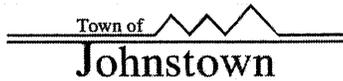


TOWN COUNCIL

MEETING

PACKET

September 9, 2015



Agenda
Wednesday, September 9, 2015
Town Hall, Council Chambers
450 So. Parish Avenue
7:00 PM



MISSION STATEMENT-*"The mission of the government of the Town of Johnstown is to provide leadership based upon trust and integrity, commitment directed toward responsive service delivery, and vision for enhancing the quality of life in our community."*

Members of the audience are invited to speak at the Council meeting. Public Comment (item No. 5) is reserved for citizen comments on items not contained on the printed agenda. Citizen comments are limited to three (3) minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position. If you wish to speak at the Town Council meeting, please fill out a sign-up sheet and present it to the Town Clerk.

1) CALL TO ORDER

A) Pledge of Allegiance

2) ROLL CALL

3) AGENDA APPROVAL

4) RECOGNITIONS AND PROCLAMATIONS

A) Proclamation Recognizing 2015 Colorado Cities and Towns Week in September

5) PUBLIC COMMENT (three-minute limit per speaker)

*The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to have an item discussed or if there is public comment on those ordinances marked with an *asterisk. The Council member may then move to have the subject item removed from the Consent Agenda for discussion separately.*

6) CONSENT AGENDA

A) Town Council Meeting –August 17, 2015

B) Resolution No. 2015-12, Approving a Use by Special Review for Drilling of Oil and Gas Wells and Construction of a Tank Battery/Production Facility on Property Known as the Riverbend Estates PUD for PDC Energy, Inc.

7) STAFF REPORTS

8) OLD BUSINESS

9) NEW BUSINESS

A) Consider Beer & Wine Liquor License Renewal for Huang Garden

10) EXECUTIVE SESSION

A) Discussion with the Town Attorney for the Purpose of Receiving Legal Advice Pursuant to C.R.S. 24-6-402(b)

11) COUNCIL REPORTS AND COMMENTS

12) MAYOR'S COMMENTS

13) ADJOURN



NOTICE OF ACCOMODATION

If you need special assistance to participate in the meeting, please contact the Town Clerk at (970) 587-4664. Notification at least 72 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to the meeting.

AGENDA ITEM 4A

PROCLAMATION

**(Recognizing 2015 Colorado Cities and
Towns Week in September)**



PROCLAMATION

Recognizing 2015 Colorado Cities and Towns Week in September

- WHEREAS,** Town government is the government closest to residents and the one with the most direct daily impact on residents' lives; and
- WHEREAS,** Colorado Cities and Towns Week is a statewide initiative of the Colorado Municipal League to recognize the essential role that municipal government plays in our lives; and
- WHEREAS,** Municipal government is truly government for and by the people, and those people are our neighbors, friends, business owners and community leaders; and
- WHEREAS,** during the week of September 14-21, cities and towns are showcasing some of the key services they provide to residents such as public safety, street maintenance, stormwater drainage, water treatment and distribution, and
- WHEREAS,** Johnstown is participating in the week with outreach to town elementary schools, and special website and Facebook postings. All Johnstown residents are encouraged to visit our website or join us on Facebook to learn more about Town government; and
- WHEREAS,** Cities and Towns Week also provides an opportunity to convey to residents that their civic involvement shapes and influences their community, and we urge Johnstown residents to participate in their town government.
- NOW THEREFORE,** on behalf of the Town Council and the people of the Town of Johnstown, Colorado, I, Mark Romanowski, Mayor of the Town of Johnstown, Colorado, by virtue of the authority vested in me do hereby recognize

2015 Colorado Cities and Towns Week in September in the Town of Johnstown, Colorado.

SEAL

Given under my hand and the Seal of the Town of Johnstown
this 9th day of September, 2015 A.D.

Mark Romanowski, Mayor

AGENDA ITEMS 6A-B

CONSENT

AGENDA

- **Council Minutes – August 17, 2015**
 - **Resolution No. 2015-12**
(Approving Use by Special Review for
Oil/Gas Wells, etc.)
(Riverbend Estates PUD)
(PDC Energy, Inc.)

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: September 9, 2015

ITEM NUMBER: 6A-B

SUBJECT: Consent Agenda

ACTION PROPOSED: Approve Consent Agenda

PRESENTED BY: Town Clerk

AGENDA ITEM DESCRIPTION: The following items are included on the Consent Agenda, which may be approved by a single motion approving the Consent Agenda:

- A) Town Council Minutes-August 17, 2015
- B) *Resolution No. 2015-12, Approving a Use by Special Review for Drilling of Oil and Gas Wells and Construction of a Tank Battery/Production Facility on Property Known as the Riverbend Estates PUD for PDC Energy, Inc.

*The attached Resolution merely memorializes the action of the Town Council which approved the Use by Special Review on August 3, 2015.

LEGAL ADVICE: The entire Consent Agenda may be approved by a motion of the Town Council approving the Consent Agenda, which automatically approves each and every item listed on the Consent Agenda. If a Council member wishes to have a specific discussion on an individual item included with the Consent Agenda, they may move to remove the item from the Consent Agenda for discussion.

FINANCIAL ADVICE: N/A

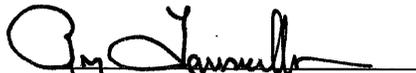
RECOMMENDED ACTION: Approve Consent Agenda

SUGGESTED MOTION:

For Approval: I move to approve the Consent Agenda.

For Denial:

Reviewed:


Town Manager

**COUNCIL
MINUTES**

The Town Council of the Town of Johnstown met on Monday, August 17, 2015 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor Romanowski led the Pledge of Allegiance.

Roll Call:

Those present were: Councilmembers Berg, James, Lebsack, Mellon, Mitchell and Molinar Jr.

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

Agenda Approval

Councilmember Mellon made a motion seconded by Councilmember James to approve the Agenda as submitted. Motion carried with a unanimous vote.

Consent Agenda

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

- August 3, 2015 - Town Council Meeting Minutes
- Payment of Bills
- July Financial Statements
- Weld County IGA for Coordinated Election
- Larimer County IGA for General Election
- Resolution 2015-10 – Concerning Support for U.S. Highway 34 Coalition

Motion carried with a unanimous vote.

New Business

A. Public Hearing – Johnstown Plaza Metropolitan District Service Plan – An application for approval of a Service Plan has been submitted for the Johnstown Plaza Metropolitan District by JP, LLC. The Service Plan is being submitted in connection with a development project known as Johnstown Plaza. Pursuant to state law, the Town Council must approve the Service Plan before the District is entitled to operate.

Mayor Romanowski opened the public hearing at 7:21 p.m. and heard from staff and the consultants. Having no objections from the audience the Mayor closed the public hearing at 8:00 p.m.

Councilmember James made a motion seconded by Councilmember Lebsack to approve Resolution No. 2015-11, approving the Service Plan for Johnstown Plaza Metropolitan District. Motion carried with a unanimous vote.

B. Consider Professional Services Agreement for Design of Central Weld Water District Emergency Connection – This agreement is for professional services from an engineering consultant to design the emergency connection to the Central Weld County Water District water line at WCR 17 & 42. Councilmember Mellon made a motion seconded by Councilmember Berg to approve the professional services agreement for Design of the Central Weld County Water District Emergency Connection with MSK Consulting, LLC in a total amount not to exceed \$12,731, and authorize the Mayor to sign the agreement. Motion carried with a unanimous vote.

C. Consider Water and Sewer Service Agreement for Wingate Hotel at 2534 – A Water and Sewer Demand Analysis was submitted by the owner, based upon the analysis the domestic water demand for the Wingate Hotel is calculated to be 9.41 acre feet per year. Water credits will come from Gerrard Family Limited Partnership LLLP and Thompson Ranch Development Company (Water Bank). Councilmember Berg made a motion seconded by Councilmember James to approve the Water and Sewer Service Agreement for Wingate Hotel at 2534 West and authorize the Mayor to sign it. Motion carried with a unanimous vote.

D. Consider Award of Contract for Weld County Road (WCR) 48 Paving – The project consists of a 1 ½” asphalt overlay of WCR 48 along the Gateway Subdivision to repair the pavement that has required annual patching. The project extends from the Town limits at the west end of Gateway Subdivision to the CDOT owned right of way east of Gateway Drive. The Town’s Public Works Director is recommending the bid for the WCR 48 Paving Project be awarded to Apex Pavement Solutions. Councilmember James made a motion seconded by Councilmember Berg to award the contract for the WCR 48 Paving Project to Apex Pavement Solutions in a total amount not to exceed \$62,231.50 and also, authorize the Town Manager to approve change orders in an amount not to exceed 10% of the contract amount, and authorize the Mayor to sign the agreement. Motion carried with a unanimous vote.

There being no further business to come before Council the meeting adjourned at 8:40 p.m.

Mayor

Town Clerk/Treasurer

RESOLUTION

No.2015-12

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2015-12

APPROVING A USE BY SPECIAL REVIEW FOR DRILLING OF OIL AND GAS WELLS AND CONSTRUCTION OF A TANK BATTERY/PRODUCTION FACILITY ON PROPERTY KNOWN AS THE RIVERBEND ESTATES PUD FOR PDC ENERGY, INC. ON A PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ OF SECTION 17, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, STATE OF COLORADO

WHEREAS, PDC Energy, Inc. submitted an application for a Use by Special Review to drill and operate oil and gas wells and construct a new tank battery/production facility on property known as the Riverbend Estates PUD, more particularly described as the Northeast ¼ of Section 17, Township 4 North, Range 67 West of the 6th Principal Meridian, Weld County, State of Colorado; and

WHEREAS, on June 24, 2015, the Planning and Zoning Commission held a public hearing and voted unanimously to recommend approval of the Use by Special Review with conditions; and

WHEREAS, on August 3, 2015, the Town Council held a public hearing concerning PDC Energy, Inc.'s application for a Use by Special Review; and

WHEREAS, after considering the Planning and Zoning Commission's recommendations, reviewing the file, and conducting such public hearing, the Town Council finds as follows with respect to the said application:

1. The special use will be consistent with the Town of Johnstown's ("Town") current Comprehensive Plan.
2. The special use, with the recommended conditions, will be compatible with existing conforming, surrounding and probable future land uses.
3. The special use will not cause an unreasonable demand on the Town's services.
4. The special use, with the recommended conditions, will not unreasonably or adversely affect traffic flow and parking in the surrounding area.
5. Approval of the special use based upon compliance with the conditions will not adversely affect the general public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, that PDC Energy, Inc.'s ("Operator") application for a Use by Special Review to drill and operate oil and gas wells and construct a tank battery/production facility on property known as the Riverbend Estates PUD, more particularly

described as the Northeast ¼ of Section 17, Township 4 North, Range 67 West of the 6th Principal Meridian, Weld County, State of Colorado (the "Site"), is hereby approved subject to the following conditions:

1. The Operator shall comply with Town and State regulations, including, but not limited to, obtaining a building permit and payment of applicable use tax for permanent improvements.
2. The Operator shall apply for and receive an access permit from the Town prior to constructing the new access road to County Road 46. The Operator shall ensure that the existing gravel road surface of County Road 46 is maintained, including operations-related repairs, as directed by the Town.
3. The Operator shall provide noise and visual screening acceptable to the Town during drilling, fracking and completion operations.
4. The Operator shall ensure that vehicles and heavy equipment only use County Road 13 and County Road 46 for access to and from the Site.
5. The Operator shall provide for adequate visual screening of the wells and production facility from County Road 46 by construction of an eight-foot decorative concrete wall in a form approved by the Town prior to construction.
6. The Operator shall call for utility locates prior to subgrade work.

PASSED, SIGNED, APPROVED, AND ADOPTED this ___th day of _____, 2015.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

AGENDA ITEM 9A

**BEER & WINE
LIQUOR LICENSE
RENEWAL
(Huang Garden)**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: September 9, 2015

ITEM NUMBER: 9A

SUBJECT: Consider Beer & Wine Liquor License Renewal – Huang Garden

ACTION PROPOSED: Approve Beer & Wine Liquor License Renewal

PRESENTED BY: Town Clerk, Police Chief

AGENDA ITEM DESCRIPTION: Mr. Liang A. Huang, operating manager of Huang Garden, has submitted a renewal application to the Town Clerk for a beer and wine liquor license (malt and vinous) for Huang Garden located at 257 Johnstown Center Drive, Johnstown. The required fees have been submitted to the Town. According to the Johnstown Police Department, the establishment has cooperated with law enforcement officials.

The Town Council acts as the Local Licensing Authority and is responsible for reviewing and issuing liquor licenses.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

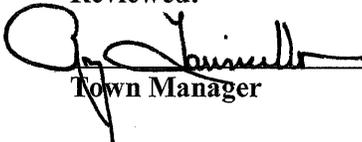
RECOMMENDED ACTION: Approve the beer and wine liquor license renewal.

SUGGESTED MOTIONS:

For Approval: I move to approve the beer and wine liquor license renewal for Huang Garden.

For Denial: I move to deny approval of the beer and wine liquor license renewal for Huang Garden.

Reviewed:


Town Manager

**RENEWAL
APPLICATION**

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$351.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

HUANG GARDEN
 6363 W 120TH AVE STE 322
 BROOMFIELD CO 80020-0300

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name HUANG GARDEN INC		DBA HUANG GARDEN		
Liquor License # 25525410000	License Type Beer & Wine (city)	Sales Tax License # 25525410000	Expiration Date 10/27/2015	Due Date 9/12/2015
Street Address 257 JOHNSTOWN CNTR DR UNIT 114 JOHNSTOWN CO 80534				Phone Number (720) 587 2363
Mailing Address 6363 W 120TH AVE STE 322 BROOMFIELD CO 80020-0300				
Operating Manager <i>[Signature]</i>	Date of Birth 5-21-1977	Home Address 487 Expedition Ln Johnstown CO 80534		Phone Number 303 668 2982

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease **8-1-2018**
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Liang Huang</i>	Title <i>owner</i>
Signature <i>[Signature]</i>	Date 8-8-15

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest

**POLICE
REPORTS**

TOWN OF JOHNSTOWN POLICE DEPARTMENT

Information 3.2% Beer or Liquor Application

- Name and address of Applicant} Liang A. Huang
487 Expedition Lane
Johnstown, CO 80534
1. Trade Name and Address} Huang Garden Inc.
257 Johnstown Center Drive Unit 114
Johnstown, CO 80534
2. Date of Application: 08/08/2015
3. Type of Application: Beer and Wine Liquor License
4. Documents Accompanying Application
A. Local and State License Fees} Submitted with application
B. Evidence of Correct Zoning} CBD
C. Building Plans and or Sketch of Interior} N/A
D. Distance from School as per State} N/A
E. Deed or Lease or Assignment of Lease or Ownership} Leased
5. Evidence of Public Notice
A. Posting of Premises} N/A
B. Legal Publication } N/A
6. Investigation: Police Department Case#}
A. Applicant has made application for renewal of their Beer and Wine License
B. Huang Garden has operated legally during its last license period.
C. Cooperation with law enforcement has been good.
8. Findings of fact:
A. Huang Garden presently holds license 25525410000 that expires October 27, 2015
B. The required fees were submitted.
C. It is my recommendation that the renewal be approved.



CHIEF OF POLICE



DATE

**JOHNSTOWN POLICE DEPT.
LIQUOR LICENSE RENEWAL INFORMATION SHEET**

APPLICANT: **Huang Garden Inc.**

ADDRESS: **257 Johnstown Center Drive Unit 114**

TYPE LICENSE: **Beer & Wine**

POLICE CALLS FOR SERVICE AT THIS LOCATION:

LIQUOR VIOLATIONS AT THIS LOCATION:

ARRESTS DUE TO ALCOHOL AT THIS LOCATION:

JPD RECOMMENDATION FOR RENEWAL: YES XXX NO _____

REPORTING OFFICER: 

DATE: 8/24/15

EMPLOYEES ATTENDED ALCOHOL TRAINING CLASSES: 0

AGENDA ITEM 10A

**EXECUTIVE
SESSION**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: September 9, 2015

ITEM NUMBER: 10 A

SUBJECT: Executive Session

ACTION PROPOSED: Approval to go into Executive Session

PRESENTED BY: Town Attorney

AGENDA ITEM DESCRIPTION: The Town Attorney is requesting Council approval to go into executive session for the purpose of receiving legal advice pursuant to C.R.S. 24-6-402 (b).

LEGAL ADVICE:

FINANCIAL ADVICE:

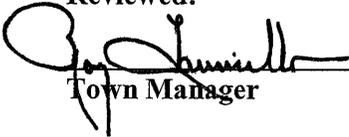
RECOMMENDED ACTION: Approve going into executive session.

SUGGESTED MOTION:

For Approval: I move to go into executive session for the purpose of receiving legal advice pursuant to C.R.S. 24-6-402 (b).

For Denial:

Reviewed:


Town Manager

