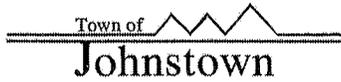


TOWN COUNCIL

MEETING

PACKET

January 4, 2016



Town Council

Agenda
Monday, January 4, 2016
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**
- 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 –December 21, 2015
 - 7) **STAFF REPORTS**
 - 8) **OLD BUSINESS**
 - 9) **NEW BUSINESS**
 - A) ***Public Hearing** – Beer and Wine License for Starbucks 11169
 - B) ***Public Hearing (First Reading)** Ordinance No. 2016-141, An Ordinance Amending the Town of Johnstown Municipal Code Concerning Town Sales Taxes to Provide a Credit Against Sales Tax if a Certain Public Improvements Fee has been Paid in Connection with the Development Known as Johnstown Plaza
 - C) Designate Public Notice Posting Areas
 - D) Consider Annual Development Fees Adjustment
 - 10) **COUNCIL REPORTS AND COMMENTS**
 - 11) **MAYOR'S COMMENTS**
 - 12) **ADJOURN**
-

WORK SESSION

- 1) Discussion of Comprehensive Development Agreement, Funding Plan and Intergovernmental Agreement for Johnstown Plaza



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 6A

CONSENT

AGENDA

- **Council Minutes – December 21, 2015**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: January 4, 2016

ITEM NUMBER: 6A

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-December 21, 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

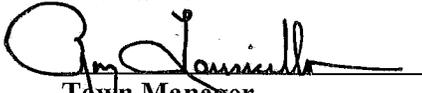
RECOMMENDED ACTION: Approve Consent Agenda

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, December 21, 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 James, Lebsack, Mellon, Mitchell and Young

Those absent were: Councilmember Molinar Jr.

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

Agenda Approval

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

Consent Agenda

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

- December 7, 2015 - Town Council Meeting Minutes
- Payment of Bills
- November Financial Statements
- 2nd Reading – Ordinance 2015-139, Amending Article XII of Chapter 17 of the Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224, Transportation Facilities Development Fee, Section 17-225, Parks and Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library Facilities Development Fee, Section 17-228, Police Facilities Development Fee

Motion carried with a unanimous vote.

Old Business

Councilmember Mitchell made a motion seconded by Councilmember Lebsack to reconsider Ordinance No. 2015-140, An Ordinance Establishing a Street Maintenance Fee. Motion carried with a unanimous vote.

New Business

A. Consider Resolution No. 2015-20, A Resolution of the Town of Johnstown, Colorado Water Activity Enterprise, Increasing the Water Rates Set Forth in Article II of Chapter 13 of the Johnstown Municipal Code, Specifically Section 13-42(d), Potable Water Tap Fees, Section 13-43(f), Raw Water Development Fees, and Section 13-45, Potable Water Service Charges. Councilmember Mellon made a motion seconded by Councilmember Mitchell to approve Resolution No. 2015-20. Motion carried with a unanimous vote.

B. Consider Award of Professional Service Agreement to John Cutler, LLC & Associates for Auditing Services – Councilmember James made a motion seconded by Councilmember Young to award the professional services agreement for auditing services to the firm of John Cutler & Associates, LLC. Motion carried with a unanimous vote.

Executive Session

Councilmember Mellon made a motion seconded by Councilmember Lebsack to recess into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and or instructing negotiators, under C.R.S. Section 24-6-402(4)(a). Mayor Romanowski adjourned the regular meeting at 7:50 p.m.

Mayor Romanowski reopened the regular meeting at 8:00 p.m. Town Attorney Avi Rocklin stated the only item discussed was the request from Johnstown Plaza, LLC for water acquisition.

There being no further business to come before Council the meeting adjourned at 8:14 p.m.

Mayor

Town Clerk/Treasurer

AGENDA ITEM 9A

BEER

AND

WINE

LICENSE

(Coffee House Holdings, Inc.)

(*Public Hearing)

PUBLIC HEARING PROCEDURE

NEW LICENSE

1. Mayor opens public hearing.
2. Receive information from staff.
3. Applicant presents his/her position.
4. Mayor asks to hear from anyone in the audience who supports the new Beer and Wine license.
5. Mayor asks to hear from anyone in the audience who opposes the new Beer and Wine license.
6. Mayor closes the public hearing.
7. Mayor asks for Council discussion.
8. Make decision and/or motion from Council.
 - (1) Is there any evidence that would justify denial of the application for a Beer and Wine license.

(SUGGESTED MOTIONS):

For Approval:

I move to approve the new Beer and Wine license for Starbucks 11169

For Denial:

I move to deny the new Beer and Wine license for Starbucks 11169

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: January 4, 2016

ITEM NUMBER: 9A

SUBJECT: *Public Hearing – Coffee House Holdings, Inc. Beer and Wine License

ACTION PROPOSED: Consider issuance of a new Beer and Wine License.

PRESENTED BY: Town Attorney, Town Clerk

AGENDA ITEM DESCRIPTION: This item is a public hearing to receive comments regarding the proposed Beer and Wine license for Starbucks 11169, located at 4910 Thompson Parkway, Johnstown, CO. When approving or denying an application, the Council acts as the local licensing authority and must consider if the reasonable requirements of the defined neighborhood are not presently being met by existing establishments, the desires of the adult inhabitants, and the number, type and availability of other similar liquor establishments located in or near the petitioned neighborhood as well as the moral character of the applicants.

LEGAL ADVICE: The Town Attorney has reviewed the documents submitted and will be available at the meeting to answer questions.

FINANCIAL ADVICE: The applicant has paid all applicable fees for both the State and the Town.

RECOMMENDED ACTION: Consider issuance of a new Beer and Wine license for Starbucks 11169.

SUGGESTED MOTION:

For Approval: I move to approve the issuance of a new Beer and Wine license for Starbucks 11169.

For Denial: I move to deny the issuance of a new Beer and Wine license for Starbucks 11169.

Reviewed:


Town Manager

**RETAIL
LICENSE
APPLICATION**

DR 8404 (04/27/15)
 COLORADO DEPARTMENT OF REVENUE
 Liquor Enforcement Division
 (303) 205-2300

Colorado Liquor Retail License Application

<input type="checkbox"/> New License <input checked="" type="checkbox"/> New-Concurrent <input type="checkbox"/> Transfer of Ownership			
<ul style="list-style-type: none"> • All answers must be printed in black ink or typewritten • Applicant must check the appropriate box(es) • Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor • Local License Fee \$ _____ 			
1. Applicant is applying as a/an		<input type="checkbox"/> Individual <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Association or Other	
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships)			
2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation		FEIN Number	
Coffee House Holdings, Inc.		27-0214501	
2a. Trade Name of Establishment (DBA)		State Sales Tax Number	Business Telephone
Starbucks 11169		29-805498-0059	(970) 663-4014
3. Address of Premises (specify exact location of premises, include suite/unit numbers)			
4910 Thompson Parkway			
City	County	State	ZIP Code
Johnstown	Larimer	CO	80534
4. Mailing Address (Number and Street)		City or Town	State ZIP Code
Attn: Mailstop S-TAX2 License Svcs., PO Box 34442		Seattle	WA 98124-1442
5. Email Address			
aglover@starbucks.com; brian@fostergraham.com			
6. If the premises currently has a liquor or beer license, you must answer the following questions			
Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
N/A	N/A	N/A	N/A
Section A Nonrefundable Application Fees		Section B (Cont.) Liquor License Fees	
<input type="checkbox"/> Application Fee for New License \$ 600.00 <input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review \$ 700.00 <input type="checkbox"/> Application Fee for Transfer \$ 600.00		<input type="checkbox"/> Liquor Licensed Drugstore (City)..... \$227.50 <input type="checkbox"/> Liquor Licensed Drugstore (County) \$312.50 <input type="checkbox"/> Manager Registration - H & R \$ 75.00 <input type="checkbox"/> Manager Registration - Tavern \$ 75.00 <input checked="" type="checkbox"/> Master File Location Fee \$ 25.00 X <u>1</u> Total \$25.00 <input type="checkbox"/> Master File Background \$250.00 X _____ Total _____ <input type="checkbox"/> Optional Premises License (City)..... \$500.00 <input type="checkbox"/> Optional Premises License (County) \$500.00 <input type="checkbox"/> Racetrack License (City)..... \$500.00 <input type="checkbox"/> Racetrack License (County) \$500.00 <input type="checkbox"/> Resort Complex License (City)..... \$500.00 <input type="checkbox"/> Resort Complex License (County) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County)..... \$500.00 <input type="checkbox"/> Retail Liquor Store License (City)..... \$227.50 <input type="checkbox"/> Retail Liquor Store License (County) \$312.50 <input type="checkbox"/> Tavern License (City) \$500.00 <input type="checkbox"/> Tavern License (County)..... \$500.00 <input type="checkbox"/> Vintners Restaurant License (City) \$750.00 <input type="checkbox"/> Vintners Restaurant License (County)..... \$750.00	
Section B Liquor License Fees			
<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex.....\$ 75.00 X _____ Total _____ <input type="checkbox"/> Arts License (City) \$308.75 <input type="checkbox"/> Arts License (County) \$308.75 <input checked="" type="checkbox"/> Beer and Wine License (City)..... \$351.25 <input type="checkbox"/> Beer and Wine License (County)..... \$436.25 <input type="checkbox"/> Brew Pub License (City) \$750.00 <input type="checkbox"/> Brew Pub License (County)..... \$750.00 <input type="checkbox"/> Club License (City)..... \$308.75 <input type="checkbox"/> Club License (County) \$308.75 <input type="checkbox"/> Distillery Pub License (City)..... \$750.00 <input type="checkbox"/> Distillery Pub License (County) \$750.00 <input type="checkbox"/> Hotel and Restaurant License (City) \$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) \$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) \$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County)..... \$600.00			
Questions? Visit: www.colorado.gov/enforcement/liquor for more information			
Do not write in this space - For Department of Revenue use only			
Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input checked="" type="checkbox"/> C. License type or other transaction identified <input checked="" type="checkbox"/> D. Return originals to local authority <input checked="" type="checkbox"/> E. Additional information may be required by the local licensing authority
II.	Diagram of the premises <input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11" <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the Applicant (or) (matching question #2) date stamped / filed with County Clerk <input type="checkbox"/> B. Lease in the name of the Applicant (or) (matching question #2) <input checked="" type="checkbox"/> C. Lease Assignment in the name of the Applicant with proper consent from the Landlord and acceptance by the Applicant <input type="checkbox"/> D. Other Agreement if not deed or lease. (matching question #2) (Attach prior lease to show right to assumption)
IV.	Background information and financial documents <input type="checkbox"/> A. Individual History Records(s) (Form DR 8404-I) <input checked="" type="checkbox"/> B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants) <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor / husband and wife partnership <input type="checkbox"/> A. Form DR4679 N/A <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input checked="" type="checkbox"/> A. Certificate of Incorporation dated stamped by the Secretary of State <input checked="" type="checkbox"/> B. Certificate of Good Standing <input checked="" type="checkbox"/> C. Certificate of Authorization if foreign corporation <input type="checkbox"/> D. List of officers, directors and stockholders of Applying Corporation (If wholly owned, designate a minimum of one person as Principal Officer of Parent)
VII.	Partnership applicant information (if applicable) N/A <input type="checkbox"/> A. Partnership Agreement (general or limited). Not needed if husband and wife N/A <input type="checkbox"/> B. Certificate of Good Standing (If formed after 2009)
VIII.	Limited Liability Company applicant information (if applicable) N/A <input type="checkbox"/> A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office) N/A <input type="checkbox"/> B. Certificate of Good Standing N/A <input type="checkbox"/> C. Copy of operating agreement N/A <input type="checkbox"/> D. Certificate of Authority if foreign company
IX.	Manager registration for hotel and restaurant, tavern licenses when included with this application <input type="checkbox"/> A. \$75.00 fee N/A <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input type="checkbox"/> C. If owner is managing, no fee required

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company, or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):				
(a) Been denied an alcohol beverage license?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) Had an alcohol beverage license suspended or revoked? See supplemental response.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Waiver by local ordinance?		or		
Other: _____		<input type="checkbox"/>	<input type="checkbox"/>	
11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee. See supplemental response.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord Starbucks Corporation	Tenant Coffee House Holdings, Inc.	Expires 10 years		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:				
Has a local ordinance or resolution authorizing optional premises been adopted?		N/A	<input type="checkbox"/>	<input type="checkbox"/>
Number of additional Optional Premise areas requested. (See license fee chart)				
15. Liquor Licensed Drug Store applicants, answer the following:				
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? If "yes" a copy of license must be attached.		N/A	<input type="checkbox"/>	<input type="checkbox"/>
16. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>	
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>	
(c) How long has the club been incorporated?		N/A	<input type="checkbox"/>	<input type="checkbox"/>
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/>	<input type="checkbox"/>	
17. Brew-Pub License or Vintner Restaurant Applicants answer the following:				
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		N/A	<input type="checkbox"/>	<input type="checkbox"/>
18a. For all on-premises applicants. (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-1)				
Last Name of Manager Niesent	First Name of Manager Melissa	Date of Birth 5/8/1985		
18b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Name N/A	Type of License	Account Number		
19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?				
If yes, provide an explanation and include copies of any payment agreements.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	

20. If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the Applicant**. All persons listed below must also attach form DR 8404-I (Individual History Record), and submit fingerprint cards to the local licensing authority.

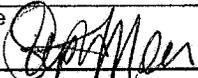
Name	Home Address, City & State	DOB	Position	% Owned
See Attached				
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant, and does not have ownership in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.

Oath Of Applicant

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. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature 	Printed Name and Title Stephanie C. Meier, Asst. Secretary	Date 9/25/15
--	---	-----------------

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.)
---	---

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)

- Date of inspection or anticipated date _____
- Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.

Therefore, this application is approved.

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date
Signature (attest)	Print	Title	Date

Supplemental Response to Question #8(b):

Applicant Coffee House Holdings, Inc. has never had a liquor license suspended or revoked, but did pay a fine of \$500 for Sale to a Minor in Issaquah, Washington.

**Supplemental Response to Question #11:
STARBUCKS LIST OF COLORADO LIQUOR-LICENSED LOCATIONS**

STORE	ADDRESS	CITY	ZIP	STATE	COUNTY	PHONE	License Type	Liquor License #	State Sales Tax #	JURISDICTION
237	250 Columbine St., Ste. 160	Denver	80206	CO	Denver	303-388-7565	Hotel & Restau	4705198	29-805498-0006	Denver
246	3033 Arapahoe	Boulder	80303	CO	Boulder	303-440-5090	Beer & Wine	Pending	29-805498-0020	Boulder
248	1406 Larimer Street, Suite 205	Denver	80202	CO	Denver	303-534-1974	Beer & Wine	4704914	29-805498-0014	Denver
253	200 Fillmore Street, Suite 100	Denver	80206	CO	Denver	303-388-7576	Beer & Wine	4704841	29-805498-0010	Denver
254	8243 So. Quebec	Centennial	80112	CO	Arapahoe	303-779-5221	Beer & Wine	4705266	29-805498-0034	Centennial
296	2601 So. Lemay Ave., Ste. 130	Fort Collins	80525	CO	Larimer	970-223-6308	Beer & Wine	Pending	29-805498-0044	Fort Collins
2825	12408 W. Alameda Pkwy.	Lakewood	80228	CO	Jefferson	303-716-7105	Beer & Wine	Pending	29-805498-0038	Lakewood
5325	870 CPL Max Donahue Lane	Highlands Ranch	80129	CO	Douglas	303-471-0775	Beer & Wine	4704725	29-805498-0015	Douglas
5358	5180 B West 120th Ave.	Westminster	80020	CO	Broomfield	303-465-9964	Beer & Wine	4705044	29-805498-0023	Westminster
5372	980 Ten Mile Dr.	Frisco	80443	CO	Summit	970-668-4775	Beer & Wine	Pending	29-805498-0009	Frisco
5548	1427 Pearl Street	Boulder	80302	CO	Boulder	303-245-9368	Beer & Wine	Pending	29-805498-0024	Boulder
5640	303 16th St., #100	Denver	80202	CO	Denver	303-575-6753	Beer & Wine	4704910	29-805498-0026	Denver
6333	12395 W. 64th Ave.	Arvada	80004	CO	Jefferson	720-898-4608	Beer & Wine	4704735	29-805498-0001	Arvada
6342	1416 Platte Street, Unit A	Denver	80202	CO	Denver	303-447-5445	Beer & Wine	Pending	29-805498-0025	Denver
6684	225 S. Main Street	Breckenridge	80424	CO	Summit	970-547-4373	Beer & Wine	4704710	29-805498-0016	Breckenridge
6821	14261 E. Cedar Ave.	Aurora	80021	CO	Arapahoe	303-340-8370	Beer & Wine	Pending	29-805498-0039	Aurora
6834	1170 US Highway 287	Broomfield	80020	CO	Broomfield	303-466-8642	Beer & Wine	Pending	29-805498-0027	Broomfield
6905	3795 Kipling Street	Wheat Ridge	80033	CO	Jefferson	303-940-6544	Beer & Wine	4704857	29-805498-0004	Wheat Ridge
6946	19590 E. US Highway 24, Suite A	Woodland Park	80866	CO	Teller	719-686-7850	Beer & Wine	4704688	29-805498-0002	Woodland Park
6998	92 Wadsworth Blvd.	Lakewood	80301	CO	Jefferson	303-202-2787	Beer & Wine	4705001	29-805498-0011	Lakewood
8915	10611 W. Florida Ave.	Lakewood	80232	CO	Jefferson	303-984-5194	Beer & Wine	4705002	29-805498-0037	Lakewood
10262	9222 Park Meadows Dr.	Lone Tree	80124	CO	Douglas	303-799-8061	Beer & Wine	4705073	29-805498-0041	Lone Tree
10499	1510 W. Eisenhower Blvd.	Loveland	80537	CO	Larimer	970-663-1827	Beer & Wine	Pending	29-805498-0007	Loveland
11477	2504 Hwy 6 & 50	Grand Junction	81505	CO	Mesa	970-241-0176	Beer & Wine	Pending	29-805498-0042	Grand Junction
11479	13671 Colorado Blvd.	Thornton	80233	CO	Adams	303-451-9492	Beer & Wine	Pending	29-805498-0040	Thornton
13233	14456 Delaware St.	Westminster	80023	CO	Adams	303-450-5034	Beer & Wine	4705045	29-805498-0036	Westminster
13339	9700 So. Parker Rd., Ste. 100	Parker	80138	CO	Douglas	303-840-0306	Beer & Wine	Pending	29-805498-0031	Parker
13492	700 Eagleridge Blvd.	Pueblo	81008	CO	Pueblo	719-542-1124	Beer & Wine	Pending	29-805498-0017	Pueblo
13604	10339 Tower Road	Commerce City	80022	CO	Adams	303-853-4400	Beer & Wine	4704706	29-805498-0018	Commerce City
13822	4975 Kipling St.	Wheat Ridge	80033	CO	Jefferson	303-940-1138	Beer & Wine	4705019	29-805498-0028	Wheat Ridge
14104	1335 W. Elizabeth	Fort Collins	80521	CO	Larimer	970-407-1258	Beer & Wine	4705112	29-805498-0033	Fort Collins
14944	1708 So. College Ave.	Fort Collins	80525	CO	Larimer	970-484-1517	Beer & Wine	Pending	29-805498-0046	Fort Collins
17663	1535 Rocky Mountain Ave.	Loveland	80537	CO	Larimer	970-461-7728	Beer & Wine	Pending	29-805498-0035	Loveland

Supplemental Response to Question #11:
STARBUCKS LIST OF COLORADO LIQUOR-LICENSED LOCATIONS

17748	9301 E. Arapahoe Rd.	Greenwood Village	80112	CO	Arapahoe	303-790-1299	Beer & Wine	Pending	29-805498-0012	Greenwood Village
17823	5808 Barnes Rd.	Colorado Springs	80922	CO	El Paso	719-638-2624	Beer & Wine	Pending	29-805498-0029	Colorado Springs
19548	719 E. Valley Road	Basalt	81621	CO	Eagle	970-927-7603	Beer & Wine	4704733	29-805498-0019	Basalt
21402	1352 College Ave.	Boulder	80302	CO	Boulder	303-443-0309	Beer & Wine	Pending	29-805498-0043	Boulder

Supplemental Response to Question #20:

Name	Home Address	DOB	Position	% Owned
Clarice J. Turner	10 Brook Bay Mercer Island, WA 98040	9/6/60	Dir./Pres.	0%
Michael E. Malanga	5450 E. Mercer Way Mercer Island, WA 98040	11/1/53	Dir./Sr. VP	0%
Sophie H. Hume	6227 51 st Ave. NE Seattle, WA 98110	5/9/60	Sec./VP	0%
Andrew D. Wolff	603 Klickitat Pl. NE Bainbridge Island, WA 98110	4/29/70	Treas./VP	0%
Susan M. Johnson	414 Malden Ave. E, Unit C Seattle, WA 98112		Asst. Sec.	0%
Stephanie J. Meier	1923 Dumas Cir. NE Tacoma, WA 98422		Asst. Sec.	0%
Starbucks Corporation	2401 Utah Ave. S Ste. 800 Seattle, WA 98134	N/A	Parent Co.	100%



COLORADO

Department of Revenue

Enforcement Division - Liquor & Tobacco

Physical Address:
1881 Pierce Street
Lakewood, CO 80214

Mailing Address:
P.O. Box 173350
Denver, CO 80217-3350

October 8, 2015

COFFEE HOUSE HOLDINGS, INC.
MAILSTOP S-TAX2 LICENSE SVCS.
PO BOX 34442
SEATTLE, WASHINGTON 98124

Re: State Master File for Coffee House Holdings, Inc.
Account # 4704562

Dear Sir or Madam:

This is to advise you that the Colorado Liquor Enforcement Division ("Division") has, at your request, created a "master file" for the above-listed Licensee.

As of the date of this letter our master file includes the following items which you have submitted:

1. Individual History Records (Form DR 8404-I) for the following persons:

Clarice J. Turner
Michael E. Malanga
Sophie H. Hume
Andrew D. Wolff
Susan M. Johnson
Stephanie J. Meier

2. Fingerprint cards bearing the names and birth dates of the persons listed in paragraph 1, above. All the fingerprint cards have been submitted by us to the Colorado Bureau of Investigation. The CBI and FBI have checked the prints and reportedly found no record of any criminal history for those listed above.
3. Certificate of Authority or a Certificate of Good Corporate standing from the Colorado Secretary of State which indicates that Coffee House Holdings, Inc. is a corporation authorized to do business in Colorado.

When filing a new application for additional licensed locations, you must check with the local licensing authority to determine what documents they may require to process your application. Please feel free to provide them with this letter, as many local authorities will not require you again to submit fingerprint cards to them if you have already submitted such documents to the Division. This letter will serve to inform the local

authorities exactly which documents you have already submitted to the State Enforcement Division.

Finally, once the local authority has approved your new license or transfer of ownership application, it must be sent to the Division.

The local authority need not send change of corporate structure information previously reported to the Division, as listed in and approved by this letter.

The only documents which are needed for a new or transfer of ownership application by the Division are:

1. The approved application signed by the local authority;
2. The appropriate fees;
3. A copy of this letter;
4. Proof of possession of the premises;
5. A diagram of the licensed premises;
6. Completed form DR 8442, and an Individual History Record (DR-8404-I) if manager's registration is required.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Maroney".

Patrick Maroney
Division Director

SUMMARY

REPORTS

Detailing the results of the petitioning

December 14, 2015

RESULTS OF THE LIQUOR LICENSE SURVEY REGARDING:

Starbucks 11169

4910 Thompson Parkway
Johnstown, CO 80534

Applicant: Coffee House Holdings, Inc.

Purpose: Application for a Beer and Wine Liquor License

ISSUE: A petition was circulated to determine if the needs of the neighborhood and desires of the inhabitants were or were not being presently met by existing similar alcoholic beverage outlets. Those in favor of Starbucks 11169 being granted a Beer and Wine Liquor License indicated by checking the "YES" column of the signature sheet and those opposed checked the "NO" column. The results were as follows:

Favor "YES"		Oppose "NO"		TOTAL SIGNATURES
95%	108	5%	6	114

Percentages in this report have been rounded to the nearest whole number.

SURVEY STATISTICS

	"YES"		"NO"		TOTAL
Business Survey Results	100%	6	---	0	6
Residential Survey Results	94%	102	6%	6	108

	BUSINESS	RESIDENTIAL	TOTAL
No Response	1	276	277
Declined to Participate	2	23	25
Not Qualified to Sign	11	3	14
Disqualified	1	2	3
"No" Signatures	0	6	6
"Yes" Signatures	6	102	108
TOTAL CONTACTS & ATTEMPTS	21	412	433

>Number of Businesses and Residents Contacted:	433	Attempts -	277	No Response =	156
>Business Survey Participation Rate:	6	Signatures/	9	Qualified Contacts =	67%
>Residential Survey Participation Rate:	108	Signatures/	133	Qualified Contacts =	81%
>Percentage of Residents Home During Survey:	136	Contacts/	411	Attempts =	33%

SURVEY STATISTICS

REASONS FOR OPPOSITION SIGNATURES		REASONS FOR DECLINING TO PARTICIPATE	
No Reason	3	Not Interested	15
<i>Against Alcohol</i>	7	Don't Sign Any Petitions / Surveys	7
<i>It Pickles Peoples Brains</i>	7	Against Company Policy	1
No Need	1	No Reason	1
Total	6	Too Busy	1
		Total	25
NOT QUALIFIED CONTACTS			
		Owner / Manager Unavailable	11
		Non-Resident	2
		Under 21	1
		Total	14

Reasons for opposition in *Bold* may be considered as invalid or irrelevant to the needs and desires issue of this survey. If irrelevant or invalid reasons are discounted from the final tally, the results would be:

FAVOR "YES"	OPPOSE "NO"	TOTAL
96%	4%	112

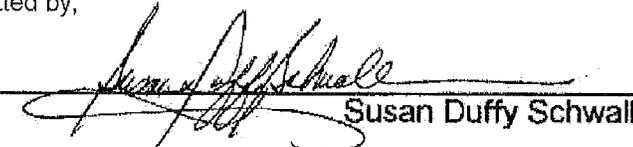
PETITION METHODOLOGY

- Survey Dates and Times:

Business:	Friday	December 11, 2015	3:00 pm - 5:00 pm
Residential:	Sunday	December 13, 2015	10:45 am - 4:30 pm

- Survey Areas: This opinion survey was conducted at every business and residence located within the defined boundary area. Please see attached map.
- Schools in the Area: There were no schools in the defined survey area.
- Circulators of the Survey: There were four circulator of this survey. Prior to the start of the survey, the circulators were briefed on the type of liquor license application, the areas to be surveyed and reminded to remain unbiased in his approach to residents and business people. The circulators had a face sheet with the applicant business name, location and hearing information, instructions and the petition/survey issue along with signature sheets and a map of the proposed location. The circulators used tally sheets to record all contacts, attempts and reasons for opposition signatures and refusals. At the conclusion of the survey, the circulators signed a notarized affidavit of circulation.

Report prepared and respectfully submitted by,


 Susan Duffy Schwall



STARBUCKS 11169
 4910 Thompson Parkway
 Johnstown, CO 80534

Application for a
 BEER & WINE
 Liquor License

 Residential
 Areas
 Covered in
 the Survey

 Business
 Areas
 Covered in
 the Survey

Survey Dates:
 December
 11th & 13th,
 2015

LiquorPros 
 LiquorPros@msn.com
 719.390.8844
 www.LiquorPros.com

**POLICE
REPORT**

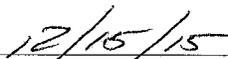
TOWN OF JOHNSTOWN POLICE DEPARTMENT

Information 3.2% Beer or Liquor Application

- Name and address of Applicant} Coffee House Holdings, Inc.
Mailstop S-Tax 2 License Svcs.
PO Box 3442
Seattle, Washington 98124
1. Trade Name and Address} Starbucks 11169
4910 Thompson Parkway
Johnstown, CO 80534
2. Date of Application: 10-28-2015
3. Type of Application: Beer and Wine
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} Lease
F.
5. Evidence of Public Notice
A. Posting of Premises} Posted December 16, 2015
B. Legal Publication } Johnstown Breeze December 17, 2015
6. Investigation: Police Department Case#}
A. Applicant has made application for a new Beer and Wine License.
B. Background Investigation: Master File.
8. Findings of fact:
A. The required fees were submitted.
B. It is my recommendation the Beer and Wine license be approved.



CHIEF OF POLICE



DATE

AGENDA ITEM 9B

**AMENDMENT
TO
MUNICIPAL CODE
(Town Sales Taxes)
(Ordinance No. 2016-141
(First Reading)
(*Public Hearing)**

**** PUBLIC HEARING PROCEDURE – Ordinance No. 2016-141, An Ordinance Amending the Town of Johnstown Municipal Code Concerning Town Sales Taxes to Provide a Credit Against Sales Tax if a Certain Public Improvements Fee has been Paid in Connection with the Development Known as Johnstown Plaza***

1. Open public hearing.
2. Receive information from staff.
3. Ask to hear from anyone who supports Ordinance No. 2016-141.
4. Ask to hear from anyone who opposes Ordinance No. 2016-141.
5. Close the public hearing.
6. Ask for discussion.
7. Make decision and/or motion from Council.
 - a. Need motion to approve or deny Ordinance No. 2016-141 on first reading.

(SUGGESTED MOTIONS):

For Approval:

I move to approve Ordinance 2016-141, An Ordinance Amending the Town of Johnstown Municipal Code Concerning Town Sales Taxes to Provide a Credit Against Sales Tax if a Certain Public Improvements Fee has been Paid in Connection with the Development Known as Johnstown Plaza.

For Denial:

I move to deny approval of Ordinance 2016-141 on first reading.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: January 4, 2016

ITEM NUMBER: 9B

SUBJECT: *Public Hearing – (First Reading) Ordinance 2016-141, Amending the Town of Johnstown Municipal Code Concerning Town Sales Taxes to Provide a Credit Against Sales Tax if a Certain Public Improvements Fee Has Been Paid in Connection with the Development Known as Johnstown Plaza

ACTION PROPOSED: Approve Ordinance No. 2016-141 on first reading

PRESENTED BY: Town Attorney and Special Counsel, MaryAnn McGeady

AGENDA ITEM DESCRIPTION: Johnstown Plaza, LLC (“Developer”) has requested that the Town cooperate in the development of Johnstown Plaza by providing a two-percent sales tax credit against taxable transactions occurring within the property. The tax credit, known as a credit public improvements fee, or Credit PIF, will be used to repay bonds that will be issued by the Johnstown Plaza Metropolitan District (“District”) to finance public improvements. The terms and obligations related to the Credit PIF will be set out in the Comprehensive Development Agreement, Funding Plan and Intergovernmental Agreement (“Agreement”), to be executed by and among the Town, the Developer and the District. While the Town and the Developer may execute the Agreement earlier, the District cannot execute the Agreement until it is organized, which is anticipated to occur in February after the Developer purchases the property. The tax credit is expected to expire on December 1, 2047, just over thirty years from the date that Scheels is first anticipated to generate sales tax revenues.

To implement the procedure, a covenant will be recorded against the property, known as a PIF Covenant, providing that retailers are entitled to the sales tax credit on the condition that the funds, which would otherwise be due to the Town, are paid to a collecting agent, known as the PIF Collecting Agent. The PIF Collecting Agent will then transfer the funds to a trustee for payment of the bonds. The PIF Covenant will be recorded when the Developer acquires the property and the District executes the Agreement.

To obtain assurance of the Town’s intent, the developer has requested that the Town consider this ordinance prior to its purchase of the property. The ordinance thus provides that it is effective on July 1, 2016, on the conditions the Agreement is fully executed and the PIF Covenant is recorded.

LEGAL ADVICE: The ordinance was drafted by the Town Attorney.

FINANCIAL ADVICE: N/A

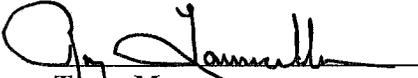
RECOMMENDED ACTION: Approve Ordinance No. 2016-141 on first reading.

SUGGESTED MOTION:

For Approval: I move to approve Ordinance 2016-141 Amending the Town of Johnstown Municipal Code Concerning Town Sales Taxes to Provide a Credit Against Sales Tax if a Certain Public Improvements Fee Has Been Paid in Connection with the Development Known as Johnstown Plaza on first reading.

For Denial: I move to deny approval of Ordinance No. 2016-141.

Reviewed:


Town Manager

ORDINANCE

No. 2016-141

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2016-141

AN ORDINANCE AMENDING THE TOWN OF JOHNSTOWN MUNICIPAL CODE CONCERNING TOWN SALES TAXES TO PROVIDE A CREDIT AGAINST SALES TAX IF A CERTAIN PUBLIC IMPROVEMENTS FEE HAS BEEN PAID IN CONNECTION WITH THE DEVELOPMENT KNOWN AS JOHNSTOWN PLAZA

WHEREAS, the Town of Johnstown, Colorado (the "Town") is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the Town desires to cooperate in the development of certain property within the Town known as Johnstown Plaza and to cooperate in the funding of certain public improvements related to such development, and thus intends to enter into the Comprehensive Development Agreement, Funding Plan and Intergovernmental Agreement for Johnstown Plaza by and among the Town, Johnstown Plaza, LLC and the Johnstown Plaza Metropolitan District, effective on the Effective Date therein ("Agreement"); and

WHEREAS, the developer, Johnstown Plaza, LLC, has requested that the Town Council consider this Ordinance prior to execution of the Agreement, and the Town Council desires to accommodate such request on the condition that the sales tax credit contemplated herein shall not be effective unless and until: (i) the Agreement is fully executed by all the Parties thereto, and (2) the PIF Covenant has been recorded against the PIF Property; and

WHEREAS, all capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Agreement; and

WHEREAS, pursuant to the anticipated PIF Covenant, Johnstown Plaza, LLC intends to impose a public improvements fee on certain sales or provisions of tangible personal property or services occurring within the property known as Johnstown Plaza and described within the PIF Covenant as the PIF Property, which public improvements fee shall be used to contribute to the financing of public improvements within the Town; and

WHEREAS, pursuant to the Agreement, the Town desires to provide a tax credit against the obligation to pay, collect or remit a portion of the sales tax to the Town for persons or entities who pay the public improvements fee defined in the Agreement as the Credit PIF; and

WHEREAS, the Town Council finds that an amendment to the Johnstown Municipal Code to implement the aforementioned sales tax credit would be in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO:

Section 1. Ratification. All actions heretofore taken by the Town Council and other officers, employees and agents of the Town in connection with the Agreement and the implementation of the provisions thereof, which are not inconsistent with provisions of this Ordinance, are hereby ratified, approved and confirmed.

Section 2. Sales Tax Credit. Article IV of Chapter 4 the Johnstown Municipal Code is hereby amended to add Section 4-50, which shall state as follows:

Sec. 4-50. Sales Tax Credit.

Notwithstanding any other provision of this Article, and in order to implement the provisions of the Comprehensive Development Agreement, Funding Plan and Intergovernmental Agreement for Johnstown Plaza, dated as of the Effective Date thereof (as amended or supplemented from time to time, the "Agreement"), by and among the Town of Johnstown, Johnstown Plaza, LLC and the Johnstown Plaza Metropolitan District, there shall be granted to each person or entity obligated to pay, collect or remit sales tax on the sale of tangible personal property at retail or the furnishing of services, which are subject to Town sales tax occurring within the PIF Property, as defined in the PIF Covenant, and incorporated herein by this reference, a tax credit against collection of the sales tax as hereinafter set forth. Such sales tax credit shall be granted in form of a reduction in the applicable sales tax rate in an amount equivalent to two percent (2%), the rate of the Credit PIF, and shall attach to a particular transaction only to the extent that the Credit PIF Revenues are received by the PIF Collecting Agent for such transaction. The sales tax credit shall be automatic and shall take effect immediately upon the occurrence of a Taxable Transaction within the PIF Property, but shall be subject to the applicable retailer's remittance to and receipt by the PIF Collecting Agent of the Credit PIF Revenues in accordance with the PIF Covenant and the Agreement. The sales tax credit shall be granted during the Credit PIF Period and shall automatically terminate when the Credit PIF Period terminates. All capitalized terms used in this Section and not otherwise defined herein shall have the meanings set forth in the Agreement.

Section 3. Effect of Sales Tax Credit. The Town Council hereby finds and determines that the creation or termination of the sales tax credit does not constitute a tax increase, the imposition of a new tax or a tax policy change directly causing a net tax revenue gain to the Town, and that nothing herein or in the Agreement creates a multiple fiscal year direct or indirect financial obligation or other indebtedness of the Town. The Town shall have the right to reduce or terminate the sales tax credit at any time in accordance with the terms of the Agreement.

Section 4. Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 5. Effective Date. The amendment to Article IV of Chapter 4 the Johnstown Municipal Code to add Section 4-50 shall be effective on July 1, 2016, on the conditions that: (i) the Comprehensive Development Agreement, Funding Plan and Intergovernmental Agreement for Johnstown Plaza has been executed by all the Parties thereto, and (2) the PIF Covenant has been recorded against the PIF Property. If the conditions are not satisfied, this Ordinance shall be void and of no effect.

Section 6. Publication. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town Charter and the adoption, publication and posting shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 4th day of January, 2016.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this 20th day of January, 2016.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

AGENDA ITEM 9C

**DESIGNATE
PUBLIC NOTICE
POSTING
AREAS**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: January 4, 2016

ITEM NUMBER: 9C

SUBJECT: Consider Designation of Public Notice Posting Areas

ACTION PROPOSED: Designate Public Notice Posting Areas

PRESENTED BY: Town Clerk

AGENDA ITEM DESCRIPTION:

Colorado Revised Statutes (C.R.S.) 24-6-402 (c) (Meetings-Open to Public) states, in part the following:

"Any meeting at which the adoption of any proposed policy, position, resolution, regulation or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to holding the meeting.

The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year."

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Designate front entryway of Johnstown Town Hall as a public notice posting area.

SUGGESTED MOTIONS:

For Approval: I move to designate the front entryway of Johnstown Town Hall as a public notice posting area.

For Denial:

Reviewed:


Town Manager

AGENDA ITEM 9D

**ANNUAL
DEVELOPMENT
FEES
ADJUSTMENT**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: January 4, 2016

ITEM NUMBER: 9D

SUBJECT: Consider Annual Development Impact Fees Adjustment

ACTION PROPOSED: Waive the Development Impact Fees Adjustment for 2016

PRESENTED BY: Town Manager and Public Works Director

AGENDA ITEM DESCRIPTION: In accordance with the Johnstown Municipal Code, Section 17-223, development impact fees are subject to annual adjustment for inflation, referencing the Engineering News Record Construction Cost Index for the Denver Metropolitan Area. The annual increase is automatic unless Town Council acts to waive the adjustment.

Because Town Council recently approved Ordinance No. 2015-139, which updated the impact fees, there is no need to further increase the fees for 2016.

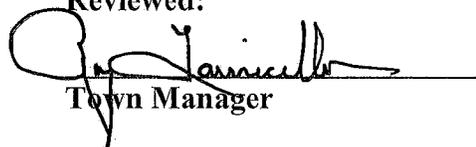
LEGAL ADVICE: N/A.

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Waive the annual development impact fee adjustment.

SUGGESTED MOTION: I move to waive the annual development impact fee adjustment.

Reviewed:


Town Manager

