



Town of Johnstown

**TOWN COUNCIL REGULAR MEETING
450 S. Parish, Johnstown, CO
Monday, December 07, 2020 at 7:00 PM**

MINUTES

CALL TO ORDER

Mayor Lebsack called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. The meeting was held remotely due to COVID concerns.

ROLL CALL

PRESENT

Mayor Gary Lebsack
Councilmember Chad Young
Councilmember Damien Berg
Councilmember Jesse Molinar
Councilmember Kevin Lemasters
Councilmember Troy Mellon

ABSENT

Councilmember Amy Tallent

The following staff members were also present in the remote meeting: Matt LeCerf, Town Manager, Avi Rocklin, Town Attorney, Mitzi McCoy, Finance Director, Kim Meyer, Planning Director, Brian Phillips, Chief of Police and Jamie Desroiser, Communication Manager.

AGENDA APPROVAL

Motion made by Councilmember Berg, seconded by Councilmember Lemasters to approve the Agenda as submitted. Motion carried with a roll call vote.

PUBLIC COMMENT

Jim Hatfield asked about the Use By Special Review Permit Approval with Kerr McGee that was included in the Informational Section of the packet. He was concerned the proposed well sites may be in the ROW of the I-25 and Highway 60 Interchange. He also stated Resolution 2020-37 conflicted with the proposed Cemetery Ordinance scheduled for approval later on the agenda.

Rebecca Brace expressed her concern about the letter that was sent to all the residents notifying them of a water violation. She wanted to know what was being done to prevent these situations happening again.

CONSENT AGENDA

Motion made by Councilmember Mellon, seconded by Councilmember Berg to approve the Consent Agenda. Motion carried with a roll call vote.

1. Minutes - November 16, 2020
2. List of Bills - December 2020

TOWN MANAGER REPORT

3. Town Manager's Report- Matt LeCerf provided information in reference to the TOC violation letter that was mailed to all residents of Johnstown.

PUBLIC HEARING

4. **Public Hearing - First Reading** Ordinance No. 2020-187 an Ordinance Repealing and Readopting Chapter 2 of the Johnstown Municipal Code Concerning Administration and Personnel and, as a Part Thereof, Adding Provisions Concerning Municipal Campaign Finance, and Making Related Amendments to Section 1-21 of Article II of Chapter 1 of the Johnstown Municipal Code Concerning General Definitions. - This ordinance would repeal and replace Chapter 2 of the Johnstown Municipal Code in order to not conflict with the Home Rule Charter and to revise and amend certain administrative and personnel policies and procedures, as well as amend the general definitions in Section 1-21 of Article II Chapter 1 clarifying the meaning of the Board of Trustees is the Town Council.

Mayor Lebsack opened the public hearing at 7:38 p.m. and having no public comment closed the hearing at 7:57 p.m.

Motion made by Councilmember Mellon, seconded by Councilmember Molinar Jr. to approve Ordinance 2020-187 with amendments to Section 2-3, 2-24 and 2-154. Motion carried with a roll call vote.

5. **Public Hearing - First Reading** - Ordinance Number 2020-188 An Ordinance Repealing and Readopting Article VI of Chapter 11 of the Johnstown Municipal Code Concerning the Johnstown Cemetery – Ordinance 2020-188 repeals and readopts Article VI of Chapter 11 of the Johnstown Municipal Code to adopt new policies and procedures for the Johnstown Cemetery and remove reference to the amount of Town's fees, which will be set in the Town Fee Schedule and set forth conduct that is prohibited in the Cemetery so that such conduct can be enforced in municipal court.

Mayor Lebsack opened the public hearing at 7:59 p.m. Jim Hatfield had concerns that some of the definitions in the ordinance were not matching in the Rules and Regulations. Having no further public comments, the hearing closed at 8:10 p.m.

Motion made by Councilmember Berg, seconded by Councilmember Young to approve Ordinance 2020-188 an Ordinance Repealing and Readopting Article VI of Chapter 11 of the Johnstown Municipal Code concerning the Johnstown Cemetery. Motion carried with a roll call vote.

6. **Public Hearing - First Reading** - Ordinance No. 2020-189; An Ordinance Repealing and Readopting Chapter 13 of the Johnstown Municipal Code Concerning Municipal Utilities – This ordinance revises and amends Chapter 13 to reflect new policies and procedures and omit references to

the amount of Town's fees, rates and charges and provide that such fees, rates and charges be included in the Town Fee Schedule.

Mayor Lebsack opened the public hearing at 8:11 p.m. and having no public comment closed the hearing at 8:12 p.m.

Motion made by Councilmember Lemasters, seconded by Councilmember Molinar Jr. to approve Ordinance 2020-189 repealing and readopting Chapter 13 of the Johnstown Municipal Code concerning municipal utilities. Motion carried with a roll call vote.

7. Public Hearing – First Reading - Ordinance No. 2020-190; An Ordinance Amending Article II Of Chapter 13 of The Johnstown Municipal Code to Add Section 13-55 Establishing A Special Fee Concerning Regional Sanitary Sewer Improvements to Be Paid by Benefitted Properties in the Area Generally Located Near and Adjacent to State Highway 60 and Remitted to the Sanitary Sewer Utility Enterprise – This ordinance establishes the Regional Sewer Fee. The fee ensures the Town's ability to recover its cost and to pay any debt or loans.

Mayor Lebsack opened the public hearing at 8:14 p.m. and having no public comment closed the hearing at 8:22 p.m.

Motion made by Councilmember Berg, seconded by Councilmember Young to adopt Ordinance Number 2020-189, repealing approve Ordinance 2020-190 on first reading. Motion carried with a roll call vote.

8. Public Hearing- First Reading Ordinance No. 2020-191 an Ordinance Amending Sections 4-111, 5-111, 5-113, 6-6, 6-42, 6-46, 6-63, 6-83, 6-111, 6-133, 6-135, 6-161, 6-186, 6-189, 7-62, 7-131, 8-87, 15-4, 16-62, 17-13 and 17-51 of the Johnstown Municipal Code Concerning the Referral of the Town's Fees, Rates and Charges to the Town Fee Schedule – This ordinance amends sections within the municipal code that references the various Town fees, rates and charges and refers them to the Town Fee Schedule.

Mayor Lebsack opened the public hearing at 8:25 p.m. and having no public comment closed the hearing at 8:29 p.m.

Motion made by Councilmember Lemasters, seconded by Councilmember Mellon to approve Ordinance 2020-191 on first reading. Motion carried with a roll call vote.

NEW BUSINESS

9. Consider Resolution 2020-37 Resolution Adopting Cemetery Rules and Regulations- this item was tabled to December 21, 2020.

10. Consider Resolution 2020-38 Resolution Adopting a Consolidated Town Fee Schedule – The Town Fee Schedule is designed to move all of the Town Fees that are included in the Johnstown Municipal Code into the Town Fee Schedule. Motion made by Councilmember Berg, seconded by Councilmember Mellon to approve Resolution 2020-38 Adopting a Consolidated Town Fee Schedule. Motion carried with a roll call vote.

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EXECUTIVE SESSION

Motion made by Councilmember Berg, seconded by Councilmember Lemasters to recess into Executive Session at 9:50 p.m.

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

14. An executive session to receive legal advice from the Town attorney pursuant to C.R.S. Section 24-6-402(4)(b) regarding acquisition of rights-of-way.

Mayor Lebsack reopened the Regular Meeting at 10:29 and stated Council went into Executive Session to obtain legal advice from the Town Attorney.

ADJOURN

The meeting adjourned at 10:30 p.m.

Mayor

Town Clerk