MINUTES
Timnath Town Council
Meeting
6:00 PM - Tuesday, December 10, 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, Contracted Town Attorney Audrey Johnson, Town Clerk Milissa Peters-Garcia, Deputy Clerk Tiffany Akers, Interim Police Chief Terry Jones, Police Sergeant Robert Wynkoop, Contracted Town Engineer Don Taranto, Contracted Community Development Director Matt Blakely, Contracted Town Planner Brian Williamson, Contracted Town Planner Kevin Koelbel, Ashley Lauwereins, Contracted Town Engineer Eric Fuhrman, and Contracted Finance Director Christine Harwell


-spelling subject to sign-in legibility-

1 CALL TO ORDER AND ROLL CALL 6:23 P.M.

2 AMENDMENTS TO THE AGENDA
NONE

3 PUBLIC COMMENT
Tom Larson spoke to Council about having a cheat sheet for the acronyms used for the public.

Kathy Neal asked that the microphones be used.

Lana Pink spoke about the Walmart parking lot issue during the snowstorm and thanksgiving holiday week. She also requested more streets to be snow plowed.

4 CONSENT AGENDA
a) Approval of the November 12, 2019, Town Council Meeting Minutes
b) Town of Timnath check register December 10, 2019
c) ORDINANCE NO. 1, SERIES 2020, An Ordinance Approving the Annexation known as the K&M Farms to the Town of Timnath - 1st Reading and Setting a Public Hearing for January 14, 2020
d) ORDINANCE NO. 2, SERIES 2020, An Ordinance Authorizing a Mail Ballot Election on April 7, 2020, and Setting Forth Other Details Relating Thereto and setting a Public Hearing on January 14, 2020, at 6:00 p.m.

Councilmember William Neal made a motion to approve the consent agenda. Mayor Pro Tem Aaron Pearson seconded the motion. CARRIED unanimously.

5 REPORTS

a) Mayor and Council Reports
   • Mayor Grossman-Belisle spoke about the Tree Lighting Ceremony and its success with approximately 2500 attendees.
   • There will not be a Town Council meeting on December 24th.
   • The Shop with a Cop Program is still collecting donations and the Timnath Police Department will be shopping at Walmart on Saturday the 14th.
   • Councilmember Collins submitted a report to be included hereto.

b) Finance Update Report
   Included in the packet

c) Engineering Report
   Included in the packet

d) Community Development Report
   Included in the packet

e) Police Report
   Included in the packet

f) Town Manager Report
   Included in the packet

6 BUSINESS

a) Recognition of April Getchius
   • Mayor Grossman-Belisle gave special recognition to April Getchius as the Town Manager for the past 6 1/2 years and congratulated her on her retirement. She also spoke about April's accomplishments over the past years and expressed her appreciation for all her hard work.
   • Mayor Pro Tem, expressed his gratitude for Ms. Getchius and what she accomplished during her time with the Town.
Mayor Grossman-Belisle also introduced Wes LaVanchy as the interim Town Manager and Terry Jones as the interim Police Chief.

b) RESOLUTION NO. 64, SERIES 2019, A Resolution Approving the Retirement Transition Agreement

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

Mayor Pro Tem Aaron Pearson made a motion to approve RESOLUTION NO. 64, SERIES 2019, A Resolution Approving the Retirement Transition Agreement. Councilmember William Neal seconded the motion. CARRIED unanimously.

c) RESOLUTION NO. 65, SERIES 2019, A Resolution Approving the Serratoga Falls Amended Sketch Plan

Mayor Grossman-Belisle explained the public comment process. She further spoke about the emails and correspondence received by Councilmembers about this matter. She also noted that there were several email submission to her and council regarding Serratoga Falls and that because of the quasi-judicial components, they could not be replied to but they were all forwarded on and would all be included in the packet.

- Mr. Rogers explained the quasi-judicial definition as applicable to a specific property and that ex-parte communication is not allowed. He stated that ex-parte communications do happen and councilmembers are required to disclose any of those conversation prior to the presentation of the proposed resolution.
- Mayor Grossman-Belisle stated that she received multiple emails and comments from the residents and felt that recusal is not required on her behalf.
- Mayor Pro Tem spoke about receiving emails and comments as well as a personal conversation and stated the he felt recusal is not required on his behalf.
- Councilmember Collins stated that he had several conversations for gathering information purposes only and that he was not biased in any way and recusal was not required on his behalf.
- Councilmember Laake stated that she read several emails but felt that recusal was not required on her behalf.
- Councilmember Neal stated that he received emails and comments and stated that he felt recusal was not required on his behalf.

- Mr. Koelbel spoke to Council about the proposed resolution. He spoke about emails and comments received as well as two petitions submitted by area residents whose votes totaled 101 against and 20 in favor.
- Mr. Ken Kitchell spoke to Council about representing the developer and residents currently arriving to the development. He explained that there are community meetings with the residents approximately every 60
days. He stated that the developer recently signed with Toll Brothers for upcoming building.

- Mr. Ken Kitchell spoke about moving dirt from one side of the Glover ditch to the other side and that farming operations will continue after the borrowing of dirt around the ditch area is compete. He also spoke about infrastructure improvements being made.

- Mr. Jim Righeimer of Kitchell Lake Partners, spoke about the concerns in the community, that they meet with the community members on several occasions and that they made concessions where they could.

- Mr. Jim Righeimer spoke about infrastructure needs and working with the community to move on the other sections.

- Kristen Turner with TB Group spoke about the changes that have occurred since that last approval of the developments including a possible high school road improvements and additional infrastructure. She spoke about the background for the proposed changes. She spoke about the proposed 84 lots allowing for people who work in the community to live in the community.

- Ms. Turner spoke about trails, parks and connections in all directions. She compared the previously approved sketch and the inclusion of 83 additional lots in the new sketch plan.

- Ms. Turner spoke about a possible location for a new school, the addition of 3 new access points and the trail plan. She also explained the open space throughout the development including wetlands and a long-term lease to Kitchell Lake.

- Ms. Turner explained that several focus group and resident meetings were scheduled and that small changes were made as feedback was received. She also spoke about the proposed amenities and wetland enhancements.

- Ms. Turner further spoke about conformance with the Town Land Use Code. Comprehensive Plan

- Mr. Koelbel spoke about the number of letters received and clarified inconsistencies regarding correct density and comprehensive plan.

- Mayor Grossman-Belisle asked the developer about the economic conditions that warrant the changes.

- Mr. Righeimer spoke about the cost increases, the open space, the need for the ditch to be under grounded, and the infrastructure improvement needed. He stated that he was trying to bring the development back to life.

- Mayor Grossman-Belisle explained the public comment process, limiting comments to 3 minutes, and stated that a show of hands would be counted regarding agreement or disagreement with the previous comments made by a speaker.

Mayor Grossman-Belisle opened the public hearing at 7:21 p.m.

- Raymond Lucas spoke to Council about traffic issues, additional schools in the area, sporting complexes on the school properties and congestion expected along County Road 5 and Prospect Road. He asked what the Town has planned for their area with the taxes they pay. 52 attendees in agreement.
• Tom Larson asked about the ditch on the east side of the property if that was taken into consideration to be put into a pipeline.
• Pat Webb pointed out the open space and parks. He stated that the developer was taking credit for open space including Dead Man Lake not owned by the developer. He also spoke about moving the school site and discussed the density. 52 attendees in agreement.
• Allison Albers, within the GMA, stated that their community had never been contacted regarding impacts on their community and their quality of life. She spoke about talking with the Department of Wildlife regarding their input and they stated that they had not been notified of any development. She spoke about wildlife in the area and wildlife thoroughfares and the impact on the environment. She also spoke about traffic issues and the inability to walk pets with the amount of traffic. 52 attendees in agreement.
• Kathy Simpson spoke about being a part of the meetings and conversations in 2014 and the respect for Council that came out of the decision made. She spoke about the developer getting paid for the school site and that the developer should lower their density and to adhere to the 2014 plan. 52 attendees in agreement.
• Tom Remington on CR 3 expressed his concern regarding the density increase from 2008 to 2014 to 2019. He spoke about developer costs being passed on to the property owners. He also spoke about the mill levy of the metropolitan districts and asked Council to vote no and have the developer come back with 2014 density. 52 attendees in agreement.
• William Grush spoke to Council about the original development and how it has changed over the years. He spoke about the increased density decreasing the parks and open spaces. He stated that the school district does not have a plan for a new school in the area. 52 attendees in agreement.
• Donna Grush asked that the density be lowered from 250 to 210 because of the elementary school site. The development should reduce amenities to make the development affordable. She expressed her want of more open space. 52 attendees in agreement.
• John Weiss spoke about Timnath being a transition area that lands between urban area Fort Collins and rural unincorporated Larimer county. He spoke about his disagreement of the traffic study as it doesn’t consider the High School, Wildwing, or I-25. The infrastructure should be looked at before the development not after. 52 attendees in agreement.
• Frank McCormick reiterated the loss of open space and the rural character of the Town. He spoke about schoolteachers needing to make over $170K to buy a home in the development and asked that the Council stand by their 2014 decision. He also spoke about more lots along the lake could affect water quality from the stormwater discharge. 52 attendees in agreement.
• Jesslyn Dennis spoke about the density requirements being met but that it doesn't fit the rural setting of Timnath. She spoke about the Metro District taxes and the estimated amount of taxes received annually being close to $1 million. She further addressed the limitation of access to the lake. She spoke about water drainage issues that have not been
addressed. She asked that Council support their comprehensive plan. 52 attendees in agreement.

- Jim Hebbeln in Timnath Meadows asked Council to deny the increase of density and support the decision made in 2014. He also asked if the NISP Pipeline location was being contemplated with improvements. 52 attendees in agreement.

- Beth Biehl spoke about the amendments being made to the comp plan and that residents were asked about what they want in their community. She asked that Council not overturn their decision made in 2014 and preserve parks and open spaces. 52 attendees in agreement.

- Tom Nesbitt on Prospect Road spoke about the lack of access egress. He spoke about the traffic issues on Prospect Road. 52 attendees in agreement.

- Trent Swilling spoke about commuting to Aurora vs. along Prospect road. 52 attendees in agreement.

- Bill Bailey spoke about being a third generation Coloradan. He stated that he and his family chose to settle in Timnath because of the rural feel. He spoke about quality of life being within the 2014 plan. 52 attendees in agreement.

- Diane Cardwell spoke about choosing Timnath because of the Town goals and the comp plan. She also spoke about traffic concerns and the lack of the ability to bike in the community.52 attendees in agreement.

- Reed Miller spoke about traffic issues being a problem with or without the increase in density. He spoke about more access to parks and open space. He spoke about the possible loss of a developer who has been willing to provide amenities that are wanted by the next generation. 6 attendees in agreement.

- Chris Dulawan expressed his concerns about the loss of the developer and a loss of amenities in the community. 6 attendees in agreement.

- Randall Black expressed his concern about homes being too close to an osprey nest in the development. 52 attendees in agreement.

- Veronica Schrouk spoke about being attracted to the community because of the open feel and asked that Council not go against the 2014 plan. 52 attendees in agreement.

Mayor Grossman-Belisile closed the public hearing at 8:18 p.m.

- Mayor Grossman- Belisile started her remarks with a thank you and appreciation for everyone’s respectful participation in the entire process. She then stated that since this was a quasi-judicial process, again, that is why she couldn’t engage in conversations with people prior to the hearing. She spoke about the fact that planning commission has tighter parameters than the council when reviewing a submission, and must adhere to the code and regulations for compliance when making their decisions and that is why although they approved it because it met the requirements, they noted their concerns knowing it would also go to council. She also spoke about the 2014 decision and that herself, Aaron, and Bill were present for that decision, and felt through that process a compromise had been met that most all could agree to in regards to the lower density and she made a commitment then that it was unlikely she would consider more density. It was clear at that time,
that the original plan for Serratoga needed some market adjustments since 2008 to be viable, so some increase was warranted. However, not sure that the economic conditions have changed since 2014 that would warrant an additional increase above that reached compromise in 2014. She shared, the reason we now require neighborhood meetings prior, is to hopefully allow for compromise and participation in the process by residents so that it is a positive thing for the neighborhoods that are impacted. She stated that she felt that there was not material or substantive changes since her 2014 decision and her position that would warrant her to vote for the increase in density, and noted that she is voting no on the increase because it doesn’t represent the character of the development and doesn’t satisfactorily mitigate the negative impacts on the neighborhood and adjacent uses. Further, she noted, that in 2014 the high school/middle school wasn’t even considered furthering her concerns over traffic issues in the area that increased density would make worse. Also, from a layout perspective, not just the increased density component, that the proposed lots on Deadman Lake didn’t benefit the whole Timnath community, and that asset would only then be enjoyed by a few, and that also wasn’t satisfactory.

- Mayor Pro Tem Pearson spoke about his concerns regarding the increased traffic and density.
- Councilmember Neal spoke about Timnath being a great place to live. He expressed his sympathy for people who have purchased homes in the Kitchell Lake development and wished that the previous developer would have moved forward in 2014.
- Councilmember Collins expressed his concerns for the development and stated that he would not be voting for the plan.
- Councilmember Laake spoke about there being other density increases based on certain circumstances, but this is not one of those circumstances to increase density.

Mayor Pro Tem Aaron Pearson made a motion to deny RESOLUTION NO. 65, SERIES 2019, A Resolution Approving the Serratoga Falls Amended Sketch Plan based on sketch plan review criteria for not being adequately satisfied. Specifically, that the application does not mitigate negative impacts on adjacent land uses, concerns about the potential for additional traffic due to the increase in density as well as the reduction in overall usable open space which is especially true if the elementary school come into the neighborhood.
Councilmember William Neal seconded the motion. CARRIED unanimously.

d) RESOLUTION NO. 66, SERIES 2019, Resolution Approving Agreement for Contracted Interim Town Manager

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

Councilmember William Neal made a motion to approve RESOLUTION NO. 66, SERIES 2019, Resolution Approving Agreement for Contracted Interim Town Manager. Mayor Pro Tem Aaron Pearson seconded the motion. CARRIED unanimously.
e) SWEAR IN OFFICER

- Chief Jones spoke about swearing in Officer Ponce at the Police Academy on December 9th.

f) RESOLUTION NO. 67, SERIES 2019, A Resolution to Approve the Larimer County Sheriff’s Office Contract for 2020

- Chief Jones spoke to Council about the proposed resolution.

Mayor Pro Tem Aaron Pearson made a motion to approve RESOLUTION NO. 67, SERIES 2019, A Resolution to Approve the Larimer County Sheriff’s Office Contract for 2020. Councilmember William Neal seconded the motion. CARRIED unanimously.

g) ORDINANCE NO 13, SERIES 2019, An Ordinance Amending the Town Budget for The 2019 Budget Year

- Ms. Harwell spoke to Council about the proposed ordinance

Mayor Grossman-Belisle opened the public hearing at 8:48 p.m.
NO PUBLIC COMMENTS
Mayor Grossman-Belisle closed the public hearing at 8:48 p.m.

Councilmember William Neal made a motion to approve ORDINANCE NO 13, SERIES 2019, An Ordinance Amending the Town Budget for the 2019 Budget Year.

Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

h) ORDINANCE NO. 14, SERIES 2019, An Ordinance Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for The Town of Timnath, Colorado, for the Calendar Year 2020

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

Mayor Grossman-Belisle opened to the public hearing at 8:50 p.m.
NO PUBLIC COMMENTS
Mayor Grossman-Belisle closed the public hearing at 8:50 p.m.

Councilmember William Neal made a motion
ORDINANCE NO. 14, SERIES 2019, An Ordinance Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for The Town of Timnath, Colorado, for the Calendar Year 2020.

Councilmember Lisa Laake seconded the motion. CARRIED. 4-1 (opposed: Councilmember Rick Collins).
ORDINANCE NO 15, SERIES 2019, 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 2020 Budget Year.

Mayor Grossman-Belisle opened the public hearing at 8:51 p.m.
NO PUBLIC COMMENTS
Mayor Grossman-Belisle closed the public hearing at 8:51 p.m.

Councilmember William Neal made a motion to approve ORDINANCE NO 15, SERIES 2019, 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 2020 Budget Year. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

RESOLUTION NO. 68, SERIES 2019, A Resolution Approving Levying General Property Taxes for The Year 2019 To Help Defray The Costs Of Government For The Town Of Timnath, Colorado, For The 2020 Budget Year

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

Mayor Grossman-Belisle opened the public hearing at 8:52 p.m.
NO PUBLIC COMMENTS
Mayor Grossman-Belisle closed the public hearing at 8:52 p.m.

Councilmember Lisa Laake made a motion to approve RESOLUTION NO. 68, SERIES 2019, A Resolution Approving Levying General Property Taxes for The Year 2019 To Help Defray the Costs Of Government For The Town Of Timnath, Colorado, For The 2020 Budget Year.

Councilmember William Neal seconded the motion. CARRIED unanimously.

RESOLUTION NO. 69, SERIES 2019, A Resolution Approving Intergovernmental Agreement Regarding Funds for the Timnath Landing General Improvement District

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

Councilmember William Neal made a motion to approve RESOLUTION NO. 69, SERIES 2019, A Resolution Approving Intergovernmental Agreement Regarding Funds for the Timnath Landing General Improvement District. Mayor Pro Tem Aaron Pearson seconded the motion. CARRIED. 4-1 (opposed: Councilmember Rick Collins).

DISCUSSION ITEM: Discussion on an acknowledgment of Public Works Crews
m) DISCUSSION ITEM: A discussion of the review of snow removal operations

- Mr. Taranto spoke to Council about the review of the Town’s snow removal policy, the assessment report, and best practices of surrounding municipalities to continue to evolve our effectiveness. He also spoke about the equipment the town has on hand, staff’s hard work staying proactive in the midst of a fast storm.
- Mayor Grossman-Belisle asked about the review of street priority and the best practices of other municipalities after the last big storm. She asked if the town monitors other practices and adjust accordingly, such as pretreatment liquid options and the like.
- Mr. Taranto stated that the current snow plow routes and any additional needs were being reviewed on a priority basis, and are always evolving based on best practices, and that additional collector streets may need to be added and they will continue to move toward the most effective practices. He also spoke about pretreatment options and that while the Town doesn’t currently do any pretreatment with deicing chemicals, they do have the equipment to do so. He noted that additional staff hours would be required to do so and that staff was researching the most effective way to use the chemicals because improper use could make conditions worse.
- Councilmember Neal asked if Bidens Gate would get upgraded in priority and Mr. Taranto explained that several roads were being reviewed for upgraded priority and that Bidens Gate was one of those roads being reviewed.

n) RESOLUTION NO. 70, SERIES 2019, A Resolution Approving Agreement for Reimbursement of Developers Construction Expenses Incurred for Offsite Improvements

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

Mayor Pro Tem Aaron Pearson made a motion to approve RESOLUTION NO. 70, SERIES 2019, A Resolution Approving Agreement for Reimbursement of Developers Construction Expenses Incurred for Offsite Improvements. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

o) RESOLUTION NO. 71, SERIES 2019, A Resolution Approving Independent Contractor Agreement for Property Management Services

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

REQUEST BY COUNCILMEMBER COLLINS TO ADDRESS THE VOTE ON ITEM 6b:

Councilmember Rick Collins made a motion to reconsider the vote on Resolution NO. 64 for purposes of "changing my vote from yes to no. Earlier I voted yes knowing that having voted in the affirmative I would be able to correct my vote before the Council meeting was adjourned. Thus, saving our outgoing town manager any embarrassment in the Timnath Council Chambers, with its first packed house, as she was instrumental in its construction".

Mayor Grossman-Belisle stated that it was disingenuous to change the vote after the public had left and that changing his vote lacked transparency, and council can’t go back and change a vote, once they have moved on to other business. Also, April Getchius had served the town well over the past almost 7 years, and deserved recognition for what she did for the town.

MOTION DIED FOR LACK OF A SECOND.

Councilmember Collins Report

p) EXECUTIVE SESSION - "For purposes of receiving legal advice and discussing legal questions regarding potential litigation and ongoing Sutherland litigation update under Section 24-6-402(4)(b), C.R.S."

Council went into executive session at 9:08 p.m.
Council reconvened in the regular meeting at 9:28 p.m.

7 ADJOURNMENT 9:29 P.M.

Mayor

Town Clerk
Timnath Town Council Meeting
Tuesday, December 10, 2019
COUNCIL REPORT
Rick Collins

I am looking forward to the start of 2020. Several matters need to be addressed moving forward. I will list some of the most critical issues. I know your time is valuable so I will be brief and to the point. If you would like to share your thoughts or seek additional information, please don’t hesitate to contact me.

Town Snow Removal

 Resident calls and complaints following the recent snow storm have finally gotten folks attention. Improving the Town’s snow maintenance and removal policy has and will remain a top priority.

Traffic Congestion

There is a major traffic issue at the Walmart interchange at peak times. A long-term fix is planned. But, for safety reasons we should immediately take steps to address the problem in the interim. I have called for traffic control people at peak times for several months. I intend to keep pushing!

New Acting Town Manager and Interim Police Chief

I hope the Council embraces our new Acting Town Manager and new Interim Police Chief. These two individuals have a wealth of experience in their respective fields. I am looking forward to the positive changes they may implement.

Unnecessary Spending

It would be a horrible mistake for the Mayor/Council to approve Resolution NO. 84. If approved, Timnath would sign a consulting agreement costing $222K with the outgoing Town Manager. Under terms of the proposed agreement she would be on call to consult with the Interim Town Manager, town staff, or town consultants over the next thirteen months. There is also language in the consulting agreement that says the outgoing Town Manager would agree not to denigrate or disparage the image or reputation, nor will she comment negatively on past or current council members, any individual employed by the town, any individual otherwise engaged by the town, or any service
provided by the town. I hope our Town Attorney explains why this clause is included in the meeting this evening.

I would support a far more reasonable compensation package, or better yet, an hourly contract.

**Development Business**

Timnath should get out of the developer business. I am sad to report that Timnath has recently approved measures getting into the special tax district arena. Revenues from a recently established GIF and some Met Districts will soon flow into Timnath coffers.

**Transparency**

If we want to build something, let's build on our effort to open the process, inside and outside our Timnath Town Center. Our goal should always be to embrace greater transparency.

**2020 Timnath Budget**

The Town budget is the most important action taken each year by the Council. I will not be voting to approve the proposed budget. I will continue to push for more dollars on the savings side. What would it hurt to have an emergency fund that would cover Town expenses for more than three months?

Respectfully submitted, 12/10/19

Rick Collins, Timnath Town Council