MINUTES
Timnath Town Council Meeting
6:00 PM - Tuesday, May 12, 2020
4750 Signal Tree Drive, Timnath, Colorado

PRESENT: Mayor Mark Soukup, Councilmember Aaron Pearson, Mayor Pro Tem Rick Collins, Councilmember Lisa Laake, and Councilmember Brett Hansen (all attended via Virtual access)

STAFF: Contracted Town Attorney Robert Rogers, Town Manager Wesley LaVanchy, Town Clerk Milissa Peters-Garcia, Interim Police Chief Terry Jones, Contracted Town Engineer Don Taranto, Contracted Community Development Director Matt Blakely, Contracted Town Planner Brian Williamson, Contracted Town Planner Kevin Koelbel, and Communications Kim Newcomer (all attended via Virtual access)

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

2 AMENDMENTS TO THE AGENDA
Mayor Soukup spoke about his previous ownership in a CPA firm whose client is the Town’s engineering firm, TST Engineering. He stated that he will be recusing himself from approving any check register that includes payments to TST Engineering.

3 PUBLIC COMMENT
- Dani Bissetti spoke to Council about how her businesses have fared during COVID-19. She spoke about opening the salon on May 1st. She stated that she had received PPP from the government but that she had to close her boutique and that she is trying to be innovative and would love to bring the boutique back to the community. She spoke about being a part of the community, working hard and suggested that grants be made available for small businesses in the community. She spoke about losing employees and the hardships she has encountered. She stated that the relief program would be a great option for the community.

Matt Blakely and Brian Williamson read public comments submitted into the record below.

- Dear Town Council Members:

Due to Covid-19, just like almost every small business, Studio 68 was required to close its doors on March 16th by Governor Polis. Unfortunately, due to the nature of our business, we do not have a set time period for reopening and have been guaranteed that when we are allowed to reopen, it will be a slow transition period before we are back to "normal" operation. This pandemic, with the closures and guidelines imposed, has made it so that our revenue stream is essentially $0. We did apply for and have received a PPP loan. However, it does not cover non-negotiable items like our mortgages, equipment loans, advertising, utilities, etc.
Without assistance, we will likely be closed at the end of the summer. We are current on all our debt with the exception of our property taxes. Without dues, we cannot pay our property taxes and I will also add that we also are not providing tax income to the town, as long as our business remains closed. We would be happy to work with the town to help facilitate a mutually beneficial arrangement. Any grants or low interest loans the town would be willing to provide would be greatly appreciated.

Thank you in advance for your time and consideration! We look forward to hearing from you soon.

Warmest Regards,
Christina and Cory Kozisek
Owners - Studio 68 Fitness LLC

Hello Mayor Mark and Town of Timnath members,

My name is Michelle LeBerger and I live in Timnath Ranch. We would like to have golf carts (LSEV) with all of the current safety features and a licensed driver to be used in Timnath ranch. Timnath Ranch homeowners already have golf carts but we would like to use them legally. We use them to run to the pool, the school or to pick up our children at a friends house. They are a earth friendly option for us and we feel that we don’t need a “Golf Course” to enjoy them. Another item I would like to address is the electric 12volt electric children’s toy...why are these against the law to use in Timnath Ranch? Why do we have police stopping children on an electric toy and telling them and their parents that the electric toy cannot be used anywhere but on the homeowners driveway. It’s absolutely ridiculous that our police officers have to waist their valuable time addressing toys! This needs to be changed!

Thanks for your time!

To whom it may concern,

I would like to address the law toward electric ride on toys for children, and golf carts. I find it absurd and unfortunate that children aren’t allowed to have electric scooters, electric big wheels for the smaller children etc. Especially, when the very heart of Timnath Ranch are families with children. Also, golf carts. We moved here from another community that allowed golf carts and we weren’t on a golf course. I would love for you to consider the option for golf carts. I personally don’t have one, but I find nothing wrong with them.

Thank you,
Stephanie Wallin
7117 Cottage Ct

To the Timnath Mayor and Town Council:

My name is John Barkley, and my address is 6090 Pryor RD, Timnath, CO 80547. My telephone number is 951-640-5183, and I am available to answer any questions
before, during or after the meeting on this matter.

In your meeting discussion, please consider the following points:

1. I take issue with the proposed term that the grants would be given out on a first come first serve basis. I do not think that would be fair to businesses that either do not have the administrative savvy to apply and to those who may not be in the information loop. I think a more fair method would be to set qualifications and a grant formula, and then if there is not enough money to meet all the applicants needs, then the grants be issued on a pro-rata basis.

2. I am still not convinced that governments use tax dollars subsidize for-profit businesses is good policy, and due to the unusual nature of this action, I would like Timnath residents to have a direct say of this plan.

3. And lastly, we have the Timnath Foundation. Would a program such as this fall within their purpose, and what current and future resources does this organization have and can any of their budget be redirected to this cause?

Sincerely,
John S. Barkley
951-640-5183

To whom it may concern:

I am a resident of Timnath Ranch North and would like to change the law that does not allow the use of golf carts and electric toys such as electric scooters, electric four wheeler's, electric bikes etc. on the streets of Timnath Ranch North and all of the Timnath residential streets. Using these electric toys should not be prohibited as they are useful and safe and restricting them is very unnecessary and excessive.

Thank you,
Julie Warren

Hello,
I would like to request discussion of the current law forbidding the use of golf carts and electric toys throughout Timnath Ranch. The law allows for these items in Harmony Club (also in the town of Timnath) with the only obvious difference being that Harmony Club has a golf course. Golf carts and electric toy vehicles provide an environmentally friendly way to travel throughout our community and I would appreciate review of this law.

Thanks!
Megan Collett

To whom it may concern:
I have had a business in Timnath for 14 years I started when there was dirt parking and no subdivisions with a hope and dream of having a destination shop. I believe all towns deserve a local community which often local boutiques, shops and
restaurants offer. I am lucky and worked hard to make it through the last recession, adapt to the .com industry and survive the many ebbs and flows that retail endures and have watched many businesses come and go. I have a healthy business due to the commitment of many wonderful women. That being said, when all of the COVID realities started, I was of the mindset that businesses that deserved to be weeded out would, and that the strong would survive. I humbly rescind that opinion. As what we all believed would start out as a few week hiatus has turned into to a multi month closure, there are many healthy businesses that will survive on the roll of a dice. Please do not assume that businesses can survive this climate forever. Not all business are “hobby” businesses where they are supported by another income nor all businesses those where the people running them are their highest overhead. I have chosen over the years to not become an on line boutique. We have adapted. It does not replace the income of a steady clientele through the door, nor does the new “norm” where not everyone even feels safe encourage people to support small businesses. I am making my next moves as a business owner and I hope they are clever enough to survive the coming season that COVID is bringing. In April we were down 89.88% of sales. Since the business mandates have started to allow for reopening, we have only served 25% of our typical store traffic. After watching in store and getting feedback both in person and on line my guess that being down 75% in store traffic is going to be the new norm in a community where we have been told we are “safer at home”. Timnath has been fortunate to have Costco and Walmart, two powerful businesses deemed essential. During the “stay at home” time, these were allowed to serve the community. While many people relied on these business for essential items, they were also allowed to sell novelty, discretionary and luxury items when rest of the Timnath small businesses weren’t even allowed to be open. The small businesses of Timnath, who helped to shape and who have given back to the community deserve your time, energy and support moving forward. It’s time for the council of Timnath to decide if Timnath wants to merely be a bedroom community to Fort Collins or if it would like to stand on its own and offer its residents a unique experience and lifestyle that depends on small, independently owned businesses.

I hope that our future as a community of chain independent businesses is bright,

Megan Barz Fine & Funky

- It has come to my attention that the Town Council may discuss golf carts and electric child ride on cars. I would support a change in the law to allow such items. I believe there could be safety precautions or rules in place that could allow the operation of such "vehicles ". I reside in Timnath Ranch and would support a change. Thank you

Have a great day!
Lori Frost Moore
970-231-5801

- Good morning. After reviewing the Town of Timnath Council Meeting Packet, I would like to go on record in support of the Business Relief Program. It is important that the council and then staff recognize that the effects of Covid on local businesses will likely extend beyond any available government funding. For Timnath Beerwerks, re-opening at partial capacity, especially if delivery options are
removed or reduced, will certainly affect our bottom line. Supporting local business is a win win. Thank you for your consideration.

Sincerely,
Val Miller
General Manager
Timnath Beerwerks

Dear Town Council, Town Manager, and Town Attorney
I wish to make a public comment on the record for the Town Council meeting of 12 May 2020. I believe that our Mayor Mark Soukup has a conflict of interest regarding the check register items related to the services of TST Inc. totaling over $150,000. According to the Timnath Town Charter Section 2.9 Conflict of Interest: "Neither the Mayor nor any member of the Council shall vote or participate in discussion or deliberation on any question in which he or she has a substantial personal or financial interest, direct or indirect, including an interest held through a spouse or family member." My understanding is that Soukup and Associates along with Mark Soukup has for many years performed tax services/filings on behalf of TST Inc. While Mark is no longer a partner or has ownership in Soukup and Associates, his son Dan Soukop is a shareholder in Soukop, Bush and Associates and they continue to provide services for TST Inc. I believe that the financial relationship between Soukup, Bush and Associates and TST Inc. and the immediate family relationship between Mark and Dan constitute a conflict of interest according to the town charter.

Given the conflict of interest I believe Mayor Mark Soukup should recuse himself from approving the consent agenda check register items related to TST Inc. In the future, I do hope that Mayor Soukup is proactive in identifying any potential conflicts of interest so they can be appropriately vetted.

Sincerely,
William M. Jenkins, Ph.D.
5507 Sugar Loaf Court
Timnath, CO 80547

4 CONSENT AGENDA
a) Approval of the April 28, 2020, Town Council Meeting Minutes
b) May 12, 2020 Check Register

Mayor Pro Tem Rick Collins made a motion to approve the consent agenda. Councilmember Brett Hansen seconded the motion. CARRIED. Mayor Mark Soukup abstained.

5 REPORTS
a) Mayor and Council Reports
   • Mayor Soukup thanked Town staff and spoke about the agenda including community involvement.
   • Mayor Pro Tem Rick Collins spoke regarding COVID-19 recovery being
created by Larimer County and hopes that the Town can be a part of that.

- Councilmember Pearson spoke about NoCo Strong and the information provided in his written report regarding the Small Business Relief Program.

- Council discussed their concerns, funds availability, State and County funding options and community involvement in a local small business relief program. They also discussed needing an efficient and effective process, the amount to be offered and shared by local businesses, necessary timeline and the approval process.

- Council further discussed expiration of PPP funding, the need to move swiftly, committee options and the criteria grant approval.

- Council directed staff to bring back a resolution to Council on May 26th for possible approval to move forward.

**b) Timnath Fireworks Ordinance**

- Chief Jones spoke to Council about fireworks, the Town’s ordinance and the policies of surrounding communities. He also spoke about what is allowed by the State.

- Council stated that they would be in support of following State law and directed staff to bring forward an ordinance to change the Town code.

- Mayor Soukup asked Chief Jones to address the issue of golf carts and low speed electric vehicles. Chief Jones spoke about possible things to consider regarding the use of such vehicles.

- Council asked staff to bring additional information to Council on May 26th and that further action come to Council on June 9th.

**6 BUSINESS**

**a) RESOLUTION NO. 36, SERIES 2020, A Resolution Approving the Construction Phase of the Three Bell Parkway Railroad Crossing Improvements**

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

- Mayor Pro Tem Collins asked for clarification on the recommended motion and Mr. Taranto stated that the correct amount and staff stated that the resolution would be changed

- Councilmember Pearson thanked staff for getting this process moving forward and applauded their persistence with the railroad.
Mayor Pro Tem Rick Collins made a motion to approve RESOLUTION NO. 36, SERIES 2020, A Resolution Approving the Construction Phase of the Three Bell Parkway Railroad Crossing Improvements. Councilmember Aaron Pearson seconded the motion. CARRIED. unanimously.

7 DISCUSSION AND FUTURE AGENDA ITEMS

a) Gateway Center Traffic Mitigation Discussion

- Mr. Taranto spoke to Council about the Gateway Center traffic mitigation options. He spoke about working with the business to achieve an appropriate solution to the issue. He spoke about the transfer of right of way which would require more involvement by the Town.

- Council discussed the total amount needed for the project, Town costs would be offset by the surrounding businesses and directed staff to move forward with negotiations.

b) Communication and Events Discussion

- Ms. Newcomer spoke to Council about the communication plan, budget, events and provided a presentation.

- Council discussed the 4th of July fireworks display and options. They decided to keep the 4th of July display as is and allow for people the ability to drive-up and view from vehicles.

- Council discussed public gatherings and chose to cancel the July concert series. They also discussed the citizen survey, the RFP process, electronic survey verses paper and the proposed budget.

c) Council Meeting Broadcast Update

- Mr. Williamson spoke to Council about possible options regarding the broadcasting of council meetings.

- Council discussed the 3 options provided, considered the Town’s needs, the quality of audio, the addition of equipment, software and staff. They discussed upgrade abilities, cost of the options and individual Councilmember preferences.

- Mr. Williamson agreed to start with scenario 1.

d) Discussion of Remote or Virtual Neighborhood Meetings

- Mr. Blakely spoke about possible requirements for virtual neighborhood meetings regarding development projects.
• Mayor Soukup asked if the virtual meetings allow for real time feedback during the meeting and Mr. Blakely spoke about having the developer solicit comments and questions prior to the meeting or the possibility of other options.

e) Update/Discussion of Committee Template

• Council discussed the form presented, the ability for online use of the form, committee details, specific criteria and the appointment process.

8 ADJOURNMENT 8:42 P.M.

DocuSign Envelope ID: F321D16F-D1C6-404D-9E5E-968D11E42BFA