

The Town Council of the Town of Johnstown met on Monday, November 21, 2016 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: Councilmembers Davis, Lebsack, Mitchell, Molinar Jr. and Young

Those absent: Councilmember Mellon

Also present: Avi Rocklin, Town Attorney, Roy Lauricello, Town Manager John Franklin, Town Planner, Aaron Sanchez, Police Commander and Diana Seele, Town Clerk/Treasurer

Agenda Approval

Councilmember Lebsack made a motion seconded by Councilmember Molinar Jr. to approve the agenda. Motion carried with a unanimous vote.

Consent Agenda

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

- November 7, 2016 - Town Council Meeting Minutes
- Payment of Bills
- October Financial Statements

Motion carried with a unanimous vote.

New Business

A. Public Hearing – Presentation of 2017 Proposed Budget –

Mayor James opened the public hearing at 7:06 p.m.

Having no public comment the public hearing closed at 7:28 p.m.

Councilmember Lebsack made a motion seconded by Councilmember Young to approve the 2017 proposed budget. Motion carried with a unanimous vote.

B. Public Hearing – New Brew Pub License for Veteran Brothers Brewing Company –

This item is a public hearing to receive comments regarding the proposed new brew pub license for Veteran Brothers Brewing Company, located at 21 North Parish Avenue.

Mayor James opened the public hearing at 7:29 p.m.

The following individuals spoke representing Veteran Brothers Brewing Company, Darin and Michael Echelberger.

Having no public comment the public hearing closed at 7:36 p.m.

Councilmember Lebsack made a motion seconded by Councilmember Molinar Jr. to approve the issuance of a new brew pub license for Veteran Brothers Brewing Company. Motion carried with a unanimous vote.

C. Consider Agreement between the Town of Johnstown and Liberty Firearms Institute, LLC Regarding Police Substation – The Johnstown Police Department desires to operate a police substation in the 2534 Development. Liberty Firearms, located at 4990 Ronald Reagan Boulevard has vacant space available and has offered to lease 1,405 square feet to the Johnstown Police Department for the operation of a police substation. Liberty Firearms has further offered to engage a contractor, Beacon Construction, to construct the police substation and to pay for the improvements on the condition that, subject to C.R.S. § 29-1-110, the Town reimburse Liberty Firearms during the next calendar year. The cost of the construction of the police substation is estimated to be \$153,846.59. Under the agreement, the Town Manager has authority to approve changes that do not exceed ten percent (10%) of the cost. To allow for the Johnstown Police Department's occupancy of the substation, Liberty Firearms and the Town will execute a triple net commercial lease. The Town will pay \$12.98 per square foot for the rental of the property. The lease will commence upon completion of the construction and be for five years with an option for the Town to extend the lease term for an additional five years. Councilmember Young made a motion seconded by Councilmember Molinar Jr. to approve the Agreement between the Town of Johnstown and Liberty Firearms Institute, LLC regarding the police substation and authorize the Mayor to sign it. Motion carried with a unanimous vote.

D. Consider Selection of Community Recreation Center Operating Partner – A Request for Statements of Qualifications for operating partners experienced in management of municipal recreation centers was sent to the following organizations: Sports Facilities Management, YMCA of Boulder Valley and Thompson Rivers Park and Recreation District. Two organizations responded to the Town's solicitation: YMCA of Boulder Valley and Sports Facilities Management. Town Council formed a Selection Committee comprised of two councilmembers and citizens to review the Statements of Qualifications, conduct interviews and submit a recommendation to Town Council. The Selection Committee is recommending that Town Council retain Sports Facilities Management to be the Johnstown Community Recreation Center Operating Partner. Town Council will request that Sports Facilities Management submit a proposal regarding the scope of the work, the cost of the work and other material terms of the proposed relationship. Councilmember Davis made a motion seconded by Councilmember Mitchell to approve the Selection Committee's recommendation and request that Sports Facilities Management provide a detailed proposal for the position of Johnstown Community Recreation Center Operating Partner to include the scope of the work, the cost of the work and other material terms of the proposed business relationship. Motion carried with a unanimous vote.

E. Consider Johnstown Liquor Inc.'s Request to Reopen the Public Hearings held on November 7, 2016 – Two public hearings were held on November 7, 2016 related to Johnstown Liquor, Inc., a hearing on the applicant's notice of change of ownership and a hearing on the applicant's request to change the location of the premises from 21 S. Parish Avenue to 257 Johnstown Center Drive, Units 101, 102, 103. Town Council passed motions in favor of the applicant's request. On November 9, 2016, Johnstown Liquor Inc. filed a request to reopen the public hearings to allow Town Council acting as the local liquor licensing authority, to consider additional evidence. Town Council is entitled to reconsider its previous vote if a motion to

reconsider is made by a councilmember who voted in favor of the passage of the original motions at the next meeting. Councilmember Mitchell made a motion seconded by Councilmember Lebsack to reconsider the vote on Johnstown Liquor, Inc.'s report of change of ownership. Motion carried with a unanimous vote.

Councilmember Mitchell made a motion seconded by Councilmember Lebsack to continue the public hearing on Johnstown Liquor, Inc.'s report of change of ownership to December 5, 2016 at 7:00 p.m. Motion carried with a unanimous vote.

Councilmember Lebsack made a motion seconded by Councilmember Young to reconsider the vote on Johnstown Liquor, Inc.'s application for a change of location. Motion carried with a unanimous vote. Councilmember Young made a motion seconded by Councilmember Lebsack to continue the public hearing on Johnstown Liquor, Inc.'s application for a change of location December 5, 2016 at 7:00 p.m. Motion carried with a unanimous vote.

F. Consider Request for Extension of Infrastructure Reimbursement Agreement – Thompson Crossing District No 1 - The Town of Johnstown entered into an Infrastructure Reimbursement Agreement with Thompson Crossing District No. 1. The purpose of the agreement was to provide reimbursement for the cost of oversizing sewer lines to serve properties outside of the District. Per the agreement, the cost of oversizing the lines was determined to be \$1,190,000. The Town agreed to collect \$4,589 per building permit from benefited properties. The Agreement provides for a ten-year term from the date of completion of the construction and that Town Council, in its discretion, would thereafter consider a five-year extension. Town Code Section 13-92(2) similarly provides that reimbursement agreements shall be for ten-years with an option, at the discretion of Town Council, to extend for additional five year periods as long as the party who seeks the reimbursement makes the request within the initial ten-year period. The construction was completed on September 24, 2005. On September 15, 2015, the district submitted a letter requesting an extension of the agreement. Councilmember Lebsack made a motion seconded by Councilmember Molinar Jr. to table the request for extension of Infrastructure Reimbursement Agreement to January 18, 2017. Motion carried with a unanimous vote.

G. Consider Water and Sewer Agreement for Pfankuch Storage at 2534 – Pfankuch Storage submitted to the Town a Water and Sewer Service Demand Analysis, based upon the analysis with the proposed construction of a mini-storage facility, the average in-building water demand is calculated to be 0.074 acre feet per year. Water credits for the in-building water demand will come from the 2534 water bank. Councilmember Lebsack made a motion seconded by Councilmember Davis to approve the Water and Sewer Service Agreement for Pfankuch Storage at 2534 and authorize the Mayor to sign it. Motion carried with a unanimous vote.

There being no further business to come before Council the meeting adjourned at 9:03 p.m.

Mayor

Town Clerk/Treasurer