

The Town Council of the Town of Johnstown met on Monday, October 15, 2018 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor James led the Pledge of Allegiance.

Roll Call

Those present were: Councilmembers Lebsack, LeMasters, Mellon, Molinar, Tallent and Young

Also present: Avi Rocklin, Town Attorney, Brian Phillips, Chief of Police, John Franklin, Town Planner and Diana Seele, Town Clerk/Treasurer

Agenda Approval

Councilmember Mellon made a motion seconded by Councilmember Molinar Jr. to approve the Agenda as submitted. Motion carried with a unanimous vote.

Public Comment

Mr. Hector Olivas, representing the Johnstown Milliken Chamber of Commerce requested Town Council grant a temporary encroachment for vendors wanting to set up tables on sidewalks along Parish Avenue for Trick or Treat Street. Councilmember Lebsack made a motion seconded by Councilmember LeMasters to grant the temporary encroachment to the chamber for Trick or Treat Street. Motion carried with a unanimous vote.

Consent Agenda

Councilmember Lebsack made a motion seconded by Councilmember Tallent to approve the Consent Agenda with the following items included:

- October 15, 2018 Town Council Meeting Minutes
- Payment of Bills
- September Financial Statements
- Resolution No. 2018-15 approving a Use by Special Review for drilling of oil and gas wells and construction of a tank battery/production facility for Extraction Oil and Gas, LLC on the Cito Trust property.

Motion carried with a unanimous vote.

New Business

A. Consider Water and Sewer Service Agreement for Carrier West at Iron Horse (L&CFTC, LLC) – L&C FTC, LLC submitted to the Town a Water and Sewer Demand Analysis, based upon the review the in-building water demand for Carrier West at Iron Horse is calculated to be 0.76 acre feet per year and the landscaping (raw water) irrigation demand is calculated to be 1.18 acre feet per year. Water credits for the in-building and irrigation will come from water rights previously dedicated into a “2534 water bank” under a prior agreement. Councilmember Mellon made a motion seconded by Councilmember Tallent to approve the Water and Sewer Service agreement for Carrier West at Iron Horse and authorize the Mayor to sign it. Motion carried with a unanimous vote.

B. Consider Award of Contract to Dale's Environmental Services, LLC (DES) for 2018 Sewer Cleaning Project – DES was the low bidder of the City of Loveland's 2017 sewer cleaning project and was awarded a contract by the City of Loveland. City of Loveland renewed the contract for an additional one-year term on April 24, 2018, at a price of \$.30/foot. DES will provide Johnstown with the same services per the Loveland specifications at the Loveland prices. Councilmember LeMasters made a motion seconded by Councilmember Young to award the contract for the 2018 Sewer Line Cleaning Project to Dale's Environmental Services, LLC for a total price not to exceed \$45,000 and authorize the Mayor to sign the agreement. Motion carried with a unanimous vote.

C. Discussion of Memorial Donation to the Family of Officer Yuri Thomas – Chief Phillips informed Council that staff is working on creating a 501(c)(3) to receive donations in Officer Thomas's honor. After the creation of the 501(c)(3) a resolution authorizing the donation from the Town will be drafted and presented to Council for approval.

D. Employment Agreement for Interim Town Manager with Matthew LeCerf – The Employment Agreement provides that Matthew LeCerf will be employed by the Town as the Interim Town Manager to perform the functions and duties specified by Colorado law, Article 8 of the Home Rule Charter for the Town of Johnstown, Section 2.45 of the Johnstown Municipal Code and all other applicable laws, ordinances or regulations of the Town of Johnstown. An annual salary of \$135,000 will be paid, along with \$350.00 stipend for his own cell phone and vehicle use. The term of the Agreement is for 6 months commencing on October 15, 2018 and terminating on April 14, 2019. The Agreement will then convert to month-to-month term, with either party entitled to terminate upon 30 days written notice. In addition, The Town has the right to terminate the Agreement for cause by a vote of the majority of the Town Council and has the right to terminate if the Town employs a Permanent Town Manager. Councilmember Mellon made a motion seconded by Councilmember Lebsack to approve the Town of Johnstown Employment Agreement for Interim Town Manager with Matthew S. LeCerf and authorize the Mayor to sign it. Motion carried with a unanimous vote.

E. Purchase and Sale Agreement for Ten Shares of Capital Stock in the Consolidated Home Supply Ditch and Reservoir Company – The Purchase and Sale Agreement reflects that Smilin 11, LLC, S. Reid Ludlow and Jean E. Cowles agree to sell ten shares of capital stock in the Consolidated Home Supply Ditch and Reservoir Company to the Town of Johnstown. The Town agrees to purchase the water in the amount of \$1,500,000. Councilmember Mellon made a motion seconded by Councilmember Lebsack to approve the Purchase and Sale Agreement for Ten Shares of Capital Stock in the Consolidated Home Supply Ditch and Reservoir Company and authorize the Mayor to sign it. Motion carried with a unanimous vote.

F. Consider Approval of Amendment No. 1 to Agreement Between the Town of Johnstown and Adolfsen & Peterson Construction – Johnstown Community Recreation Center Construction Project- On April 6, 2018 the Town of Johnstown entered into a Standard Form of Agreement between Owner and Construction Manager with Adolfsen & Peterson Construction for preconstruction services for the construction of the Johnstown Community Recreation Center, with the intent to establish a Guaranteed Maximum Price for the construction. Amendment No. 1 to the agreement establishes a Guaranteed Maximum Price of \$2,808,662.00 for costs associated with earthwork, utilities and the Construction Manager's fee. Councilmember Lebsack made a motion seconded by Councilmember Young to

approve Amendment No. 1 (including Exhibit A.1) to the Agreement between the Town of Johnstown and Adolfson & Peterson Construction in an amount not to exceed \$2,808,662.00, and authorize the owner's representative (Mr. LaCouture), with approval from the Town Manager, to approve change orders in an amount not to exceed 5% of the contract amount and authorize the Mayor to sign the Amendment. Motion carried with a unanimous vote.

There being no further business to come before the Council the meeting adjourned at 7:42 p.m.

Mayor

Town Clerk/Treasurer