



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO

Monday, November 20, 2023 at 7:00 PM

MINUTES

CALL TO ORDER

Mayor Mellon called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

Pledge of Allegiance

ROLL CALL

Present:

Councilmember Berg
Councilmember Molinar
Councilmember Paranto
Councilmember Young
Mayor Mellon

Absent:

Councilmember Dominguez
Councilmember Morris

AGENDA APPROVAL

Councilmember Berg to approve the agenda.

Councilmember Young seconded and the motion passed.

SPECIAL PRESENTATIONS

1. Small Business Saturday Proclamation

Mayor Mellon read the Small Business Saturday Proclamation into the record and Sarah Crosthwaite, Economic Development Manager, accepted on behalf of the local small businesses.

PUBLIC COMMENT

Frank Evbanks spoke to the sober living/recovery home in Mallard Ridge.
Timothy Pate spoke to the sober living/recovery in Mallard Ridge.
Dillon Scroggin spoke to the sober living/recovery in Mallard Ridge.

The below residents emailed in comments regarding the sober living facility in Mallard Ridge:
Annetee Nevitt, Brianne Stinar, Clinton McJenkin, Evelyn Lovato, John Smith, Michael Bankson
Royce Braun, Tara Russell

The Community That Cares

johnstown.colorado.gov

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CONSENT AGENDA

Councilmember Molinar to approve the consent agenda.

Councilmember Paranto seconded and the motion passed.

2. November 6, 2023 Meeting Minutes
3. Ordinance No. 2023-255, an Ordinance Amending Article VII of Chapter 7 of the Johnstown Municipal Code Concerning the Sale or Disposition of Dogs or Cats from a Pet Shop and Concerning Nuisance, Noisy and Vicious Animals
4. Ordinance 2023-257 Annexing 23165 Colorado Boulevard, Second Reading
5. Ordinance 2023-258 to Rezone the Property at 23165 Colorado Boulevard to R-1, Second Reading.
6. Ordinance 2023-259 Annexing 23019 Colorado Boulevard, Second Reading
7. Ordinance 2023-260 to Rezone the Property at 23019 Colorado Boulevard to R-1, Second Reading
8. Resolution 2023-46: Certifying Liens to Larimer and Weld Counties
9. Resolution 2023-55, Supporting the Application for an Energy Impact Grant from the State of Colorado, Department of Local Affairs
10. October 2023 Financials

TOWN MANAGER REPORT

Matt LeCerf, Town Manager, offered to answer any questions and concerns Council had.

TOWN ATTORNEY REPORT

There was no Town Attorney report.

NEW BUSINESS

11. Community Agreement between the Town of Johnstown and Downtown Colorado Inc.

Sarah Crosthwaite, Economic Development Manager, presented this item to Council, noting Downtown Colorado Inc. focuses on supporting and revitalizing downtowns. Johnstown was selected to participate in the 2024 Challenge Program with several communities across the state.

Council asked for clarification on cost to the Town. Ms. Crosthwaite noted as long as membership is maintained there is no cost to the Town, and the Town has been a member since September 2023.

Councilmember Young moved to approve the Community Agreement between the Town of Johnstown and Downtown Colorado Inc.

Councilmember Berg seconded and the motion passed.

12. Discussion: Johnstown and Little Thompson Water District IGA

Mr. LeCerf noted the discussion item, with intent to place this IGA on a future agenda for formal adoption.

13. Resolution 2023-53 Authorizing a Grant From the Town of Johnstown General Fund to the Town of Johnstown Sanitary Sewer Utility Enterprise

Mr. LeCerf presented this resolution, noting it was associated with a number of treatments, including treatment programs due to the consent order from the State. It was noted that acceptance of this grant would cease the the enterprise fund to the end of the fiscal year.

Council expressed gratitude to staff for working on this in order to meet the state requirements.

Councilmember Molinar moved to approve Resolution 2023-53 as presented authorizing a grant in the amount of \$50 million from the General Fund to the Sanitary Sewer Utility Enterprise of the Town of Johnstown.

Councilmember Young seconded and the motion passed.

14. Resolution 2023-54: A Resolution of the Town Council of the Town of Johnstown, Acting By and Through Its Water Utility Enterprise, Declaring Its Official Intent to Reimburse Itself With the Proceeds of the Issuance of Municipal Bonds For Certain Capital Expenditures Undertaken or To Be Undertaken By the Town; Generally Identifying the Capital Expenditures; and Providing Certain Other Matters in Connection Therewith.

Mr. LeCerf noted this resolution would authorize the Town of Johnstown Water Utility Enterprise to be reimbursed with proceeds from the issuance of water revenue municipal bonds for capital expenditures undertaken or to be undertaken within the Water Utility Enterprise.

Councilmember Berg moved to approve Resolution 2023-54 authorizing the Water Utility Enterprise to reimburse itself with proceeds from the issuance of a municipal bond for capital expenditures undertaken within the Water Utility Enterprise.

Councilmember Paranto seconded and the motion passed.

PUBLIC HEARING

15. Resolution 2023-52: Blue Sky Prairie Preliminary Plat SUB23-0008

Mayor Mellon opened the public hearing.

Lilly Cory, Planning Department, presented this item to Council noting the location and approximately 102 acres for development. Ms. Cory noted Outlet GG was excluded, the unique walkways in this subdivision and an enhanced landscape were included in this proposal. Planning and Zoning Commission offered a recommendation for denial, while staff recommends for approval.

Council inquired reasons for the denial recommended. Ms. Cory noted it was due to public comment, concerns of traffic, noise and overall public concern of feeling of location of the development.

Tim Buschar, from View Homes, spoke to Council referencing a February 2023 amendment to the Outline Development Plan. Mike Rocha, Traffic Engineer for SM Tocha, LLC, referenced the traffic impact study that was completed and submitted to town staff for review- where it was found acceptable for approval.

Council asked for clarification on traffic study, and if the expected growth and detours from I-25 were taken into account. The applicant noted was completed in December 2022, which they took out ten years.

Council inquired if the High Plains Intergovernmental Agreement was consulted, as well as the level of service of Highway 60 in twenty years. Level of service were discussed but the High Plains IGA was not taken into account per the applicant.

Council inquired about drainage. Kevin Lovelace, Civic Engineer for the project, spoke to the historic drainage of PA2, noting it would be treated for water quality and intercept that, pipping it to the southeast corner of the property.

The applicant noted the plan includes two pickle bar courts, or multi-use courts. Parking was also noted, referencing the expectation there was expected to be adequate parking.

Mayor Mellon opened the hearing for comment opposed or in favor of this item.

Paula Lemole spoke in opposition of this item.

Debra Garcia spoke in opposition of this item.

Bruce Lapel spoke in opposition of this item.

Mayor Mellon closed the public comment.

Council inquired on any Brunner Ditch impacts from the drainage plan. The Applicant noted the referred ditch and the expectation of not impacting the ditch per the drainage plan. The applicant noted expectations of construction traffic and signage.

Mr. LeCerf spoke to the public right-of-way being reserved, calling out traffic signals, roundabouts and access points. The Town follows that and requires the development community to reserve the right-of-way. It was noted that Council may request an updated traffic impact study be done.

Staff recommended the traffic plan be updated immediately, taking into consideration High Plains Blvd. as the applicant has submitted the first Final Development Plan.

Council asked for clarification on the rights-of-way on north and south side. The applicant noted the north side was 30 feet, 15 feet on the north side. They elected to maintain the 30 foot on the south side, adding in a 15 foot buffer to accommodate the neighbors and the ditch. Mr. Lovelace noted there is a 20-foot raw water easement per request from the Town.

Mayor Mellon closed the public hearing.

Council noted the challenges of code verses current residents' concerns.

Council's concerns were noted:

- The recommendation of denial from Planning and Zoning Commission.
- Citizen concerns have not been addressed in the preliminary plat
- Add specific provisions into a development agreement which would appear with the final plat, to ensure that weed and dust mitigation are properly handled.

Councilmember Berg moved based on the findings and analysis presented at this hearing, I move to approve conditionally Resolution 2023-52 Approving the Blue Sky Prairie, Preliminary Subdivision Plat and Preliminary Development Plat on the following conditions:

- *an updated traffic study submitted prior to final plat,*
- *construction traffic mitigation plan be in effect to not impact other subdivisions, prior to final plat*
- *and have staff work on code enforcement penalties such as weed and dust, prior to final plat as part of the development agreement*

Councilmember Molinar seconded and the motion passed 4-1

NO VOTE: Paranto

16. Second Public Hearing 2024 Budget

Mayor Mellon opened the public hearing.

Devon McCarty, Finance Director, presented the second hearing for the 2024 proposed budget, noting the previous hearing and noted no changes were made to the proposed budget.

Council inquired about property tax income and if a third public hearing would be needed. Ms. McCarty noted the accessors calculated this information and more should be known shortly.

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

Mayor Mellon closed the public hearing.

17. Ordinance No. 2023-256, to Amend Chapter 4 Revenue and Finance, of the Johnstown Municipal Code

Mayor Mellon opened the public hearing.

Ms. McCarty noted this item amends the existing Chapter 4 of the Municipal Code, in response to Resolution 2023-30, allocating revenues collected from the library and cultural facilities development fee to arts and culture specifically.

Mayor Mellon opened the hearing for comments opposed or in favor of this item.

Pauline Lemole asked for clarification on library funding with this ordinance.

Mayor Mellon closed the public hearing.

Councilmember Young move to approve Ordinance 2023-256 an Ordinance Amending Chapter 4 of the Johnstown Municipal Code Concerning Town Revenue and Finances, on first reading.

Councilmember Paranto seconded and the motion passed.

18. Ordinance 2023-261: Vista Commons Rezone ZON23-0002 to R3 (Residential) and MU-RC (Regional Commercial)

Mayor Mellon opened the public hearing.

Tony LeFevre, Planning Department, noted the location and the proposed zoning. Mr. LeFevre noted the change of zone aligns with the 2021 comprehensive plan with medium to high density/intensity residential. Planning and Zoning Commission recommend approval for this project.

Council asked for the original intent of the zoning, which notes it was the gateway of Johnstown, and if this fits with what the Town is trying to do.

The applicant, Kristin Turner, TD Group, spoke to the two "why's" of the request. There is existing approved zoning, commercial and industrial. The straight zoning means going forward the applicant will be adhering to all rules and requirements related to the newly adopted Land Use Code. The commercial zoning makes sense with the location of the highways, however the industrial does not suit any longer. A change to residential would be a better fit for other area development.

Mayor Mellon opened the hearing for comments opposed or in favor of this item.

Pauline Lemole inquired as to this item being a gateway or an offramp.

Mayor Mellon closed the public hearing.

Councilmember Paranto moved to approve Ordinance No. 2023-261, an ordinance Approving a Change of Zone for Property known as Vista Commons to R3 and MU-RC upon first reading.

Councilmember Berg seconded and the motion passed.

19. Ordinance 2023-262: Approving a Change of Zone for Property known as Massey Square to MU-NC (Neighborhood Commercial)

Mayor Mellon opened the public hearing.

Mr. LeFevre noted this is another change of zone, noting the location, currently zone PUD Commercial, seeking to update to a MU-NC. This change of zone would allow for use of the newly adopted Land Use Code. Planning and Zoning recommend approval.

Mayor Mellon opened the hearing for comments opposed or in favor of this item, to which there was none.

Mayor Mellon closed the public hearing.

Councilmember Berg moved to approve Ordinance No. 2023-262, an ordinance Approving a Change of Zone for Property known as Massey Square to MU-NC upon first reading.

Councilmember Young seconded and the motion passed.

COUNCIL REPORTS AND COMMENTS

Councilmember Young noted the library was able to secure SOMETHIGN FUNDS, and increased the work space. The Historical Society is actively marketing the Letford Brick Project.

Councilmember Molinar noted the quarterly meeting of the Housing Authority, with new lease agreement being put into place.

Councilmember Berg noted the Veteran's Memorial work will be conducted shortly; work at the Cemetery for Wreaths Across America will take place in December.

MAYOR'S COMMENTS

The Mayor did not have any comments.

MAYOR'S COMMENTS

20. Informational Items

Informational items were included in the packet.

ADJOURN

Mayor Mellon adjourned the November 6, 2023 meeting at 9:59 p.m.

Troy D. Mellon, Mayor

Hannah Hill, Town Clerk