



# Town of Johnstown

## TOWN COUNCIL WORK SESSION COMMUNICATION

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**AGENDA DATE:** November 9, 2020

**SUBJECT:** Information Regarding All Work Session Discussion Items

**ATTACHMENTS:**

1. Johnstown Municipal Code: Chapter 2- Administration Personnel Revisions
2. Johnstown Municipal Code: Chapter 11- Cemetery Ordinance Revisions
3. Johnstown Municipal Code: Chapter 13- Municipal Utilities Revisions
4. Regional Sewer Fee on New Construction
5. New Utility Rate Schedules
6. Educational Plan for Rate Schedule Changes

**PRESENTED BY:** Various Staff Members

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### AGENDA ITEM DESCRIPTION:

The purpose of this memo is to provide a brief overview regarding attached ordinances and new changes that are proposed to go into effect beginning January 1, 2021. The purpose of this work session is to provide you with the proposed changes while touching on the high-level items regarding these legislative changes. Staff desires to receive feedback from the Council regarding any final changes prior to beginning a formal adoption process at regularly scheduled Town Council meetings.

- Johnstown Municipal Code – Chapter 2- Administration Personnel Revision
  - It was recently requested by Town Council members to make some changes to Chapter 2 titled Administration Personnel. Some of these changes include:
    - General definition changes
    - Time for Regular Elections
    - Filling of Vacancies
    - Clarification regarding special meetings
    - Items related to the recent April charter changes

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- Slight modifications to emergency and remote meetings regarding disasters, pandemics, etc. based on our experience from this past year.
- Inclusion of a new Municipal Campaign Finance section based on changes in State Statute.
- Changes to Officers and employees regarding key staff members mentioned in the municipal code.
- Deletion of the Drug Screen and Testing section which is included in the TOJ Personnel Handbook.
- There are a couple questions Staff have regarding the sections that discuss
  - Ethics code
  - Financial disclosure by elected officials.
- Johnstown Municipal Code: Chapter 11 – Cemetery Ordinance Revisions
 

Changes are proposed in the Cemetery Ordinance to remove some general rules and regulations which will become administrative. We will request the Town Council adopt those by resolution and allow for administrative changes to those general rules to take place moving forward. With respect to other items inside the Cemetery Code, fees have been included in the Town Fee Schedule for cemetery lots and columbarium cells.
- Johnstown Municipal Code: Chapter 13 – Municipal Utilities Revisions
 

Chapter 13 has had a complete rewrite. While in general most things haven't changed, organizationally it has changed significantly. Described below are some of the individual Articles within Chapter 13 and highlights of those Articles.

  - Article I – General
 

You will note that there is an inclusion of a general section which applies to all of the Articles as a whole. The section references:

    - General definitions that apply to the entire Chapter
    - Administrative oversight delegating authority to the Town Manager (which will be further delegated as appropriate based on the issue or utility).
    - Clarification on all matters regarding utility bills, late payments, disconnects, ability to lien property for delinquent payments, etc.
  - Article II – Sanitary Sewers
 

The changes in this section do not represent a comprehensive rewrite, but the changes proposed include moving of many of the administrative tasks to Article I and most importantly recognizing and declaring the sanitary sewer utility as an enterprise.
  - Article III – Water
 

The water section does have a number of new rewrites to it. Most importantly is the qualification of the water utility as an enterprise. Additionally, there is clarifying information related to requirements for receiving a tap, the oversight of water meters and testing thereof, clarification of water tap and raw water development fee, and

- responsibilities related to maintenance of the various portions of the water system. Other qualifications under water service charges included the clarification that rates outside the Town's limits will be 1.5 the rate charged for property within the Town, a clarifier on how multifamily units are being charged, and the establishment of construction hydrant meter charges when using water from hydrants.
- Article IV – Water Right Dedication  
Several sections of this section were modified, updated, and in general made more clear in the intent. One key element was a volumetric description of how the Town qualifies a single-family equivalent. This is the basis by which water dedication is quantified, whether it be residential, commercial, industrial or other uses throughout the Town. The need and requirement was also reaffirmed and clarified for a water and sewer demand analysis, water court transfer fees, requirements related to annexation and the dedication of water at annexation, and our standard yield for water types.
  - Article V – Infrastructure Reimbursement  
This section was cleaned up in general and the overall clarity to it has been enhanced. The most notable though, is the inclusion of reimbursement abilities for regional stormwater improvements that were previously not provided in this section as a reimbursement option.
  - Article VI – Water Conservation  
This section does have changes which Council should be aware of, most notable is the fact that it is proposed that there is no watering of lawns between the dates of October 15 through April 15 in any given year. The level of drought conditions was qualified and finally the penalty was adjusted and left more to the discretion of the judge for reasonable enforcement. Overall we hope to move to a more water wise approach in our community water consumption.
  - Article VII – Stormwater Utility  
The most change in Article VII is the assumption of the reinforcement of the stormwater utility as an enterprise. Previously in the code, there was a 25% reduction on the stormwater fees for onsite retention – this discount has been removed. This is simply due to the fact that stormwater detention on a development is a general requirement for any development if it is not utilizing a regional storm water detention system. Discerning what qualifies for the 25% reduction was difficult to quantify based on the previous language and it in fact could be argued that everyone would qualify for it. If a stormwater facility provides benefit to more than just the specific development or property, a reimbursement agreement would be a more appropriate direction moving forward on this impact assessment.
  - Article VIII – Cross Connection Control Program  
No changes are presented. This ordinance was presented and adopted in 2019.

- **Regional Sewer Fee on New Construction**  
As the Town Council continues to move forward with the expansion of the sanitary sewer system, this infrastructure expansion and construction will be paid exclusively by new development at the time of building permit. This will help the Town recover its costs associated with the project. Establishment of this ordinance will allow for the collection of the regional sewer fee based on an SFE basis. This section is proposed to be adopted separately, as it is a completely new section within the municipal utilities and the code does not currently include the regionally sewer fee specifically. This helps to ensure a more transparent method of adoption. The fee at this time, is set for a single-family equivalent of \$9,500 but does have a reduction based on a density and lesser consumptive use compared to a single-family equivalent detached unit for other residential applications.
- **Town Fee Schedule – Inclusive of New Utility Rate Schedule**  
The new Town Fee Schedule is designed to move all Town Fees included in the Johnstown Municipal Code into the Town Fee Schedule. The purpose of this is to serve several objectives:
  1. To allow citizens and visitors to more quickly access our array of fees charged for various services, licenses, permits etc.
  2. To help facilitate and make easier, changes proposed and adopted by the Council with respect to individual fees within the fee schedule. When a fee is changed in the future, we will present a resolution and that resolution will reference the section number and the corresponding new fee amount.
  3. To help prevent what maybe typically characterized as “mundane reading” of the Johnstown Municipal Code. Sections of the code where fees exist will now include a general reference that the fee is set by resolution in the Town Fee Schedule. There may be small clean ups still to come throughout the code providing this information.
  4. The Town Fee Schedule has been updated to reflect the new utility rates with respect to water and sewer based on the critical improvements that are needed in both systems to provide high quality water that minimizes or eliminates taste and order impacts for the water system as well as sewer improvements that allow us to better comply with the Federal Clean Water Act with respect to discharging of waste water.
- **Educational Plan for Rate Schedule Changes**  
Our Communication Manager will be presenting a plan of action on how we will educate and justify utility plan changes for water and sewer services in our community.