



# Town of Johnstown

## TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO  
Monday, May 01, 2023 at 7:00 PM

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### MINUTES

#### CALL TO ORDER

Mayor Gary Lebsack called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

#### Pledge of Allegiance

#### ROLL CALL

Mayor Lebsack  
Councilmember Berg  
Councilmember Dominguez  
Councilmember Mellon  
Councilmember Morris  
Councilmember Young

Absent:

Councilmember Molinar

#### AGENDA APPROVAL

*Councilmember Mellon moved to approve the agenda.*

Councilmember Berg seconded and the motion passed.

#### SPECIAL PRESENTATIONS

1. Proclamation - Foster Care Month

Mayor Lebsack read the Foster Care Month Proclamation into the record.

2. Proclamation - Mental Health Month

Councilmember read the Mental Health Month Proclamation into the record.

3. Proclamation - Public Service Recognition Week

Councilmember Berg read the Public Service Week Proclamation into the record.

4. Business of the Month

Sarah Crosthwaite, Economic Development Manager, presented Culver's Restaurant as Business of the Month.

5. 8th Judicial District Attorney Gordon McLaughlin presentation

8th Judicial District Attorney Gordon McLaughlin presented to Council on the mission, vision and current topics of the 8th Judicial Court.

The Community That Cares

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## **PUBLIC COMMENT**

Jim Hatfield spoke to the Highway 60 presentation on the agenda.

Amber Lopez spoke to the Foster Care Proclamation.

A comment sent in from Shawn York regarding Purvis Farms Development was read into the record.

## **CONSENT AGENDA**

6. April 17, 2023 Meeting Minutes
7. Ordinance 2023-244 (Second Reading) Annexing certain unincorporated lands known as the Archdiocese Annexation Nos. 1-3
8. Ordinance 2023-245 (Second Reading) Approving PUD-MU Zoning for the properties known as Archdiocese Annexation Nos. 1-3
9. Ordinance 2023-246 (Second Reading) Approving the Outline Development Plan for Dove Solar
10. Ordinance 2023-247 (Second Reading) Repealing Chapters 15, 16 & 17 of the Johnstown Municipal Code, and Readopting Chapter 17 to Adopt the Johnstown Land Use & Development Code  
*Agenda Item #10 was pulled from the consent agenda for discussion.*
11. Annexation Agreement for Archdiocese Annexation Nos. 1-3
12. Water & Sewer Service Agreement for GMX Building, with Johnstown 3425, LLC
13. April 2023 List of Bills

Councilmember Morris requested to remove agenda item 10 until the ability to address the ordinance further.

*Councilmember Mellon moved to approve the consent agenda, removing item 10 and placing under New Business for discussion.*

Councilmember Morris seconded and the motion passed.

## **TOWN MANAGER REPORT**

14. Town Manager's Report

Matt LeCerf, Town Manager, presented his report. Council inquired on Charlotte Street access with the Johnstown BBQ Days in June.

## **TOWN ATTORNEY REPORT**

There was no Town Attorney Report.

## **NEW BUSINESS**

15. Resolution 2023-21: Adopt Level 2 Drought Condition Water Conservation Measures

Ellen Hilbig, Utilities Director, noted the treatment facility is getting close to capacity, similar to experiences last year. The implementation of Level 2 water restrictions is critical to mitigating the peak water demand impacts on operations at the water treatment plant in the summer months until the new water plant is constructed.

Council inquired for clarification on use, and timing of this program- noting the desire to provide notice to residents.

*Councilmember Mellon moved to approve Resolution 2023-21 adopting Level 2 Drought Condition Water Conservation Measures effective June 1, 2023.*

Councilmember Morris seconded and the motion passed.

16. State Highway 60 & CR13/Colorado Boulevard Ultimate Intersection Design Preference

Mr. LeCerf introduced John Olson, from JWO Engineering. Mr. Olson reviewed ultimate design options for this intersection, with several options for Council to consider, noting that an open house for the community would be held after Council provided direction.

Council asked for clarification on median width, and easements.

Council provided direction to proceed with the staff recommendation of the west shift of the alignment of the Hwy 60 and Colorado Blvd be selected.

10. Ordinance 2023-247 (Second Reading) Repealing Chapters 15, 16 & 17 of the Johnstown Municipal Code, and Readopting Chapter 17 to Adopt the Johnstown Land Use & Development Code

This item was pulled from the consent agenda for discussion.

Council inquired about public notice outside of the suggested 500 feet; view corridors and parking expectations.

Kim Meyer, Planning and Building Director, noted amendments to the Land Use Code were expected. A work session on June 26, 2023 will be scheduled to discuss potential amendments regarding view corridors and parking.

*Councilmember Berg moved to Approve Ordinance 2023-247 Repealing Chapters 15, 16, and 17 of the Johnstown Municipal Code, and Readopting Chapter 17 of the Johnstown Municipal Code to adopt the Johnstown Land Use & Development Code by Reference with: Amendment #1 - a minimum of 800-foot notification for new developments for previous land owners*

Councilmember Morris seconded and the motion passed 5-1.

No Vote: Dominguez

## **PUBLIC HEARING**

17. Ordinance 2023-250, An Ordinance Granting to Comcast of Colorado IX, LLC, A Nonexclusive Franchise to Construct, Install and Operate a Cable System and Provide Cable Television Service Within the Town and, In Connection Therewith, to Make Reasonable Use of Town Streets and Other Public Places Within the Town.

Mayor Lebsack opened the public hearing.

Mitzi McCoy, Deputy Town Manager, presented this item, noting it varied slightly from other franchise agreements as it is a non-exclusive agreement.

The applicant, representative from Comcast noted the desire to provide service to the community. It was noted that if the agreement is approved, Comcast plans are ready to begin service.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak in favor of the item.

Jim Hatfield spoke neither for nor against, but asked if fiber would be brought to existing neighborhoods.

The applicant noted it would be a vast majority, if not all, fiber.

Mayor Lebsack opened the public hearing for comments opposed, to which there was none.

Mayor Lebsack closed the public hearing.

*Councilmember Mellon moved to approve Ordinance No. 2023-250, an ordinance granting to Comcast of Colorado IX, LLC, a nonexclusive franchise to construct, install and operate a cable system and provide cable television service within the Town and, in connection therewith, to make reasonable use of town streets and other public places within the Town.*

Councilmember Young seconded and the motion passed.

18. Ordinance 2023 - 251: An Ordinance Submitting to the Registered Electors of the Town Of Johnstown at the General Municipal Election to be Held On April 2, 2024, A Charter Amendment Adopting A Water Policy for the Town of Johnstown

Mayor Lebsack opened the public hearing.

Mr. LeCerf noted this item would bring forward a water policy amendment to the Town Charter.

Council noted the Town's water engineer's inquiry on what the yield is being based on, and noted the desire to postpone until all questions are answered.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak in favor of the item, to which there was none.

Mayor Lebsack opened the public hearing for comments opposed, to which there was none.

Mayor Lebsack closed the public hearing.

*Councilmember Mellon moved to table consideration of Ordinance No. 2023-251 until May 15, 2023.*

Councilmember Morris seconded and the motion passed.

19. Ordinance No. 2023-248 Repealing Articles I-VIII of Chapter 6 and Readopting Articles I-IV of Chapter 6 of the Johnstown Municipal Code

Mayor Lebsack opened the public hearing.

Hannah Hill, Town Clerk, reviewed the proposed changes to Chapter 6 of the Municipal Code.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak in favor of the item, to which there was none.

Mayor Lebsack opened the public hearing for comments opposed, to which there was none.

Mayor Lebsack closed the public hearing.

*Councilmember Mellon moved to approve Ordinance No. 2023-248 on first reading.*

Councilmember Berg seconded and the motion passed.

20. Public Hearing – Ordinance 2023-249 amending Article XII of Chapter 10 of the Johnstown Municipal Code, including Sec. 10-44(a)(4) - Harassment, Sec.10-62- Criminal Trespass, Article IX -Fireworks, and Article XII- Tobacco.

Mayor Lebsack opened the public hearing.

Commander Ryan Oglesby noted updates to the code and verbiage.

Council asked for clarification if the Town's firework's policy was changing or simply consolidating the Code. Ms. Rocklin noted the policy and definition was not changing, rather moving to Chapter 10 from Chapter 6 for clarity.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak in favor of the item, to which there was none.

Mayor Lebsack opened the public hearing for comments opposed, to which there was none.

Mayor Lebsack closed the public hearing.

*Councilmember Berg moved to approve Ordinance No. 2023-249, an Ordinance Amending Article XII of Chapter 10 of the Johnstown Municipal Code, including Sec. 10-44(a)(4) - Harassment, Sec.10-62- Criminal Trespass, Article IX -Fireworks, and Article XII- Tobacco upon first reading.*

Councilmember Morris seconded and the motion passed.

### **COUNCIL REPORTS AND COMMENTS**

Councilmember Dominguez noted awareness and federal holidays for the month of May.

Councilmember Morris extended well wishes to Mayor Lebsack.

Councilmember Young noted the Library landscaping items continue. The museum has been shut down due to the ability to get into the museum, but JHS is working with the Town to remedy the situation.

Councilmember Berg noted the Town clean up day.

### **MAYOR'S COMMENTS**

Mayor Lebsack expressed his gratitude for being able to serve the Johnstown Community.

### **INFORMATIONAL ITEMS**

21. Informational Items

### **SWEARING IN OF MAYOR TROY MELLON**

Councilmember Mellon was sworn in as Mayor.

### **PRESENTATION OF PROCLAMATION**

Mayor Mellon presented Gary Lebsack with a proclamation

22. Proclamation In Recognition of the Service of Mayor Gary Lebsack

### **APPOINTMENT OF MAYOR PRO TEM**

Mayor Mellon asked if Council would appoint Damien Berg as Mayor Pro Tem.

Councilmember Morris nominated Councilmember Young.

*Councilmember Young moved to appoint Damien Berg as Mayor Pro Tem.*

Morris seconded, and the motion passed.

### **ADJOURN**

Mayor Mellon adjourned the May 1, 2023 meeting.

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Troy D. Mellon, Mayor

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Hannah Hill, Town Clerk