MINUTES
Timnath Town Council
Meeting
6:00 PM - Tuesday, July 9, 2019
4750 Signal Tree Drive, Timnath, Colorado

PRESENT: Mayor Jill Grossman-Belisle, Mayor Pro Tem Aaron Pearson, Councilmember William Neal, Councilmember Lisa Laake, and Councilmember Rick Collins

STAFF: Contracted Town Attorney Robert Rogers, Town Manager April Getchius, Town Clerk Milissa Peters-Garcia, Contracted Community Development Director Matt Blakely, Contracted Town Planner Brian Williamson, Contracted Town Planner Kevin Koelbel, and Contracted Town Engineer Eric Fuhrman

PUBLIC THAT SIGNED IN: Town Residents Raymond Wright, Phil Goldstein, Brinton Taylor, Michael Harrington and Perry Marshall. Town Consultants Kristina Kachur and Ashley Lauereins

1 CALL TO ORDER AND ROLL CALL 6:01 P.M.

2 AMENDMENTS TO THE AGENDA

3 PUBLIC COMMENT
   • Mr. Perry Marshall spoke to Council about a curb cut that he changed, and that Mr. Humann informed him that, based on the current requirements of the land Use Code, it needed to be removed and replaced as it had been originally poured. He noted that he appreciated when the Town communicated code changes to builders, but that in this case his name was omitted from the notification list regarding curb cut code changes. Since he was unaware of the change and neighbors had done the same treatment, he proceeded. He asked that the Council grant a variance at 4079 Grand Park for his curb cut.
   • Councilmember Collins asked if Mr. Marshall damaged the surrounding sidewalk and Mr. Marshall stated that there was no damage to the sidewalk. Councilmember Collins then explained that infrastructure is installed before driveways are installed, and he noted that he would be in favor of a variance.
   • Mayor Grossman-Belisle asked that staff review the issue with Mr. Marshall and see if an accommodation could be made under the circumstances.

4 CONSENT AGENDA
   a) Approval of the June 25, 2019, Town Council Meeting Minutes
   b) Approval of the July 09, 2019 Check Register
   c) ORDINANCE NO. 8, SERIES 2019, An Ordinance Amending Chapter 1, Article 4 of the Timnath Municipal Code and Chapter 2, Article 4 of the Timnath
Municipal Code Regarding Maximum Jail Sentence, setting a public hearing on July 23, 2019, at 6:00 p.m.

Councilmember William 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 Grossman-Belisle noted the following:

- The Timnath Fourth of July celebration was a big success despite the weather issues.
- Mayor Grossman-Belisle stated that Xcel was having an open house regarding the Avery Substation location July 9 at 5:00 pm to gather public input on two proposed substation sites. Both sites are on the City of Thornton property – one further east and the original site further west. She noted that there is additional information on the Town's website and Xcel is accepting comments until July 16.
- Mayor Grossman-Belisle, responding to Mr. Marshall's comments, explained that the curb cut regulations were adopted in order to conform to the American with Disabilities Act and for safety reasons. The regulations are also in compliance with the Larimer County Urban Area Street Standards (LCUASS). She noted that she did understand Mr. Marshall was acting in good faith and was not aware of the code change and under the circumstances asked staff to evaluate an accommodation.
- Mayor Grossman-Belisle announced the July 18th concert in the park.
- Councilmember Collins spoke about his response to an email received regarding the Walmart parking lot. He stated that he had brought this issue up to Council previously and that he agreed with the constituent who drafted the email. Mayor Grossman-Belisle explained that the Town has been working with Walmart and the other property owners for several months to design a solution, but noted that the property owners would need to play a leading role in the solution given that the parking lot is private, rather than Town-owned property.
- Councilmember Collins asked if off-duty police officers could be paid overtime to direct traffic. Ms. Getchius stated that was not viable in her view, as the Town had limited resources based on the current size of its police force, and that officers needed to be available for calls.

6

BUSINESS

a) ORDINANCE NO. 7, SERIES 2019, An Ordinance Approving the Addition of Chapter 16, Article 12 to the Timnath Land Use Code Regarding Oil and Gas Drilling and Production

- Mr. Rogers spoke to Council about the proposed ordinance. He explained that there was extended time between first and second reading for the public to comment on the proposed ordinance. He noted that the authority allowing staff to grant administrative waivers was
removed from the proposed ordinance between first and second reading per a council member request.

- Councilmember Collins thanked Mr. Rogers for making that change.

Councilmember William Neal made a motion to approve ORDINANCE NO. 7, SERIES 2019, An Ordinance Approving the Addition of Chapter 16, Article 12 to the Timnath Land Use Code Regarding Oil and Gas Drilling and Production. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

b) RESOLUTION NO. 37, SERIES 2019, A Resolution Approving an Agreement with Harmony, LLC for the construction of improvements related to Harmony Road Widening Phase 4

- Councilmember Collins recused himself due to a potential conflict of interest and left the chambers.

- Mr. Fuhrman spoke to Council about the proposed resolution. He also asked Council to allow the Town Manager to agree to and make any non-substantive changes as needed.

Councilmember William Neal made a motion to approve RESOLUTION NO. 37, SERIES 2019, A Resolution Approving an Agreement with Harmony, LLC for the construction of improvements related to Harmony Road Widening Phase 4 as amended to allow the Town Manager to agree to and make any non-substantive changes as needed. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

Councilmember Collins rejoined the meeting.

c) RESOLUTION NO. 38, SERIES 2019, A Resolution Approving Capital Improvement Plan Design and Master Planning Expenditures - July 2019

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

- Councilmember Collins spoke about his concerns regarding the planning for projects in 2020. He asked about the status of the police station building. Mr. Williamson explained where staff and the architect were in the initial programming process.

- Councilmember Collins asked that project details be specified in the resolution, and Mayor Grossman-Belisle responded with the explanation that the 2019 CIP plan and the project details had already been approved by Council as part of the 2019 budget in 2018. She stated that the proposed resolution confirms ongoing activity with regard to these previously budgeted projects.

- Councilmember Collins asked about Item 6e regarding the comprehensive plan and said that staff was not being transparent enough on the Plan and process. Mr. Williamson stated that the comprehensive plan is reviewed and amended every 3-5 years. Mr. Williamson also noted that agenda Item 6e is an update to the Council on the process of the plan and next steps to follow later in the year.
Councilmember William Neal made a motion to approve RESOLUTION NO. 38, SERIES 2019, A Resolution Approving Capital Improvement Plan Design and Master Planning Expenditures - July 2019. Councilmember Lisa Laake seconded the motion. CARRIED. 4-1 (opposed: Councilmember Rick Collins).

d) RESOLUTION NO. 39, SERIES 2019, A Resolution Approving a Purchase Authorization and Purchase Contract for 3927 Main Street, Timnath, Colorado

- Councilmembers were given the attached email from Greg and Sue Roberts.

- Ms. Getchius spoke to Council about the proposed resolution and noted the following:
  - The property is a key property in the redevelopment of Old Town and is primarily zoned commercial.
  - The purchase is being funded by the community vision line item in the 2019 budget that is earmarked for such purchases.
  - It has been Council’s policy and direction through adoption of the vision book and the Dreambook, to acquire strategic properties when available.
  - The property is located adjacent to Timnath Elementary and could complement the future re-use of the school as a community center.
  - The sale price of the property is $395,000.

- Councilmember Collins asked if there were any acres available for business and commercial development and how many acres were typical for an elementary school. Ms. Getchius stated that she did not have an exact total acreage number available on the council floor, but would look into the issue. She noted that 5-10 acres was common commercial development range.

- Councilmember Collins spoke about how he feels the Town is competing with private developers, and noted his opposition to the acquisition.

- Councilmember Collins asked about how much it would cost and who would be taking care of the property and Mayor Grossman-Belisle stated that the Town would manage the upkeep of the property and that again it was a strategic purchase within the vision of the strategic plan. She noted that it was not the intent of the Town to compete with developers but rather guide development.

- Councilmember Collins stated that he spoke with the surrounding residents to the property and spoke of their concerns and again noted that he was not in favor of this acquisition.

- Mayor Grossman-Belisle stated that she had a conversation with Councilmember Collins the week before regarding the purchase of the property, and that he agreed at that time that the purchase was a good, strategic acquisition. Councilmember Collins denied that he had indicated support for the acquisition, and the Mayor reiterated her position that Councilmember Collins had previously supported the acquisition.
• Councilmember Collins asked Ms. Getchius where the $1.4 million in property sales revenue that was budgeted in 2019. Ms. Getchius stated that 2019 is not yet over and that she could not discuss the status of pending real estate negotiations in an open council meeting.
• Councilmember Neal explained the Poudre School District plan for Timnath Elementary plan being pushed back for 2 years due to litigation regarding the school district bonds.
• Mayor Pro Tem Pearson spoke about the budget that passed in December that included funds for community revitalization and strategic acquisitions incidental to this purpose.
• Mr. Raymond Wright asked why the Council was purchasing the property.

Councilmember Lisa Laake made a motion to approve RESOLUTION NO. 39, SERIES 2019, A Resolution Approving a Purchase Authorization and Purchase Contract for 3927 Main Street, Timnath, Colorado. Councilmember William Neal seconded the motion.

Councilmember Collins made a substitute motion to table the purchase of the property and use the funds for the new police station. The motion died for lack of a second.

Councilmember Collins made a second substitute motion to include a clause in the approval that if the property were not used within five years it would be returned to the market for sale. The motion died for lack of a second.

Councilmember Collins made a third substitute motion to include a clause in the approval that if the property were not used within in ten years it would be returned to the market for sale. The motion died for lack of a second.

Various councilmembers began discussion of differing policy views in connection with the series of motions, when Mr. Rogers noted that there was an active motion on the floor that had been seconded and that needed to be voted upon. Councilmember Neal called the question.

The original motion made by Councilmember Lake carried 4-1 (opposed: Councilmember Rick Collins).

e) DISCUSSION: Comprehensive Plan Update

• Mr. Koelbel spoke to Council about the Comprehensive plan update.
• Mr. Koelbel spoke about several previous and upcoming open houses planned to get feedback from the community.
• Ms. Kachur, with the planning consulting firm Logan Simpson, spoke about the goals, objectives, the process, and building the framework for the plan.
• Ms. Kachur explained the outreach done to date and the feedback received so far, and further spoke about upcoming outreach scheduled to shape the plan as it comes together.
• Ms. Kachur also spoke about the Parks Recreation Open Space and Trails Plan (PROST plan) update being a part of the comprehensive plan update and explained the specific goals for the PROST plan portion.
• Ms. Kachur spoke about the transportation plan and creating more connectivity, a more cohesive community with a leading school system and diverse housing.
• Ms. Kachur explained the plan outline and what to expect as the draft plan chapters are presented and the next steps.
• Mayor Grossman-Belisle stated her appreciation for all the hard work and the outreach done. She spoke about the plan being more robust than the previous plan.
• Councilmember Neal thanked everyone for their hard work and stated that the outreach is critical and appreciated.
• Mayor Pro Tem spoke about being on the steering committee for both the previous update and this update. He noted the steering committee for this update included all neighborhoods and provided excellent representation and input for the comprehensive plan. He thanked everyone for their hard work.
• As a follow-up to Councilmember Collins’ question regarding transparency, Mr. Koelbel noted that there have been two surveys with a total of 577 responses in addition to one-on-one conversations with an estimated 80-100 persons at both the Taste in Timnath and the Holiday Lighting events.
• Mayor Pro Tem Pearson thanked the staff for setting up both a mid-day and early evening open house time.
• Councilmember Collins stated the plan ideas appeared expensive.

7 ADJOURNMENT 7:10 P.M.
EMAIL REFERENCED IN ITEM 6d.

From: Greg & Sue Roberts <roberts216@att.net>
Date: July 9, 2019 at 2:38:50 PM MDT
To: jgbelisle@timnathgov.com, BNeal@timnathgov.com, apearson@timnathgov.com, llaake@timnathgov.com, rcollins@timnathgov.com
Cc: agetchius@timnathgov.com, Home <roberts216@att.net>
Subject: Resolution 39 - Purchase of 3927 Main Street

April,

We are unable to attend the Council meeting tonight. Please enter this email as our Public Comment to Resolution 39.

Thank you.

Town Council:

Prior to your vote tonight on Resolution 39, please consider:

When it comes to Township events (fireworks, festivals, and markets), you’re quite capable of notifying all Timnath residents well in advance. However, when it comes to major real estate expenditures, you provide only a 2-3 day notice, as if you don’t want residents to be aware of the transactions.

The repetitive attempt to “justify” the purchase of 3927 Main Street (Staff Summary), while providing a vague 1-sentence “Disadvantage,” makes it clear the Town’s intent is to purchase this property regardless.

Few residents are aware of this upcoming purchase, as with other land and property purchases the Town has executed in the past 2 years. Each time you behave in this manner, you undermine public confidence and trust in the Town Council, and it reflects poorly on your individual reputations. We believe government transparency is important, and that the Town Council is not acting in good faith.

Please do not approve the purchase of 3927 Main Street until there is a signed agreement with the Poudre School District for the future use of Timnath Elementary School.

Thank you,

Sue & Greg Roberts