

Meeting Details:

<u>04/01/23; 7pm - 8:30pm</u>
<u>Johnstown</u>
<u>Town Council</u>
https://johnstown.colorado.gov/TownCouncil
Council contact: Town Clerk, hhill@johnstownco.gov
<u>Regular Meeting 05/01/23</u>
<u>In Person meeting location: 450 S. Parish Ave, 80534</u>
<u>Virtual meeting link:</u>
https://www.facebook.com/townofjohnstown
<u>Agendas and Packets</u>
https://johnstown.colorado.gov/councilmeeting

NOTES FROM JOHNSTOWN city council, May 1, at Town Hall

Began at: 7:00 p.m.

Present: Councilors (as seated on the dais, l-r) Damien Berg, Mayor Pro Tem Troy Mellon, Mayor Gary Lebsack, , Chad Young, Dianne Morris, and Vanessa Dominguez. Councilor Jesse Molinar, Jr., was absent.

About 20 were in the audience, plus Town Manager Matt Le Cerf, Town Clerk Hannah Hill, Planning and Development Director Kim Meyer, and other staff.

Proclamations by Mayor Lebsack: Foster Care Month, Mental Health Month, Public Service Recognition Week, Business of the Month (Culver’s on U.S. 34).

Information presentation by Eighth Judicial District Attorney, **Gordon McLaughlin**; serves sixth most populated judicial district in Colorado; Larimer and Jackson counties, 670,000 people; filing 550 felonies/quarter, plus adult diversion,

complex case prosecutions, competency court docket, Northern Colo Economic Crimes Task Force, CIRT (Critical Incident Response Team), victim services; publishes a data dashboard for transparency so have data-based decisions. Flat rate of violent crimes filed, very low violent crime; motor vehicle theft, Larimer 16.5 rate for Jan.-June 2022. DA's office in Loveland's police and courts building is closer for Johnstown residents. Mellon said he thought this was the first time any DA has come before the town council.

7:25 p.m.

Public comments: Jim Hatfield expressed interest in signal locations at CR 13/Colorado Blvd, Hwy 60, and permanent landscaping on CR 13. The intersection designer, Johnny Olson of Benesch, indicated that some landscaping further north will have to be removed. Hatfield wanted the town to fix potholes on the SW corner of CR13. He also expressed concern about the vacant southeast corner house.

The town manager relayed concerns about dust mitigation in new developments.

Consent agenda: Councilor Morris asked to remove agenda item 10 and discuss under new business. The council approved the following ordinances:

7. Ordinance 2023-244 (**Second Reading**) Annexing certain unincorporated lands known as the Archdiocese Annexation Nos. 1-3 (undeveloped agriculture land, west of Weld County Road 19 and north of Weld County Road 44; near the Little Thompson/Hillsborough reservoir) for the properties known as Archdiocese Annexation Nos. 1-3 **Source: April 3 packet for town council meeting)**

9. Ordinance 202111. Annexation Agreement for Archdiocese Annexation Nos. 1-3 3-246 (**Second Reading**) Approving the Outline Development Plan for Dove Solar (for a community-scaled solar array at Archdiocese developments)

11. Annexation Agreement for Archdiocese Annexation Nos. 1-3 (Where?)

12. Water & Sewer Service Agreement for GMX Building, with Johnstown 3425, LLC

13. April 2023 List of Bills

Reports

The town manager said Bar-B-Q Days organizers won't be able to use Charlotte Street, because of construction, so the parade route will be adjusted.

New business

15. The council voted unanimously to officially start watering restrictions beginning June 1. Ellen Hilbig, the Utilities Director, said historically the wastewater treatment plant gets close to capacity in July. She recommended starting watering restrictions immediately. Councilor Morris expressed concerns that town residents/developers would need water longer to get their new plants started. Councilor Mellon was concerned about having to re-program complex sprinkling systems too often. Councilor Berg emphasized good communication by the town and equal treatment for residents and developers. Morris suggested special permits for new landscaping. The town manager noted that lawns don't have to be watered every day. "The more you water, the more you mow," he said. Mayor Lebsack said it behooves everyone to conserve. The town, he said, should be "preaching conservation." (7:48)

The central wastewater plant is getting a \$56 Million expansion (construction and fees), to be completed in 2025. According to Hilbig, the planned expansion is in response to a cease and desist order from the Colorado Department of Public Health and Environment (CDPHE). Moltz Construction Inc., out of Salida and Windsor will build it with the guidance of Aqua Engineering.

7:55 p.m.

Because development is happening in the area, Johnstown plans to reconstruct the Colorado 60 and CR 13/Colorado Blvd. intersection. The north section of County Road 13 slants somewhat toward the west, noted Johnny Olson from the Benesch design firm (out of Chicago), making the project more complicated. He presented three shift alternatives, trying to keep buffer distances from houses, reduce acquisition of houses, and minimize the effects on utilities. He said the plan is to put in new signaling, add more turning lanes, and narrower lanes north of Highway 60. The southeast house would probably have to be moved.

Of the choices, Olson said Option 2, shifting west with narrowed lanes, for a calming effect, scores best.

8:18

This is agenda item 10 pulled from the consent agenda. “2023-247 (**Second Reading**) Repealing Chapters 15, 16 & 17 of the Johnstown Municipal Code, and Readopting Chapter 17 to Adopt the Johnstown 10. Ordinance Land Use & Development Code.”

Kim Meyer, the Planning and Development Director, had indicated that “these chapters are proposed as a single, more cohesive code document that addresses all areas related to land use, zoning, and development in the town, replacing a patchwork of outdated, poorly organized, and confusing code sections with separate design guidelines.” (**April 12 planning commission meeting**) “Major themes of masonry and high-quality materials, minimum area of windows on elevations, entry features, and mixing street character, open spaces and connected trails to create neighborhood character are all included in this proposed code...Multiple housing units types as well a minimum mix of housing types are introduced in an effort to create more livable, interesting, and integrated neighborhood.”

Councilor Morris, a real estate agent, said she was concerned about protecting views and providing adequate parking in “cluster” housing. “We owe it to our citizens.” Where there is no on-street parking, she wanted guest parking. Protecting views is important, she said because, “People don’t want their home values to drop.” Morris advocated that neighbors within a minimum of 800 feet be notified of building plans which might affect their views.

8:40 p.m. All councilors present, except Dominguez, voted in favor of Morris’ suggested changes. The item will be considered again at the June 26 council work session, with adoption considered in July.

Public Hearings

The council voted unanimously to grant Comcast of Colorado a non-exclusive franchise “to construct, install, and operate a cable system, and provide cable television within Johnstown and have “reasonable use” of the streets and public places to install it. Comcast representative said much of it will be fiberoptic, with coaxial going the last distance into homes/businesses.

8:45

Considering “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.” The council sent it back to the staff. The city charter would be harder to change than an ordinance; Mellon said it needed to be clearer; Lebsack said it should be based on the worst-case scenario, rather than on “good years” of water supply. The council voted unanimously to table it until May 15.

Passing unanimously were ordinances to bring local code in line with several recent changes to Colorado laws.

Ordinance No. 2023-248 Repealing Articles I-VIII of Chapter 6 and Readopting Articles I-IV of Chapter 6 of the Johnstown Municipal Code. According to the town Clerk, “These amendments specifically repeal and replace certain sections to remove redundancy, be consistent with other municipal requirements, update and streamline processes.” The changes deal with fireworks permits, solicitors, tree contractors, and short-term rentals. They particularly would “formalize the process.” **Source: packet for May 1 council meeting**

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. These were changed to conform to new Colorado laws to protect free speech; fireworks definition, clarification for handling by authorized personnel; tobacco, selling only if at least 21 years old; trespassing, to a broader definition.

Troy Mellon was sworn in as the new mayor, since the mayor had resigned, to move into un-incorporated Weld County. Mayor Mellon then nominated Councilor Berg to be mayor pro tem, and he was approved by the rest of the council.