

The Town Council of the Town of Johnstown met on Wednesday, September 4, 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, Molinar Jr., Tallent and Young

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

#### Agenda Approval

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

#### Consent Agenda

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

- August 19, 2019 Council Meeting Minutes
- Assignment of Non-Residential Real Property Lease Agreement (Old Library Building)
- First Amendment to Non-Residential Real Property Lease Agreement (Old Library Building)

Motion carried with a unanimous vote.

#### Old Business

##### A. Continued Public Hearing – Final PUD Development Plan – Johnstown Village

Councilmember Berg made a motion seconded by Councilmember Mellon to re-open the Public Hearing concerning the Johnstown Village Final PUD Development Plan. Motion carried with a unanimous vote.

This item was continued from August 19, 2019, to provide additional time to Planning Staff to review a newly-submitted document. The outstanding conditions on the Final Development Plan, included the need to update portions of the plan, per Staff direction. Specific language related to design and architectural standards was reviewed and revised per Staff direction, minor housekeeping items have been addressed, and a sheet of architectural elevations has been added to better clarify the intent of the developer and home builder to provide high-quality housing to the Johnstown community. The Final Development Plan is substantially consistent with the Johnstown Comprehensive Plan, the approved Massey 141 outline development plan, and the approved Johnstown Village Preliminary Development Plan. The Final Development Plan has been reviewed by Town staff and have been found to be in substantial compliance and conformance with Town standards, specifications, and codes.

Having no public comment Mayor Lebsack closed the public hearing at 7:10 p.m. Councilmember Lemasters made a motion seconded by Councilmember Molinar Jr. to approve the Johnstown Village PUD Final Development Plan based upon evidence presented at the public hearing. Motion carried with a unanimous vote.

B. Public Hearing – First Reading – Ordinance Number 2019-164, Approving P.U.D. Final Development Plan for Johnstown Village Located in the Northwest Quarter of Section 7, Township 4 North, Range 67 West of the 6<sup>th</sup> Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 139.36 Acres. This ordinance memorializes Council approval of the Johnstown Village PUD Final Development Plan.

Mayor Lebsack opened the Public Hearing at 7:11 p.m. and having no public comment closed the hearing at 7:14 p.m.

Councilmember Lemasters made a motion seconded by Councilmember Mellon to adopt Ordinance Number 2019-164 Approving P.U.D. Final Development Plan for Johnstown Village Located in the Northwest Quarter of Section 7, Township 4 North, Range 67 West of the 6<sup>th</sup> Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 139.36 Acres. Motion carried with a unanimous vote.

### New Business

#### A. Johnstown Village Final Plat – Filing #1

1) Resolution 2019-18 Approving the Final Plat for Johnstown Village Filing No. 1 – This resolution memorializes Town Council's approval. Councilmember Berg made a motion seconded by Councilmember Young to approve Resolution 2019-18, Approving the Final Plat for Johnstown Village Filing No. 1. Motion carried with a unanimous vote.

2) Subdivision Development and Improvement Agreement – This document outlines the obligations of the developer for planned public and private improvements within the subdivision. Councilmember Mellon made a motion seconded by Councilmember Molinar Jr. to approve the Subdivision Development and Improvement Agreement for Town of Johnstown (Johnstown Village Filing No. 1) subject to the Town receiving an approved Exhibit C, Schedule of Public Improvements.

3) Water and Sewer Service Agreement – This agreement dedicates water for Phase 1A. This agreement also voids Phase 1 B plat if water for this phase is not dedicated within a 3 year period. Also, no water for Tracts M, N, O & P have been dedicated for the project. Councilmember Berg made a motion seconded by Councilmember Young to approve the Water and Sewer Service Agreement for Johnstown Village Filing No. 1 for Phases 1A and 1B only. Motion carried with a unanimous vote.

B. First Amendment to Intergovernmental Agreement between the Town of Johnstown and the Town of Berthoud Concerning the Town of Johnstown's Growth Management Area – The Towns of Johnstown and Berthoud have a Growth Management Area, Intergovernmental Agreement in place. The purpose of this IGA is to identify and outline the future growth areas of the respective Towns. A condition of the IGA is that any changes of the GMA boundaries must be approved by the governing bodies of each municipality. The amendment provides for Berthoud to annex without approval by Johnstown, property to both the west and south. Similarly, Johnstown can annex without Berthoud's approval when annexing property to both the east and north. Councilmember Tallent made a motion seconded by Councilmember Berg to approve the First Amendment to the Intergovernmental Agreement by and between the Town of Johnstown and the Town of Berthoud concerning the Town of Johnstown and the Town of Berthoud concerning the Town of Johnstown's Growth Management Area. Motion carried with a unanimous vote.

C. Second Amendment to the Intergovernmental Agreement between the Town of Johnstown and the Town of Berthoud Concerning Wastewater Treatment Facility and Service Within Berthoud's 208 Service Plan – The IGA amendment provides for the inclusion of a piece of property that is approximately 400 acres located within ½ mile from Berthoud's Regional WWTP. The property owner is interested in annexing into Johnstown. The amendment will allow Johnstown to connect this property when it develops to the Berthoud Regional WWTP. Councilmember Berg made a motion seconded by Councilmember Lemasters to approve the Second Amendment to the Intergovernmental Agreement between the Town of Johnstown and Town of Berthoud Concerning Wastewater Treatment Facility and Service within Berthoud's 208 Service Plan. Motion carried with a unanimous vote.

#### Executive Session

Councilmember Mellon made a motion seconded by Councilmember Young to recess into Executive Session at 7:36 p.m. to receive legal advice from the Town attorney and special counsel pursuant to C.R.S. 24-6-402(4)(b) Regarding the Johnstown Plaza development.

Mayor Lebsack called the meeting back to order at 7:50 p.m.

There being no further business to come before Council the meeting adjourned at 8:04 p.m.

Mayor

Town Clerk

