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TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO
Monday, August 19, 2024 at 7:00 PM

MINUTES

CALL TO ORDER

Mayor Duncan called the meeting to order and led the Pledge of Allegiance.

Pledge of Allegiance

ROLL CALL

Present:
Councilmember Menzies
Councilmember Molinar Jr.
Councilmember Morris
Councilmember Paranto
Mayor Pro Tem Young
Mayor Duncan

Absent:

Councilmember Berg

AGENDA APPROVAL

Councilmember Menzies moved to approve the agenda.

Councilmember Morris seconded and the motion passed.

SPECIAL PRESENTATIONS

1. Presentation of the Limited Market Assessment regarding the Downtown Masterplan Project

   Sarah Crosthwaite, Economic Development Manager, presented the report.

2. Presentation: Thompson School District Potential 2024 Bond & Special Levy Overview

   Mr. Gordon Jones, CFO Thompson School District presented the potential ballot request.

PUBLIC COMMENT

Justin Tuttle, General Manager of Wing Shack, spoke to the Downtown Master Plan and the benefits, including the volume of sales, to the businesses of the Master Plan.

The JDDA Board spoke to the Downtown Master Plan and read a letter into the record in support of the Downtown Master Plan Project.

Stephanie Podtburg spoke to the Downtown Master Plan and expressed support and gratitude to Council for the thoughtful and strategic approach to the future growth of the community.

Donna Derrera spoke in support of the Johnstown Downtown Master Plan and the Town Council deciding what the downtown would look like as opposed to the developers.

A comment from James Kolnik regarding weeds at Johnstown Farms Community was read into the record.

Comments regarding Xfinity from was read into the record from Julie Luekenga.

A comment from Amy Musgrave regarding the traffic and streets by the high school was read into the record.

A comment from Lesley Hollywood was read into the record regarding streets and traffic at the high school.

Chief Strossner spoke to the high school traffic issues. Council inquired on previous experience with school districts, which Chief Strossner noted conversations are needed and Council asked if statics could be made available.

Chief noted vehicular accidents near the school with four accidents due to ice, and three were minor rear end accidents.

Council asked if a Work Session with the School District could be scheduled. Mr. LeCerf noted a later agenda item would speak to this and the traffic impact study produced by the school district does not warrant a signal.

CONSENT AGENDA

Council asked for clarification on Ordinance No. 2024-257, which staff noted reads "subsequent to the next election".

Councilmember Morris moved to Approve the Consent Agenda

Councilmember Paranto seconded and the motion passed.

3. August 5, 2024 Meeting Minutes
4. Ordinance No. 2024-257 Amending Section 2-24 and Section 1-83 of the Johnstown Municipal Code Concerning Compensation for the Mayor and Council Members and Members of the Planning and Zoning Commission on Second Reading
5. Resolution No. 2024-37: A Resolution of the Town of Johnstown, Colorado, Supporting the Application for an Energy/Mineral Impact Assistance Fund Grant from the State of Colorado Department of Local Affairs
6. Intergovernmental Agreement Between Town of Johnstown and Weld County Reorganized School District RE-5J Concerning Cost Sharing for Pioneer Ridge Elementary School Playground Equipment
7. July 2024 Financial Statements and Q2 Sales Tax Summaries

TOWN MANAGER REPORT

Matt LeCerf, Town Manager, noted that the HOA noted in Public Comment has been contacted and directed to take corrective action.

The proposed burn ordinance was noted included in the information items, with a noted exemption of agricultural burning.

Council asked for clarification on section C, item 3 - Mr. LeCerf noted the ditch would be included in the agricultural burning, but staff would review the ordinance for wording for ditch maintenance.

The burning of flags was asked for clarification, and Chief noted that a burn permit from the County would be an included exemption.

TOWN ATTORNEY REPORT

There was no Town Attorney report.

NEW BUSINESS

8. Award of the Letford and Centennial Park Master Plan Project to Wenk Associates, Inc.

Mr. LeCerf presented the proposed award of a contract, reviewing the process and location. Town staff reviewed the proposals and the four finalists were interviewed, with the proposed contract amount of $172,500 to Wenk Associates being noted. The estimated project completion date is in January of 2025, with planned public outreach included.

Council referenced the student interest in this areas and if that data was available. Mr. LeCerf noted the that the interest was in a pool and the question is whether the pool would be included in this area, or a separate area. Council noted that there is a desire to not lose the pool and bring the item back to the public during an election year for a possible tax question.

A conceptional idea of what the plan would look like was asked about, which Mr. LeCerf noted Wenk Associates did provide a presentation on what this could look like if money was no object, and the community outreach included in their proposal was a benefit to their bid.

Councilmember Paranto move to approve the Letford & Centennial Master Park Plan Agreement to Wenk Associates, Inc as presented and authorize the Town Manager to sign the contract.

Mayor Pro Tem Young seconded and the motion passed.

9. Contract Award for Design Services for a Roundabout at the Intersection of Roosevelt Pkwy & Colorado Boulevard

Mr. LeCerf presented the contract referencing a previous meeting with Council and this design contract being the result. Several entities would contribute to the project, including the Town, The Granary and RE-5J. The timeline would be going out to bid at the end of March, with the end of May seeing construction and a complete shut down of the intersection.

Council asked for information on length of time of the project if only one lane of traffic was closed. Johnny Olson, from Alfred Benesch & Company, noted that if roads are closed down projects can be completed in 60 days. Excessive amounts of time would be added if one lane needs to remain open. Costs would vary depending on the bids if time is added.

Council asked if there would be an impact to BBQ Day and the fireworks. Mr. LeCerf noted the fireworks would be impacted, and the school district may be willing to host this show at the to-be middle school. There would still be access to the high school at the north drive.

Mr. LeCerf noted the construction was being shifted so the one resident would maintain access.

Council asked if any short term cost effective measures could be noted, which Mr. Olson noted flaggers, or temporary signals however that would be costly and not timely. A three way stop sign is also an option, as well as an automatically controlled signal are an option.

A change of traffic pattern was questioned, which Alfred Benesch noting one-way traffic patterns are still moving at the same time, with any left turn traffic being the main backup.

Council requested the three way stop signs be looked into, and the time frame.

Councilmember Morris move to approve a contract with Alfred Benesch & Company, as presented, in the amount of $434,551.69, with a total appropriated budget of $450,000 as detailed in the TAC, and authorize the Town Manager to sign the contract.

Councilmember Paranto seconded and the motion passed.

10. Intergovernmental Agreement Regarding Use of Special Improvement Districts between the Town of Johnstown, Colorado and the Ridge at Johnstown Metropolitan District Nos. 1-8

Avi Rocklin, Town Attorney, introduced Carolyn Steffl, Special Counsel who noted the Service Plan and requirements to return to Council for an IGA. Ms. Steffl noted this IGA would authorize the creation and the board of the special districts, to impose fees and to issues special assessment revenue bonds. The bonds do have to be repaid prior to any Certificate of Occupancy is issued. Ms. Steffl noted the Town would not be liable for any debt, and the metropolitan districts would be held responsible.

Council asked for clarification on cost for a homeowner with this assessment on the home. Ms. Steffl noted this would still be a metro district, but the assessment has to be repaid prior to a C.O. being issued, and the lien would be released per parcel before the homeowner purchases the property. The builder would be responsible for the debt.

Council inquired how common this will become, which Ms. Steffl noted it is expected to become more common.

Robert Rogers, general counsel to the meto districts, noted the purpose of this financing is to serve as bridge financing for the project. The difference is the metro district gets the lien, and the lien has to be paid off prior to any sale. It was noted creative opportunities to save on interest costs are being looked at.

Council asked who holds the risk for the debt. The financial advisor for metro district noted the developer bares the risk of repaying the debt. Impact of the cost of the homes was a concern, which the advisor did elaborate would not effect the price.

Council expressed concern about costs being passed along to the homeowner at some point.

Councilmember Morris moved to approve the Intergovernmental Agreement Regarding Use of Special Improvement Districts between the Town of Johnstown, Colorado and the Ridge at Johnstown Metropolitan District Nos. 1-8.

Councilmember Paranto seconded and the motion passed.

11. Granary Fee Assessment

Mr. LeCerf noted the consideration of the fee for The Granary Metro Nos 1-9, with the planning to include a community pool would be added value. It was expressed the fee is expected to decrease as the number of home sales increases.

Council inquired about the inequity if the later home sales are paying less than the first home sales. The applicant noted it can be viewed as the homeowners are paying for the time they are using the facilities. The financial projections included in the packet were discussed, with the property goal being left better than they found it.

Clarification on the annual price was asked on, the applicant noted the board of directors has approved a resolution up to $750, subject to the conditions of the service plan of approval of Town Council.

The number of homes in the subdivision was asked on and noted those home owners have been notified. It was noted this number has been published for several months, and is comparable to other districts in Johnstown.

Patrick McMeekin, President of Hartford Homes, noted the pool is on schedule and they are confident the pool would be completed by the end of 2025. It was also noted that there is an opt in for non-residents to join the pool for a fee.

Councilmember Morris move to approve the Recurring Fees Request for Operation Services – Granary Metropolitan Districts Nos. 1-9 at a rate of $750.00 annually per residential unit.

Councilmember Molinar seconded and the motion passed.

PUBLIC HEARING

12. Public Hearing - The Granary Filing No. 3 - Subdivision Case No. SUB23-0013

    A. Resolution No. 2024-30: Approving the Final Subdivision Plat and Development Plan for The Granary Filing No. 3

    B. Water and Sewer Service Agreement with Hartford Investments, LLC

    C. Subdivision Development and Improvement Agreement with Hartford Investments, LLC

Mayor Duncan opened the public hearing.

Jeremy Gleim, Planning Director, presented the Filing No. 3 for the Granary. The preliminary plat and location of the property was reviewed, noting Filing No. 3 is approximately 185 acres, with the vast majority of this filing will be for future development. It was noted with this filing Roosevelt Parkway would be extended.

Council asked if this project would impact the paving of WCR 46, which Mr. Gleim noted not with this filing, but it would be the developers responsibility at the fourth submitted filing.

The applicant presented and reviewed the location to called out the existing barn and Hillsborough Ditch. Enhanced amenities were reviewed, including the old barn to be used as a signage and branding for the site. The central park amenities were reviewed, including a pool and trail system.

Council expressed appreciation of the silo look.

Mayor Duncan opened public comment for those in favor of or opposed to this item.

Jim Hatfield spoke to the item and asked for clarification for where the high pressure gas line is on the property.

Mayor Duncan closed public comment.

A representative for the applicant noted the Thornton and gas line follows the railroad and follows south of Filing 2 and into Filing 2.

Mayor Duncan closed the public hearing

Councilmember Morris moved to approve Resolution 2024-30, approving The Granary Filing No. 3.

Councilmember Molinar seconded and the motion passed.

Mayor Pro Tem Young moved to approve the Water And Sewer Service Agreement for The Granary Filing No. 3

Councilmember Morris seconded and the motion passed.

Councilmember Molinar moved to approve the Subdivision Development and Improvement Agreement for The Granary Filing No. 3.

Councilmember Paranto seconded and the motion passed.

COUNCIL REPORTS AND COMMENTS

Councilmember Molinar noted Roosevelt Parkway and CR 13 and spoke to a need for police presence. Council agreed on the need for Police presence.

Mayor Pro Tem Young noted Councilmember Molinar's family loss, with Councilmember Molinar Senior serving on the Council and the legacy left.

Councilmember Menzies noted the Behavioral Health Committee meeting at the County and funding being sought after.

MAYOR'S COMMENTS

Mayor Duncan expressed condolences to Councilmember Molinar's family.

Appreciation for recent police response was expressed, along with thoughts to the family's loss.

INFORMATIONAL ITEMS

13. Informational Items

    Informational items were included in the packet.

EXECUTIVE SESSION

14. An Executive Session to Discuss Matters Subject to Negotiations and to Instruct Negotiators Pursuant to C.R.S. Section 24-6-402(4)(e) Regarding Project Net, an Economic Development Project.

Mayor Pro Tem Young moved to recess into Executive Session to Discuss Matters Subject to Negotiations and to Instruct Negotiators Pursuant to C.R.S. Section 24-6-402(4)(e) Regarding Project Net, an Economic Development Project and an executive session to discuss the purchase of real property pursuant to C.R.S. Section 24-6-402(4)(a) - Sandra Drive

Councilmember Menzies seconded and the motion passed. Council recessed into executive session.

15. An executive session to discuss the purchase of real property pursuant to C.R.S. Section 24-6-402(4)(a) - Sandra Drive.

Council reconvened from Executive Session at 10:23, Mayor Duncan noted no decisions were made.

NEW BUSINESS FROM EXECUTIVE SESSION

16. Resolution No. 2024-38 – Purchase and Sale Agreement for 1108 Sandra Drive

Mr. LeCerf noted a series of resolutions for purchase and sale agreements, referencing rain and flooding events in spring 2023 where property owners on Sandra Drive were affected with excessive damage. The Town began to exploring options to improve the storm drainage issue. From the initial options identified, the most cost effective at the time was to convey the stormwater under the Hillsborough Ditch at a cost of $5.5 million, noting this was only an interim solution. This interim solution also included the need for additional improvements to include installation of a 54" stormwater pipeline. Based on engineer estimates this would be an additional cost of $3 - $5 million, making the total cost of $8.5 - $10 million (best case scenario). With the cost of projects to divert stormwater from this area, staff explored options and recommends as a solution to mitigate flooding issues in the future, to acquire property with several property owners. This is the best and most cost-effective solution.

The Town will purchase the listed address and enter into a temporary lease agreement with the current owners and a release to be signed by the Seller.

Councilmember Menzies moved to Approve Resolution No. 2024-38 - Purchase and Sale Agreement for 1108 Sandra Drive for $950,000 along with a temporary lease agreement

Councilmember Morris seconded and the motion passed.

17. Resolution No. 2024-39 – Purchase and Sale Agreement for 1110 Sandra Drive

Mr. LeCerf noted the $840,000 purchase would include a post-closing occupancy agreement for the owners to occupy the house for 60 days and releases to be signed by both parties.

Mayor Pro Tem Young moved to Approve Resolution No. 2024-39 - Purchase and Sale Agreement for 1110 Sandra Drive for $840,000 with a 60-day post-closing occupancy agreement

Councilmember Morris seconded and the motion passed.

18. Resolution No. 2024-40 – Purchase and Sale Agreement for 1112 Sandra Drive

Mr. LeCerf noted the purchase price of $809,000 along with a 60-day post-closing occupancy agreement and releases to be signed by both parties.

Councilmember Menzies moved to Approve Resolution No. 2024-40 - Purchase and Sale Agreement for 1112 Sandra Drive for $809,00 with a 60-day post-closing occupancy agreement

Mayor Pro Tem Young seconded and the motion passed.

19. Resolution No. 2024-41 – Purchase and Sale Agreement for 1114 Sandra Drive

Mr. LeCerf noted the purchase price of $725,000 including a 60-day post-closing occupancy agreement and a release to be signed by the Seller.

Councilmember Molinar moved to Approve Resolution No. 2024-41 - Purchase and Sale Agreement for 1114 Sandra Drive in the amount of $725,000 with a 60-day post-closing occupancy agreement

Mayor Pro Tem seconded, and the motion passed.

ADJOURN

Mayor Duncan adjourned the August 19, 2024 meeting at 10:34 pm.

Michael P. Duncan, Mayor

Hannah Hill, Town Clerk