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## **TOWN COUNCIL REGULAR MEETING**

**450 S. Parish, Johnstown, CO**  
**Monday, October 21, 2024 at 7:00 PM**

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### **MINUTES**

#### **CALL TO ORDER**

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

#### **Pledge of Allegiance**

#### **ROLL CALL**

Present:

Councilmember Berg  
Councilmember Menzies  
Councilmember Molinar Jr.  
Mayor Pro Tem Young  
Mayor Duncan

Absent:

Councilmember Morris  
Councilmember Paranto

#### **AGENDA APPROVAL**

*Councilmember Berg moved to approve the agenda*

Mayor Pro Tem Young seconded and the motion passed.

#### **SPECIAL PRESENTATIONS**

##### 1. Proclamations

Mayor Pro Tem read the Red Ribbon Week proclamation into the record and the proclamation was received.

Mayor Duncan read the National Teen Safe Driving week into the record.

Councilmember Menzies read a proclamation recognizing Hannah Hill, Town Clerk for service to the Town.

#### **PUBLIC COMMENT**

Michael Bailey, resident of Milliken, spoke to the intersection at the high school and needed traffic control from the Town.

Council noted that the School Board was notified because everyday safety is vital, and it is not necessarily a conversation of who is paying. Matt LeCerf, Town Manager, noting requirements and safety designs of when the high school was built. It was noted the roundabout design is nearly 50% completed and the

*The Community that Cares*

Town hopes to have preliminary construction cost in the first quarter of 2025 with construction happening in May after school is out. Staff is looking at methods to expedite this plan.

A comment from Chris Viscarra was read into the record regarding lighting in Downtown Johnstown by Fitness Avenue.

A comment from Shannon Kindred was read into the record regarding the state of Nelson Farm Ball Field.

Mr. LeCerf noted a work order was issued for the lighting issue in downtown, and this item is on the project list for staff. Council asked about solar lighting, and it was noted that the area in question was mainly concrete.

Mr. LeCerf noted that Thompson River Ranch was contacted regarding the ball fields regarding the comment.

## **CONSENT AGENDA**

*Councilmember Molinar moved to approve the consent agenda*

Councilmember Menzies seconded and the motion passed.

2. October 7, 2024 Meeting Minutes
3. Ordinance 2024-259: Adding Section 7-54 to the Johnstown Municipal Code Prohibited the Burning of Garbage and Refuse in the Town of Johnstown
4. Subdivision Development and Improvement Agreement for Subdivision Case No. SUB22-0008
5. September 2024 Financial Statements
6. Amendment of Oil and Gas Lease Between Town of Johnstown and PDC Energy, Inc.

## **TOWN MANAGER REPORT**

Matt LeCerf, Town Manager, noted informational items in the packet and asked of any questions Council has.

It was noted the YMCA is proposing new membership fees, expected to go into effective December 1.

## **TOWN ATTORNEY REPORT**

There was no Town Attorney Report.

## **NEW BUSINESS**

7. Award for SH60 Waterline Replacement and Extension

Doug Gossett, Engineering Director, presented the contract award noting the amount of \$2,501,752.25 to Coyote Ridge Construction, LLC for the SH60 Waterline Replacement and Extension project. Mr. Gossett noted that the design contract was awarded in January 2023 to JUB, who was in attendance.

Mr. Gossett noted the age of the line and the need for improvement and replacement as the existing line is experiencing an average of one break per year.

Council asked about the businesses being communicated to on Parish regarding water outages. Mr. Gossett noted the contract requires no more than 4 hours of outage, and the contractor will be required to communicate and coordinate with those businesses to minimize impacts. Council stressed the communication and plans being called out in the contract and the importance of that communication.

Council asked about traffic impacts. Mr. Gossett noted the hours allowed by CDOT to be working will limit impact during school hours, with the contractor being required to submit a traffic impact study. Areas of the construction could end up being night work to try to lessen the impact.

Council asked for both plans to be brought back to Council.

*Councilmember Berg moved to approve the construction contract for the SH60 Waterline Replacement and Extension project to Coyote Ridge Construction, LLC, as well as provide access to a 20% contingency by authorization of the Town Manager to approve the use of these funds for unforeseen construction expenses encountered on the project not to exceed the budgeted amount.*

Councilmember Molinar seconded and the motion passed.

8. Award for SH60 Waterline Replacement and Extension Design Engineering Construction Services

Mr. Gossett noted the contract amendment in the amount of \$181,500.00 to J-U-B Engineers, Inc. (JUB) for construction services related to the SH60 Waterline Replacement and Extension project.

*Councilmember Menzies moved to approve the contract amendment for the SH60 Waterline Replacement and Extension project for construction services to J-U-B Engineers, Inc. in the amount of \$181,500.00 and authorize the Town Manager to sign the agreement.*

Councilmember Berg seconded and the motion passed.

9. RFP Award for Professional Auditing Services

Mitzi McCoy, Deputy Town Manager, presented the request to award the professional auditing services to Hinkle & Company, P.C. noting the requirements for an independent review by a licensed auditing company.

*Councilmember Berg moved to approve awarding the Professional Auditing Services to Hinkle & Company, PC beginning with the 2024 audit year.*

Mayor Pro Tem Young seconded and the motion passed.

## **PUBLIC HEARING**

10. Ordinance 2024-262: An Ordinance Amending Section 7-149 of the Johnstown Municipal Code to Prohibit the Sale of Dogs and Cats in Public Places

Mayor Duncan opened the public hearing.

Avi Rocklin, Town Attorney, presented the ordinance noting the item was brought to Council at their request to expand the prohibition to prohibit the sale of dogs and cats from public places.

Mayor Duncan opened the hearing for public comment for those in favor of or opposed to this ordinance, to which there was none.

Mayor Duncan closed the hearing.

*Councilmember Menzies moved to approve Ordinance No. 2024-261, an Ordinance Amending Section 7-149 of the Johnstown Municipal Code to Prohibit the Sale of Dogs and Cats in Public Places.*

Councilmember Berg seconded and the motion passed.

11. Ordinance 2024-260: Approving R-2 Zoning, with Modifications and Restrictions, for The Blue Spruce Ridge Annexation

Mayor Duncan opened the public hearing.

Jeremy Gleim, Planning and Development Director, presented this ordinance requesting R-2 zoning related to the land immediately south of The Ridge at Johnstown known as Blue Spruce Ridge. It was noted the item was presented to Council earlier in the year with the original zoning denied. The Land Use Code allows the applicant to refile and Mr. Gleim noted the requirements of that refiling. It was noted the request is substantially different which allows it to be brought back to Council.

It was noted the applicant is requesting R-2, with the limitations and restrictions would be included in the recorded plat and future owners would be bound by those restrictions. Specific single-story restriction, a density limit, a minimum percentage of open space being required, no apartments at the location and a two-story max height on all town homes along with several other items being called out.

It was noted the Planning and Zoning Commission does recommend approval of this zoning.

The applicant, Kyle Bartolo representing Caliber, noted the items done since the previous Council meeting. Mr. Bartolo reviewed the outreach done by the applicant, along with the conditions proposed which were listed in the agenda packet.

Council expressed appreciation for the changes and diligence in looking for solutions to their asks. Clarification for who would maintain the easement area in-between the current neighborhood and Blue Spruce, which was noted that the metro-district would maintain it.

Council also noted the positive feedback from the neighbors included in the packet.

Mayor Duncan opened the hearing for those in favor or opposed to this item.

Cathy Billings spoke to the traffic impacts this development would have, as well as school concerns and fire protection.

Troy Mellon spoke to school district needs and the lack of an area set aside for an elementary school.

Richard Ray spoke against the project and noted a meeting with the representing of the applicant, who did agree there is an issue and the plan noting the change in zoning which would ease the concern for impacts on the views current residents have. Mr. Ray requested information on the height for the single- and two-story housing proposed.

Mayor Duncan closed the public comment for the hearing.

Mr. Bartolo noted the traffic concerns, and the traffic impact analysis that will be conducted, with another chance to comment on the traffic at the time it is conducted.

The school districts would have been reached out to during the time of the preliminary plat, with an anticipated financial contribution. The multi-family property value concerns were addressed with Mr. Bartolo noting that studies showing impacts on home values on both sides. The Ridge did donate land for a future fire station, and the height concerns would have to be addressed at the time the project is platted as the builder would have to address those concerns however those items would come back to Council.

Mayor Duncan closed the public hearing.

*Mayor Pro Tem Young moved to approve Ordinance No. 2024-260, approving R-2 Zoning with Modifications and Restrictions, for the Blue Spruce Ridge Annexation, Case No. ANX23-0001*

Councilmember Berg seconded and the motion passed.

## **COUNCIL REPORTS AND COMMENTS**

Councilmember Molinar noted the Downtown Masterplan and comments forthcoming.

Councilmember Berg noted upcoming Veteran's Day on November 11, and December 14 will be Wreaths Across America at the Johnstown Cemetery.

Councilmember Menzies expressed well wishes to the Town Clerk and Public Works Director on next adventures.

Mayor Pro Tem Young noted the library working on the expansion project and coordinating with RE5-J on space in the old Milliken Middle School.

## **MAYOR'S COMMENTS**

Mayor Duncan expressed gratitude to the Town Clerk and Public Works Director for their work with the Town, and appreciation for the staff's hard work regarding the budget season.

Mayor Duncan noted driver safety and encouraged all to get with their students to discuss safe and aware driving.

### **INFORMATIONAL ITEMS**

Informational items were included in the packet.

12. Informational Items

### **EXECUTIVE SESSION**

13. An Executive Session to Discuss Matters Subject to Negotiations and to Instruct Negotiators Pursuant to C.R.S. Section 24-6-402(4)(e) Regarding Project Stella

Councilmember Berg moved to recess to Executive Session to Discuss Matters Subject to Negotiations and to Instruct Negotiators Pursuant to C.R.S. Section 24-6-402(4)(e) Regarding Project Stella

Councilmember Molinar seconded and the motion passed.

Council reconvened at 8:4 pm and Mayor Duncan noted no items were discussed and no decisions were made outside of items related to negotiations.

### **ADJOURN**

Mayor Duncan adjourned the October 21, 2024 meeting at 8:49 pm.

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Michael P. Duncan, Mayor

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Meghan Martinez, Town Clerk