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TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO
Monday, October 07, 2024 at 7:00 PM

MINUTES

CALL TO ORDER

Mayor Duncan called the October 7, 2024 Council meeting to order and invited those able to join in the Pledge of Allegiance.

Pledge of Allegiance

ROLL CALL

Present:

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

Absent:

Councilmember Berg
Councilmember Morris

AGENDA APPROVAL

Mayor Duncan moved to amend agenda to add discussion of termite infestation in the Colony subdivision with the proposal to allocate \$77,000 for an infestation and eradication efforts

Councilmember Menzies moved as amended moved to approve the agenda as amended

Mayor Pro Tem Young seconded and the motion passed.

SPECIAL PRESENTATIONS

1. Business of the Month

Sarah Crosthwaite, Economic Development Manager, presented The Johnstown Breeze as Business of the Month for October.

2. Employee Introductions

Jason Elkins, Public Works Director, presented Brandon Torrez as the new Senior Project Manager, focusing on Capital Projects.

PUBLIC COMMENT

Jim Hatfield spoke to Clearview traffic issues including speeding, and requested additional enforcement related to parking issues. Mr. Hatfield asked the Town to stripe the road on Silverbell Blvd at Colorado Blvd., and formal consideration of a right-hand as well. Repainting requests were made.

The Community that Cares

CONSENT AGENDA

Councilmember Menzies moved to approve the consent agenda

Councilmember Paranto seconded and the motion passed.

3. September 16, 2024 Meeting Minutes
4. Resolution No. 2024-44 Concerning the Administration of Oaths of Office by the Chief of Police
5. Resolution No. 2024-45 Acknowledging Receipt of the 2025 Preliminary Budget
6. September 2024 List of Bills

TOWN MANAGER REPORT

7. Town Manager's Report

Matt LeCerf, Town Manager, presented his report.

Council asked about Riverbend being in a flood zone, and Mr. LeCerf noted that development on that property would not be permitted in the areas where flooding occurred. The areas that are permitted for development would be outside the flood hazard area, and it takes approval by FEMA for permitting to proceed. Council asked about where the project is in process in Riverbend. Mr. LeCerf stated that a portion of the area had gone through this process.

TOWN ATTORNEY REPORT

Avi Rocklin, Town Attorney, noted the informational items in the packet and the draft ordinance proposed as requested by Council.

Council noted the ordinance looked comprehensive, and requested the ordinance come forward for approval on a later agenda.

NEW BUSINESS

8A. *This item was added to the agenda at the start of the meeting.* Discussion of termite infestation in the Colony subdivision with the proposal to allocate \$77,000 for an infestation and eradication efforts

Council asked where the allocation will come from, which Mr. LeCerf noted the General Fund with a budget amendment. Council asked for background of this item, and Mayor Duncan noted with recent flooding there is a terminate infestation in one neighborhood, and the Town needs to do its due diligence regarding the cause of the infestation.

Ms. Swanson came forward to note her experience which began over a year ago. It was noted that any treatment put down in the infested area was ineffective due to the frequency of flooding, and termites have continued to infest the neighborhood. Ms. Swanson noted she has partnered with Colorado State University's Entomology's Department for research and treatment.

Council asked for a summary of the meeting where Mayor Duncan and Mr. LeCerf met with the homeowner. Mayor Duncan noted that a Geostudy to determine the root cause of the infestation. If the data points to flooding as the cause, then funding is set aside to address the issue.

Mr. LeCerf noted a need to understand how the pests are existing in this climate. Council noted that the attempt to get ahead of this termite issue before it becomes a bigger issue.

Ms. Swanson noted the areas of concern, including wavy roofs, sidings and soil issues in her neighborhood.

Councilmember Paranto moved to allocate \$77,000 funds to perform a geo technical survey related to the terminate project

Mayor Pro Tem Young seconded and the motion passed.

8. Intergovernmental Agreement Regarding Use of Special Improvement Districts between the Town of Johnstown, Colorado and the Granary Metropolitan District Nos. 1 and 3-9

Ms. Rocklin presented the proposed agreement to approve the formation of Special Improvement Districts from Granary Metropolitan District.

Carolyn Steffle, Special Counsel, noted the Town received the request to authorize the formation of special improvement districts. It was noted Special Improvement District No. 2 has users and is not part of the request. The purpose is to provide bridge financing to the developer to finance the construction of, among other potential public improvements, completion of the planned roundabout at the intersection of Roosevelt Parkway and County Road 13, completion of County Road 46 at the southern border of the Granary development from County Road 13 to Telep Avenue, completion of the Roosevelt Parkway from County Road 13 to Telep Avenue, completion of Telep Avenue along the eastern border of the development, and construction of the community pool and locker room facilities.

Council asked for clarification on previous decisions on the pool specifically. It was noted the previous agreement presented to Council was for the operations and maintenance of the pool, the decision before Council is for the construction of the pool.

Robert Rogers, the counsel for the District, spoke, to the different fees related to the pool. Council questioned the order of items, noting the agreement with the HOA items, and then this IGA appearing before Council. Mr. Rogers noted that at the time of the previous HOA approval related to the pool, Council had not yet approved a Special Improvement District, so it may not have been an option that was considered. The pool was also noted to be less than 10% of the cost proposed, the higher costs being major arterials including the contribution to the roundabout at Roosevelt.

Council also noted that this does not increase costs for the homeowner which Mr. Rogers confirmed.

Ms. Rocklin noted if these Special Improvement Districts continue to be a tool developers want to use, staff may look at a different form to improve the process.

Councilmember Paranto moved to approve the Intergovernmental Agreement Regarding Use of Special Improvement Districts between the Town of Johnstown, Colorado and the Granary Metropolitan District Nos. 1 and 3-9.

Councilmember Molinar seconded and the motion passed.

PUBLIC HEARING

9. Ordinance No. 2024-259: Prohibiting the Burning of Garbage and Refuse in the Town of Johnstown.

Mayor Duncan opened the public hearing.

Chief Jeff Strossner presented the proposed ordinance noting the previous discussions Council has had. Staff reviewed ordinances and noted the simplest way to prohibit issues was to prohibit the burning of garbage and refuse.

Council asked about the fire code, which Chief Strossner noted there are a few issues with enforcement due to Johnstown being in two counties and no sworn officer in the fire departments to enforce Johnstown Code.

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

Mr. Hatfield asked how this item is different than the existing fire code.

Ms. Rocklin noted the provision Mr. Hatfield cited open burning related to conditions where the proposed ordinance prohibits burning of garbage.

Mayor Duncan closed public comment and the public hearing.

Mayor Pro Tem Young moved to approve Ordinance No. 2024-259, an Ordinance Adding Section 7-54 to the Johnstown Municipal Code Prohibiting the Burning of Garbage and Refuse in the Town of Johnstown.

Councilmember Menzies seconded and the motion passed.

10. Resolution 2024-46 for Filing No. 1 Final Plat and Final Development Plan for Subdivision Case No. SUB22-0008

Mayor Duncan opened the public hearing.

Jeremy Gleim, Planning Director, presented the proposed resolution. Mr. Gleim noted the location, and the approval of the Outline Development Plan roughly four years prior to this date. Three tracts of the proposed are for future residential subdivision proposals- no residential proposal is on the agenda for the first filing. Future phases would include utility and roadway improvements. The phases are being proposed in this manner so the focus is on the amenity for the shaping of the land and getting it prepped for seeding and growing of grass of the golf course.

Mr. Gleim noted the entire Final Development Plan was included in the agenda packet and the exhibits from the document detail the layouts of the golf course, noting the layout of the golf course and any mitigation of golf impacts.

The applicant, Stephanie Podtburg, noted the history of the land with almost 200 feet of elevation change making this land unique. Ms. Podtburg spoke to hiring a golf course architect who has experience in the area, and noted her family's long history in the Town and on the land. It was noted that there is a desire for this to be a public course.

Christine Turner, TD Group, spoke to the application and the length of time a golf course takes to develop. Ms. Turner noted that water is important to the community and to address that concern the golf course has a non-pot system with native, low water grasses.

There are no access points proposed with this plat and there are no proposed road connections with the Northmoore subdivision.

Council asked about the non-pot water system, related to the concern for the pumps and issues concerning those. Ms. Turner noted the most current technology is being used for the non-pot system.

Council asked about access points and emergency access points. Ms. Turner noted there are no access points yet, but with future designs of the clubhouse there would be access points for emergency personnel. It was noted that there are access routes available for use to emergency uses currently until roads are in.

Ms. Turner noted a traffic report would be submitted with the property and a new traffic report would be done with each filing, and if any new improvements were required it would be part of the new filing.

Council asked for review on community feedback. Ms. Turner noted that there was a community meeting and the Podtburg family has expressed openness to communicating with the neighbors. Ms. Podtburg noted that since the hearing with Planning and Zoning, the applicant has reached out for questions and is currently scheduling a presentation with the HOA.

Council asked about the plans for the clubhouse. Ms. Podtburg noted those details are not finalized. It was noted a permanent structure is not ready to be built and a temporary structure is planned until a more permanent building is able to be built.

Council asked the date of the HOA presentation, which Ms. Podtburg noted was January 11, 2025 from 9 to 11 AM at the Johnstown Senior Center.

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

Veronica Schlagel spoke in favor of the golf course.

Terry Sutherland spoke to the desire to golf in Johnstown and supporting local business.

Colton Thompson spoke to keeping local businesses in Town and looking forward to the golf course.

Blake Humphrey spoke to being surprised about a golf course coming to Johnstown, and noted the question to be asked is why should this not be approved.

Scott Nielsen and Tami Kramer emailed in a comment in favor of the resolution.

Mayor Duncan closed the public comment for the hearing.

Mayor Duncan closed the public hearing.

Mayor Pro Tem Young moved to approve Resolution 2024-46, Approving Filing No. 1 Final Plat and Final Development Plan for Subdivision Case No. SUB22-0008

Councilmember Molinar seconded and the motion passed.

11. Resolution 2024-47: Approving the Service Plan for Mallard Ridge Metropolitan Districts Nos. 1-4

Mayor Duncan opened the public hearing.

Ms. Rocklin noted the service plan, and noted the name of Mallard Ridge Metropolitan District and there are plans to change the name of the metro district and the intent will be to change the name to Purvis to match the subdivision.

Carolyn Steffle, Special District, noted this is a proposal of four related brand-new metropolitan districts. It was noted that these will provide financing for items such as water, sewer, storm sewer, traffic and street infrastructure.

The four different districts would be assigned to a coordinating district, single family residential, multi-family residential and commercial.

Council asked who would be able to run for election. Ms. Steffle noted landowners, resident, or those under a contract to purchase property in the district in a control district.

It was asked if the Town got rid of Control Districts. Ms. Rocklin noted that there was discussion regarding this.

Council asked for clarification of the smaller districts, which was noted that the smaller locations will change, and as land develops it would be added to the district, increasing the size proposed to Council with this item, without coming to Council. This would allow the development to assign different areas to items such as residential and allow for debt to be taken at different times depending on development.

Council asked of the Town's fiscal responsibility, which Ms. Steffle noted that the Town would not have any debt responsibility, and this district does not raise taxes for the Town- however residents in these metro districts would pay taxes to this district in addition to the Town's taxes.

The applicant, represented by Robert Rogers, spoke to the location and to the commitment to changing the name to match the name of the development project once that name is determined. The planned plat is estimated at 106 acres, and Mr. Rogers reviewed various requirements from metro districts and compliance with the model service plan provided by Town staff. It was noted that the Town is not responsible for cost improvements for the Districts, any debt issued by the districts or the development of the district.

Mr. Rogers spoke to an overlay plan not existing in this project, however there is an overlay district planned with no known operating date, but the boundary of District No. 4 is noted in the service plan for an overlay district. It was noted that currently there are no residents in the development, and a district needs to be responsible for starting the improvements.

Council asked for clarification on guarantees on the overlay district happening and a timeframe. Mr. Roberts noted any IGA needs to come back to Council, and Council asked who the developer is- and Mr. Roberts noted it is an LLC controlled by Post Modern Development. Council noted it is difficult to get residents to run for office in their metro districts. Mr. Rogers noted that any fee schedules from the Metro Districts are required to come back to the Town Council for the Town to review and analyze if there is a fee that is implied.

Council asked if the development is located in a floodplain, which staff noted it is not believed to be so. Council also noted this development has had many issues with the Town regarding weed mitigation. Ms. Rocklin noted if they are looking to form a metro district they may be looking to build and a positive step in getting the property developed.

Jeff Jensen, Construction Manager for Post Modern Development, noted the plan is to put the infrastructure in and then the building would be to turn over to a developer. Council asked if a comprehensive flood management was conducted, which Mr. Jensen noted surveys were done and the location is not in a flood plain at all.

Ms. Steffle noted the criteria that Council reviewed the district on.

Council discussed control districts. Ms. Steffle noted several districts the Town has approved have overlay districts.

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

Mayor Duncan closed the hearing.

Councilmember Paranto moved to approve Resolution 2024-47 Approving the Service Plan for Mallard Ridge Metropolitan Districts Nos. 1-4 with the following modifications to the proposed service plan: to remove the control district and instead use an overlay district and direct the Town Attorney to revise the service plan accordingly

Mayor Pro Tem Young Seconded and the motion passed.

NO VOTE: Menzies

COUNCIL REPORTS AND COMMENTS

There were no Council reports.

MAYOR'S COMMENTS

The Mayor did not have a report.

INFORMATIONAL ITEMS

12. Informational Items

Informational Items were included in the packet.

ADJOURN

Mayor Duncan adjourned the meeting.

Michael P. Duncan, Mayor

Hannah Hill, Town Clerk