

The Town Council of the Town of Johnstown met on Monday, November 18, 2019 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor Lebsack led the Pledge of Allegiance.

Roll Call:

Those present were: Councilmembers Berg, Lemasters, Mellon, Tallent and Young

Those absent were: Councilmember Molinar Jr.

Also present: Avi Rocklin, Town Attorney, Matt LeCerf, Town Manager, Marco Carani, Public Works Director, Kim Meyers, Planning and Development Director, Mitzi McCoy, Finance Director and Brian Phillips, Police Chief.

Agenda Approval

Councilmember Mellon made a motion seconded by Councilmember Tallent to modify the Agenda moving Item #5 prior to Item #4. Motion carried with a unanimous vote.

Public Comments

Town Manager, Matt LeCerf read a statement in reference to the water distribution system issues that transpired over the weekend throughout the town.

Proclamations and Presentations

Mayor Lebsack read a proclamation honoring National Adoption Day.

Weld County Commissioner Scott James presented to Council the 2020 Weld County Proposed Budget.

Consent Agenda

Councilmember Lemasters made a motion seconded by Councilmember Berg to approve the Consent Agenda with the following items included for approval:

- November 18, 2019 Council Meeting Minutes
- October Financial Statements
- Amendment to Subdivision Development and Improvement Agreement and Amendment to Water and Sewer Service Agreement – Johnstown Village LLC
- Order Granting Beer and Wine Liquor License to Best Pizza, LLC d/b/a MOD Pizza
- Order Granting Beer and Wine Liquor License to LUX Nailbar Inc.

Motion carried with a unanimous vote.

New Business

A. Consider Resolution 2019-23, A Resolution Supporting the Application for an Energy Impact Grant from the Department of Local Affairs – The Town plans to submit to the Department of Local Affairs for a grant to assist in the cost of installing sewer interceptor lines. Council is required to adopt a resolution of support for the application verifying their intent to perform and

provide matching funds. Councilmember Berg made a motion seconded by Councilmember Tallent to approve Resolution 2019-23. Motion carried with a unanimous vote.

B. Public Hearing – First Reading Ordinance Number 2019-165, An Ordinance Amending Chapter 18 of the Johnstown Municipal Code to Adopt: (1) The International Residential Code, 2018 Edition; (2) The International Building Code, 2018 Edition; (3) The International Mechanical Code, 2018 Edition; (4) The International Plumbing Code, 2018 Edition, (5) The International Energy Conservation Code, 2012 Edition; (6) The International Fuel Gas Code, 2018 Edition; (7) The International Fire Code, 2018 Edition; (8) The International Property Maintenance Code, 2018 Edition; (9) The National Electrical Code, 2017 Edition; (10) The International Existing Building Code, 2018 Edition; And (11) The International Swimming Pool and Spa Code, 2018 Edition – This ordinance amends the current Town of Johnstown Building Code Regulations. The proposed regulation would bring the Town to the current codes that are available for adoption from the ICC.

Mayor Lebsack opened the public hearing at 7:44 p.m. and having no comments closed the hearing at 7:47 p.m.

Councilmember Mellon made a motion seconded by Councilmember Young to approve Ordinance Number 2019-165 on first reading. Motion carried with a unanimous vote.

C. Public Hearing – Ordinance Number 2019-166, An Ordinance amending Section 13-27 of the Johnstown Municipal Code concerning Sewer Tap Fees for Multi-Family Residential Dwelling Units – The proposed ordinance modifies the Town's sewer tap fee. The current fee correlates to the water tap size, the new amended ordinance will correlate the fee based on the number of dwelling units. The new fee for multi-family units is \$2,640 per unit.

Mayor Lebsack opened the public hearing at 7:51 p.m. and having no public comments closed the hearing at 7:31 p.m.

Councilmember Mellon made a motion seconded by Councilmember Lemasters to approve Ordinance Number 2019-166 on first reading. Motion carried with a unanimous vote.

D. Public Hearing – Presentation of the 2020 Budget –This is the second Public Hearing.

Mayor Lebsack opened the public hearing at 8:00 p.m. and heard from staff. Having no public comments closed the hearing at 8:02 p.m. No action was taken at this time.

E. Public Hearing – Public Hearing Regarding Final Plat and Final Development Plan (PUD) for Johnstown Farms Filing No. 3 –This property is approximately 90.56 acres is located east of Parish Avenue and the Little Thompson River, and south of CR 46 ½ and is proposed as single family detached residential development. The Final Plat proposes 241 single family lots in Filing No. 3. The property was annexed and zoned PUD-R.

Mayor Lebsack opened the public hearing at 8:03 p.m. The applicant's representative Mike Pietschmann, Principal of Redland, reviewed with Council the overall development plan for the property. Council also heard from the owner of the neighboring property who operates a motocross track, concerns of homes being built directly adjacent to the track and the future of her business. Other individuals in the audience who also enjoy the use of the motorcycle track expressed the same issues. The public hearing closed at 9:14 p.m.

Councilmember Mellon made a motion seconded by Councilmember Lemasters to approve the Johnstown Farms Filing No. 3 Final Plat and Final Development Plan with the following conditions: 1) Any unresolved comments from Town Staff, the Town Engineer and Fire District be addressed prior to construction of any improvements, 2) A Water and Sewer Service Agreement, and a Development Agreement acceptable to the Town and signed by the developer be approved by Town Council prior to recordation of the Final Plat, 3) The developer and the adjacent property owner to the east negotiate to find a resolution regarding additional sound mitigation efforts on the east side of the property, 4) The developer provide a disclosure requirement notifying future home buyers the property to the east is a motorcross track when they purchase a home. Motion carried with a unanimous vote.

F. Consideration for the Subdivision Development and Improvement (DA) and the Water and Sewer Service Agreement for Johnstown Farms III – The Development Agreement and the Water and Sewer Service Agreement was provided to Council as information only.

G. Water Transfer Agreement – Maplewood Acres – Maplewood Acres sent the Town a request to exchange 100 CBT shares currently in the town's portfolio, to be dedicated to a water district outside the boundaries of the Town. In exchange, Maplewood will purchase 5 shares of Home Supply water from Platte Land and Water, who own the shares of water. Councilmember Lemasters made a motion seconded by Councilmember Tallent to approve the transfer of the water for both the CBT and the Home Supply Water and direct the Town Manager to provide written approval of the transfer of the water appurtenant to the property associated with the GBH Annexation to Platte Land & Water, LLC pursuant to Paragraph 9 of the Annexation Agreement. Motion carried with a unanimous vote.

H. Central Wastewater Treatment Plant Aeration Project Electrical Bid – Staff sent a request for bids to 5 electrical contractors. Bids were received from Weifield Group Contracting, Inc. and Sturgeon Electric. The job involves installing all new electrical lines for four new aerators, connect the system to the transformers, install power distribution panels and disconnect cabinets. Staff is requesting Council approval to award the bid to Weifield Group Contracting, Inc. Councilmember Berg made a motion seconded by Councilmember Mellon to award the bid to Weifield Group Contracting, Inc. for the Central Wastewater Treatment Plant Aeration project in the amount of \$152,672.00. Motion carried with a unanimous vote.

I. Consider Resolution 2019-24, A Resolution Certifying Various Liens to the Weld and Larimer County Treasurer's Office – The Town's Municipal Code allows the Town to collect utility charges and to collect past due, unpaid balances by placing a lien with the county treasurer to be collected with the real estate taxes. Weld County policy requires that all municipalities provide a resolution in order to certify liens each year. Councilmember Young made a motion seconded by Councilmember Berg to approve Resolution 2019-24 to certify the tax liens to the county treasurers. Motion carried with a unanimous vote.

There being no further business to come before Council the meeting adjourned at 10:18 p.m.

Mayor

Town Clerk