



# Town of Johnstown

## TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO  
Monday, May 15, 2023 at 7:00 PM

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### 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 Dominguez  
Councilmember Molinar  
Councilmember Morris  
Councilmember Young  
Mayor Mellon

#### AGENDA APPROVAL

Mayor Mellon removed Item #6 from the agenda to be heard at a later time.

*Councilmember Berg moved to amend and remove Item #6, the Amended & Restated Water & Sewer Service Agreement - Purvis Farm Subdivision, with 6037 Johnstown, LL, and to approve the agenda as amended.*

Councilmember Dominguez seconded and the motion passed.

#### PUBLIC COMMENT

Shawn York spoke to Purvis Farms and the flooding that occurred the week prior.

A comment sent in from Kristin Ireland regarding cell towers was read into the record.

Two comments sent in from PJ Hood regarding pot holes and road conditions were read into the record.

#### CONSENT AGENDA

*Councilmember Berg moved to approve the consent agenda.*

Councilmember Morris seconded and the motion passed.

1. May 1, 2023 Minutes
2. Ordinance No. 2023-248 Repealing Articles I-VIII of Chapter 6 and Readopting Articles I-IV of Chapter 6 of the Johnstown Municipal Code
3. Ordinance 2023-249 amending Article XII of Chapter 10 of the Johnstown Municipal Code-Second reading

The Community That Cares

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

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4. Ordinance 2023-250: Cable Franchise Agreement for Comcast of Colorado
5. Resolution 2023-22 Amending the Fiscal Year 2022 Budget
6. Amended & Restated Water & Sewer Service Agreement - Purvis Farm Subdivision, with 6037 Johnstown, LLC - *This item was removed from the agenda.*
7. April 2023 Financial Statements
8. May 2023 List of Bills

### **TOWN MANAGER REPORT**

Matt LeCerf, Town Manager, noted the preliminary final Downtown Branding logos were included in the Information Items section of the packet. Mr. LeCerf also noted the effort by Public Works to try to contain the damage from the previous week's storm, and roadwork for County Road 3 and Thompson Parkway.

Council inquired as to how residents can report a pothole, which Mr. LeCerf noted was on the Town's website, under the "How Do I Tab".

### **TOWN ATTORNEY REPORT**

There was no Town Attorney report.

### **PUBLIC HEARING**

9. Public Hearing - Resolution 2023-23 Approving the Preliminary/Final Subdivision Plat and Preliminary/Final Development Plan for Mountain View West 3rd Replat (Townhomes Phase II)

Mayor Mellon opened the public hearing.

Kim Meyer, Planning and Building Director, presented this item which was annexed in with the 2014 Parish LLC Annexation. Ms. Meyer noted this request is in compliance with Town code, and the Planning and Zoning Commission offer their recommendation of approval.

Council asked for clarification on the number of proposed homes, which staff noted is currently planned for 125 homes. It was requested for a traffic study be conducted due to the volume of traffic at this intersection.

Mitch Nelson from Baessler Homes highlighted the large percentage of open space in this proposed plan. Mr. Nelson noted the 125 units being proposed did not trigger an additional signal being needed from the utilized traffic engineer, acknowledging that in the future development may need to be taken.

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

Mayor Mellon opened the hearing for comment for those opposed to this item, to which there was none.

Mayor Mellon closed the public hearing.

*Councilmember Berg made a motion based on the findings and analysis presented at this hearing, to approve Resolution 2023-23.*

Councilmember Young seconded and the motion carried.

10. Public Hearing – Ordinance 2023 - 251: An Ordinance Submitting to the Registered Electors of the Town of Johnstown at the General Municipal Election to be Held On April 2, 2024, A Charter Amendment Adopting A Water Policy for the Town of Johnstown

Mayor Mellon opened the public hearing.

Mr. LeCerf spoke to this ordinance bringing brought forward to the community as a ballot question on April 5, 2024 to amend the Town Charter. The aspects of the water policy have been updated as shown below – specifically Item G. If approved by ordinance and then approved by the voters, language regarding calculation method would be codified, with a policy speaking to actual usage being placed in the Charter if approved.

Council noted the importance of codifying the component for calculation.

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

Mayor Mellon opened the hearing for comment for those opposed to this item, to which there was none.

Mayor Mellon closed the public hearing.

*Councilmember Young moved to approve Ordinance No. 2023-251 on first reading.*

Councilmember Morris seconded and the motion passed.

## **NEW BUSINESS**

11. Thompson River Ranch - Amenities Extension Request

Mr. LeCerf noted the request of an extension of the agreement until September 30, 2023. Staff recommends the extension, and Council inquired if the community was informed of the extension request.

The applicant, Greg Saia – Director of Entitlements and Acquisitions, did note that the community was notified via the Metro-District of the delay, which was posted on the Metro-District website as well as emailed to those signed up for the news blast. Mr. Saia noted the delay was due to supply chain issues as well as the winter weather and snow/rain delays.

*Councilmember Molinar moved to approve the extension of times requested by Oakwood for the TRR Community Center & Pool improvements as detailed in the attached letter from Oakwood Homes.*

Councilmember Morris seconded and the motion passed.

12. Subdivision Development and Improvement Agreement for Mountain View West 3rd Replat, with Mountain View Developers, LLC

Ms. Meyer noted this item being related to the previous Public Hearing item previously heard on the agenda, and does address the traffic impact study Council had previously discussed.

*Councilmember Berg moved approve the Subdivision Development and Improvement Agreement for Mountain View West 3rd Replat Subdivision.*

Councilmember Molinar seconded and the motion passed.

13. Water & Sewer Service Agreement - Mountain View West 3rd Replat, with Mountain View Developers, LLC

Ms. Meyer spoke to an excess water being dedicated and portions of that will remain with the developer as a credit, and portions are being assigned to Parish LLC, as a combination of where the water came from.

*Councilmember Morris moved approve the Water & Sewer Service Agreement for Mountain View West 3rd Replat Subdivision.*

Councilmember Young seconded and the motion passed.

14. First Amendment to Non-Potable Irrigation System Intergovernmental Agreement

Mr. LeCerf presented the first amendment with Thompson Crossing Metro District No. 2. The District is requesting the ability to assess a surcharge to those commercial developments inside the 2534 Johnstown Plaza that are exceeding the allocation in what they're provided in non-potable water. Mr. LeCerf noted the Town is required to be notified each time a fee is increased in writing.

Council sought clarification on if the Town was being asked for permission for the district to charge a sur-charge fee. Ms. Rocklin noted the agreement with the district, and the district has an agreement with the Master Association- but regulated with the Town as to what their fees can be. This is an ask to exceed the Town fees with a sur-charge, noting it would be an agreement with the District and the Master Association.

*Councilmember Morris moved approve the First Amendment to Non-Potable Irrigation System Intergovernmental Agreement as presented.*

Councilmember Berg seconded and the motion passed.

## **COUNCIL REPORTS AND COMMENTS**

Councilmember Molinar noted the Housing Authority has an upcoming meeting to discuss USDA loan payment.

Councilmember Berg noted the upcoming Memorial Day ceremony at the Johnstown Cemetery.

Councilmember Dominguez expressed thanks for applications for the vacant Councilmember seat, and thanks to the Police Department for lost dog assistance.

Councilmember Morris expressed thanks for the Town employees during the recent flooding during storms.

Councilmember Young asked if adjusters would be coming out to look at roads due to recent flooding on roads. Mr. LeCerf mentioned that \$250,000 in cleanup efforts was estimated. It was requested the library be included if adjusters come out.

## **MAYOR'S COMMENTS**

Mayor Mellon noted downtown Cinco de Mayo events. It was also mentioned that the Town entered into an agreement with the County for senior or disable ride program and those funds are still held up with CDOT. Mayor Mellon also noted the Arbor Day event at the schools.

## **INFORMATIONAL ITEMS**

15. Informational Items

Informational items were included in the packet.

## **VACANT COUNCILMEMBER SEAT VOTE**

Council voted via written ballot to appoint to the vacant Councilmember seat.

Council Vote 1:

The vote did not provide a majority, and the two highest votes went to Lance Walker and Deniece Cook.

Council was directed to confine their votes to Ms. Cook or Mr. Walker.

Vote 2:

The vote tied three to three, and there was not a majority vote cast.

Council took another vote, after Mayor Mellon noted the possibility of a second interview.

Vote 3:

The vote tied three to three, and there was not a majority vote cast.

Council discussed the two remaining candidates, and Mayor Mellon called for another vote.

Vote 4:

The vote tied three to three, and there was not a majority vote cast.

Council asked to take a fifth vote.

Vote 5:

The vote tied three to three, and there was not a majority vote cast.

Mayor Mellon called for a virtual Special Meeting on Monday the 22, 2023 following a second interview of the candidates.

**ADJOURN**

Mayor Mellon adjourned the May 15, 2023 meeting.

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Troy D. Mellon, Mayor

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Hannah Hill, Town Clerk