



# Town of Johnstown

## TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO

Monday, November 06, 2023 at 7:00 PM

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### MINUTES

#### CALL TO ORDER

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

Pledge of Allegiance

#### ROLL CALL

Present:

Councilmember Berg  
Councilmember Molinar  
Councilmember Morris  
Councilmember Paranto  
Councilmember Young  
Mayor Mellon

Absent:

Councilmember Dominguez

#### AGENDA APPROVAL

Mr. LeCerf noted that the consent agenda item #10 had a revised agreement switched out in the packet.

*Councilmember Berg to approve the agenda.*

Councilmember Morris seconded and the motion passed.

#### SPECIAL PRESENTATIONS

1. Staff Member Introductions

Matt LeCerf, Town Manager, introduced several new Town employees.

Meghan Martinez, Communications and Marketing Manager,

Officer Gbunuguo Kassor, Police Department

Holly Darby, Senior Center Coordinator.

Tyler Smith- Planner

Lilly Cory- Planner I

#### EXECUTIVE SESSION

2. An executive session to receive legal advice from the Town attorney pursuant to C.R.S. Section 24-6-402(4)(b) regarding Revere North

*The Community That Cares*

johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

*Councilmember Paranto moved ad recess into an executive session to receive legal advice from the Town Attorney pursuant to C.R.S. Section 24-6-402(4)(b) regarding Revere North*

Councilmember Molinar seconded and the motion passed.

Council reconvened at 7:40 pm and Mayor Mellon stated no decisions were made and the only item discussed was the legal advice provided by the Town Attorney.

## **PUBLIC COMMENT**

Several comments were emailed in for the record as listed below:

- Sandy Kennedy, regarding water rates.
- Michael Van Valkenburg, regarding having a King Soopers in Town.
- Wanda Marshall, regarding water rates.
- Rick Rice, regarding storm drains.
- Danean Sorensen, regarding water and sewer bill increase.

## **CONSENT AGENDA**

*Councilmember Berg moved to approve the consent agenda.*

Councilmember Molinar seconded and the motion passed.

3. September 18, 2023 Meeting Minutes
4. Ordinance 2023-254: An Ordinance Amending Section 2-11 of The Johnstown Municipal Code Concerning Councilmember Vacancies
5. Resolution 2023-45 Acknowledging Receipt of the Fiscal Year 2024 Preliminary Budget
6. Resolution 2023-49 Findings Of Fact And Conclusions Based Thereon With Respect to Annexation of the Property Situated in the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, Known by Street Address as 23165 Colorado Boulevard, Johnstown, Colorado 80534, Consisting of Approximately 1.22 Acres
7. Resolution 2023-50 Findings Of Fact And Conclusions Based Thereon With Respect to Annexation of the Property Situated in the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, Known by Street Address as 23019 Colorado Boulevard, Johnstown, Colorado 80534, Consisting of Approximately 0.47 Acres
8. TRR Community Center & Construction Time Extension Request
9. 2024 Compensation Study
10. First Amendment to the Subdivision Development and Improvement Agreement, East Ledge Rock Center, Filing No. 3
11. Water Service Agreement - (Ledge Rock Center Commercial Irrigation)
12. Water & Sewer Service Agreement - Ledge Rock Center Multifamily North Amendment I, with Ledge Rock Center, LLC
13. September and October 2023 List of Bills
14. September 2023 Financial Statements

## **TOWN MANAGER REPORT**

### 15. Town Manager's Report

Matt LeCerf, Town Manager, presented the report to Council included in the packet.

Council asked for the report to include statics from Municipal Court be broken into categories.

## **TOWN ATTORNEY REPORT**

Avi Rocklin, Town Attorney, noted that the Town has been given an opportunity to class action lawsuit related to a pharmaceutical chemical output at one of the treatment centers.

Council has until December 4, 2023 to opt out. Council asked for the information in the next Council packet.

## **OLD BUSINESS**

### 16. Resolution 2023-43 Approving the Preliminary Plat and Preliminary Development Plan for Revere North Subdivision (SUB)

*Councilmember Berg moved to reconsider the motion of consideration of Resolution 2023-43.*

Seconded by Councilmember Paranto

*Councilmember Berg moved to reopen the Public Hearing for December 4, 2023*

Seconded by Councilmember Paranto and the motion passed.

## **NEW BUSINESS**

### 17. Johnstown Plaza Apartments & Storage Units- Request for External Use

Sarah Crosthwaite, Economic Development Manager, presented this item to Council, noting the request of Johnstown Plaza Apartments to allow the external use of the existing on-site storage units that were built when the apartments were constructed.

Paul Aiesi from Graycliff Capital, spoke to Council relating to the storage unit, noting a traffic study was conducted and was determined that traffic to the building was a minimal impact. Mr. Aiesi noted they acquired this location last year, noting they were 16% occupied in the storage unit.

Council asked for capacity for the apartments, which Mr. Aiesi noted is at 98%. He did note that 20% is generally where a residential storage unit is for capacity, and confirmed Graycliff was not the developer.

Council noted traffic concerns, safety concerns, image and what precedent being set for other construction being done in Johnstown.

Mr. Aiesi did note that their expectation is a need in the community for storage, the building is not 24-access and managed by professionals with security in mind.

Dialogue occurred about setting aside a certain percentage of the units for residents or residents of surrounding communities.

Council directed staff to bring back letter of agreement.

*Councilmember Young moved to direct Staff to develop a letter agreement with Graycliff Capital for the Johnstown Plaza Storage Units for external leasing.*

Councilmember Molinar seconded and the motion passed 5-1

NO VOTE: Berg

18. Town Alleyway Aesthetic Improvements

Mr. LeCerf presented this item to Council related to the planned undergrounding of a gas utility line in an alley on the West side of Parish Ave. Mr. LeCerf noted the staff did communicate with Xcel for placing all utility lines underground, allowing the ability to conduct aesthetic improvements. Xcel's project will take place around May of 2024. Funding is included in the 2024 budget for this project.

Council asked if any Town utilities are involved. Mr. LeCerf noted most likely no water, but staff is unsure about sewer/storm at this time. The Town GIS staff is working on locates for this area. Xcel has been asked to meet with property owners to discuss the project and what can be done to make this access as inconvenient as possible.

Council asked for clarification on the timeline, Mr. LeCerf noted Xcel appears to collate in the same trench. Council asked for Xcel to have a plan C and C regarding power and issues that may arise with the construction.

*Councilmember Molinar moved to approve the professional services agreement with BHA Design, Inc. at a cost not to exceed \$312,615 and authorize the Town Manager to sign the Professional Services Agreement.*

Councilmember Morris seconded and the motion passed.

19. An Agreement Between the Town of Johnstown and MWH Constructors for Early Construction and Equipment Procurement on the Water Treatment Plant Project

Ellen Hilbig, Utilities Director, presented this item to Council, noting early work activities and procurement. Ms. Hilbig noted the goal with this item is to stay on schedule and begin construction this winter, which is critical to the project. Ms. Hilbig did recommended that the contract approval be subject to contract approval by the Town Attorney.

*Councilmember Berg moved to award the Construction Contract to MWH Constructors, Inc. for two early work packages in an amount not to exceed \$9,807,537 for Work Authorization 1 and \$22,543,126 for Work Authorization 2 and authorize the Town Manager to approve the use of an Owners Contingency in an amount not to exceed \$1.3 million subject to the contract being reviewed and approved by the Town Attorney*

Councilmember Paranto seconded and the motion passed.

20. Resolution 2023-48 Amending the Water and Sewer Utility Rates and Fees of the Consolidate Town Fee Schedule

Mitzi McCoy, Deputy Town Manager, presented this item to Council, noting Town Council last adopted the fee schedule on March 6, 2023. This presentation is a result of the rate study that was conducted.

Ms. McCoy reviewed the various funds of the Town's budget and the enterprise funds, noting tax funds and property taxes do not go into the enterprise funds.

Current status of each of the funds were reviewed. It was noted the Town received a consent order from the State to come into compliance with state requirements related to the sewer fund. The water fund includes one treatment plant with four storage tanks. Ms. McCoy noted the Town has enough water but does not have the capacity to treat the water for current needs.

Ms. McCoy reviewed the recommended increases provided by the third-party consultant.

Council asked for clarification for where Johnstown sits compared to other Towns. Ms. McCoy noted this varies depending on rate fee.

Mayor Mellon opened public comment.

Ms. Dennis noted communication regarding this item, construction permits, and increase of fees.

*Councilmember Molinar moved to approve Resolution 2023-48 Amending the Consolidated Town Fee Schedule.*

Councilmember Young seconded and the motion passed.

21. Resolution 2023-47 - A Resolution authorizing the Town of Johnstown to enter into a grant award agreement with the Colorado Division of Homeland Security & Emergency Management concerning funding for updates to the Town of Johnstown Stormwater Master Plan.

Jason Elkins, Public Works Director, presented this item, noting the current Johnstown Stormwater Master Plan was adopted in 2001. This item would allow the Town to accept the grant from the Colorado Division of Homeland Security & Emergency Management, which includes a 10% match.

Council asked for clarification on timeline, which Mr. Elkins noted due to federal requirements an expected 6-8 months to start the analysis.

*Councilmember Morris moved to Approve Resolution 2023-47 A Resolution authorizing the Town of Johnstown to enter into a grant award agreement with the Colorado Division of Homeland Security & Emergency Management concerning funding for updates to the Town of Johnstown Stormwater Master Plan.*

Councilmember Berg seconded and the motion passed.

22. Little Thompson Trail Pedestrian Bridge Deposit

Mr. Elkins presented this item to Council the request for a 50% deposit on the Little Thompson Trail for a pedestrian bridge. Due to lead times of 8-10 months for materials, staff would request a deposit be made to begin the project. As the bridge is being fabricated the goal would be to coordinate projects to complete the project with installation of the bridge.

*Councilmember Morris move to approve the deposit and authorize the Town Manager to execute the purchase invoice as appropriate and necessary to procure the pedestrian bridge for the Little Thompson Trail Project.*

Councilmember Paranto seconded and the motion passed.

23. Johnstown Veterans Memorial Landscaping Request

Councilmember Berg recused.

Mr. LeCerf presented the request from Johnstown Veteran's Memorial LLC to complete the project, noting the roundabout landscaping is yet to be completed.

Council asked for clarification for type of landscaping. Mr. LeCerf noted it would be Zeric-scaping, low water and low maintenance grasses.

*Councilmember Paranto moved to approve the financial support of the Johnstown Veterans Memorial at a cost of not more than \$18,000.*

Councilmember Morris seconded and the motion passed - 5-0

RECUSED: Berg

## **PUBLIC HEARING**

24. 2024 Proposed Budget

Mayor Mellon opened the public hearing.

Devon McCarty, Finance Director, presented the proposed 2024 budget to Council, overviewing regulations and processes. Ms. McCarty noted a new fund for the Arts & Culture Fund was included in the proposed budget and reviewed the various funds in the 2024 proposed budget.

Mayor Mellon opened the hearing for public comment.

Jim Hatfield requested new trees for Clearview Park out of the Parks Budget, and inquired if the budget would be adjusted if Proposition HH passes on the ballot on November 7, 2023.

Mayor Mellon closed public comment and the public hearing.

25. Ordinance No. 2023-255, an Ordinance Amending Article VII of Chapter 7 of the Johnstown Municipal Code Concerning the Sale or Disposition of Dogs or Cats from a Pet Shop and Concerning Nuisance, Noisy and Vicious Animals

Mayor Mellon opened the public hearing.

Avi Rocklin, Town Attorney, presented this item to Council based on Council's direction from a previous work session. Also proposed to Council is the definition section of the code, nuisance was clarified, and other administrative clarifications.

Council asked to include taking a strict stance for pet owners leaving animals outside with no shelter, access to water or pets being left in cars, and mandatory tickets for such items. Discussion took place concerning these items and other code sections that may apply. Council noted needing clarity on these items in other communities, and requested staff come back no later than February with another ordinance addressing these items.

Mayor Mellon opened the hearing for public comment.

Cara Thorsen, Fort Collins - spoke in favor of this ordinance.

Lauren Rombach, Littleton - spoke in favor of this ordinance.

Valerie Hunter-Goss, Fort Collins - spoke in favor of this ordinance.

Molly NAME, Fort Collins- spoke in favor of this ordinance.

Danielle Demateis, Greeley - spoke in favor of this ordinance.

Mayor Mellon closed the public comment for the public hearing.

Mayor Mellon closed the public hearing.

*Councilmember Young move to approve Ordinance 2023-255 an Ordinance Amending Article VII of Chapter 7 of the Johnstown Municipal Code Concerning the Sale or Disposition of Dogs or Cats from a Pet Shop and Concerning Nuisance, Noisy and Vicious Animals, on first reading.*

Councilmember Berg seconded and the motion passed.

26. An Ordinance 2023-257 Annexing Certain Unincorporated Lands Located in the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, Known by Street Address as 23165 Colorado Boulevard, Johnstown, Colorado 80534, Consisting of Approximately 1.22 Acres

Mayor Mellon opened the public hearing.

Mr. LeCerf presented this annexation, noting it is one of the two properties recently acquired by the Town, an enclave entirely surrounding by the Town boundaries.

Mayor Mellon asked for public comment in favor or opposed to this item, to which there was none.

Mayor Mellon closed public hearing.

*Councilmember Morris moved to approve Ordinance 2023-257 as presented on first reading.*

Councilmember Paranto seconded and the motion passed.

27. Ordinance 2023-258 Approval of R-1 Zoning of the Property Located in the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State Of Colorado, Known By Street Address as 23165 Colorado Boulevard, Johnstown, Colorado 80534, Consisting of Approximately 1.22 Acres

Mayor Mellon opened the public hearing.

Mr. LeCerf presented the R-1 zoning request for the previously considered annexation, which would be a allowable use for government facilities.

Mayor Mellon asked for public comment in favor or opposed to this item, to which there was none.

Mayor Mellon closed public hearing.

*Councilmember Paranto moved to approve Ordinance 2023-258 as presented on first reading.*

Councilmember Morris seconded and the motion passed.

28. Ordinance 2023-259 Annexing Certain Unincorporated Lands Located in the Southeast Quarter of The Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, Known by Street Address as 23019 Colorado Boulevard, Johnstown, Colorado 80534, Consisting of Approximately .47 Acres

Mayor Mellon opened the public hearing.

Mr. LeCerf presented this annexation, noting the second of two recently acquired, located at the North West corner of Hwy 60. This is also an enclave completely surrounded by the Town. The property usage would be mainly for right-of-way for Highway 60/Colorado Blvd expansion.

Mayor Mellon asked for public comment in favor or opposed to this item, to which there was none.

Mayor Mellon closed public hearing.

*Councilmember Morris moved to approve Ordinance 2023-259 as presented on first reading.*

Councilmember Berg seconded and the motion passed.

29. Ordinance 2023-260 Approval of R-1 Zoning of the Property Located in the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State Of Colorado, Known By Street Address as 23019 Colorado Boulevard, Johnstown, Colorado 80534, Consisting of Approximately 0.47 Acres

Mayor Mellon opened the public hearing.

Mr. LeCerf presented the zoning request for this annexation as R-1 zoning which would be an allowable use for roadway use.

Mayor Mellon asked for public comment in favor or opposed to this item, to which there was none.

Mayor Mellon closed public hearing.

*Councilmember Young moved to approve Ordinance 2023-260 as presented on first reading approving to rezone the property to R-1.*

Councilmember Berg seconded and the motion passed.

## **COUNCIL REPORTS AND COMMENTS**

Councilmember Paranto officially being licensed as a Professional Engineer.

Councilmember Berg noted Trick or Treat Street success. It was also noted Thursday November 9, 2023 the local J & M Post is hosting a small vehicle parade and Elwell Elementary is also hosting a ceremony on the 9<sup>th</sup>.

## **MAYOR'S COMMENTS**

Mayor Mellon acknowledged a ride along with the Johnstown Police Department.

## **INFORMATIONAL ITEMS**

Informational items were included in the packet.

30. Informational Items

## **ADJOURN**

Mayor Mellon adjourned the November 6, 2023 meeting at 10:36 p.m.

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Troy D. Mellon, Mayor

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Hannah Hill, Town Clerk