

# Town of Johnstown

## TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO

Monday, August 15, 2022 at 7:00 PM

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### MINUTES

#### CALL TO ORDER

Mayor Gary Lebsack called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

#### ROLL CALL

Present:

Mayor Lebsack

Councilmember Berg

Councilmember Mellon

Councilmember Molinar

Councilmember Young

Councilmember Dominguez

Councilmember Morris

#### AGENDA APPROVAL

*It was moved by Councilmember Berg and seconded by Councilmember Mellon to approve the agenda.*

The motion was carried with a unanimous vote.

#### SPECIAL PRESENTATIONS

There were no special presentations on the agenda.

#### PUBLIC COMMENT

Loveland Fire Rescue and Authority Chief Tim Sendelbach extended an invitation to Council for the opening of Fire Station #10.

Barbara Kirkmeyer, candidate for Congress, introduced herself to Town Council.

#### CONSENT AGENDA

Councilmember Young noted corrections to the August 1, 2022 minutes.

*Councilmember Mellon moved to approve the consent agenda with the noted changes to the minutes.*

Councilmember Morris provided the second and the motion carried unanimously.

1. August 1, 2022 Minutes
2. Second Reading Ordinance 2022-234 Approving the SunCatcher Annexation
3. Second Reading Ordinance 2022-235 Approving PUD-MU Zoning for SunCatcher Annexation
4. Second Reading Ordinance 2022-236 Approving the SunCatcher PUD Outline Development Plan
5. Resolution 2022-34 Approving the Ledge Rock Center Design Handbook
6. Annexation Agreement with Sauer South, LLC, for SunCatcher Annexation
7. Subdivision Development and Improvement Agreement with Buc-ee's Johnstown, LLC, for Buc-ee's Travel Center
8. Water and Sewer Service Agreement for Buc-ee's Johnstown, LLC, for Buc-ee's Travel Center
9. First Amendment To Intergovernmental Agreement Between The Town Of Johnstown And The Little Thompson Water District
10. Third Amendment to Franchise Agreement - Town of Johnstown and TDS
11. August 2022 List of Bills
12. July 2022 Financial Statements

#### **TOWN MANAGER REPORT**

##### **13. Town Manager's Report**

Town Manager Matt LeCerf overviewed the attached report, noting upcoming work sessions and the cancellation of the September 19, 2022 meeting, if Council had no objection. Mr. LeCerf also noted discussions with Allo Communications, regarding deployment of fiber to all areas as Allo informed staff some areas may be isolated and unable to be serviced. Allo has been asked to provide a map for clarification on where those areas would be.

#### **TOWN ATTORNEY REPORT**

The Town Attorney did not have a report.

#### **PUBLIC HEARING**

##### **14. Resolution 2022-36 Approving the SunCatcher Preliminary/Final Subdivision Plat**

Mayor Lebsack opened the public hearing for Resolution No. 2022-36.

Planning and Development Director Kim Meyer presented this annexation, stating there were no public improvements plans as of this time and noting the potential solar farm would be heard later on the agenda. The item had been presented to Planning Commission in July.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak in favor of the item, to which there was none. Mayor Lebsack opened the public hearing for comments opposed, to which there was none.

*Councilmember Young moved to approve Resolution No. 2022-36 with Councilmember Morris providing the second.*

The motion was approved unanimously.

##### **15. Resolution 2022-37 Approving a Use by Special Review for a Solar Facility on the SunCatcher Property**

Mayor Lebsack opened the public hearing for Resolution No. 2022-37.

Ms. Meyer noted this is within the Suncatcher PUD and does allow for solar use. Planning Commission chose to approve this item without the landscape screening. Council asked for clarification on the height allowances of the solar panels, which was noted there would not an option for the height to be lower than the proposed ten feet when tilted due to regulations and items such as shading.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak in favor of the item, to which there was none. Mayor Lebsack opened the public hearing for comments opposed, to which there was none.

*Councilmember Berg moved to approve Resolution 2022-37 with an amendment of removing section 1, subparagraph 8 removing the second part of section A which states "and which shall include an annual escalator equal to 4%".*

Councilmember Young provided the second, and the motion passed unanimously as amended.

16. Resolution 2022-35 Approving the East Ledge Rock Center Preliminary/Final Subdivision Plat

Mayor Lebsack opened the public hearing for Resolution No. 2022-35.

Ms. Meyer noted the location of this item and reviewed previous and upcoming filings. Council noted the proposal of this item has not changed, but did note there would be increased traffic when the new high school opens which should be taken into account.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak in favor of the item, to which there was none. Mayor Lebsack opened the public hearing for comments opposed, to which there was none.

*Councilmember Mellon moved to approve the resolution, with Councilmember Molinar providing the second.*

The motion passed unanimously.

Mayor Lebsack closed the public hearing portion of the meeting.

## **NEW BUSINESS**

17. Subdivision Improvement and Development Agreement with Sauer South, LLC, for SunCatcher Subdivision Filing No. 1

Ms. Meyer presented the Development Agreement for the Suncatcher Annexation. After discussion regarding splitting the system development fees into phases, Council direction was to not split the fees into phases.

*Councilmember Morris moved to approve the resolution, with Councilmember Berg providing the second.*

The motion passed with all in favor.

## **COUNCIL REPORTS AND COMMENTS**

Councilmember Morris noted resident concerns regarding traffic.

Councilmember Young noted upcoming Library Board and Historical Society meetings.

Councilmember Mellon inquired about a town flag.

## **MAYOR'S COMMENTS**

Mayor Lebsack expressed appreciation for all the departments working to keep the streets safe for residents.

## EXECUTIVE SESSION

18. An executive session to receive legal advice from the Town attorney pursuant to C.R.S. Section 24-6-402(4)(b) regarding economic development and Ledge Rock Development.

*Councilmember Berg so moved with Councilmember Young providing the second.*

The motion passed with all in favor and Council moved into executive session.

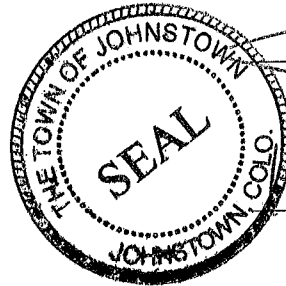
Mayor Lebsack reconvened the Council meeting at 10:03 p.m. and noted no decisions were made in the executive session.

## INFORMATIONAL ITEMS

19. Informational Items were included in the packet.

## ADJOURN

Mayor Lebsack adjourned the August 15, 2022 Town Council Meeting at 10:04 p.m.



*Gary Lebsack*  
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Gary Lebsack, Mayor

*Hannah Hill*  
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Hannah Hill, Town Clerk