MINUTES
Timnath Town Council
Meeting
6:00 PM - Tuesday, June 9, 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 Ashley Lauwereins (all attended via Virtual access)

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

2 AMENDMENTS TO THE AGENDA

3 PUBLIC COMMENT
The June 9th meeting of the Timnath Town Council will be held virtually. The Town welcomes members of the public to access this meeting online at https://timnath.org/council-live-stream/.

Members of the public who wish to speak directly to the Council during the Public Comment portion of the meeting should submit a request to publiccomment@timnathgov.com. Please include your contact information and staff will schedule a live video conferencing connection with Council during the meeting. These requests must be submitted no later than 5:00 p.m. on June 9th.

Members of the public may also submit written statements no later than 5:00 p.m. on June 9th to publiccomment@timnathgov.com for Council to review. Emailed comments will be included in the official Town Council meeting minutes, but will not be read aloud during the meeting.

   a) Public comments received June 2, 2020 through June 4, 2020, @4:00 p.m.
   b) Public comments received June 4, 2020, through June 8, 2020, at 4:45 p.m.
   c) Public comments received June 8, 2020 through June 9, 2020, at 11:00 a.m.

4 CONSENT AGENDA-PAYABLES
   a) Approval of the Check Register

Mayor Pro Tem Rick Collins made a motion to approve the consent agenda-
payables. Councilmember Aaron Pearson seconded the motion. Mayor Mark Soukup abstained. CARRIED. 4-0.

5 CONSENT AGENDA-OTHER
The intent of the consent agenda is to approve standard or reoccurring items that do not fall under the above consent agenda(s).

a) Approval of the May 26, 2020, Town Council Meeting Minutes

b) RESOLUTION NO. 41, SERIES 2020, A Resolution Approving the Expenditure of the Annual Road Maintenance Program Budget

Mayor Pro Tem Rick Collins made a motion to approve the consent agenda-others. Councilmember Aaron Pearson seconded the motion. CARRIED. unanimously.

6 REPORTS

a) Mayor Soukup Report
   Committee Appointment Follow-Up
   • Mayor Soukup spoke about responding to public comments through the website and not through social media sites.
   • Mayor Soukup spoke about the Timnath Foundation financial status and the dissolution of the Timnath Foundation.
   • Mayor Soukup spoke about the ad Hoc Metro District and Finance Committee applications
   • Councilmember Hansen spoke about the June 11, 2020, Metro District 101 meeting at 6:00 p.m.
   • Mayor Soukup spoke about the upcoming presentation of the Parks, Open Space and Reservoir committee.
   • Mayor Soukup had Chief Jones speak about "8 Can't Wait". Chief Jones addressed "8 Can't Wait" and the police department policies regarding de-escalation and crisis intervention.

b) Councilmember Hansen Report
   • Councilmember Hansen spoke about his report that was included in the packet.
   • Council discussed the reservoir use, the coming Parks, Open Space and Reservoir committee and possible interim solutions. Town Manager LaVanchy explained limitations and addressing the comments for the interim solution.

c) Councilmember Pearson Report
   • Councilmember Pearson spoke about the Small Business Grant programs, the number of applicants and the range of grant amounts.

d) Police Station Site Criteria Update
   Included in the packet.
7 BUSINESS

a) ORDINANCE NO. 5, SERIES 2020, PUBLIC HEARING, An Ordinance Amending Chapter 7, Article 6 of the Timnath Municipal Code and Further Amending the Amended 2018 International Fire Code Regarding the Use of Permissible Fireworks Previously Adopted by Reference ("Ordinance")

- Chief Jones spoke to Council about the proposed ordinance.
- Councilmember Hansen spoke about specific firework prohibitions while allowing other firework types.

Mayor Soukup opened the public hearing at 6:32 p.m.
- Poudre Fire Authority Chief DeMint spoke to Council about enforcement and consideration of pets and Veterans in the area as well as the fire danger. He also spoke about supporting the Town, their decision and continuing to partner with the Town.

Mayor Soukup closed the public hearing at 6:39 p.m.

Councilmember Brett Hansen made a motion to approve ORDINANCE NO. 5, SERIES 2020, PUBLIC HEARING, An Ordinance Amending Chapter 7, Article 6 of the Timnath Municipal Code and Further Amending the Amended 2018 International Fire Code Regarding the Use of Permissible Fireworks Previously Adopted by Reference with the following amendments:

prohibitions on the following within section 1c:

3) wheels (these are wheels meant to be nailed to a tree and then will spin when they are lit)
7i) Explosive Auto Alarms (These are devices meant to make a loud enough noise that they can set off car alarms)
7iii AND 7iv) Cigarette loads and strike-on-box-matches (I was told these are actually prohibited by federal law, you can probably get them on tribal properties...)
8) Snake and glow worm pressed pellets (These can leave a persistent residue on both sidewalks and streets)
9) Fireworks used for testing or research by licensed explosives facilities (I don't think Timnath needs to be a fireworks testing ground). Mayor Pro Tem Rick Collins seconded the motion. CARRIED. unanimously.

b) ORDINANCE NO 6, SERIES 2020, PUBLIC HEARING, An Ordinance Amending the Parking Regulations in Chapter 8 Article 2 of the Timnath Municipal Code ("Ordinance")

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

Mayor Soukup opened the public hearing at 6:43 p.m.
- NO COMMENTS

Mayor Soukup closed the public hearing at 6:43 p.m.
Mayor Pro Tem Rick Collins made a motion to approve ORDINANCE NO 6, SERIES 2020, PUBLIC HEARING, An Ordinance Amending the Parking Regulations in Chapter 8 Article 2 of the Timnath Municipal Code. Councilmember Lisa Laake seconded the motion. CARRIED. unanimously.

c) ORDINANCE NO. 7, SERIES 2020, PUBLIC HEARING, An Ordinance Amending Chapter 7, Article 9 of the Timnath Municipal Code Regarding Pet Licensing (“Ordinance”)

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

Mayor Soukup opened the public hearing at 6:45 p.m.
- NO COMMENTS
Mayor Soukup closed the public hearing at 6:45 p.m.

Mayor Pro Tem Rick Collins made a motion to approve ORDINANCE NO. 7, SERIES 2020, PUBLIC HEARING, An Ordinance Amending Chapter 7, Article 9 of the Timnath Municipal Code Regarding Pet Licensing. Councilmember Aaron Pearson seconded the motion. CARRIED. unanimously.

d) ORDINANCE NO. 8, SERIES 2020, PUBLIC HEARING, An Ordinance Amending Chapter 6, Article 2 of the Timnath Municipal Code Regarding Mandatory Alcohol Compliance Training and Regulations for Outdoor Consumption Areas (“Ordinance”)

- Mr. Rogers spoke to Council about the proposed ordinance.
- Councilmember Lake asked about the training and compliance of current establishments. Mr. Rogers stated that there are suggested trainings by the State and that one establishment did have a barrier that was slightly lower than the suggested 36" barrier height.

Mayor Soukup opened the public hearing at 6:52 p.m.
- NO COMMENTS
Mayor Soukup closed the public hearing at 6:52 p.m.

- Councilmember Pearson asked that the barrier height be amended.
- Councilmember Lake asked about the effect on local special events and Town Clerk Ms. Peters-Garcia and Mr. Rogers explained the minimal effect of the barrier requirement for local events.

Councilmember Aaron Pearson made a motion to approve ORDINANCE NO. 8, SERIES 2020, PUBLIC HEARING, An Ordinance Amending Chapter 6, Article 2 of the Timnath Municipal Code Regarding Mandatory Alcohol Compliance Training and Regulations for Outdoor Consumption Areas with the amendment to the barrier height to 30". Mayor Pro Tem Rick Collins seconded the motion. CARRIED. unanimously.
TABLED BY APPLICANT FOR A FUTURE DATE TO BE DETERMINED - RESOLUTION NO. 42, SERIES 2020, A Resolution Approving Town Council Waivers to The Learning Experience Site Plan

EXECUTIVE SESSION for §24-6-402(4)(b), C.R.S., Conferences with attorney for the purposes of receiving legal advice on specific legal questions regarding a potential agreement.

Council went into executive session at 7:00 p.m.

Councilmember Aaron Pearson made a motion to enter into executive session for §24-6-402(4)(b), C.R.S., Conferences with attorney for the purposes of receiving legal advice on specific legal questions regarding a potential agreement. Mayor Pro Tem Rick Collins seconded the motion. CARRIED. unanimously.

Mayor Pro Tem Rick Collins made a motion Council reconvened regular session at 7:30 p.m. Councilmember Aaron Pearson seconded the motion. CARRIED. unanimously.

8 ADJOURNMENT 7:34 P.M.

PUBLIC COMMENTS ATTACHED HERETO:

[Signatures]
Mayor
Town Clerk
Subject: Timnath Reservoir Boating
Date: Tuesday, June 9, 2020 at 11:39:40 AM Mountain Daylight Time
From: Phil Fell
To: Public Comment, Brett Hansen, Lisa Laake, Aaron Pearson, Rick Collins, Mark Soukup
Category: Yellow category

It has come to our attention that the council is considering changes to boating rules/hours on Timnath Reservoir. Most notably expanding hours and days for speed boats.

We would not be in favor of this change without further discussion and if necessary rules that are enforced to ensure current policy is followed. While most boaters follow rules there are always a few that do not, i.e. going at high speed next to the shore line, staying past closing hours, proper signage when pulling skiers, being mindful of kayaks, flat boards, canoes, etc.

Additionally other users, fisherman, kayaks/canoes/flat boards, wildlife enthusiasts and hikers should have an opportunity to voice their opinion. There needs to be a balance that accommodates all users.

Thank you for considering our information.

Phillip & JuneEllen Feil
Wildwing
To the Town Council; Mark Soukup Mayor

This email is written for the purposes of public comment into the June 9th, 2020 regular meeting of the Town Council of the Town of Timnath with the expectation that its contents will become a part of the permanent record of that meeting in accordance with the practices and rules of the Town of Timnath.

I am a resident of Fort Collins, CO. I am the parent of two children, 5 and 7. My youngest will be enrolled in kindergarten and my oldest will enter third grade in the fall. Like all other parents in PSD, I am not sure what school will look like next August, but there is no question that the budget of the Poudre School District will not be the same as it has been in previous years. Regretably, the reductions that will be necessary will be on-going and not just limited to a single academic year.

Because I am a volunteer and parent organization leader in my children's school, I was asked to participate in a recent presentation and discussion that covered major aspects of finances of PSD. I reviewed the web site that was prepared and watched the video that included a tour through Timnath. As a professional financial analyst, I found many reasons to dig deeper into the subject matter after the preliminary discussion, particularly those financial details associated with Timnath.

What I have found, if true, is shocking. I am sending this directly to you with a request that the allegations made in the discussion regarding Timnath be confirmed or denied with an explanation.

- 15 years ago, the Town of Timnath elected to declare a large swath of land including thousands of acres of agricultural land as “urban blight” in order to make use of a state law that was created for the purposes of remediating slum and blight conditions.
- Over the past 15 years, property within the Town of Timnath has contributed next to nothing in property taxes to support the Poudre School District.
- Although property owners in the Town of Timnath pay taxes levied by PSD, over 85% of the tax revenue generated never goes to PSD, but is, instead, diverted to a puppet agency operated by the Town of Timnath with most of these funds transferred to the Town.
- The revenue attributable to PSD levies in the current tax year that ends up in Timnath’s coffers will amount to over $4 million.
- The revenue diverted to Timnath to date has been used exclusively for general municipal infrastructure. Timnath was never plagued by anything resembling slum and blight conditions and consequently never had need of slum and blight remediation.
- The revenue diverted to date has provided a significant subsidy towards the development of residential housing in Timnath, which has created the need for additional school facilities.
- As discussed above, Timnath provides next to nothing in terms of financial support for the construction of the new school facilities including a High School/Middle School east of I-25.
- Also as discussed above, Timnath provides next to nothing in terms of financial support through the 2016 MLO to provide additional funding for the operation of the “High School/Middle School in Timnath”. (Which is actually in Fort Collins.)
- To add insult to injury, Timnath actually gleaned a tax revenue increase when the voters elected to pass the 2016 MLO and 2016 bond issue and also the 2019 MLO.
In other words, it appears Timnath has cheated the system and is relying upon property owners in the remainder of the school district to build schools that are now necessary, in part, because Timnath used PSD tax revenue to subsidize residential construction. If this is true, it would have been objectionable and injurious in the best of times. As I inferred when I began this letter, these are not the best of times. In our school, there is absolutely no understanding how anything resembling minimal amounts of instruction will happen in the absence of Federal aid from Congress, which might not happen. And yet there are tens of millions of dollars being expended to build a school primarily for the use of a community that has been cheating the system to its own advantage and the injury of everyone else for over a decade?

The total effect of Timnath’s abuses of urban renewal law on the resources available for the instruction of my children and their classmates is hard to pin down. The presenters did a good job of explaining how diversions to Timnath are backfilled by local and state taxpayers. The one certainty that appears to be true is that the negative effect of Timnath’s abuses are magnified by the current crisis.

I believe it is incumbent upon your municipality, through its elected officials, to respond to this message and provide some justification, if any there be, why this situation is acceptable.

Karen Geisman
karengeisman@gmail.com

Fort Collins, CO
Good afternoon,

I want to express my concern about increasing days, and increasing the quantity of motorized boats at the same time on the reservoir. The board has to take into consideration that the reservoir is for the use of all Timnath residents who have different interests on how to use it. As some residents like motorized boats, others like the tranquility of walking around the reservoir, fishing, bird watching, kayaking, and paddle boarding without being surrounded by the agitation of motorized boats. Every Timnath resident should have the right to kayak or paddle board on the reservoir and feel safe, not having to watch for motorized boats going around them. It is currently possible to do this Monday through Wednesday, and 2 Sundays per month. The residents who like motorized boats have Thursday through Saturday, 2 or 3 Sundays per month, and some holidays. This is fair for all residents.

We also must remember that all current residents purchased their house in Timnath knowing the reservoir use and its limitations. I wish the board would honor this and not forget why all residents decided to make Timnath their hometown. We are a quaint town, not a recreational area like Steamboat or Breckenridge.

We bought our lakefront lot in Wildwing in 2012. Back then there was no boating on the reservoir, and the reservoir was a hot spot for bird watching. This is why we came here. Since then we have already seen a decline in the number of birds and an increase in the temerity of the boaters, who consistently ride their vehicles too close to the shorelines.

Despite these drawbacks, I feel the present use of the reservoir is a good compromise for everybody. Boaters have their time, and those of us who prefer paddle boarding or kayaking can still enjoy some quiet time without the waves and noise generated by the boaters.

Thank you for taking in consideration my point of view, and keep in mind the identity and vision of Timnath.

Linda Goulet
Subject: DEAD TREES on TIMNATH RESERVOIR
Date: Tuesday, June 9, 2020 at 3:18:40 PM Mountain Daylight Time
From: Lana Pink
To: Public Comment
Category: Yellow category

Timmath Reservoir is a valued asset for the Town. Many residents use the water regularly and I believe that use has increased already this season.

I notice several large dead trees along the southern shoreline of the Reservoir. Does the Town intend to remove these trees? What are the maintenance duties the Town regularly provides along the shoreline?

Lana Pink
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