



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO
Monday, October 18, 2021 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.

ROLL CALL

PRESENT

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

ABSENT

Councilmember Bill Stevens
Councilmember Amy Tallent

Staff Present: Matt LeCerf, Town Manager, Avi Rocklin, Town Attorney, Mitzi McCoy, Finance Director, Kim Meyer, Planning Director, Sarah Crosthwaite, Economic Development Manager and Brian Phillips, Chief of Police.

AGENDA APPROVAL

Motion made by Councilmember Mellon, seconded by Councilmember Berg to approve the agenda. Motion carried with a unanimous vote.

PUBLIC COMMENT

Chad Croft at 1125 North Park Avenue requested Council consider replacing his curb, gutter and sidewalk because of deterioration from storm water run off.

Deb Riddell at 1116 Cottonwood Court expressed concerns the pedestrian crossing light on Telep Avenue is difficult to see during the day.

CONSENT AGENDA

Motion made by Councilmember Mellon, seconded by Councilmember Molinar Jr. to approve the Consent Agenda. Motion carried with a unanimous vote.

- Minutes - September 20, 2021
- List of Bills - October 2021
- September 2021 Financial Statements
- Second Reading Ordinance No. 2021-207 - Annexing certain unincorporated lands located in the Southwest Quarter of Section 4, Township 4 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, known by site address as 8062 County Road 48 1/2, County of Weld,

State of Colorado, consisting of approximately 122.71 acres and known as the Held Farm Annexation

- Second Reading Ordinance No. 2021-208 - Approval of H-A Zoning of the property known as the Held Farm Annexation located in the Southwest Quarter of Section 4, Township 4 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, known by site address as 8062 County Road 48 1/2, County of Weld, State of Colorado, consisting of approximately 122.71 acres.
- Second Reading Ordinance No. 2021-209 - Annexing certain unincorporated lands located in the East Half of the Southwest Quarter and Southeast Quarter of Section 12, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, known by site address as 5631 County Road 46, County of Weld, State of Colorado, consisting of approximately 240.96 acres, and known as the Whitehall Annexation
- Second Reading Ordinance No. 2021-210 - Approval of PUD-MU Zoning of the property known as the Whitehall Annexation located in the East Half of the Southwest Quarter and Southeast Quarter of Section 12, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, known by site address as 5631 County Road 46, County of Weld, State of Colorado, consisting of approximately 240.96 acres.
- Annexation Agreement for Whitehall Annexation
- Annexation Agreement for Held Farm Annexation
- Agreement for ProCode Inc. to Provide Building Division Services
- Water and Sewer Service Agreement - Crowne Apartments at 2534
- Water & Sewer Service Agreement - Limelight Properties at 2534
- Resolution 2021-37 Acknowledging Receipt of the Fiscal Year 2022 Preliminary Budget
- Fourth Amended Intergovernmental Agreement for the Establishment of Larimer Emergency Telephone Authority
- Colorado Opioid Settlement Memorandum of Understanding Authorization, Participation Forms, and Escrow Agreement

PUBLIC HEARING

1. Public Hearing to consider Resolution 2021-38 Approving the Uncle Benny's Marketplace Resubdivision to create four commercial lots - Mayor Lebsack opened the public hearing at 7:10 p.m. and heard from staff. Johnson-Taylor Family Properties, LLLP submitted an application for approval of a Final Subdivision Plat for Uncle Benny's Marketplace Re-Subdivision consisting of approximately 18.450 acres. The proposed subdivision plat encompasses two existing lots, to create a total of four lots for commercial and light industrial development. A representative from Uncle Benny's was present to answer questions. Having no public comment, the hearing closed at 7:21 p.m. Based upon findings and analysis presented at the meeting a motion was made by Councilmember Mellon, seconded by Councilmember Berg to approve Resolution 2021-38 approving Uncle Benny's Marketplace Re-subdivision Final Subdivision Plat with conditions as stated within the resolution. Motion carried with a unanimous vote.

2. Public Hearing for Ordinance 2021-211 Approving the Welty Ridge Outline Development Plan Amendment 1- Mayor Lebsack opened the public hearing at 7:22 p.m. and heard from staff. The applicant Buc-ee's, Ltd. is requesting an amendment to the original Welty Ridge Outline Development Plan. The proposed amendments modify the size and configuration of the mixed-use planning areas on

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the north and includes a change to the circulation plan to incorporate a roundabout on CR 48 at Gateway Circle. Mr. Stan Beard representing Buc-ee's was present to answer questions. Representatives of businesses in the Gateway Center spoke in opposition of the ODP. The following individuals addressed Council with concerns of the proposed roundabout: Mike Serba, Doug Widland, Shauna Bezio and Alexandra Haggerty representing Loaf N Jug, Scott Smith, representing Smith Acres, LLC and Suzanne Hull, representing Red Barn Liquors. Steve Spaur reminded Council there is an easement through the property which carries irrigation water for the farm he owns immediately to the south. Having no further comments, the hearing closed at 8:11 p.m. Based on findings and analysis presented at the meeting a motion was made by Councilmember Mellon, seconded by Councilmember Molinar to approve Ordinance 2021-211 approving the Welty Ridge Outline Development Plan 1 on first reading. Motion carried with a unanimous vote.

3. Public Hearing to consider Resolution 2021-39 Approving the Final Subdivision Plat and Final Development Plans for the 1st Replat of Block 1 of Mountain View West Subdivision Replat Amendment No. 1 to create 143 Townhome Lots – Mayor Lebsack opened the public hearing at 8:20 p.m. and heard from staff. The applicant Townhome Developers, LLC is requesting approval of a final subdivision plat and final development plan to replat Block 1 of the Mountain View West Subdivision creating 143 attached single-family homes (townhomes). The proposed subdivision plat includes a 12-acre lot for the 143 attached residential townhomes and the 5-acre tract would be created for future development. Mr. Andy Gerk, representing the applicant was present to answer any questions. Having no public comment, the hearing was closed at 8:31 p.m. Based on findings and analysis presented at the meeting a motion was made by Councilmember Berg, seconded by Councilmember Young to approve Resolution 2021-39 Approving Final Subdivision Plat and Final Development Plan for the 1st Replat of Block 1 Mountain View West Subdivision Replat Amendment No. 1. Motion carried with a unanimous vote.

4. Ordinance 2021-212 Amending Sections 7-121 And 7-138 Of the Johnstown Municipal Code Prohibiting Roosters in The Town – Mayor Lebsack opened the public hearing at 8:32 p.m. and heard from staff. Ordinance 2021-212 amends the municipal code to make it unlawful for any person to keep roosters in the Town limits. Having no public comment, the hearing closed at 8:45 p.m. Motion made by Councilmember Mellon, seconded by Councilmember Berg to deny approving Ordinance 2021-212, An Ordinance Amending Section 7-121 and 7-138 of the Johnstown Municipal Code Prohibiting Roosters in the Town. Voting Yea: Mayor Lebsack, Councilmember Berg, Councilmember Mellon, Councilmember Molinar Voting Nay: Councilmember Young

NEW BUSINESS

1. Development Agreement - 1st Replat of Block 1 of Mountain View West Subdivision Replat Amendment No. 1- The agreement is the Town's standard agreement and requires construction of all improvements in accordance with approved development plans and construction plans. Motion made by Councilmember Mellon, seconded by Councilmember Molinar to approve the Subdivision Development and Improvement Agreement for 1st Replat of Block 1 of Mountain View West Replat. Motion carried with a unanimous vote.

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2. Water and Sewer Service Agreement - First Amendment to WSSA with Parish LLC, for Mountain View Subdivision - Motion made by Councilmember Berg, seconded by Councilmember Mellon to approve the First Amendment to Water and Sewer Service Agreement for Mountain View West Subdivision. Motion carried with a unanimous vote.
3. Water and Sewer Service Agreement - 1st Replat of Block 1 of Mountain View West Subdivision Replat Amendment No. 1- Motion made by Councilmember Mellon, seconded by Councilmember Young to approve the Water and Sewer Service Agreement for Mountain View Land Developers, Inc. Motion carried with a unanimous vote.
4. Resolution 2021-40 Approving Economic Incentive Agreement with Buc-ee's LLC - Buc-ee's is in negotiations to purchase 28.22 acres of property located within the Town at the southwest corner of I-25 and Hwy 60 for development to build a convenience store and gas station as their first location in Colorado. In order to facilitate the development, the Town has offered incentives: Expedited Planning & Development Review, sales tax revenue share back, and implementation of a public improvement fee to assist in funding onsite and offsite public improvements. Mr. Stan Beard, Director of Real Estate was present to answer questions. Motion made by Councilmember Berg, seconded by Councilmember Young to approve Resolution 2021-40 Approving the Economic Incentive Agreement between the Town of Johnstown and Buc-ee's Colorado. Motion carried with a unanimous vote.

ADJOURN

The meeting adjourned at 9:14 p.m.

Mayor

Town Clerk