MINUTES
Timnath Town Council Meeting
6:00 PM - Tuesday, January 28, 2020
4750 Signal Tree Drive, Timnath, Colorado

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

ABSENT: Councilmember Rick Collins

STAFF: Contracted Town Attorney Robert Rogers, Town Clerk Milissa Peters-
Garcia, Contracted Town Engineer Don Taranto, Contracted Community
Development Director Matt Blakely, Contracted Town Planner Brian
Williamson, Contracted Town Planner Kevin Koelbel, Contracted Town
Engineer Matt Taranto, Ashley Lauwereins, and Contracted Town
Engineer Eric Fuhrman

PUBLIC THAT SIGNED IN: Bryan Voronin, Mark Soukup, Danyelle Hass, Sharon Altheide, Jen
Volmer, Eric Engle, Caleb Sulzen and Brett Hansen

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

2 AMENDMENTS TO THE AGENDA
   a) Item 6k was added

3 PUBLIC COMMENT
   a) Bryan Voronin spoke to Council regarding the reports submitted by
      Councilmember Collins. He stated, as a past Councilmember and current
      candidate, that Councilmember Collins’ request for a moratorium on a new
      police building went against what the residents wanted per the resident survey
      and stated that the Town should absolutely move forward with construction of
      the new building.

4 CONSENT AGENDA
   a) Approval of the January 14, 2020, Town Council Meeting Minutes
   b) January 28, 2019 Check Register
   c) RESOLUTION NO. 5, SERIES 2020, A Resolution Approving the First
      Amendment to the Independent Contractor Agreement between the Town of
      Timnath and SAFEbuilt Colorado, LLC

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 asked if Mr. LaVanchy would read the report submitted by Councilmember Collins.

   - Mr. LaVanchy read the report submitted by Councilmember Collins-

   "Timnath Town Council Meeting, Tuesday, January 28, 2020, COUNCIL REPORT, Rick L. Collins

   Personal Note:
   On December 12, 2019 I underwent a major surgery. With the prayers and support of my family and friends, I am on the road to full recovery. A special note to my wife Kathe for helping to pull me through! She is the Best!
   I told you last month I was looking forward to the start of 2020. Several matters need to be addressed moving forward. If you would like to share your thoughts or seek additional information, please don’t hesitate to contact me directly.

   MORATORIUM Recommendation: New Timnath Police Station
   I propose that a moratorium be placed on further planning and decisions on the new police station until after the upcoming election. I think this is a logical position especially in light of the need to appoint a permanent Town Manager and Police Chief. I feel both of these positions, as well as the newly elected council, should have input in the process.

   Respectfully submitted, 1/28/2020, Rick Collins, Timnath Town Council".

   - Mayor Grossman-Belisle read for the record and submitted a report-

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   TO: Town Council
   FROM: Jill Grossman-Belisle, Mayor
   DATE OF MEETING: January 28, 2020
   TITLE / SUBJECT: Mayor Report

   DESCRIPTION
SUMMARY

1. A reminder of the State of the Town Mayor Address this Thursday, January 30, 2020 at the Town Center. Very informative, and encourage people to attend.

2. I wanted to comment for the record, regarding Council Member Collins recommendation to place a moratorium on the new police station building and the process.

   - I strongly disagree with council member Rick Collin’s recommendation.
   - I am a representative of the residents, and it is my duty to act on their behalf on matters of importance to our community. In 2018, the resident survey, by a significant majority, placed public safety, a new police building, and 24/7 police coverage as a number one priority and I plan to continue to move this forward to completion in response to that resident’s feedback.
   - Additionally, the resident survey shared a 55% approval rating of the direction the mayor and council have taken and that includes this as a priority.
   - We have toured several facilities and worked with police building experts to move through a design process that is almost complete. Our current interim manager and police chief have been involved in two police buildings, and have added expertise as well to the design team and are ensuring it will be a fully functional building for many years to come.
   - We have budgeted for additional police officers and the current space would be over capacity and not functional. We budgeted for these officers to come onboard, getting close to complete construction time, so there was space, so a delay in the building, would be a delay in adding additional officers.
   - We have budgeted also to be competitive in the market in attracting the highest quality officers, and they need a building to come too that allows them to do their job efficiently.
   - A delay to wait for a permanent chief and manager would also be costly from a construction cost perspective as construction costs escalate almost daily.
   - We have budgeted for the building and the staff for 2020 in response to the survey, to change direction at one meeting where it is not even on the agenda, without public knowledge and input is also not very transparent.
   - Elections happen every two years, but the business of the town continues every day, and I don’t believe it is prudent to put on hold a priority every time there might be a change, this is a reactive not proactive approach and costly, that is what a budget and priority capital project process is for.
   - The elected officials are here to serve the people, and the people have shared they want a police facility and 24/7 coverage, and I am committed to continue moving this forward to fruition.
3. We have been in discussions with Poudre School District regarding school safety, crosswalks, etc., and will be working with them very closely over the next few weeks as they determine additional safety measures needed at each school including Bethke and Timnath Elementary and will implement those recommended measures that require town attention. More to come as the district analyzes the needs.

4. I was in Old Town this weekend at Timnath Beerwerks, and enjoyed seeing our bustling downtown area on a Saturday afternoon. Fine and Funky, JJ District, CFG Public Market, and Timnath Beerwerks were all busy and energetic with folks.

5. I also am excited to hear that The Little Gym, which opened early this year, is already so busy, they have had to open additional classes already! The grand opening was very fun with over a 100 families there to enjoy the day.

6. We continue to reach out to attract desired commercial retailers and services, are beginning to gain much more attention by commercial developers especially now that Harmony has been widened. Last week we had several initial discovery conversations and will continue to do so.

7. In the past couple of weeks, after many months of delay, the PUC finally found in our favor, requiring the railroad to complete their work at the Three Bell Parkway and we are now moving forward on completing that project by mid year. This was another project identified as high priority by the residents, but was delayed by the railroad. It will be great to get this finished this year as well.

• Mayor Pro Tem read for the record and submitted a report-

“Timnath Town Council Report, January 28, 2020

One of our councilmembers, Rick Collins, has submitted a request to put into the record a recommendation to enact a moratorium on the planning, design and construction of the new police building indefinitely. With councilman Collins not able to attend tonight, I wanted to put my thoughts in a written report for the record.

The police building has been scheduled to be built for many years. The land was purchased in 2012 at a favorable price as part of the development of the civic center of Timnath. The latest survey of the town residents clearly showed that public safety is the highest priority and indicated that the council should be working toward 24/7 coverage. In order to attain this level of coverage we would need a force of 20 officers and a 5-person support staff at minimum. The current facility is inadequate to support enough officers to achieve this goal; a new facility is needed.
The design process with town staff architect and a contracted firm which specializes in police buildings is progressing toward the final stage of programming with a projected groundbreaking this fall. Stopping the current design process will halt this project indefinitely.

This delay will most likely result in higher construction costs and a higher interest rate on the funding for the building. In order to honor the town's wishes in achieving 24/7 coverage with a local police force, we need to keep this building on track with no delay.

For the record, I do not support any moratorium and fully support out police force moving toward 24/7 coverage.

Respectfully, Aaron Pearson, Mayor Pro Tem”.

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- Councilmember Neal read for the record and submitted a report:

"Timnath Town Council Meeting, Tuesday, January 28, 2020, Council Report for the Record

Regarding the recommendation by Rick Collins on a Moratorium on the New Timnath Police Station

I have reviewed the above recommendation and do not support it for several reasons. The town survey conducted in 2018 indicated by residents that 24/7 police coverage is one of their top priorities. Based on the feelings of residents the Council placed in the budget the cost of the new facility.

Today I met with our Timnath Police Sergeant to have a better understanding of our current facility and upcoming needs to see if the new building should proceed on schedule and not be delayed. Several key points came up during my visit that necessitates a larger space and they are as follows:

1. Current space is adequate for existing number of officers although they are cramped.
2. There will not be enough space for new officers currently in training or those in the planning stage for future employment.
3. The evidence room is full, and the PD currently rents separate storage facilities off site. They had to purchase a large storage container which currently is in the Dept. of Public Works garage.
4. The weapons storage area is somewhat secure but if we add personnel it will not be adequate.
5. As we add new technicians and other personnel space becomes limited.

Considering these needs and others and the fact that the new facility is already in our budget I feel that the town should not delay moving forward with a new facility and I will not support a moratorium.

Respectfully, Bill Neal"
• Councilmember Laake read for the record and submitted a report-

"I am writing this as my official council member report, in response to the report submitted by Council Member Collins.

While I agree with Council Member Collins’ view that the Town Manager and Police Chief should have input into the process involved in the design and building of a new police station, I don’t believe that current staff, mayor, or council should halt the work until these positions are filled. All town work needs to continue, even with interim staff. This process, in particular, has been in the works for quite some time.

The 2018 community survey showed overwhelming support for public safety as a top priority, including the desire of community members to have Timnath Police staffed 24/7. The building of a police station is imperative to making this happen, as the current facility lacks the capacity to meet these needs. I believe it is important to take this resident feedback into account and do all we can to achieve these items.

Putting the building of the police station on hold also has the potential for the town to incur tens of thousands of dollars or more in additional building costs, as these costs tend to go up over time, and I see no reason to hold off on this.

For these reasons, I have to oppose a moratorium on the new police station”.

• Councilmember Neal spoke about the average number of police officers per capita and that the Town was below that average.

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) Manager Report
   Included in the packet

6 BUSINESS
a) RESOLUTION NO. 6, SERIES 2020, A Resolution Approving the Second Amendment to Independent Contractor Agreement with Slate Communications

- Mr. Rogers spoke to Council about the proposed resolution.
- Mayor Grossman-Belisle stated that Slate Communications had been helpful in getting information out to the community and provides expertise that the Town appreciates.
- Mayor Pro Tem Pearson expressed his appreciation for their work with the Town and staff.

Councilmember William Neal made a motion to approve RESOLUTION NO. 6, SERIES 2020, A Resolution Approving the Second Amendment to Independent Contractor Agreement with Slate Communications. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

b) RESOLUTION NO. 7, SERIES 2020, A Resolution Approving Capital Improvement Plan Design and Master Planning Expenditures

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

Mayor Pro Tem Aaron Pearson made a motion to approve RESOLUTION NO. 7, SERIES 2020, A Resolution Approving Capital Improvement Plan Design and Master Planning Expenditures. Councilmember William Neal seconded the motion. CARRIED unanimously.

c) RESOLUTION NO. 8, SERIES 2020, A Resolution Approving Standard Services Agreement with Apex Pavement Solutions

- Mr. Taranto spoke to Council about the proposed resolution.
- Mayor Grossman-Belisle asked about the immediate needs and Mr. Taranto stated that there were significant potholes in areas that needed attention.

Councilmember William Neal made a motion to approve RESOLUTION NO. 8, SERIES 2020, A Resolution Approving Standard Services Agreement with Apex Pavement Solutions. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

d) RESOLUTION NO. 9, SERIES 2020, A Resolution to Approve an Agreement with Quality Well & Pump

- Mr. Taranto spoke to Council about the proposed resolution.
- Mayor Pro Tem Pearson asked about the use of the first well and Mr. Taranto explained that the first well would be utilized for what it produces in addition to the second well.
Mayor Grossman-Belisle asked about other wells currently in place and Mr. Taranto spoke about the properties that utilized non-potable water and wells.

Mayor Pro Tem Aaron Pearson made a motion to approve RESOLUTION NO. 9, SERIES 2020, A Resolution to Approve an Agreement with Quality Well & Pump. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

e) RESOLUTION NO. 10, SERIES 2020, A Resolution Approving the Purchases of Equipment by the Public Works Department

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

Mayor Pro Tem Aaron Pearson made a motion to approve RESOLUTION NO. 10, SERIES 2020, A Resolution Approving the Purchases of Equipment by the Public Works Department. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

f) RESOLUTION NO. 11, SERIES 2020, A Resolution Approving the Construction and Maintenance Agreement with Great Western Railroad for the Three Bell Parkway Crossing

- Mr. Fuhrman spoke to Council about the proposed resolution.
- Mayor Grossman-Belisle asked if this would help expedite the process for the parkway crossing and Mr. Fuhrman explained that the process would start over for the future crossing.
- Mayor Pro Tem Pearson thanked Mr. Fuhrman for his efforts in getting this process finalized.

Councilmember William Neal made a motion to approve RESOLUTION NO. 11, SERIES 2020, A Resolution Approving the Construction and Maintenance Agreement with Great Western Railroad for the Three Bell Parkway Crossing. Mayor Pro Tem Aaron Pearson seconded the motion. CARRIED unanimously.

g) RESOLUTION NO. 12, SERIES 2020, A Resolution Authorizing Phase 2 of the Timnath Community Park 2020 Construction

- Mr. Williamson spoke to Council about the proposed resolution.
- Mayor Grossman-Belisle mentioned the dog park and Mr. Williamson agreed that the dog park was a high priority for the residents.
- Mayor Grossman-Belisle asked about the ability to continue having food trucks at the Town events during park construction and Mr. Williamson explained the area that would allow the food trucks and he addressed parking for such events.
- Mayor Pro Tem Pearson expressed kudos for the contractor that helped keep the dust and mess to a minimum.
Councilmember Lisa Laake made a motion to approve RESOLUTION NO. 12, SERIES 2020, A Resolution Authorizing Phase 2 of the Timnath Community Park 2020 Construction. Councilmember William Neal seconded the motion. CARRIED unanimously.

h) RESOLUTION NO. 13, SERIES 2020, A Resolution Supporting a Partnership with Larimer County to Apply for a Multimodal Options Fund Grant through the North Front Range MPO to Help Fund Portions of the Poudre River Trail through Timnath

- Mr. Blakely spoke to Council about the proposed resolution.
- Mayor Grossman-Belisle stated the high priority of the trail for the residents and the efforts of the MPO to assist the surrounding community achieve connectivity.
- Mayor Pro Tem Pearson thanked Councilmember Laake for being the Town representative with the MPO.

Mayor Pro Tem Aaron Pearson made a motion to approve RESOLUTION NO. 13, SERIES 2020, A Resolution Supporting a Partnership with Larimer County to Apply for a Multimodal Options Fund Grant through the North Front Range MPO to Help Fund Portions of the Poudre River Trail through Timnath. Councilmember Lisa Laake seconded the motion. CARRIED unanimously.

i) RESOLUTION NO. 14, SERIES 2020, A Resolution Approving Human Resource Services Contract with ILG Strategic Services

- Mr. LaVanchy spoke to Council about the proposed resolution.
- Mayor Grossman-Belisle spoke about the interview process and stated that ILG would be a great addition and will bring a level of expertise that is welcomed to the Town.
- Councilmember Neal stated that one human resource person is never enough and expressed his appreciation for the ILG and their services.

Councilmember William Neal made a motion to approve RESOLUTION NO. 14, SERIES 2020, A Resolution Approving Human Resource Services Contract with ILG Strategic Services. Mayor Pro Tem Aaron Pearson seconded the motion. CARRIED unanimously.

j) 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 6:46 p.m.
Council came out of executive session at 7:10 p.m.
k) ADDED - DISCUSSION/POSSIBLE ACTION: Sutherland Settlement Terms

- Mr. Rogers spoke about the Sutherland litigation and provided historical context on the matter, including the history of Mr. Sutherland's litigation against the Town, TDA, and other local governments in Larimer County. Mr. Rogers explained that Mr. Sutherland had indicated his willingness to settle with the Town, TDA, and Fort Collins to end his disputes with each of them. Mr. Rogers presented the proposed global settlement terms to the Council, which included the Town and TDA dropping their monetary judgments against Mr. Sutherland in the approximate amount of $90,000, and ceasing their collection efforts, in exchange for Sutherland: (1) dropping both of his appeals against the Town and the TDA and submitting to the trial court's orders against Mr. Sutherland in CV149 and CV30567; (2) agreeing to acknowledge and not to challenge the trial court injunction that the TDA and Town had secured against Mr. Sutherland; (3) agreeing not to disparage the Town or TDA; and (4) agreeing to a liquidated damages provision in the event that Mr. Sutherland violates his contractual obligations to cease litigation.

- Mayor Grossman-Belisle spoke about the current Councilmembers who have gone through the litigation process and the interactions they have had with Mr. Sutherland. She spoke about the amount of time and money spent on the litigation and expressed concern about the resources needed to continue the litigation. She stated that although she didn't want to settle, she would agree to the settlement terms because it was in the best financial interest of the town, and that settlement would secure protections for the Town, TDA, and neighboring jurisdictions in Larimer County, and it would avoid the collateral impacts on other members of the Sutherland family that would come through a foreclosure on the Sutherland home needed to secure the Town's judgments against Mr. Sutherland.

- Councilmember Neal compared costs incurred to the costs that could be incurred if the cases were appealed any further and stated that it would be fiscally prudent to approve the settlement terms.

Councilmember William Neal made a motion to authorize legal counsel to settle the pending litigation with Mr. Sutherland subject to execution by Mr. Sutherland of a written agreement consistent with the settlement term sheet presented on the floor this evening by legal counsel. Mayor Pro Tem Aaron Pearson seconded the motion. CARRIED unanimously.

7 ADJOURNMENT  7:30 P.M.