



# Town of Johnstown

## TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO

Monday, September 18, 2023 at 7:00 PM

---

### MINUTES

#### CALL TO ORDER

Mayor Mellon called the meeting to order and led the Pledge of Allegiance.

#### Pledge of Allegiance

#### ROLL CALL

Present:

Councilmember Berg  
Councilmember Molinar  
Councilmember Morris  
Councilmember Paranto  
Councilmember Young  
Mayor Mellon

Absent:

Councilmember Dominguez

#### AGENDA APPROVAL

Mayor Mellon noted Item #12, the Public Hearing for Encore needed to be removed from the agenda.

*Councilmember Berg moved to approve the agenda as amended*

Councilmember Morris seconded and the motion passed.

#### PUBLIC COMMENT

Kermith Aden spoke to the pool feasibility study and inquired about funds for the and other data regarding a pool structure.

A comment from Dee Anne Menzies was read into the record regarding the council attendance policy.

A comment was read into the record from Kelly Cavender, regarding speed bumps.

Jim Hatfield asked for clarification on agenda Items 4 and 5. The Mayor noted the land would most likely be used for items regarding the cemetery.

#### CONSENT AGENDA

*Councilmember Paranto moved to accept the consent agenda*

Councilmember Berg seconded and the motion passed.

The Community That Cares

[johnstown.colorado.gov](http://johnstown.colorado.gov)

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

1. September 6, 2023 Meeting Minutes
2. Fifth Amendment to Franchise Agreement between TDS and Town of Johnstown
3. August 2023 Financial Statements

### **TOWN MANAGER REPORT**

Town Manager, Matt LeCerf, noted informational items in the packet. It was also noted a half share of Home Supply Ditch Company was for sale. Mr. LeCerf noted Jamie Barker's, Communications Manager, last day in Johnstown and expressed appreciation for work done in the Town.

### **TOWN ATTORNEY REPORT**

There was no Town Attorney report.

### **NEW BUSINESS**

4. Resolution 2023-41: Purchase and Sale Agreement Between the Town of Johnstown and Richard P. Crooks and Kathi A. Crooks for the Purchase of Real Property Located at 23165 Colorado Blvd. Johnstown, CO 80534

Mr. LeCerf presented the resolution for purchasing of a parcel of land, located on the area around the Johnstown Cemetery. The expected closing date would be September 24, 2023.

*Councilmember Morris moved to approve Resolution 2023-41 authorizing the purchase of 23165 Colorado Blvd Johnstown, CO 80534 from Mr. Richard & Mrs. Kathi Crooks.*

Councilmember Paranto seconded and the motion passed.

5. Resolution 2023-42: Purchase and Sale Agreement Between the Town of Johnstown and Centennial Ridge, LLC for the Purchase of Real Property Located at 23019 Colorado Blvd. Johnstown, CO 80534

Mr. LeCerf noted this parcel of land for the primary purpose would be to to acquire this land for the expansion of Highway 60 Colorado Blvd. The closing would be expected to take place on September 27, 2023.

Council asked if this would be a natural easement if the road was developed.

Mr. LeCerf noted there is a portion of the land that is within the 60-foot right-of-way established by the County. Mr. LeCerf noted the Town does not require dedication until an active project is developing, if the right of way was acquire, there would only be roughly 5,000 square feet left for the landowner, with no access to Colorado Blvd. or Highway 60- based on the distance from the intersection. Because of this, the Town felt it best to purchase the land as opposed to purchasing the right-of-way and leaving the landowner with property that would be difficult to find a use for.

*Councilmember Berg moved to approve Resolution 2023-42 authorizing the purchase of Real Property Located at 23019 Colorado Blvd Johnstown, CO 80534 from Centennial Ridge, LLC.*

Councilmember Young seconded and the motion passed.

6. Award for Johnstown Annual Pavement Maintenance Program, Phase II RFP

Jason Elkins, Public Works Director presented the Pavement Maintenance Program and discussed the locations of the roads included in the project. A seventh area on High Plains Blvd. has been included in this RFP and project. It was noted that a quote was being asked for regarding the library parking lot.

*Councilmember Molinar moved to approve the Phase II Pavement Maintenance Program to include \$30,000 in contingency for both Phase I and Phase II pavement quantity adjustments in the field only and authorize the Town Manager to execute the contract.*

Councilmember Morris seconded and the motion passed.

7. Colorado Boulevard & Roosevelt Parkway Intersection Alternatives Analysis Award

Mr. Elkins with the opening of Roosevelt Highschool traffic has increased. Town Council and staff have desired to take a proactive approach to seek out needs of current and future demands of this intersection. It was noted staff would be returning to Council with the finding of this analysis.

*Councilmember Morris moved to to approve the Colorado Blvd & Roosevelt Pkwy Intersection Alternatives Analysis as presented and authorize the Town Manager to execute the contract.*

Councilmember Berg seconded and the motion passed.

8. Resolution No. 2023-44: Supporting Loveland Fire Rescue Authority and Specifically Loveland Rural Fire Protection District's Ballot Issue on the November 7, 2023 Coordinated Ballot

Mayor Mellon noted a previous presentation from the Loveland Fire Rescue Fire Chief regarding the November 7, 2023 proposed ballot measure from the Loveland Rural Fire Protection District.

*Councilmember Berg moved to approve Resolution 2023-44 as presented supporting the Loveland Rural Fire Protection District's ballot measure on November 7, 2023.*

Councilmember Young seconded and the motion passed.

9. Discussion Item: Districts & Wards

Avi Rocklin, Town Attorney, presented this item as a follow-up to a previous Council Work Session, and asked for direction on how to procedure in establishing a procedure regarding the Town's Charter, noting the Town being divided into district and wards.

Council suggested two wards, three councilmembers to a ward after discussing the complexity of districts and wards. Discussion centered around the terms districts vs. wards.

Council inquired about establishing a citizen's commission to begin the process.

## **PUBLIC HEARING**

10. Renewal Application for Sabica 3 Inc & 7-Eleven dba 7-Eleven Store 34316A

Mayor Mellon opened the public hearing.

Hannah Hill, Town Clerk, introduced this item to Council noting renewal processes.

Council noted the situation regarding the employee being cited, not the store itself.

Council asked what steps were taken after this problem, where the 7-Eleven Manager noted he did review the regulations with staff, re-trained and employees were sent to City of Fort Collins for their City offered liquor training. It was noted the store now must have a scanned IDs instead of just a visual inspection.

Council expressed appreciation to the sensitvelty to the issue and the steps taken.

Mayor Mellon asked for public comment for those in favor of or opposed to this hearing, to which there was none.

Mayor Mellon closed the public hearing.

*Councilmember Morris moved to approve the renewal of a Fermented Malt Beverage & Wine Liquor License to 7-Eleven Store 34316A.*

Councilmember Molinar seconded and the motion passed.

11. Resolution 2023-43 Approving the Preliminary Plat and Preliminary Development Plan for Revere North Subdivision (SUB)

Mayor Mellon opened the public hearing.

Tyler Smith, Planning Department, presented this item reviewing the location and the community amenities including trail networks. The subdivision would include 339 lots and one amenity lot.

Mr. Smith noted the application does meet all Town code, regulations and requirements.

Jim Hays, Vice President of Land Acquisition for Fourstar Real Estes Group presented to Council. The different zoning areas were reviewed, including the water, sewer and open spaces. Mr. Hays indicated the amenity area would be roughly 4.5 acres and designs are being reviewed currently. Mr. Hays noted the perimeter fence details for impacts to the property owners to the east, including a 6-foot privacy fence, a ten-foot ditch maintain path and trail, and then an open rail fence on the property lots have a 29-feet to the property line of the private owners.

Council asked for what meetings with neighbors took place and if those concerns had been addressed. Jeff Mark, Tericino Designs, noted 300-feet was the boundary line of owners who were notified. All issues from the neighbor meetings are believed to be addressed.

The applicant noted Planning and Zoning Commission had concerns with the traffic and drainage. Council asked for clarification on the drainage if it crosses into the Hillsborough Crossing Ditch. The engineer for the project noted there are existing crossings in the Hillsborough Crossing Ditch, however there are no improvements required in the Town's Master Plan at the crossings. Council stressed the need to get the water past Hillsborough for drainage, which the engineer noted the development is meeting the requirements of the Colorado Drainage Law.

Council inquired about the name of the roads, which the applicant noted would be named Beeplant. Street names were also asked about. The applicant noted the review process for road names, and this application pulled plants within this area for naming plans.

Council noted a desire of larger lots, and more variety for different elevations.

Mayor Mellon asked for public comment for those in favor of this item, to which there were none.

Mayor Mellon asked for public comment for those opposed to this item.

Wendy Chase spoke to the notices received for this development, life quality and the amount of traffic on the road.

Janice Herrera spoke to Johnstown Use and Development document, Chapter 17 where landscape and site design, which Council noted does not apply to this Code as the PUD was approved prior to the code being adopted. Ms. Herrera noted landscape options.

Sandra Stoner spoke to grassland drive entrance and concerns related to, as it's directly across from her driveway.

Mario Herrera spoke to the growth and changes in Town, and the term "minimum requirements" and asked for a detailed map on the parameters on the area close to his house.

The applicant noted a meeting in 2021, and several separate meetings were held outside of the public Town Halls. It was noted there is a 30-foot buffer and Council asked if there were more accommodations that could be done.

Council asked for clarification on aligning the access point with driveways, which the applicant noted safety and other access points already being defined. The applicant did note they would take the notes from the meeting back to the traffic engineer and see what accommodations could be made.

Council noted the preference to have a height restriction on the south side of the development; would like to have less density on the south side of the development; looking into a safe entry for driveways; agreement between developer and Harry Lateral Ditch company and a robust plan to be submitted with the final plat.

Mayor Mellon closed the public hearing.

*Councilmember Morris moved to approve Resolution 2023-43 approving the Preliminary Subdivision Plat and Preliminary Development Plan for Revere North Subdivision with the following conditions to be added:*

- 1. The height of the residential homes along the portions of Red Poppy Street, Bitterroot Street, Beeplant Street and Crown Sparrow Street that are adjacent to the real property owned by the Mario and Janice D. Herrera Revocable Trust ("Herrera Property") shall be minimized;*
- 2. The residential homes that are adjacent to the Herrera Property shall be less dense;*
- 3. The access on Grassland Drive shall be improved to minimize interference with the real properties located on the south side of Veterans Parkway;*
- 4. The applicant, or its successor, shall enter into an agreement with the Harry Lateral Ditch Company related to the crossing of the Harry Lateral Ditch; and*
- 5. There shall be a minimum of sixty (60) feet of open space between the real property owned by Laura W. Chase and the east side of the development.*

Councilmember Young seconded and the motion passed.

12. Resolution No. 2023-40 Approving the Amended and Restated Service Plan for Encore on 34 Metropolitan District Nos. 1-3 and Service Plan for Encore on 34 Metropolitan District Nos. 4-7

This item was removed from the agenda.

13. Ordinance 2023-254: An Ordinance Amending Section 2-11 of The Johnstown Municipal Code Concerning Councilmember Vacancies

Mayor Mellon opened the public hearing.

Ms. Rocklin noted this code relates to Council vacancies, with the intent to supplement the attendance requirement in code. The change would note that three consecutive meetings are not allowed to be missed, with limited exceptions.

Council noted the desire to have this implemented immediately as an emergency ordinance, stressing the importance of attendance and participation.

Ms. Rocklin noted findings were needed in order for the ordinance to be an emergency ordinance

Mayor Mellon asked for public comment for those in favor of or opposed to this hearing,

Jim Hatfield spoke to the need of the ordinance.

Council noted the desire to strike the effective date of April 15, 2023 and make it effective upon adoption.

Mayor Mellon closed the public hearing.

*Councilmember Young moved to approve Ordinance 2023-254 an Ordinance Amending Section 2-11 of the Johnstown Municipal Code concerning Councilmember Vacancies, on first reading with the change to the effective date per the charter.*

Councilmember Morris seconded and the motion passed.

### **COUNCIL REPORTS AND COMMENTS**

Councilmember Morris congratulated Councilmember Paranto on his upcoming wedding. It was also noted that a year ago, regarding the weeds north of Rolling Hills- asked to find out who to contact regarding weeds outside town limits.

Councilmember Young noted the grant work at the Parish House Museum is expected to see tree removal, and the week of October 16th will be excavation for work on the concrete wall.

Councilmember Molinar apologized to Town staff regarding public comments.

Councilmember Paranto noted upcoming wedding festivities,

### **MAYOR'S COMMENTS**

Mayor Mellon noted the previous MPO meeting mentioned hefty fines when breaching the express lanes outside the entry/exit lanes that will be processed automatically.

Fall Fest and the unveiling of the 'J' was noted.

### **EXECUTIVE SESSION**

14. An executive session to discuss the purchase of real property pursuant to C.R.S. Section 24-6-402(4)(a)

*Councilmember Berg moved to recess into executive session to discuss the purchase of real property pursuant to C.R.S. Section 24-6-402(4)(a)*

Councilmember Young seconded and the motion passed.

Council recessed into executive session at 10:04 pm and reconvened at 10:18 pm where the Mayor noted no decisions were made and no other business was discussed.

### **MAYOR'S COMMENTS**

15. Informational Items

Informational items were included in the packet.

### **ADJOURN**

Mayor Mellon adjourned the September 18, 2023 meeting at 10:19 p.m.

---

Troy D. Mellon, Mayor

---

Hannah Hill, Town Clerk