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TOWN COUNCIL REGULAR MEETING
450 S. Parish, Johnstown, CO
Monday, June 03, 2024 at 7:00 PM

MINUTES

CALL TO ORDER

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

Pledge of Allegiance

ROLL CALL

Present:

Councilmember Morris
Councilmember Molinar
Councilmember Menzies
Councilmember Paranto
Mayor Pro Tem Young
Mayor Duncan

Absent:

Councilmember Berg

AGENDA APPROVAL

Councilmember Molinar moved to approve the agenda.

Mayor Pro Tem Young seconded and the motion passed.

SPECIAL PRESENTATIONS

1. Employee Introductions

Jeremy Gleim, Planning and Development Director, introduced James Shroul in the Planning & Development Department.

Jason Elkins, Public Works Director introduced Nick Mulhall and Jacob Greenwalt in the Public Works Department.

2. 8th Judicial District Attorney Annual Report

Gordon McLaughlin presented the 8th Judicial District Attorney Annual report to Council, reviewing the current programs, projects and initiatives.

Council inquired on what is being done to prevent theft in area big box stores. Mr. McLaughlin noted the a message can be sent that the DA's office takes organized crime seriously and look for harsh consequences for those citations.

The Community that Cares

PUBLIC COMMENT

Kris Prather spoke to overlooking the field where the pool is being proposed. Mr. Prather spoke in objection to this location, due to issues with traffic, speed limits or widening of road and the noise concern. Questions about the increase in sales taxes, and the potential of loss of funding were also noted.

Carl Yost spoke to the aquatics feasibility study and questioned why the Town was driving the study and not a recreation organization.

Gary Meyer spoke to being on the pool committee and expressed support for this project. It was noted that a pool may help draw attention to the downtown community and cultural benefits.

Public Comment emailed in regarding the Aquatic Center Feasibility study were from the below:

Heather Weiland - expressed support for the proposed facility.

Wendy - expressed support for the facility but not the proposed pricing options.

Victoria Wheeler - expressed support for the facility with different pricing than the proposed.

Amanda Robbins - expressed support of the facility.

A comment from Shawn York was read into the record regarding traffic enforcement on CO-60 and CR-50 as well as weed growth and abatement on Purvis Farm.

Mr. LeCerf noted that a notice was sent to the developer on the item of Purvis Farm and the Town is working on securing a contractor for this issue.

Chief Oglesby noted that the speed issue spoken to has had no accidents in the area but 56 citations have been issued.

CONSENT AGENDA

Councilmember Paranto moved to approve the consent agenda.

Councilmember Morris seconded and the motion passed.

3. May 6, 2024 Meeting Minutes
4. Water Service Agreement - Backbone Properties LLC., (208 Gateway Drive)
5. Water/Sewer Service Agreement - The Ridge Multi Family - Phase I
6. May 2024 List of Bills
7. April 2024 Financials and 1st Quarter 2024 Sales Tax Summary
8. Redstone Hills Water Purchase - Lot 54
9. Water Sewer Service Agreement - Thompson River Flex At 2534
10. Water Service Agreement - J-25 Land Holdings, LLC., (North Ridge - Right of Way Irrigation)
11. Second Amendment to the Subdivision Development and Improvement Agreement for Ledge Rock Center, Filing No. 3

TOWN MANAGER REPORT

12. Town Manager's Report

Matt LeCerf, Town Manager, presented the report to Council and noted an email regarding the opportunity to purchase a half share of Home Supply Ditch Company water. Council provided direction to proceed.

TOWN ATTORNEY REPORT

There was no Town Attorney report but Avi Rocklin, Town Attorney, offered a comment on clarification on Council procedures. It was noted Council could adopt a form of rules of procedure for Council to discuss.

NEW BUSINESS

13. Resolution No. 2024-27: Awarding Construction Contract Agreement of the Police Department Expansion and Renovation Project to Mark young Construction, LLC; Awarding the Contract for Construction Observations Support Services to D2C Architects; Amending the 2024 Budget and Appropriating Funds for the Police Department Expansion and Renovation Project.

Interim Chief of Police, Ryan Oglesby, presented the agreement to Council referencing the change in Town's population and regulation necessities, being constructed in 2002/2003 with a population of 5,000 people. The same location serves roughly a population of 20,000 currently.

Chief Oglesby reviewed the project timeline and grant obligations.

Council asked for clarification on where the budget amendment of \$2 million dollars would come from. Mitzi McCoy, Deputy Town Manager, noted those funds would be pulled from the General Fund.

Councilmember Menzies moved to Approve Resolution No. 2024-27 and Allow the Town Manager or Town Attorney to Make Minor Modifications to the Construction Contract as Needed

Councilmember Morris seconded and the motion passed.

14. Contract Award for the 2024 Johnstown Asphalt Patching and Overlay Program

Mr. Elkins presented the contract award to Council reviewing the history and the process of the Invitation For Bid which resulted in seven bids. Mr. Elkins noted staff would not exceed the \$2.2 million dollars in the approved budget.

Council asked for information on how the areas were identified, which staff noted a road assessment in 2020 was completed ranking the different areas as well as staff inspections, resident complaints and other aging infrastructure concerns. Newer roads may not need complete overhauls, but general maintenance to prolong the life of the road with priorities being assessed during the project.

Councilmember Morris moved to approve a contract with Western Plains Construction, LLC in the form presented in the amount of \$1,475,643.10, a change order with Lightfield Enterprises, Inc. in the amount of \$129,118.46, and utilization of the remaining balance of the Pavement Management Program Funds for contingency, not to exceed \$2.2 million as appropriated in the FY budget and authorize the Town Manager to sign the contracts.

Councilmember Young seconded and the motion passed.

15. Aquatics Center Feasibility Study

Mitzi McCoy, Deputy Town Manager, presented the feasibility study noting that in 2023 a group of residents approached Council requesting a pool, at which time Council directed a feasibility study be conducted.

The consultant, OLC Architecture, Interiors & Aquatics presented the results of the study to Council.

Scott Caron reviewed the market analysis for the area and the operational analysis, noting the discussions with the YMCA and Thompson River Parks & Recreation potentially taking over the operational costs.

Kevin Post spoke to the public input efforts including meeting with the YMCA, a steering committee and an online survey being taken. Mr. Post noted the results of the survey.

David Sprague spoke to site plan and the matrix of the two site plan attributes of the Letford Elementary and the field site. The field site came out ahead of the Letford site, noting visibility and access was noted, along with the ability to expand.

Council asked about work in previous projects that could join in with a Senior or Youth Center, which the applicant noted it sounded like it would be more of a indoor community multi-purpose center.

Council asked for clarification on the review of the land, noting a bandstand or community center option. Council inquired about TRPR's involvement in the process, which Mr. Spague noted discussion and communication with TRPR>.

The issue of lifeguard shortages was referenced, and addressed as lifeguard pay was increased in Colorado to the end of 2023, and that reasonable rates were built into the presentation. Insurance costs and considerations were also included in the proposal.

Council asked for information on the length of time the facility would be open, which Mr. Spague noted typically hours are extended but can be limited due to other school and spot activities.

Council noted a sales tax increase would be an overflow cost, that could be allocated to other items such as dog parks and trails. Teen activities in Town and the need to have outlets for the community were spoken to.

Council asked for a Work Session for further discussion on July 8, 2024.

Council asked when the facility would break even or become profitable, which it was noted these types of centers typically do not become profitable.

16. Capital Projects Fund – \$1.2 Million Re-Appropriation

Mr. LeCerf presented the Capital Project Fund following up from the previous Work Session Council discussion for alternative options for use of the funds.

Council asked for clarification on the listed park updates, which staff noted there are funds allocated but it is recommended to use some of the funding in this area for further improvements.

Council asked about price increases on the LED Sign and directional signage to downtown. Mr. LeCerf noted the Historic Wayfinding projects.

Councilmember Morris moved to approve the appropriation of funds based on the projects listed above in the table in the amounts proposed

Councilmember Young seconded and the motion passed.

Mayor Duncan called for a short recess.

PUBLIC HEARING

Council reconvened.

17. Public Hearing – New Hotel & Restaurant License Application for Sexy Sammies, LLC

Mayor Duncan opened the public hearing.

Hannah Hill, Town Clerk, presented the application to Council reviewing the process and offering staff's recommendation for approval. The applicant, Steve and Dave Ferguson representing Sexy Sammies spoke to Council regarding their restaurants and operations.

Council asked for how many seats would fit in the diagram, which was noted under 75.

Mayor Duncan opened the hearing for public comments opposed or in favor of this item, to which there were none.

Mayor Duncan closed the public comment.

Mayor Duncan closed the public hearing.

Councilmember Morris moved to approve the Hotel & Restaurant Liquor License to Sexy Sammies.

Councilmember Paranto seconded and the motion passed.

18. Blue Sky Prairie Subdivision - Filing No. 1

A. Public Hearing - Resolution 2024-25: Consideration of Final Subdivision Plat & Development Plan for Blue Sky Prairie Filing No. 1

B. Water Sewer Service Agreement: Blue Sky Prairie Filing No.1

C. Development Agreement: Blue Sky Prairie Filing No. 1

Mayor Duncan opened the public hearing.

Jeremy Gleim, Planning & Development Director presented the item to Council, noting the location just east of I-25 and reviewed the history of the project noting the preliminary plat approved on December 4, 2023.

The applicant, COLA LLC spoke to Council noting the area was annexation into the Town in 2004. The applicant noted the amended Overall Development Plan in 2023 with roughly 720 plots. The approval criteria and proposed site plans were reviewed.

Council asked for information on price point on the smaller lots 1-53. It was noted \$495,000 and up was the average expected price. It was confirmed the site is a metro district, with elections happening every two years. The type of landscaping was inquired on, with native areas in public spaces.

Council asked about the traffic study, which was noted the projective community growth was taken into consideration.

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

Polly Migloie - spoke to Planning Commission hearing and the conditions on that denial.

Debra Garcia spoke to OGCC regarding an abandoned oil well in the location of the proposed park. Ms. Garcia noted a report that spoke to allowable amounts of contamination.

Mr. LeCerf noted a state program that takes over "orphaned wells" and reports that the cleanup was complete after the state mitigated the site and the re-capping of the well is complete.

Jim Martin asked if the developer has a timeline for site work and excavation, including dust control.

Jeff Garcia spoke to concerns regarding the roadways right next to house and protection or control of speed of traffic.

A comment from Carla Winstead in opposition to this item due to concerns about dust, trash and traffic was read into the record.

Mayor Duncan closed public comment.

Mayor Duncan closed the public hearing.

The applicant noted the Planning Commission did deny and the slide was incorrect. It was noted the soil would need to be mitigated and would reach out to the State, with a 50-foot radius buffer around the abandoned well. Processes for dust permits with the State were noted referring to mitigating dust. It was noted Larkspur Road cannot be pushed over due to regulations and distance from High Plains.

Kevin Lovelace, an engineer representing the applicant, spoke to the drainage on the proposed site. The historic drainage would be more contained inside the neighborhood with various roads and drainage towards the retention pond.

Councilmember Molinar Moved to Approve Resolution No. 2024-23, Approving Blue Sky Prairie Filing No. 1

Councilmember Menzies seconded and the motion passed.

Councilmember Menzies moved to approve the Water and Sewer Service Agreement for Blue Sky Prairie Subdivision Filing No. 1

Councilmember Paranto seconded and the motion passed.

Councilmember Paranto moved to the Subdivision Development and Improvement Agreement with COLA, LLC for the Blue Sky Prairie Subdivision Filing No. 1.

Councilmember Molinar seconded and the motion passed.

19. The Ridge at Johnstown Filing No. 4

A. Public Hearing - Resolution 2024-26: Approving the Final Subdivision Plat for The Ridge at Johnstown Filing No. 4

B. Development and Improvement Agreement: The Ridge at Johnstown Filing No. 4

C. Water and Sewer Service Agreement: The Ridge at Johnstown Filing No. 4

Mayor Duncan opened the public hearing.

Mr. Gleim presented this item to Council, noting the developer J-25 Land Holdings LLC is requesting final approval for a subdivision in The Ridge at Johnstown, approximately 130 acres in size. This would result in five buildable commercial lots, six tracts for future development and dedicated road right-of-way.

The applicant noted the infrastructure plan, with the one fire station proposed.

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

Mayor Duncan closed public comment.

Mayor Duncan closed the public hearing.

Councilmember Young moved to Approve Resolution No. 2024-26, Approving The Ridge Filing No. 4

Councilmember Paranto seconded and the motion passed.

Councilmember Paranto moved to approve the Development and Improvement Agreement for The Ridge Filing No. 4

Councilmember Morris seconded and the motion passed.

Councilmember Molinar moved to Approve the Water and Sewer Service Agreement for The Ridge Filing No. 4

Councilmember Young seconded and the motion passed.

20. Ordinance No. 2024-252, First Reading, Establishing Holding Agriculture (H-A) Zoning On The Property Known As The Larson Annexation

Mayor Duncan opened the public hearing.

Mr. Gleim presented the zoning to Council and reviewed the ordinance of the annexation speaking to State regulations that note zoning must be set within 90 days of an approved annexation. The most appropriate zone in the interim would be agricultural, per staff's recommendation. It was noted prior to any development on the site the area would need to be rezoned.

Council asked for clarification on which code any re-zone would have to follow. Mr. Gleim noted the annexation and zoning were applied for at the same time, and would be grandfathered in to the previous code. Weed control concerns were discussed, with the property owner being responsible for control of the weeds.

The applicant, Journey Homes, noted the land would continue to be farmed until an agreement for zoning and a final plat would be approved.

Mayor Duncan opened the hearing for public comment for those in favor of or opposed to the item.

Jed Freeman asked for clarification on an expected date for residential plan timeline and traffic concerns on Rolling Hills.

Mayor Duncan closed public comment.

Mayor Duncan closed the hearing.

Councilmember Young moved to approve Ordinance No. 2024-252 Establishing H-A Zoning on the Property Known as the Larson Annexation

Councilmember Paranto seconded and the motion passed.

COUNCIL REPORTS AND COMMENTS

Councilmember Menzies asked for clarification on codification on puppies for sale in parking lots, and temperature for dogs left in cars.

Councilmember Young reported on the Library Board meeting with the School District and potential partnerships. Appreciation was expressed for all the work that went into BBQ Day.

Councilmember Morris noted BBQ Day was great from start to finish. A letter to the HOA was requested to trim the bushes in the front of Town.

Councilmember Paranto noted Northern Front Range Metro District has an upcoming meeting.

MAYOR'S COMMENTS

Mayor Duncan expressed thanks to local police departments for their work, and all the work that went into BBQ Day.

INFORMATIONAL ITEMS

Informational items were included in the packet.

21. Informational Items

ADJOURN

Mayor Duncan adjourned the June 3, 2024 meeting at 10:44 pm.

Michael P. Duncan, Mayor

Hannah Hill, Town Clerk