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**TOWN COUNCIL REGULAR MEETING**  
**450 S. Parish, Johnstown, CO**  
**Monday, May 06, 2024 at 7:00 PM**

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**MINUTES**

**CALL TO ORDER**

**Pledge of Allegiance**

Mayor Duncan called the meeting to order and led the Pledge of Allegiance.

**ROLL CALL**

Present:

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

**AGENDA APPROVAL**

*Councilmember Berg moved to approve the agenda.*

Councilmember Paranto seconded and the motion passed.

**SPECIAL PRESENTATIONS**

1. Business of the Month

Sarah Crosthwaite, Economic Development Manager, presented Ethan Allen as the business of the month for May.

2. Employee Introductions

Doug Gossett, Engineering Director, introduced Clint Hirschfeld, Town Inspector.

Ellen Hilbig, Utilities Director, introduced Charles Rice, Wastewater Treatment Operator.

Jason Elkins, Public Works Director, introduced Tim Baillargeon, Streets Maintenance.

3. Proclamation - Mental Health Month

Councilmember Menzies read the proclamation into the record and presented the proclamation to North Front Range Behavioral Health Center.

4. Foster Care Awareness Month Proclamation

Councilmember Menzies read the proclamation into the record and presented the proclamation to Envoi Associates.

*The Community that Cares*

## **PUBLIC COMMENT**

Holly Sturgeon spoke on behalf of Country Acres to Council regarding the Town's commitment to this project and asked to receive an update on the current project.

Jim Hatfield spoke on behalf of the HOA in Clearview and asked to have a conversation with the Town regarding issues with trespassing over the railroad tracks.

A written comment from Tammy Manning was read into the record regarding water meter estimations.

A written comment from Paul Herman was read into the record regarding water restrictions.

## **CONSENT AGENDA**

*Councilmember Morris moved to approve the consent agenda.*

Councilmember Molinar seconded and the motion passed with all in favor.

5. April 15, 2024, 7:00 pm Meeting Minutes
6. April 15, 2024, 7:45 pm Meeting Minutes
7. Ordinance No. 2024-250: Annexing Certain Unincorporated Lands Located in the Southeast Quarter of Section 27, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, Consisting of Approximately 5.7 Acres and Known as the Yellow Roof Annexation
8. Ordinance No. 2024-251 Approval of Industrial Light (I-1) Zoning of the Property Known as the Yellow Roof Annexation, Located in the Southeast Quarter of Section 27, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, Consisting of Approximately 5.7 Acres
9. Yellow Roof Annexation Agreement
10. Resolution No. 2024-20 Amending the Fiscal Year 2023 Budget
11. April 2024 List of Bills

## **TOWN MANAGER REPORT**

12. Town Manager's Report

Matt LeCerf, Town Manager, presented the report included in the meeting packet. It was noted related to the Country Acres project the Town is currently getting bids and an executive session is on the agenda for the night's meeting.

## **TOWN ATTORNEY REPORT**

There was no Town Attorney Report.

## **NEW BUSINESS**

13. Agreement Between the Town of Johnstown and D2C Architects for the Design Services of a Development Services Building

Mr. LeCerf presented the agreement, noting the 2024 budgeted funds for a Development Services Building proposed to be located at 201 Centennial Drive. Mr. LeCerf spoke to the tour of a currently Town owned building and the belief the building would not serve the organization's needs for any length of time. Council previously directed for the land on Centennial to be purchased.

*Councilmember Menzies moved to Approve the Standard Form of Agreement Between the Town and D2C Architects for the Design of a Development Services Building.*

Councilmember Young seconded and the motion passed.

14. Playground Equipment Replacement for Eddie Aragon Park and West Lake Park

Jason Elkins, Public Works Director, presented the options for playground equipment replacement. Mr. Elkins noted the ADA complainant equipment and new ground material in the options. The owners of Go Play Inc. were present to speak to Council. Staff offered a recommendation of Option 3 for Eddie Aragon and Option 2 for West Lake Park. Jennifer VanWormer, Go Play Inc. spoke to innovative equipment, increasing the footprint of the park and the desire to incorporate play equipment for everyone.

*Councilmember Morris moved to Approve Awarding the Contract, with Option 3 for Eddie Aragon Park and Option 2 for West Lake Park, to Go Play Inc. as Presented and Authorize the Town Manager to Sign the Contract.*

Councilmember Menzies seconded and the motion passed.

15. Contract Amendment with Burns & McDonnell Engineering Company, Inc. for the Water Treatment Plant Design Contract for Work Authorization 1 & 2 Engineering Construction Services

Ellen Hilbig, Utilities Director, presented the contract amendment to Council noting the amount of \$882,022 to Burns & McDonnell Engineering Company for work on the Water Treatment Plant. Ms. Hilbig noted the history of the project and anticipating design to be final mid-May 2024.

*Councilmember Molinar moved to Approve the Contract Amendment for Work Authorization 1 & 2 Engineering Construction Services with Burns & McDonnell Engineering Company, Inc. in the Amount of \$882,022.*

Councilmember Berg seconded and the motion passed.

16. Downtown Masterplan Project Overview

Ms. Crosthwaite presented the overview of the Downtown Masterplan Project, which is based on the 2021 adopted Downtown Comprehensive Masterplan. Ms. Crosthwaite reviewed the project timeline and what potential community outreach would look like, including a future Town Council meeting or Work Session. It was noted a unified vision was needed as an overall masterplan, identifying areas that can be expanded in downtown, and parking system management needs, among other items identified in the presentation included in the packet.

The Held and Reider Annexations were referenced with over 240 acres that is expected to be used for future development of Downtown.

Council asked for clarification on how the community outreach will work. Ms. Crosthwaite noted that the desire is to meet people where they are at, with boots on the ground and in person outreach. The goal would be coming to the public several times with progression of the masterplan.

Council noted a work session would be a great avenue for when this item comes back so the public would be able to attend.

17. Downtown Façade Grant Program Proposed Boundary Change

Ms. Crosthwaite presented the proposed boundary change for the Downtown façade grant program. It was noted that the desire is to clean up the existing boundary so existing buildings can qualify.

*Councilmember Morris moved to Approve the Newly Proposed Downtown Boundary for the Downtown Façade Grant Program*

Councilmember Paranto seconded and the motion passed.

18. Termination of the Downtown Sign Project Contract

Mr. LeCerf presented this item on the request of Town Council. It was noted there was one sign remaining in Phase 1. This action would provide notification to Ad Light Group that the Town does not expect to move forward with the remaining sign.

Council asked for clarification on this project. Mr. LeCerf noted that it would effectively cancel the next phase. Council discussed the intent of the sign project to bring awareness to downtown and the funding that has been allocated for the project. Mr. LeCerf noted the discussion from a previously held Work Session which mentioned historical lighting, wayfinding elements to ensure proper direction to downtown.

Council discussed the need to keep the focus on the project as a whole and the idea of the LED sign that would communicate Town events.

*Councilmember Morris Moved to Approve the Termination of the Agreement with Ad Light Group in Compliance with Section 5 of the Agreement Between the Two Parties.*

Councilmember Menzies seconded and the motion passed.

## **PUBLIC HEARING**

### 19. Public Hearing – New Tavern License Application for Mirror Image Brewpub Group LLC

Mayor Duncan opened the public hearing.

Hannah Hill, Town Clerk, presented the application to Council noting the received application on March 25, 2024. All requirements were met, and staff recommends approval of the Tavern liquor license.

Steven Schirner, the applicant, addressed Council's inquiries on location and other currently operating locations. Council inquired on the needs and desires petition, which the applicant did note residential knocks were over 100 but the applicant also wished to be respectful to resident's weekend plans as they petitioned. Mr. Schirner noted they would be beer and wine focused, based on the needs of the grocery store.

Council inquired on ID checking, which the applicant noted all team members are over 21, go through training and boundaries and signage will be provided. The applicant addressed concerns of Council as the desire to be family friendly gathering space inside the grocery store.

Mayor Duncan opened public comment for those in favor or opposed to this item, to which there was none.

Mayor Duncan closed public comment.

Mayor Duncan closed the hearing.

*Councilmember Berg moved to approve the Tavern License to Mirror Image Brewpub Group Inc dba Mirror Image @ Woods*

Councilmember Paranto seconded and the motion passed.

### 20. Ordinance No. 2024-247: Establishing R-2 Zoning on The Property Known As The Blue Spruce Ridge Annexation on Second Reading

Mayor Duncan re-opened the continued public hearing.

Jeremy Gleim, Planning Director, spoke to the zoning request, noting the previously approved annexation ordinance. The 2021 Comprehensive Plan, Land Use and Development Code and the Town's Masterplan were referenced as guiding documents for directing zoning. Mr. Gleim reviewed the multiple zoning category that fits each land use category.

The zoning is being recommended as R-2 Because it represents the zoning classification best suited to support the goals and objectives laid out in the Town's adopted Comprehensive Plan.

Council asked why the Planning Commission recommended R-1 Zoning, Mr. Gleim noted the Commission cited the fact the developments to the north and to the west which are both single family detached developments and recommended R-1, which would allow this zoning to be the same single family detached development. Council asked for clarification on the acreage of the minimum or maximum that dictates the zone. It was noted that all the requirements in the Land Use Code would determine minimum or maximum when it comes time to look at subdividing the area.

Council asked why staff recommends R-2. Mr. Gleim noted based on the Land Use Code, Staff feels R-2 supports what the vision and goals of the Town's Comprehensive Plan.

Council asked for information on current neighborhood zoning and asked for clarity on the change of the zoning recommendation. It was noted the applicant requested R-2 zoning, and the Planning Commission recommended R-1 zoning. Staff stressed the goal and vision of the Land Use Code leaning to an R-2 zone.

The density set in the Land Use Code was clarified. Council noted regardless of zoning, a house could be set close to property line, but those items would be dictated by a subdivision process which would come to Council at a later time.

The applicant representative, Bob Choate from Coan, Payton & Payne spoke on behalf of the applicant, Caliber. Mr. Choate reviewed the applicant's projects and history with the Town. The applicant spoke to the requested R-2 zoning, and the Town's Comprehensive Plan. The applicant also spoke to the desire of variety of housing and expressed understanding for the desire to limit the height for any apartment homes.

Council asked for clarification on the zoning, Mr. Choate noted the transportation infrastructure does support the R-2 zoning. Council stated that residents are asking for space, not necessarily a variety of housing.

It was noted that the R-1 zoning has a larger lot, with the R-2 zoning the lot size allowing for more attainable housing. The applicant noted they would be willing to commit to no apartments however Council noted this hearing is strictly for zoning. Discussion of requirements and types of housing was noted to come back to Council at a later time.

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

Eileen Ricciardi spoke to traffic on the neighborhood roadways, spoke against R-2 Zoning fitting in this neighborhood and rapid growth including schools.

Susan Woods spoke to length of time given to staff and applicants to speak versus public comment. Ms. Woods noted low density land use and historic use of land space, use of roads and safety concerns.

Mark Manning spoke to the Planning and Zoning meeting vote versus what was recommended to Council and concerns of safety issues.

Richard Ray spoke to setback concerns and stated there had not been any notification of meetings to his residence. Mr. Ray spoke to price points of homes, infrastructure of roads, parks, and other infrastructure needed for the development.

Sheldon Ehlers stated neighbors were told the development would be single family homes in this development and spoke to the need for open space.

Tami Ohlendorf stated opposition to the zoning,

Angela Ling spoke to supporting different housing, updated infrastructure, and safety concerns as well as the current drainage concerns with the land.

Dylan Singer spoke to the zoning and the change from Planning Commission recommendation's zoning of R-1.

Scott James spoke to the zoning aspect versus future plat submissions and spoke in support of R-2 Zoning based on transportation near this area, as well as legislation currently in process in the General Assembly.

Zachary Nyhren spoke to buzz words such as “traffic corridor”, and the use of County Road 3 and spoke against R-2 zoning.

Mayor Duncan closed public comment.

The applicant noted the property was in unincorporated Larimer County, and noted the first step after annexation is to set zoning. The applicant noted certain set of standards are required to be met including road improvements. It was also noted the mentioned gulch area would be worked on with the hope of developing a trail if standards can be met. A fire station would be dedicated on land Caliber donated to the Town. Mr. Choate express thanks to Council for all the effort and time Council has put into the hearing. The applicant noted the Land Use Code, the Comprehensive Plan and the Town's Masterplan's as the requirements for the zoning requirements.

Mayor Duncan closed the public hearing.

*Councilmember Morris moved to deny Ordinance No. 2024-247.*

Councilmember Menzies seconded. And the motion failed 5-2.

YES VOTE: Menzies and Morris

*Councilmember Berg moved to Approve Ordinance No. 2024-247 Establishing R-2 Zoning for Blue Spruce Ridge, Case No. ANX23-0001*

Councilmember Molinar seconded and the motion failed.

NO VOTES: Menzies, Duncan, Morris, Paranto

YES VOTE: Molinar, Berg, Young

The ordinance failed on second reading.

The Town Attorney then noted that no zoning was established and zoning would need to be established in 90 days.

Town Council took a recess at 10:09 p.m. and reconvened the meeting at 10:15 p.m.

21. Revere North Filing No. 1 & 2 Subdivision

- A. Public Hearing - Resolution 2024-23: Consideration of Final Subdivision Plat/Development Plan for Revere North Filing No. 1 & 2
- B. Water Sewer Service Agreement: Revere North Filing No. 1
- C. Water Sewer Service Agreement: Revere North Filing No. 2
- D. Development Agreement: Revere North Filing No. 1 and No. 2

Mayor Duncan opened the public hearing.

Mr. Gleim spoke to the resolution and location of the site, as well as the history of the project. The proposed subdivision for Filings 1 and 2 is intended to create 339 developable lots. Twenty-two (22) out lots will be platted, which will provide open space and other infrastructure needed to serve platted lots. Right-of-way will also be platted and dedicated to the Town to provide the street network and access to new lots and the surrounding area. The primary function of the proposed filings is to create lots for development, as well as the infrastructure and circulation network that will serve the 339 residential lots.

The applicant, Jim Hayes, representing Revere at Johnstown spoke to Council reviewing the history of the project. The Outline Development Plan and communication plan was discussed. It was noted duplex lots were being built. The applicant noted on-site meetings with neighborhood landowners and improvements such as a diversion system, pump and piping's as well as buffers around the property.

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

Sandra Stoner spoke to the grassland entry across from her driveway. It was asked how many subdivisions had main entrances right across from someone's main driveway and safety concerns.

Debra Garcia spoke to safety concerns along the road and increased traffic on the road.

The applicant noted construction starting on the east due to the sewer needs to begin on the east and future plans to widen Veteran's Parkway. Council inquired on the entry to the development, which the applicant noted there are intersection spacing requirements for arterial roads.

Kevin Lovelace, representing the applicant, noted per the Town's masterplan the road is planned to be a future major roadway and the spacing proposed meets CDOT's recommendations.

Mayor Duncan closed public comment.

Mayor Duncan closed the public hearing.

*Councilmember Berg moved based on the Content and Findings in the Staff Report and the Information Provided at the hearing, to Approve the Revere North Subdivision Filings No. 1 and 2 - Case No. SUB23-00015*

Councilmember Paranto seconded and the motion passed.

*Councilmember Paranto moved to approve the Water and Sewer Service Agreement for Revere North Filing No. 1*

Councilmember Young seconded and the motion passed.

*Councilmember Menzies Moved to approve the Water and Sewer Service Agreement for Revere North Filing No. 2*

Councilmember Paranto seconded and the motion passed.

*Councilmember Paranto moved to approve the Subdivision Development and Improvement Agreement with Forestar Real Estate Group LLC for Revere North Filing No. 1 and 2.*

Councilmember Morris seconded and the motion passed.

## 22. Southridge Subdivision

A. Public Hearing - Resolution 2024-24: Consideration of Final Subdivision Plat for Southridge

B. Water Sewer Service Agreement: Southridge Subdivision

C. Development Agreement: Southridge Subdivision

Mayor Duncan opened the public hearing.

Mr. Gleim presented the item to Council, noting the location, the property encompassing 78.0 acres and being annexed into the Town in 2022. Several items noted were planned open space and trail systems.

The applicant spoke to the continuation of the development at the Ridge. There would be 305 lots which would be split on both sides of the property that would be fully developed as part of the subdivision. The park was reviewed with trail connections going throughout, with a useable detention area.

Council asked for clarification on street names, which the applicant noted virtual assistance and LETA were collaborated with.

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

Mayor Duncan closed public comment.

Mayor Duncan closed the public hearing.

*Councilmember Paranto moved, Based Upon the Content and Findings in the Staff Report, and the Information Provided at this Hearing, I Move to approve Southridge Subdivision – Case No. SUB22-0012.*

Councilmember Morris seconded and the motion passed.

*Councilmember Menzies moved to approve the Water and Sewer Service Agreement for Southridge Subdivision.*

Councilmember Young seconded and the motion passed.

*Councilmember Molinar moved to approve the Subdivision Development and Improvement Agreement with SR Johnstown Investments LLC for the Southridge Subdivision*

Councilmember Young seconded and the motion passed.

### **COUNCIL REPORTS AND COMMENTS**

Councilmember Molinar noted Housing Authority meetings.

Councilmember Menzies noted a BBQ Day upcoming in June. It was asked for clarification on how long the locate flags from Xfinity would be in yards. Staff noted it is required by law for locates to happen and no known removal date was known.

Councilmember Paranto noted a new chapter in Northern Colorado related to international engineers.

Councilmember Morris recognized the Low Point Wastewater Treatment Plant ribbon cutting.

Mayor Pro Tem Young noted the historical Society and Library Board are meeting in the month of May and passed along thanks to Town Staff from residents of 2nd Street regarding a new sidewalk.

### **MAYOR'S COMMENTS**

Mayor Duncan expressed thanks for Council's hard work on the meeting and thanked those coming out to attend the meeting.

### **EXECUTIVE SESSION**

23. An Executive Session to Discuss the Purchase of Real Property Pursuant to C.R.S. Section 24-6-402(4)(a) - Sandra Drive Drainage Improvements.

*Councilmember Berg moved to recess into Executive Session to Discuss the Purchase of Real Property Pursuant to C.R.S. Section 24-6-402(4)(a) - Sandra Drive Drainage Improvements.*

Councilmember Molinar seconded and Council recessed into Executive Session.

Council reconvened at where Mayor Duncan noted no items were discussed outside of those noted in the motion and no action was taken.

### **ADJOURN**

Mayor Duncan adjourned the meeting May 6, 2024, 2024, at 11:28 pm.

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Michael P. Duncan, Mayor

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Hannah Hill, Town Clerk