

The Town Council of the Town of Johnstown met on Monday, November 7, 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 Lebsack, Mellon, Mitchell, Molinar Jr. and Young

Those absent: Councilmember Davis

Also present: Avi Rocklin, Town Attorney, Roy Lauricello, Town Manager John Franklin, Town Planner, Brian Phillips, Police Chief and Diana Seele, Town Clerk/Treasurer

Agenda Approval

Councilmember Lebsack made a motion seconded by Councilmember Young to approve the agenda with the following changes; add Item 4 B. Veterans Day Proclamation. Motion carried with a unanimous vote.

Recognitions and Proclamations

Mayor James read a Veterans Day Proclamation and recognized Cub Scout Packs 561 and 505.

Consent Agenda

Councilmember Mellon made a motion seconded by Councilmember Molinar Jr. to approve the Consent Agenda with the following items included:

- October 17, 2016 - Town Council Meeting Minutes
- Resolution No. 2016-10, Adopting Economic Incentive Policy
- First Amendment to Agreement between the Town of Johnstown and Waste Management of Colorado, Inc.

Motion carried with a unanimous vote.

New Business

A. Consider Club Liquor License Renewal for J & M Post Veterans Club - Councilmember Mellon recused himself from voting. Councilmember Molinar Jr. made a motion seconded by Councilmember Young to approve the Club Liquor License renewal for J & M Post Veterans Club. Motion carried with a unanimous vote.

B. Consider Hotel & Restaurant Liquor License Renewal for Ajuua Mexican Restaurant – Councilmember Mellon made a motion seconded by Councilmember Lebsack to approve the hotel and restaurant liquor license renewal for Ajuua Mexican Restaurant. Motion carried with a unanimous vote.

C. Public Hearing – Report of Change of Ownership of Johnstown Liquor Inc. – The owner (Ben Fisher) entered into a stock purchase agreement with Arnold Martinez, transferring 100% of the stock of Johnstown Liquor Inc. on the condition the local licensing authority approve the transfer of the rights associated with the liquor license to Mr. Martinez and approve a change of location of the premises. The Department of Revenue advised that the transfer of the stock ownership to Mr. Martinez satisfied the provision of the Stipulation(Stipulation, Agreement and Final Agency Order dated July 25, 2016) requiring the Licensee to initiate a transfer of retail liquor store to a third party completely and wholly independent of Licensee.

Mayor James opened the Public Hearing at 7:17 p.m.

The following individuals spoke during public hearing comments:

Jim Beimford, Arnold Martinez, James Ferjanec, William Scott, Trish Yost, Leo Montoya and Gene Dehner.

Mayor James closed the hearing at 8:11 p.m.

Councilmember Mellon made a motion seconded by Councilmember Lebsack to approve the Change of Ownership of Johnstown Liquor, Inc. for liquor licensing purposes and allow Mr. Arnold Martinez to hold the privileges associated with Liquor License No. 14-72739-0000. Motion carried with Councilmembers Molinar Jr., Mellon, Lebsack and Mitchell voting yes and Councilmember Young and Mayor James voting no.

D. Public Hearing – Change of Location Permit and Temporary Modification of Premises for Johnstown Liquor, Inc. – Johnstown Liquor, Inc. holds the Liquor License No. 14-72739-0000. Johnstown Liquor, Inc. submitted an application to permanently change the location of the premises from 21 S. Parish Avenue to 257 Johnstown Center Drive, Units 101, 102 & 103. Johnstown Liquor, Inc. also submitted an application for a temporary modification of premises during construction. (The current owner of the building desires to repair the building. The lease for the current premises terminates in May of 2017. The applicant desires to remove the liquor inventory during the construction.)

Mayor James opened the Public Hearing at 8:18 p.m.

The following individuals spoke during public hearing comments:

Carol Johnson (Esquire Petitioning Services), William Scott, Dr. Matt Brown, Guy Dehner, Dr. Shawn Murray, Dr. Kara Brown, Dr. Jeff Tippetts and Susie Bassett.

Mayor James closed the hearing at 9:15 p.m.

Councilmember Mellon made a motion seconded by Councilmember Lebsack to approve the Application for Change of Location Permit for Johnstown Liquor, Inc. Councilmembers Mellon, Lebsack, Young and Mayor James voted yes. Councilmember Molinar Jr. abstained and Councilmember Mitchell voted no.

Councilmember Mellon made a motion seconded by Councilmember Lebsack to approve the Application for a Temporary Modification of Premises for Johnstown Liquor, Inc. Motion carried with a unanimous vote.

E. Consider Proposal by J-M Chamber of Commerce for Use of the Town Building Located at 16 South Parish Avenue – A proposal was submitted to the Town by the J-M Chamber of Commerce for use of the town facility located at 16 So. Parish Avenue for its new home. In the proposal the chamber is requesting the Town pay for building improvements in the amount of \$14,500 and enter into a 3 year lease agreement at \$1 per year. It was suggested the chamber assist in the cost of the improvements and the town would match the amount the chamber spends.

There being no further business to come before Council the meeting adjourned at 10:40 p.m.

Mayor

Town Clerk/Treasurer