



**MINUTES TOWN OF PARACHUTE
BOARD OF TRUSTEES REGULAR MEETING
AUGUST 20, 2015**

MEETING CALLED TO ORDER BY MAYOR McCLUNG AT 6:33 P.M.

(A) ROLL CALL:

TRUSTEES PRESENT: **JOHN LOSCHKE
DANIEL MANZANARES
TIM OLK
TOM RUGAARD
JUANITA WILLIAMS**

TRUSTEES ABSENT: **NONE**

STAFF PRESENT: **TOWN MANAGER, Stuart McArthur
TOWN CLERK, Denise Chiaretta
POLICE CHIEF, Cary Parmenter
PUBLIC WORKS DIRECTOR, Mark King**

AUDIENCE/PUBLIC ATTENDANCE LIST ATTACHED

(B) PLEDGE OF ALLEGIANCE

(C) APPROVE AGENDA:

Town Manager McArthur stated that he would like to move Item "S" up to follow Item "N."

MOTION NO. 1:

Moved and seconded by Trustees Manzanares / Loschke to approve the agenda with the change of moving Item "S" to follow item "N."

Motion Passed Unanimously

(D) CONSENT AGENDA:

- (1) MINUTES FROM THE JULY 16, 2015, REGULAR MEETING
- (2) EXPENDITURES PAID IN JULY 2015

MOTION NO. 2:

Moved and seconded by Trustees Loschke / Olk to approve the Consent Agenda that includes the July 16, 2015, Minutes and the July 2015 Expenditures

Motion Passed Unanimously

(E) COMMENTS FROM CITIZENS REGARDING ITEMS NOT ON THE AGENDA

Pamela Jarrett of 184 South 2nd Court stated that she believes that the Board of Trustees and Town staff should have done more than just put on the back of the utility cards that the Town was considering approving an ordinance allowing retail marijuana establishments in Town.

Ms. Jarrett believes that this should have gone to a vote of the people and she is working towards that goal.

Bryce Minter of 406 Yarrow Circle also spoke about the citizens of Parachute making the decision on having retail marijuana in the Town of Parachute.

Dr. Kevin Colman of 101 Monument Ridge Road Battlement Mesa spoke about how marijuana effects the growth of young children’s learning ability. He spoke about studies that show how marijuana effects young children and leads to using hard drugs.

Ron Jarrett of 184 South 2nd Court also spoke about the Town’s Charter stating the citizens believe that the government of Parachute exists to serve the people of the Town of Parachute, and it has been working well in the past, but now with financial times being bad, it seems like a good idea to have retail marijuana as he feels that it will not help the economy and he believes that the Board of Trustees should let the people vote now and not put it off for another year.

(F) DEPARTMENTAL REPORTS:

- (1) Mayor and Board of Trustees..... Mayor and Trustees
Trustee Williams stated that Neighborhood Watch was having a BBQ in Tells Meadows on the 29th of August at 5:00 p.m.
Trustee Rugaard stated that he would try to make the next Garfield Energy Advisor Board meeting
Trustee Olk stated that his wife works in real estate and there has been a great interest in empty commercial buildings in Parachute.
- (2) Town Manager Monthly Update Stuart McArthur, Town Manager
Town Manager McArthur gave an over view of sales tax revenue and stating he is working on budget right now.
Town Manager McArthur informed the Board that he and Community Development Specialist Wingfield have been busy communicating with businesses wanting to come into Town and it is all contingent on the Marijuana retail business coming to Town.
- (3) Police Department Monthly Update..... Cary Parmenter, Police Chief
Chief Parmenter stated that it was nice to get out in the community with National Night Out and Grand Valley Days and both events went well.
- (4) Public Works Monthly Update..... Mark King, Director of Public Works
Public Works Director stated that sewer line cleaning has been started this week and yesterday it came to a halt due some slug in the line which at first was thought to be oil, it was taken to Battlement Mesa Sewer Plant to be analyzed. It is not oil it is organic and slug from the car wash, the line is almost plugged it will have to be cleaned out and hauled to South Canyon

(G) BOARD CONSIDERATION OF A HOTEL LIQUOR LICENSE RENEWAL APPLICATION

APPLICANT: DIANA LAWRENCE-TOMPKINS AND MELISSA JOHNSON
DBA MAMA'S RESTAURANT

ADDRESS: 103 E First Street
Parachute, CO 81635

Mayor McClung asked Town Clerk Chiaretta if the application was in order and the fees were paid.

Town Clerk Chiaretta stated the yes the application was in order and fees were paid.

Mayor McClung asked Police Chief Parmenter if there had been any problems at the restaurant.

Police Chief Parmenter stated there had been none.

MOTION NO. 3:

Moved and seconded by Loschke/ Williams to renew the Hotel Restaurant Liquor License for Diana Lawrence Tompkins and Melissa Johnson D.B.A. Mama's Restaurant

Motion Passed with Trustees Loschke, Williams, Olk and Manzanares voting yes and Trustee Rugaard voting no.

(H) PUBLIC HEARING BEFORE THE TOWN OF PARACHUTE BOARD OF TRUSTEES IN CONSIDERATION OF A DEVELOPMENT REVIEW APPLICATION FROM URSA OPERATING COMPANY INC.

APPLICANT/OWNER: Ursa Operating Company Inc.
1050 17th Street, Suite 2400
Denver, CO 80265

792 Buckhorn Drive
Rifle, CO 81650

PROJECT NAME: Application for watershed permit for a 16" gas pipeline and a 10" waterline

PROJECT LOCATION: Running from current Tompkins pad location in Section 5, South/West to the Summit MS connection point in Section 16.

LEGAL DESCRIPTIONS: Township 7 South, Range 95 West Sections 5, 8, 9, 16, and 17 involving a 16" gas pipeline and 10" water pipeline running from the current Tompkins pad in Section 5 south/west to Summit MS connection point in Section 16

Mayor McClung called the Public Hearing called to order at 7:29

Jim Neu asked Ursa Operating Company to come forward and make their presentation to the Board

Robert Lyle and Jason Raley from Ursa Operating Company gave a brief overview of their plan.

All of their operations are in Colorado and they have approximately eighty pads and three hundred wells.

They submitted a request for a watershed permit from the Town approximately a year ago for the Tompkins pad

which is across the river. They invested an extra \$100,000 above what was needed on that pad.

Now they are applying for a watershed Permit for the Tompkins Lateral Pipeline / Monument Ridge B Well Pad.

There was general discussion about a performance bond and what extra precautions needed to be taken due to the location of the well pad and what would be done to reduce the footprint when the drilling was complete.

Town Attorney Neu then explained to the Board that the reason this application has come before the Board was due to the Town's watershed ordinance even though this is in unincorporated county. Noise, light etc. are not a concern on this application. Only the potential of contamination of the Town's water supply are of concern. Town Attorney Neu introduced Michael Erion, PE with Resource Engineering Inc.

Mr. Erion stated that he has reviewed the Watershed District Permit Application at the request of the Town of Parachute.

Mr. Erion reviewed the Application within the requirements of the Town's Ordinance and he recommended approval of the Watershed District Permit with the following conditions.

RECOMMENDATION

In accordance with Section 9.15.05(B)5., RESOURCE recommends approval of the Watershed District Permit with the following conditions.

1. The permit approves construction of the Tompkins Lateral 16 inch gas pipeline and 10 inch produced water pipeline, as outlined in the application submittal and the detailed design drawings contained therein.
2. The Applicant shall line the pipeline trench within the Town's spring area watershed to prevent any leaks from reaching the ground water.
3. The permit approves construction of the Monument Ridge B Well Pad and construction of up to 18 gas wells. The Applicant shall provide written notice to the Town of such well construction at least 15 days prior to construction. The Town shall approve or forward to the Board of Trustees within 15 days.
4. The Applicant shall provide the Town at least 30 days' notice prior to construction of the pipelines (such notice has already been provided for the pipeline assuming approval of the permit). The project shall be subject to inspections during construction by Town staff and/or its consultants. Post construction inspections will be made biannually, or more frequently if needed), until all permanent mitigation measures (revegetation, grass berms/swales, etc.) are deemed complete by the Town. The Applicant shall be responsible for all costs associated with such inspections.
5. The Applicant shall comply with all provisions of its State and County permits.
6. The Applicant shall comply with all provisions of its Spill Prevention Control and Countermeasure Plan, Storm Water Management Plan, Emergency Response Plan, weed Management Plan, Reclamation and Revegetation Plan, and Engineering Standards, developed for each site or facility.
7. All applicable conditions of approval associated with the Tompkins Well Pad are included herein by reference.
8. A bond for the benefit of the Town in a form approved by the Town, should be in place to cover any clean up, restoration, or other conditions that may present a potential hazard to the Town's water facilities and water supply.

The bond should cover all existing facilities within the Town's Watershed Districts. RESOURCE recommends \$100,000 for every 8 well pads or fraction thereof located within the Watershed District plus a \$25,000 bond for the pipeline. The pipeline bond will be released upon completion of construction and establishment of revegetation at 80 percent cover as determined by the Town.

There was general discussion regarding the conditions Mr. Erion presented.

URSA had a problem with item number 2 regarding lining the pipeline trench within the Town's spring area watershed to prevent any leaks from reaching the ground water.

Mr. Lyle stated that there hundreds of miles of pipelines that are in not only Parachutes watershed but in other towns also and lining the trench is not practical and if it ever needed to be repaired they would have to put bentonite at that time, it is a short line and there are no valves he sees no need for a lining.

Trustee Loschke asked what the footage amount that is being talked about is.

Mr. Erion replied that it is approximately fifty (50) feet or less at the end of the bore on the road side of the pad where it comes onto the well pad it is lined and as it is the water line it will only be used about thirty (30) days a year.

Town Attorney Neu stated that the bond was to make sure URSA carried out all of the conditions of the permit and if URSA comes back to do another a third well pad this bond would be carried over when the permit is issued for a third pad.

Mayor McClung asked if there were any members of the public that would like to speak.

Travis Sproles of 159 South 2nd Court asked about the monitors on the well.

Ursa replied that ALS does professional testing on the wells.

Mayor McClung closed the Public Hearing at 8:15 p.m.

Mayor McClung stated if the Board had any comments.

There being none Mayor McClung asked for a motion.

MOTION NO.4

Moved and seconded by trustees Loschke / Rugaard to approve the water shed permit with the removal of condition no. 2.

Motion passed unanimously

Mayor McClung called for a 10 minute recess at 8:15 p.m.

At 8:25 Mayor McClung reconvened the meeting.

(I) PUBLIC HEARING BEFORE THE TOWN OF PARACHUTE BOARD OF TRUSTEES IN CONSIDERATION OF A DEVELOPMENT REVIEW APPLICATION FROM THE TOWN OF PARACHUTE

APPLICANT/OWNER:

Town of Parachute

222 Grand Valley Way
Parachute, CO 81635

PROJECT NAME: Revisions to its Municipal Code: Title 15 (Town of Parachute Land Use Regulations), Article 4 subdivision and more specifically, those sections pertaining to minor sub-divisions.

PROJECT LOCATION: N/A

LEGAL DESCRIPTIONS: N/A

Town Manager McArthur asked that this be continued until the September 17, 2015 meeting.

MOTION NO. 5:

Moved and Seconded by Trustees Loschke / Rugaard to Continue the Public Hearing to the September, 2015 meeting as requested by staff.

Motion passed unanimously

(J) BOARD CONSIDERATION AND APPROVAL OF ORDINANCE NO: 685

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING TITLE 15 OF THE PARACHUTE MUNICIPAL CODE REGARDING MINOR SUBDIVISIONS AND LAND USE APPLICATION TIMELINES.

Tied to Item I Continued to September 17, 2015.

(K) CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF PARACHUTE AND RESOURCE ENGINEERING INC. TO PROVIDE PROFESSIONAL SERVICES FOR CIVIL ENGINEERING, WATER RIGHTS, WATER RESOURCE MANAGEMENT, WATER SUPPLY PLANNING, AND REGULATORY REVIEW AND APPROVE MAYOR TO SIGN

Town Manager McArthur stated that the Board had already been introduced to Mr. Erion. It became evident with the last application that the Town needs a water engineer and even Mr. Austin stated he is not a water engineer.

Mr. Erion informed the Board that he is a registered professional engineer, civil engineer degree and mostly works with water rights and water resources have been consulting with Garfield County for seven years on water shed permits and regulatory review and has also been working with companies in this area for twelve years.

MOTION NO. 6:

Moved and Seconded by Trustees Loschke / Rugaard to enter into a Professional Services Agreement with Resource Engineering Inc. and approve Mayor to sign the same.

Motion Passed Unanimously

(L) BOARD CONSIDERATION AND APPROVAL OF ORDINANCE NO: 686

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ADOPTING A NEW CHAPTER 6.12 TO TITLE 6 OF THE PARACHUTE MUNICIPAL CODE TO GOVERN THE LICENSING, ADMINISTRATION, AND REGULATION OF ALCOHOL AND LIQUOR RELATED BUSINESSES.

Town Manager McArthur stated that currently the Town has no code or guide lines for liquor licensing. We currently use the State statutes.

This will allow the Town to issue special events permits without going before the Board.

MOTION NO. 7:

Moved and Seconded by Trustees Loschke / Olk to approve Ordinance NO 686

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ADOPTING A NEW CHAPTER 6.12 TO TITLE 6 OF THE PARACHUTE MUNICIPAL CODE TO GOVERN THE LICENSING, ADMINISTRATION, AND REGULATION OF ALCOHOL AND LIQUOR RELATED BUSINESSES.

Motion passed unanimously

- (M) BOARD CONSIDERATION OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PARACHUTE AND GARFIELD COUNTY CLERK AND RECORDER TO PARTICIPATE IN A COORDINATED ELECTION WITH THE COUNTY IN NOVEMBER AND APPROVE THE MAYOR TO SIGN.**

MOTION NO.8:

Moved and seconded by Williams/ Loschke to enter into the IGA with Garfield County

Motion Passed unanimously

- (N) BOARD CONSIDERATION AND APPROVAL OF ORDINANCE NO: 687**

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO TO ENACT AN EXCISE TAX ON UNPROCESSED RETAIL MARIJUANA WHEN IT IS FIRST SOLD OR TRANSFERRED BY A RETAIL MARIJUANA CULTIVATION FACILITY, TO USE THE FUNDS FROM SUCH TAXES TO FUND THE TOWN'S GENERAL OPERATIONS, AND TO SUBMIT THIS ORDINANCE FOR APPROVAL OF THE REGISTERED VOTERS OF THE TOWN OF PARACHUTE AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2015.

Town Manager McArthur stated that entering into the IGA allows the Town to have this question on the ballot in the November election following the Board's direction last month to move forward with an excise tax on unprocessed retail marijuana when it is first sold or transferred by a retail marijuana cultivation facility.

MOTION NO. 9:

Moved and Seconded by Trustees Williams / Loschke to Approve Ordinance NO: 687

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO TO ENACT AN EXCISE TAX ON UNPROCESSED RETAIL MARIJUANA WHEN IT IS FIRST SOLD OR TRANSFERRED BY A RETAIL MARIJUANA CULTIVATION FACILITY, TO USE THE FUNDS FROM SUCH TAXES TO FUND THE TOWN'S GENERAL OPERATIONS, AND TO SUBMIT THIS ORDINANCE FOR APPROVAL OF THE REGISTERED VOTERS OF THE TOWN OF PARACHUTE AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2015.

Motion Passed unanimously

- (S) BOARD CONSIDERATION OF SETTLEMENT AGREEMENT BETWEEN THE TOWN OF PARACHUTE AND TELL'S MEADOW HOMEOWNERS ASSOCIATION, INC. AND ENERGY**

RESOURCES TECHNOLOGY LAND, INC. REGARDING THE ACCEPTANCE OF OWNERSHIP OF THE PUBLIC IMPROVEMENTS RELATED TO YARROW CIRCLE AND WILDROSE LANE AND APPROVE THE MAYOR TO SIGN

Town Manager McArthur gave a brief overview of the history of the streets in the Tells Meadow subdivision. Wildrose Lane and Yarrow Circle were never dedicated to the Town as they were considered internal streets to the development, the homeowners association has asked the Town to take over these streets and this is the settlement that was agreed upon, we will accept these streets with a quick claim deed and then the Town will have the legal right to decide on the use of the streets.

MOTION NO: 10:

Moved and seconded by Trustees Rugaard / Olk to accept the agreement and approve the Mayor to sign.

Motion Passed unanimously.

Town Manager McArthur explained to the Board that the following three resolution were in support of grant applications and asked Town Attorney Neu if the Board could make one motion to cover all three.

Town Attorney Neu stated that they could and in the future they could be put on the consent agenda.

(O) BOARD CONSIDERATION AND APPROVAL OF RESOLUTION NO: 2015-17

RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A GRANT FROM THE COLORADO STATE DEPARTMENT OF LOCAL AFFAIRS FOR THE HISTORIC DOWNTOWN PARACHUTE FIRST STREET IMPROVEMENT PROJECT

MOTION NO. 11:

Moved and Seconded by Trustees Loschke / Williams to adopt Resolutions NO.2015-17, NO. 2015-18 and NO. 2015-19

NO. 2015-17

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A GRANT FROM THE COLORADO STATE DEPARTMENT OF LOCAL AFFAIRS FOR THE HISTORIC DOWNTOWN PARACHUTE FIRST STREET IMPROVEMENT PROJECT

NO. 2015-18

RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A GRANT FROM THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE HISTORIC DOWNTOWN PARACHUTE FIRST STREET IMPROVEMENT PROJECT

NO. 2015-19

RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A GRANT FROM THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE UTILITY LINE MOVEMENT ON FIRST STREET PROJECT

(P) BOARD CONSIDERATION AND APPROVAL OF RESOLUTION NO: 2015-18

RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A GRANT FROM THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE HISTORIC DOWNTOWN PARACHUTE FIRST STREET IMPROVEMENT PROJECT

(Q) BOARD CONSIDERATION AND APPROVAL OF RESOLUTION NO: 2015-19

RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A GRANT FROM THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE UTILITY LINE MOVEMENT ON FIRST STREET PROJECT

Motion Passed unanimously.

(R) BOARD CONSIDERATION OF GRANT AGREEMENT WITH THE COLORADO STATE DEPARTMENT OF LOCAL AFFAIRS FOR THE PURPOSE OF CONDUCTING THE ENGINEERING FOR A PEDESTRIAN SIDEWALK ACROSS I-70 AND RAILROADS AND APPROVE MAYOR TO SIGN.

Town Manager McArthur asked if there were any questions. There were none.

Moved and seconded by Trustees Rugaard / Olk to enter into a Grand Agreement with the Colorado Department of Local Affairs for the purpose of conducting the engineering for a Pedestrian Sidewalk across I-70 and the Railroads.

Motion Passed unanimously.

(T) OTHER MATTERS

Mayor McClung addressed the thank you notes.

1. Thank You from Lift Up
2. Thank You from River Bridge

Town Manager McArthur stated he had one more request the community golf course is coming up and they are going to come before the Board and ask for a sponsorship. Sponsoring a hole is much cheaper than sponsoring a team. This is to raise money for the Parachute/ Battlement Mesa Parks and Recreation.

(U) EXECUTIVE SESSION

FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S. SECTION 24-6-402(4)(E); SUBJECT: PROPERTY SALE

Moved and seconded by Trustees Williams / Olk to move into Executive Session FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S. SECTION 24-6-402(4)(E); SUBJECT: PROPERTY SALE

Motion Passed unanimously.

Moved into Executive Session at 8:49 p.m.

Persons present at Executive Session were Trustees John Loschke, Daniel Manzanares, Juanita Williams, Tom Rugaard, Tim Olk, Mayor Roy McClung, Town Manager Stuart McArthur, and Town Clerk Denise Chiaretta.

Executive Session concluded at 9:07 p.m.

Town Manager McArthur stated for the record that he received direction on a sale of Town property and will move forward as directed.

(V) MOTION TO ADJOURN

Moved and Seconded by Trustees Williams/ Rugaard to adjourn.

Vocal Vote passed unanimously.

Adjourned at: 9:09 p.m.

Signed: _____
Mayor

ATTEST:

Town Clerk

DRAFT