilmember Bill Neal seconded the motion. CARRIED unanimously.

- e) RESOLUTION NO. 24, SERIES 2019, A Resolution Imposing a Temporary Moratorium on Consideration of Oil and Gas Permit Applications.

- Mr. Rogers spoke to Council about the proposed resolution.
- Councilmember Collins asked if there were any current or expected permits, and if there were, what would the process be with the moratorium and Mr. Rogers stated that because there were no pending permits, that any permit applications submitted after passage of the resolution would be

deferred until the conclusion of the moratorium.

- Councilmember Collins asked about penalties and expressed his concerns about the fiscal impact, the appearance of taking a sides, and noted that he did not think that 90 days would not be enough time to research all options given the length of the process at state level.
- Mr. Rogers stated that the 90 days gives staff and Council time to consider other options and actions being taken by other cities and towns, which would inform the development of a course of action. He additionally noted that the 90 days could be extended by subsequent council action, if deemed necessary by the council at a future date.
- Councilmember Collins expressed his concerns over possible citizen responses and bad publicity.
- Mr. Rogers stated that doing a moratorium gives the council more time to develop a final stance, and stated that staff's intent in presenting the proposed administrative moratorium was provide an opportunity to make a more fully-informed decision on the topic before making a final decision in light of the very sudden change in regulatory options available to the Town.
- Councilmember Collins asked how many acres in the Town's growth management area could come into play and Mr. Rogers answered that he was not sure what the exact acreage number would be, but that the town's regulations would apply to any land annexed into the town during the moratorium period.
- Ms. Getchius stated that suspension would allow the Town and Council to get information before acting.
- Councilmember Collins stated that taking action without a problem would be limiting because after 90 days a decision would need to be reached.
- Councilmember Laake asked what the effect would be if we didn't approve a moratorium, and Mr. Rogers explained that he did not think the Town would have the authority to delay action on a permit if it were submitted. He further explained the purpose of the moratorium as a "pause button" to give staff the time to research the issue and provide findings back to the council for consideration.
- Councilmember Laake reiterated that the moratorium would give the Town clear authority to defer the processing of a permit if someone applied for one during the moratorium period.
- Councilmember Collins stated the state has three years of permit back log at the state level, and that legislation won't become law until 2020 if it didn't contain an emergency clause.
- Mr. Rogers explained that, on a municipal level, if a moratorium is not in place the Town wouldn't have the authority to indefinitely defer consideration of an application submitted in compliance with existing law.
- Councilmember Collins stated that the if a permit was approved by the State, that an applicant could move forward, and Mr. Rogers spoke of a two layer system for review. Under the new legislation, the town's authority has changed significantly.
- Councilmember Collins asked if the Town had ever received a permit and Mr. Rogers explained that Larimer County received a permit two and a half years ago and that the Town entered into a road access agreement with the applicant as part of the process, and that the Town contractually

negotiated in several surface use requirements. Mr. Rogers clarified that, although the site was not in the boundaries of Timnath, it would require the use of Town roads, which gave the Town the ability to negotiate some protections contractually.

- Councilmember Neal asked if the Town had regulations and Mr. Rogers explained that the Town does have land use regulations that apply in the oil and gas context, but that there are inconsistencies with state level COGCC regulations that need to be addressed in the Town's next set of regulations.
- In response to council's questions, Mr. Rogers responded that if an application were to be filed tomorrow without a moratorium and the Town refused to process it, then there could be significant legal ramifications.
- Councilmember Collins reiterated the 180-day holding period after the Governor signs the bill and stated that the 180 days is more than the 90 day moratorium.
- Councilmember Neal stated that he was against Senate Bill 181 and that he does not want it to look like the Town is backing the bill. He asked if others would be open to changing the wording in the proposed resolution to a term other than "moratorium".
- Councilmember Collins asked if other communities besides Adams County that have approved a moratorium. Mr. Rogers responded that he was not aware of any, but also noted that Senate Bill had been passed on April 4th, and given that there had only been two working days between the bill's passage and the Council's meeting on April 9th, that he would expect that Timnath's council would have been among the first municipalities in the state to have an opportunity to consider the issue.
- Ms. Getchius stated that the bill passed 4 days prior to the council meeting and that there were no moratoriums during that period that she was aware of.
- Mayor Pro Tem Pearson stated his understanding of each councilmember's perspective. He agreed that using the word moratorium conveys a political stance.
- Mr. Rogers stated that he expected to see other communities doing the same thing as what Staff is recommending now over the next month. He stated that the resolution could be titled differently if so desired by the council, and that the website could be revised to make it more clear that this resolution is not intended as a show of support for Senate Bill 181.
- Councilmember Neal asked what was pushing the moratorium tonight and not in 6 weeks, and Mr. Rogers stated that he didn't feel that the Town had adequate regulations in place at the moment to authorize deferral of processing of oil and gas permits.
- Councilmember Collins stated that if the state bill had not passed, the Planning Commission would have regulations on its calendar. Councilmember Collins and Mr. Rogers discussed the impacts of having the drafted regulations on the Planning Commission's agenda so the public and courts could see that this issue has been/is being discussed and that the Town is trying to put something into place.
- Mayor Pro Tem asked if the resolution could be tabled and Mr. Rogers stated that it could be tabled but advised against it. He explained that with the passing of the bill, applicants may feel compelled to apply before a subsequently scheduled moratorium could be put in place.
- Councilmember Neal asked how the Town can protect itself from the

issue without using the term "moratorium".

- Mr. Rogers stated that the resolution could be amended to have a different title. He read the current title for the Council and stated that the language could be changed to an "administrative suspension" and not a moratorium.
- Councilmember Neal stated that he was trying to accomplish three things - protect the town, alleviate future legal issues, and avoid what sounds like political backing of the bill.
- Councilmember Collins stated that he didn't believe an oil and gas company would file an application in the next few days.
- Councilmember Laake stated she was fine with the wording or the change in wording. She also did not see harm in putting a hold, as unlikely as it may be, on processing applications.
- Mayor Pro Tem spoke about the need for Town to protect its self and that tabling the moratorium may be a problem.

Councilmember Bill Neal made a motion to approve RESOLUTION NO. 24, SERIES 2019, A Resolution Imposing a Temporary Moratorium on Consideration of Oil and Gas Permit Applications with the term "Administrative Suspension" to be substituted for the term "Moratorium" throughout the resolution. Councilmember Lisa Laake seconded the motion. CARRIED. 3-1 (opposed: Councilmember Rick Collins).

7 ADJOURNMENT 7:02 P.M.



Mayor

Town Clerk