



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO

Monday, December 13, 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 Troy Mellon

Councilmember Bill Stevens

Councilmember Amy Tallent

Councilmember Chad Young

ABSENT

Councilmember Damien Berg

Councilmember Jesse Molinar

Staff Present: Matt LeCerf, Town Manager, Avi Rocklin, Town Attorney, Mitzi McCoy, Finance Director, Ellen Hilbig, Utilities Director, Kim Meyer Planning Director and Brian Phillips, Chief of Police.

AGENDA APPROVAL

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

CONSENT AGENDA

Motion made by Councilmember Young, seconded by Councilmember Mellon to approve the Consent Agenda. Voting Yea: Mayor Lebsack, Councilmembers Mellon, Stevens, and Young. Abstaining: Councilmember Tallent

- Minutes - November 15, 2021
- List of Bills –
- November 2021 Financial Statements
- Second Reading - Ordinance Number 2021-216 Authorizing the Sale of Real Property and the Improvements Thereon, located at Lot 2 of Replat of Block 2, Town of Johnstown, County of Weld, State of Colorado, known by street address as 16 North Parish Avenue to Grows, LLC
- Second Reading - Ordinance No. 2021-217 Approving P.U.D. Outline Development Plan for Encore Johnstown, Consisting of Approximately 310.66 Acres
- Resolution 2021-48 Approving the Encore (P.U.D.) Design Guidelines

- Second Amendment to the Comprehensive Development Agreement, Funding Plan and Intergovernmental Agreement for Johnstown Plaza, Johnstown, Colorado

PUBLIC HEARING

1. First Reading - Ordinance 2021-218 An Ordinance Submitting to the Registered Electors of the Town of Johnstown at the General Municipal Election to be held on April 5, 2022, a Charter Amendment to require that the Proponents of Initiative and Referendum Petitions be represented by Three Registered Electors of the Town of Johnstown - Mayor Lebsack opened the public hearing at 7:07 p.m. and heard from staff. This ordinance allows the Town Council to submit a proposed Charter amendment to the registered electors of the Town of Johnstown to require that the proponents of initiative and referendum petitions be represented by three registered electors of the Town. Having no public comment, the hearing closed at 7:09 p.m. Motion made by Councilmember Mellon, seconded by Councilmember Young to approve Ordinance No. 2021-218, an Ordinance Submitting to the Registered Electors of the Town of Johnstown at the General Municipal Election to be held on April 5, 2022, a Charter Amendment to require that the Proponents of Initiative and Referendum Petitions by Represented by Three Registered Electors of the Town of Johnstown. Motion carried with a unanimous vote.

2. Oxy Land Preliminary /Final Subdivision Plat - Mayor Lebsack opened the public hearing at 7:12 p.m. and heard from staff. The applicant Anadarko E& P Onshore, LLC is requesting subdivision plat approval of approximately 148 acres. The proposed subdivision plat includes 5 lots, three are buildable lots and two have been deeded to CDOT and the Town for right of way. Having no public comment, the hearing closed at 7:14 p.m. Based on findings and analysis presented a motion was made by Councilmember Mellon, seconded by Councilmember Young to approve Resolution 2021-49 approving the Preliminary/Final Subdivision Plat for Oxy Land Subdivision with conditions as stated within that resolution. Motion carried with a unanimous vote.

3. Welty Ridge Subdivision Filing No. 1 - Preliminary/Final Subdivision – Mayor Lebsack opened the public hearing at 7:15 p.m. and heard from staff. The applicant, Buc-ee's Ltd, is requesting subdivision plat approval of approximately 144 acres located on the south side of Weld CR 48 and the west side of I-25. The proposed subdivision plat includes the creation of 2 buildable lots and a large tract of land that will be subdivided as future development is proposed. Representatives of businesses in Gateway Center requested the preliminary and final subdivision approval be delayed, concerns are the modifications to the Gateway Drive access will negatively impact existing businesses within the I-25 Gateway Center Community, and new development opportunities within the I-25 Gateway Center. They would like to have a thorough traffic study done to analyze a full movement scenario. The following individuals addressed Council: Sean Saffell, Mike Serbo, Alexandra Haggerty and Shauna Bezio. Having no further public comments, the hearing closed at 7:39 p.m. Based on findings and analysis presented at this hearing, a motion was made by Councilmember Mellon, seconded by Councilmember Tallent to approve Resolution 2021-50 approving Preliminary/Final Subdivision Plat for Welty Ridge Subdivision Filing No. 1, with conditions as stated within that resolution. Motion carried with a unanimous vote.

4. Resolution 2021-51 Approving the Preliminary/Final Plat and Development Plan for Johnstown Village Filing No. 3- Mayor Lebsack opened the public hearing at 7:42 p.m. and heard from staff. The applicant LGI Homes-Colorado, LLC, is requesting approval of a preliminary/final subdivision plat and development plans for 132 townhome units. Representative of the applicant was present to answer

December 13, 2021

questions. Having no public comment, the hearing closed at 8:03 p.m. Based on findings and analysis presented at this hearing a motion was made by Councilmember Tallent, seconded by Councilmember Young to approve Resolution 2021-51 approving Preliminary/Final Subdivision Plat and Development Plans for Johnstown Village Filing 3 Subdivision, with conditions as stated within the resolution. Motion carried with a unanimous vote.

5. Public Hearing - First Reading Ordinance 2021-219 Approving the Loan Agreement Between the Town of Johnstown and The Housing Authority of The Town of Johnstown - Mayor Lebsack opened the public hearing at 8:04 and heard from staff. The Johnstown Housing Authority requested a 20-year loan from the Town in the amount of Three Hundred Twelve Thousand Dollars (\$312,000) with an interest rate commensurate with the current market rates to repay the existing loan with the USDA. The ordinance approves the Loan Agreement between the Town of Johnstown and the Housing Authority. Representatives Heidi McCarthy and Dennis Reed spoke in favor of the Ordinance and thanked the Council's assistance in helping the Housing Authority get the existing loan with the USDA paid. Having no further comments, the public hearing closed at 8:13 p.m. Motion made by Councilmember Mellon, seconded by Councilmember Young to approve Ordinance 2021-219 Approving the Loan Agreement Between the Town of Johnstown and the Johnstown Housing Authority. Motion carried with a unanimous vote.

NEW BUSINESS

1. Resolution 2021-46 Adopting and Appropriating the 2022 Budget – Motion made by Councilmember Tallent, seconded by Councilmember Stevens to approve Resolution 2021-46, A Resolution of Johnstown, Colorado, Summarizing Expenditures and Revenues for Each Fund and Adopting and Appropriating the Budget for the Calendar Year 2022. Motion carried with a unanimous vote.

2. Resolution No. 2021-47, A Resolution Levying General Property Taxes for the Year 2021, to Help Defray the Cost of Government for the Town of Johnstown, Colorado for the 2022 Budget Year – Motion made by Councilmember Young, seconded by Councilmember Tallent to approve Resolution 2021-47 A Resolution Levying General Property Taxes for the Year 2021, to Help Defray the Cost of Government for the Town of Johnstown, Colorado, for the 2022 Budget Year. Motion carried with a unanimous vote.

3. Award Construction Contract for Central Sewer Expansion Phase 2 to Connell Resources, Inc. – This is a request to award the construction of the Central Sewer Expansion – Phase 2 project to Connell Resources, Inc. for a Guaranteed Maximum Price of \$10,577,997.01. Phase 2 involves the construction of a sewer interceptor from the new Johnstown Farms Lift Station west to Colorado Blvd. The project provides the necessary infrastructure to support growth on the south side of Town, for the Riverbend Estates, Granary, Roosevelt High School, Whitehall and Ledge Rock developments. Motion made by Councilmember Young, seconded by Councilmember Tallent to award the construction for the Central Sewer Expansion – Phase 2 to Connell Resources, Inc for a Guaranteed Maximum Price of \$10,577,997.01. Motion carried with a unanimous vote.

4. Subdivision Development and Improvement Agreement for Welty Ridge Subdivision Filing No. 1, Platte Land & Water, LLC – The agreement is the Town's standard agreement and requires payment of required fees, taxes and construction of all improvements in accordance with Town-approved development plans and construction plans. Motion made by Councilmember Tallent, seconded by

December 13, 2021

Councilmember Young to approve the Subdivision Development and Improvement Agreement for Welty Ridge Subdivision Filing No. 1. Motion carried with a unanimous vote.

5. Water and Sewer Service Agreement for Johnstown Village Filing No. 3 – The developer will dedicate 6 shares of Consolidated Home Supply water and pay \$13,950.00 in water court transfer fees. Motion made by Councilmember Mellon, seconded by Councilmember Young to approve the Water and Sewer Service Agreement for Johnstown Village Filing No. 3. Motion carried with a unanimous vote.

6. Subdivision Development and Improvement Agreement for Johnstown Village Filing No. 3- The agreement is the Town's standard agreement and requires payment of required fees, taxes and construction of all improvements in accordance with Town-approved development plans and construction plans. Motion made by Councilmember Young, seconded by Councilmember Tallent to approve the Subdivision Development and Improvement Agreement for Johnstown Village Filing No. 3. Motion carried with a unanimous vote.

7. Award Construction Administration Services for the Low Point Wastewater Treatment Plant Expansion – This is a request to award construction administrative services for the Low Point Wastewater Treatment Plant Expansion project to AQUA Engineering Consultants, LLC in the amount of \$1,223,367.00. The services include additional design services, construction engineering and SCADA integration. Motion made by Councilmember Young, seconded by Councilmember Stevens to award the construction administrative services for the Low Point Wastewater Treatment Plant Expansion to AQUA Engineering Consultants, LLC in an amount not to exceed \$1,223,367. Motion carried with a unanimous vote.

8. Award an Agreement for The Turnkey Installation of a Photovoltaic Energy System to Photon Brothers, Inc.- This project is to install on the roof of the Johnstown Community YMCA a solar photovoltaic system, in order to meet the compliance order agreed to between the Town of Johnstown and the Colorado Department of Public Health and Environment. Motion made by Councilmember Tallent, seconded by Councilmember Young to approve and award a contract to Photon Brothers, Inc. and authorize the mayor to execute the agreement as presented. Motion carried with a unanimous vote.

EXECUTIVE SESSION

An executive session to discuss matters subject to negotiations and to instruct negotiators pursuant to C.R.S. Section 24-6-402(4)(e) regarding an economic development project.

An executive session to receive legal advice from the Town Attorney pursuant to C.R.S. Section 24-6-402(4)(b) regarding railroad crossing license agreement.

Motion made by Councilmember Young, seconded by Councilmember Tallent to convene into Executive Session to discuss matters subject to negotiations and to instruct negotiators pursuant to Sections 24-6-402(4)(e) regarding an economic development project, and to receive legal advice from the Town Attorney pursuant to 24-6-402(4)(b) regarding railroad crossing license agreement at 9:10 p.m. Motion carried with a unanimous vote.

The mayor reconvened the regular meeting at 9:42 p.m. and stated the only items discussed was what was stated in the motion.

1. Master Crossing Agreement Between the Town of Johnstown and Great Western Railway of Colorado – Motion made by Councilmember Mellon, seconded by Councilmember Tallent to approve the Master Crossing Agreement between the Town of Johnstown and Great Western Railway of

Page 5

December 13, 2021

Colorado and to pre-pay to Great Western, the Crossing License Fees in the amount of Five Hundred Thousand Dollars. Motion carried with a unanimous vote.

ADJOURN

The meeting adjourned at 9:45 p.m.

Mayor

Town Clerk