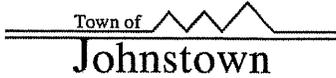


TOWN COUNCIL

MEETING

PACKET

December 5, 2016



Town Council

Agenda
Monday December 5, 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**
 - A) Recognition of Outstanding Achievements by the Roosevelt Ladies Cross Country Team
- 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 Minutes –November 21, 2016
 - B) Resolution No. 2016-10A, Opposing Stroh Pit Quarry Use by Special Review (USR 01Z1379)
 - C) Resolution No. 2016-11, Committing Funds for the Construction of a Community Recreation Center during the 2018 Calendar Year
- 7) **STAFF REPORTS**
- 8) **OLD BUSINESS**
- 9) **NEW BUSINESS**
 - A) Resolution No. 2016-12, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Johnstown, Colorado for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December, 2017
 - B) Resolution No. 2016-13, A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth, for the Town of Johnstown, Colorado for the 2017 Budget Year
 - C) Resolution No. 2016-14, A Resolution Levying General Property Taxes for the Year 2017, to Help Defray the Costs of Government for the Town of Johnstown, Colorado for the 2017 Budget Year
 - D) ***Public Hearing** – Amendment to 2534 Design Guidelines Proposed Land Use Plan (Multi-Family Use) – Gerrard Family Partnership on behalf of Continental Properties
 - E) ***Continued Public Hearing** – Report of Change of Ownership of Johnstown Liquor, Inc.
 - F) ***Continued Public Hearing** – Change of Location Permit and Temporary Modification of Premises for Johnstown Liquor, Inc.
- 10) **EXECUTIVE SESSION**
 - A) Conference with the Town Attorney Pursuant to C.R.S. Section 24-6-402(4)(b) Regarding Johnstown Plaza Metropolitan District's Improvements along Thompson Parkway
- 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 ITEMS 6A-C

CONSENT

AGENDA

- **Council Minutes – November 21, 2016**
 - **Resolution No. 2016-10A**
(Opposing Stroh Pit Quarry)
 - **Resolution No. 2016-11**
(Commitment of Funds)
(Community Recreation Center)

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 5, 2016

ITEM NUMBER: 6A-C

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) Council Meeting Minutes – November 21, 2016
- B) Resolution No. 2016-10A, Opposing Stroh Pit Quarry's Application for Use by Special Review (Larimer County Case Number 09-21771)
- C) Resolution No. 2016-11, Committing Funds for the Construction of a Community Recreation Center During the 2018 Calendar Year

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

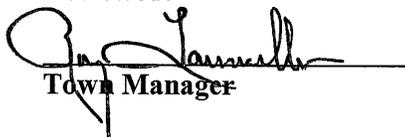
RECOMMENDED ACTION: Approve Consent Agenda

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, 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

RESOLUTION
No. 2016-10A

TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2016-10A

OPPOSING STROH PIT QUARRY USE BY SPECIAL REVIEW
(USR 01Z1379)

WHEREAS, Coulson Excavating Company, Inc. (the “applicant”) submitted a use by special review application to Larimer County, seeking approval to construct a gravel mine, known as Stroh Pit Quarry, approximately one mile southeast of the intersection of Interstate 25 and U.S. Highway 34; and

WHEREAS, the applicant proposes to mine sand and gravel from approximately 50 acres of a 132.63 acre parcel of land and then transport the sand and gravel due east to the Kitright Pit for processing; and

WHEREAS, Larimer County referred the matter to the Town of Johnstown (the “Town”) for review and recommendation; and

WHEREAS, the proposed facility abuts the existing Thompson River Ranch subdivision, a residential development within the Town boundaries; and

WHEREAS, the proposed facility would expose the residents within Thompson River Ranch to continuous industrial operations, force them to coexist with large, otherwise unplanned, industrial development, generate noise and traffic inconsistent with residential living and create potential losses of property value, quiet enjoyment and quality of life; and

WHEREAS, the Town adopted the “Johnstown Area Comprehensive Plan” in 2006, a copy of which may be viewed at www.townofjohnstown.com/DocumentCenter/Home/View/192 (“Comprehensive Plan”); and

WHEREAS, the proposed facility is within the Growth Management Area contemplated in the Comprehensive Plan, an area into which urban development and annexation is anticipated to occur in the future; and

WHEREAS, the Town designated the area that is the subject of the proposed facility for low-density, single-family residential homes and for conservation open space; and

WHEREAS, the proposed uses, being industrial in operation and impact, are inconsistent with the Comprehensive Plan; and

WHEREAS, the proposed facility is also inconsistent with the Town’s vision of the growth along the I-25 corridor and surrounding areas and has considerable potential to lead to an expanded and unplanned heavy industrial presence in the area; and

WHEREAS, after careful review and consideration, the Town Council finds that the proposed uses, if permitted, would create undesirable, offensive and harmful consequences, inconsistent with the needs and desires of the Town’s citizens, the Town’s long-range planning and the best growth and development; and

WHEREAS, the Town Council further finds that construction of the Stroh Pit Quarry is not in the best interests of the Town or the citizens of the Town and surrounding areas.

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

1. The Town Council opposes Coulson Excavating Company, Inc.'s use by special review application for construction of the Stroh Pit Quarry.

2. The Town Council respectfully requests that Larimer County deny Coulson Excavating Company, Inc.'s use by special review application.

PASSED, SIGNED, APPROVED, AND ADOPTED this 5th day of December, 2016.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Scott James, Mayor

RESOLUTION

No. 2016-11

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2016-11**

**COMMITTING FUNDS FOR THE CONSTRUCTION
OF A COMMUNITY RECREATION CENTER
DURING THE 2018 CALENDAR YEAR**

WHEREAS, the Town Council is firmly committed to the construction of a Community Recreation Center in the Town of Johnstown to promote and encourage healthy living and provide space for community events, festivities and socializing; and

WHEREAS, the Town Council anticipates that an architect will be retained during the 2017 calendar year and that contractors will be hired to construct the Community Recreation Center during the 2018 calendar year; and

WHEREAS, the Town Council anticipates that the cost of the construction of the Community Recreation Center, excluding the architectural fees, will total approximately Twenty-Five Million Dollars (\$25,000,000); and

WHEREAS, the Town Council budgeted funds for the engagement of an architect in the Town of Johnstown's 2017 Budget; and

WHEREAS, because budgeting would be premature, the Town Council desires to commit funds for the construction of the Community Center during the 2018 calendar year; and

WHEREAS, the Town Council has determined that Twenty Million Dollars (\$20,000,000) should be committed from the unassigned fund balance of the General Fund and Five Million Dollars (\$5,000,000) should be committed from the unassigned fund balance of the Use Tax Fund.

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

1. The Town Council hereby commits Twenty-Five Million Dollars (\$25,000,000) for the construction of the Community Recreation Center during the 2018 calendar year.
2. To satisfy the commitment, the Town Council hereby commits Twenty Million Dollars (\$20,000,000) from the unassigned fund balance of the General Fund and Five Million Dollars (\$5,000,000) from the unassigned fund balance of the Use Tax Fund.

PASSED, SIGNED, APPROVED, AND ADOPTED this ____ day of December, 2016.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Scott James, Mayor

AGENDA ITEM 9A

**ADOPTION
OF
2017
BUDGET
(Resolution No. 2016-12)**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 5, 2016

ITEM NUMBER: 9A

SUBJECT: Resolution No. 2016-12, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town Of Johnstown, Colorado for the Calendar Year Beginning on the First Day of January, 2017 and Ending on the Last Day of December, 2017

ACTION PROPOSED: Approve Resolution No. 2016-12

PRESENTED BY: Town Clerk/Treasurer

AGENDA ITEM DESCRIPTION: On November 21, 2016 a public hearing was conducted by the Town Council to consider the adoption of the 2017 proposed budget.

Section 12.7 of the Town Charter, states, in part, the following:

"The Council shall adopt the budget for the next fiscal year by ordinance or resolution on or before the final day of the current fiscal year."

The adoption of the 2017 budget for the Town of Johnstown must be formalized and made official by approval of Resolution No. 2016-12.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve Resolution No. 2016-12.

For Approval: I move to approve Resolution No. 2016-12, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017.

For Denial: I move to deny approval of Resolution No. 2016-12, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017.

Reviewed:


Town Manager

RESOLUTION

No. 2016-12

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES

RESOLUTION 2016-12

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF JOHNSTOWN, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2017 AND ENDING ON THE LAST DAY OF DECEMBER, 2017.

WHEREAS, the Town Council of the Town of Johnstown has appointed Diana Seele, Town Clerk to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, Diana Seele, Town Clerk has submitted a proposed budget to this governing body on December 5, 2016 for its consideration, and;

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE Town Council of the Town of Johnstown, Colorado:

Section 1. That estimated expenditures for each fund are as follows:

General Fund	\$ 7,607,500
Water Fund	\$ 1,995,100
Wastewater Fund	\$ 1,670,700
Conservation Trust Fund	\$ 81,300
Impact Fee Fund	\$2,825,500
Drainage Fund	\$ 676,000
Use Tax Capital Improvement Fund	\$2,203,500
Johnson's Corner Capital Imp. Fund	\$ 111,640
Equipment Replacement Fund	\$ 438,500
Contingent Fund	\$1,683,000
Street Maintenance Fee	\$ 150,000
Library Fund	\$ 753,800
Total Estimated Expenditures	\$20,196,540

Section 2. That estimated revenues for each fund are as follows:

General Fund	
From unappropriated surpluses	-0-
From sources other than general property tax	\$ 4,099,100
From the general property tax levy	\$3,508,400
Total General Fund	\$7,607,500
Water Fund	
From unappropriated surpluses	\$ -0-
From sources other than general property tax	\$1,995,100
Total Water Fund	\$1,995,100
Wastewater Fund	
From unappropriated surpluses	\$ -0-
From sources other than general property tax	\$1,670,700
Total Wastewater Fund	\$1,670,700
Conservation Trust Fund	
From unappropriated surpluses	\$ -0-
From sources other than general property tax	\$ 81,300
Total Conservation Trust Fund	\$ 81,300
Impact Fee Fund	
From unappropriated surpluses	\$ 2,034,500
From sources other than general property tax	\$ 791,000
Total Impact Fee Fund	\$ 2,825,500
Drainage Fund	
From unappropriated surpluses	\$ 279,800
From sources other than general property tax	\$ 396,200
Total Drainage Fund	\$ 676,000
Use Tax Capital Improvement Fund	
From unappropriated surpluses	\$ 1,313,500
From sources other than general property tax	\$ 890,000
Total Use Tax Capital Improvement Fund	\$ 2,203,500
Johnson's Corner Capital Improvement Fund	
From unappropriated surpluses	\$ 13,600
From sources other than general property tax	\$ 98,040
Total Johnson's Corner Capital Improvement Fund	\$ 111,640

Equipment Replacement Fund	
From unappropriated surpluses	\$ -0-
From sources other than general property tax	\$ 438,500
Total Equipment Replacement Fund	\$ 438,500
Contingent Fund	
From unappropriated surpluses	\$1,457,500
From sources other than general property tax	\$ 225,500
Total Contingent Fund	\$1,683,000
Street Maintenance Fee	
From unappropriated surpluses	\$ -0-
From sources other than general property tax	\$ 150,000
Total Contingent Fund	\$ 150,000
Library Fund	
From unappropriated surpluses	\$ -0-
From sources other than general property tax	\$ 1,000
From the general property tax levy	\$ 752,800
Total Library Fund	\$ 753,800

Section 3. That the budget as submitted, amended, and herein above summarized by fund, hereby is approved and adopted as the budget of the Town of Johnstown, Colorado for the year stated above.

Section 4. That the budget hereby approved and adopted shall be signed by the Mayor and Town Clerk and made a part of the public records of the Town.

ADOPTED, THIS 5th day of December, 2016.

TOWN OF JOHNSTOWN, COLORADO

ATTEST

BY:

Mayor

Clerk/Treasurer

AGENDA ITEM 9B

**APPROPRIATION
OF
FUNDS
(Resolution No. 2016-13)**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 5, 2016

ITEM NUMBER: 9B

SUBJECT: Resolution No. 2016-13, A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth, for the Town of Johnstown, Colorado for the 2017 Budget Year.

ACTION PROPOSED: Approve Resolution No. 2016-13

PRESENTED BY: Town Clerk/Treasurer

AGENDA ITEM DESCRIPTION: An appropriation is the legal spending limit authorizing the expenditures set forth by the Town Council. The Council through an official action, either a resolution or ordinance, must enact the appropriation.

The budget is merely a financial plan for the coming year, while the appropriation is the legal authority to spend the money.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve Resolution No. 2016-13

For Approval: I move to approve Resolution No. 2016-13, A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth, for the Town of Johnstown, Colorado for the 2017 Budget Year.

For Denial: I move to deny approval of Resolution No. 2016-13, A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth, for the Town of Johnstown, Colorado for the 2017 Budget Year.

Reviewed:


Town Manager

RESOLUTION

No. 2016-13

RESOLUTION TO APPROPRIATE SUMS OF MONEY

RESOLUTION 2016-13

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE TOWN OF JOHNSTOWN, COLORADO FOR THE 2017 BUDGET YEAR

WHEREAS, the Town Council has adopted the annual budget in accordance with the Local Government Budget Law, on December 5th, 2016 and;

WHEREAS, the Town Council has made provision therein for revenue in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, so as not to impair the operations of the Town.

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

Section 1. That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated:

General Fund	\$ 7,607,500
Water Fund	\$ 1,995,100
Wastewater Fund	\$ 1,670,700
Conservation Trust Fund	\$ 81,300
Impact Fee Fund	\$2,825,500
Drainage Fund	\$ 676,000
Use Tax Capital Improvement Fund	\$2,203,500
Johnson's Corner Capital Imp. Fund	\$ 111,640
Equipment Replacement Fund	\$ 438,500
Contingent Fund	\$1,683,000
Street Maintenance Fee	\$ 150,000
Library Fund	\$ 753,800
Total Estimated Expenditures	\$20,196,540

ADOPTED THIS 5th day of December, 2016.

TOWN OF JOHNSTOWN

BY:

Mayor

ATTEST

Town Clerk/Treasurer

AGENDA ITEM 9C

**LEVYING
GENERAL
PROPERTY TAXES
(Resolution No. 2016-14)**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 5, 2016

ITEM NUMBER: 9C

SUBJECT: Resolution No. 2016-14, A Resolution Levying General Property Taxes for the Year 2017, to Help Defray the Costs of Government for the Town of Johnstown, Colorado for the 2017 Budget Year.

ACTION PROPOSED: Approve Resolution No. 2016-14

PRESENTED BY: Town Clerk/Treasurer

AGENDA ITEM DESCRIPTION: If a local government needs property tax revenue to balance its proposed budget, it must take official action, by ordinance or resolution, to set and certify a mill levy. It must then certify the mill levy to the Board of County Commissioners.

Based upon the Town's adopted 2017 budget, it is recommended that the mill levy for the Town of Johnstown for the 2017 budget year be set at 23.947 mills.

LEGAL ADVICE: N/A

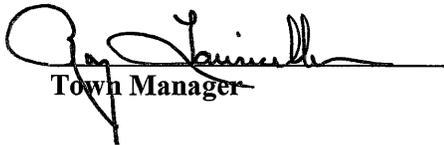
FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve Resolution No. 2016-14

For Approval: I move to approve Resolution No. 2016-14, A Resolution Levying General Property Taxes for the Year 2017, to Help Defray the Costs of Government for the Town of Johnstown, Colorado for the 2017 Budget Year.

For Denial: I move to deny approval of Resolution No. 2016-14, A Resolution Levying General Property Taxes for the Year 2017, to Help Defray the Costs of Government for the Town of Johnstown, Colorado for the 2017 Budget Year.

Reviewed:


Town Manager

RESOLUTION

No. 2016-14

RESOLUTION TO SET MILL LEVIES

RESOLUTION 2016-14

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2017 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF JOHNSTOWN, COLORADO FOR THE 2017 BUDGET YEAR

WHEREAS, The Town Council of the Town of Johnstown has adopted the annual budget in accordance with the Local Government Budget Law, on December 5th, 2016, and;

WHEREAS, the amount of money necessary to balance the budget for general operation expenses is \$3,508,400, and;

WHEREAS, the amount of money necessary to balance the budget for the library operation expenses is \$408,500, and;

WHEREAS, the 2017 valuation for assessment for the Town of Johnstown, Colorado as certified by the County Assessors is \$175,261,737.

NOW THEREFORE, BE IT RESOLVED BY THE Town Council of the Town of Johnstown, Colorado:

Section 1. That the purpose of meeting all general operation expenses of the Town of Johnstown during the 2017 budget year, there is hereby levied a tax of 23.947 mills upon each dollar for the total valuation for assessment of all taxable property within the Town of Johnstown for the year 2016.

Section 2. That the Town Clerk/Treasurer is hereby authorized and directed to immediately certify to the County Commissioners of Weld County and Larimer County, Colorado, the mill levies for the Town of Johnstown, Colorado as herein above determined and set.

ADOPTED THIS 5th day of December, 2016.

TOWN OF JOHNSTOWN, COLORADO

BY:

Mayor

ATTEST

Clerk/Treasurer

AGENDA ITEM 9D

AMENDMENT

TO

2534

DESIGN GUIDELINES

PROPOSED

LAND USE PLAN

(Multi-Family Use)

(Gerrard Family Partnership on behalf of

Continental Properties)

(*Public Hearing)

*** PUBLIC HEARING PROCEDURE – Amendment to 2534 Design Guidelines
Proposed Land Use Plan – Multi-Family Use**

1. Open public hearing.
2. Receive information from staff.
3. Ask to hear from anyone who supports the Amendment.
4. Ask to hear from anyone who opposes the Amendment.
5. Close the public hearing.
6. Ask for discussion.
7. Make decision and/or motion from Council.
 - a. Need motion to approve or deny approval of the Amendment to the 2534 design guidelines proposed land use plan.

(SUGGESTED MOTIONS):

For Approval:

I move to approve the Amendment to the 2534 Design Guidelines to change the Land Use Plan for Lots 1& 2 Block 9, 2534 Subdivision 9th Filing, from C. Light Industrial, Office, Flex and Retail uses to B.2 Office, Flex, Retail and Multi-Family, and to change the Land Use Plan for Lots 4 and 5, 2534 Filing No. 12 from C. Light Industrial, Flex, Office and Retail to B.1 Office, Flex and Retail Uses (subject to the following conditions...)

For Denial:

I move to deny approval of the Amendment to the 2534 Design Guidelines Proposed Land Use Plan.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 5, 2016

ITEM NUMBER: 9D

SUBJECT: *Public Hearing – Amendment to 2534 Design Guidelines Proposed Land Use Plan - Multi-Family Use

ACTION PROPOSED: Consider Amendment to 2534 Design Guidelines

PRESENTED BY: Mr. John Franklin, Town Planner

AGENDA ITEM DESCRIPTION: This is a request by the property owner, Gerrard Family Partnership, LLC on behalf of Continental Properties, for approval of an amendment to the 2534 Design Guidelines Land Use Plan. The amendment would include Multi-Family Residential and accessory uses on Lots 1 & 2 of Block 9, 2534 9th Filing, located immediately south of Ronald Reagan Blvd. and east of Larimer Parkway.

Furthermore, as part of the application and to enhance the residential environment, Gerrard and Continental agreed to develop the private open space area east of the site as a high-quality park with concrete walks, landscaping, picnic facilities and benches. The owner also agreed to re-designate Lots 4 & 5, 2534 Filing No. 12 to the east for Office Flex and Retail Uses.

The 2534 Design Guidelines were approved by Town Council in 2004, amended in 2008 to include Commercial Outdoor Recreation Use in 2534 West, amended in 2013 for the Liberty Arms Institute gun range and the Gateway Apartments I, and amended in February 2016 for the Gateway Apartments II.

The Planning and Zoning Commission held a public hearing on September 28, 2016 and voted unanimously to recommend approval with conditions, as follows:

1. *The development of the adjoining private open space into a quality amenity shall be concurrent with the development of the multi-family project.*
2. *The quality of the overall project including architecture and amenities shall be equal or better than the representations provided with the request, including use of stucco and stone/brick.*
3. *Potential impacts of the proposed multi-family such as parking lots and drives, and site lighting on the nearby single family neighborhoods will need to be considered in the final design.*

LEGAL ADVICE: If approved, the Town Attorney will prepare a resolution for review at a subsequent meeting.

FINANCIAL ADVICE: N/A

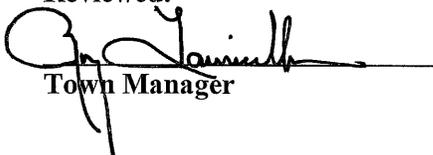
RECOMMENDED ACTION: The Planning and Zoning Commission has recommended approval of the amendment with conditions.

SUGGESTED MOTIONS:

For Approval: I move to approve the Amendment to the 2534 Design Guidelines to change the Land Use Plan for Lots 1 & 2, Block 9, 2534 Subdivision 9th Filing, from C. Light Industrial, Office, Flex and Retail uses to B.2 Office, Flex, Retail and Multi-Family, and to change the Land Use Plan for Lots 4 and 5, 2534 Filing No. 12 from C. Light Industrial, Flex, Office and Retail to B.1 Office, Flex and Retail Uses (subject to the following condition(s)...).

For Denial: I move to deny approval of the amendment to 2534 Design Guidelines Proposed Land Use Plan.

Reviewed:


Town Manager

**PLANNING AND ZONING
COMMISSION**

SUMMARY MINUTES

**SUMMARY MINUTES
PLANNING & ZONING COMMISSION
WEDNESDAY, September 28, 2016
COUNCIL CHAMBERS
450 S. PARISH AVE.**

1. **CALL TO ORDER:** *Chair Dowling opened the meeting at 7:00 pm*
2. **ROLL CALL:** *Present were Commissioners Tepper, Eady, Montez, Kingsolver, Dowling and Storms.*
3. **PUBLIC COMMENTS REGARDING ITEMS NOT ON THE AGENDA:** *None*
4. **PUBLIC HEARINGS:**

A, Amendment to 2534 Design Guidelines Land Use Plan – Multi-Family (Continental Properties): *Chair Dowling opened the public hearing at 7:05pm. Town Planner Franklin introduced the item and presented the staff recommendation. The applicant's representative Eric Gumm, Land Planner for Continental Properties presented the request and answered questions.*

Commissioner questions:

- *There will be the irrigation pond with water and a separate detention pond? (Yes)*
- *Thank you for holding a meeting with the Thompson Crossing neighborhood.*

Public Comment:

Ryan Schaeffer, Chrisland Real Estate and member of the 2534 Design Review Committee spoke in favor of the application.

Chair Dowling Closed the hearing at 7:45 pm and invited discussion and a motion. Motion by Commissioner Kingsolver, seconded by Commissioner Montez to recommend approval of the Amendment to the 2534 Design Guidelines to Change the Land Use Designation on a portion of Lots 1 & 2, Block 9, 2534 Subdivision 9th Filing, from C. Light Industrial, Office, Flex and Retail uses to B.2 Office, Flex, Retail and Multi-Family, and to Change the Land Use Designation of Lots 4 and 5, 2534 Filing No. 12 from C. Light Industrial, Flex, Office and Retail to B.1 Office, Flex and Retail Uses, with conditions, as follows:

1. *The development of the adjoining private open space into a quality amenity shall be concurrent with the development of the multi-family project.*
2. *The quality of the overall project including architecture and amenities shall be equal or better than the representations provided with the request, including use of stucco and stone/brick.*
3. *Potential impacts of the proposed multi-family such as parking lots and drives, and site lighting on the nearby single family neighborhoods will need to be considered in the final design.*

The vote was unanimous.

5. NEW BUSINESS:

A. Approval of Minutes of July 27, 2016: *Motion by Commissioner Kingsolver, seconded by Commissioner Storms to approve the Minutes as presented. Unanimous.*

B. Weld County Referrals: None

6. STAFF REPORT: *Town Planner Franklin discussed the following:*

A. Recent Town Council Actions (Attachment)

B. Applications in Review (Attachment)

C. Project and Program Updates

7. COMMISSIONERS' ITEMS:

8. ADJOURN: *Chair Dowling adjourned the meeting at 8:10 pm.*

Respectfully submitted by John Franklin, Secretary.

**STAFF REPORT
TO
PLANNING AND ZONING
COMMISSION**

AGENDA MEMORANDUM

TO: Johnstown Planning and Zoning Commission
FROM: John Franklin, AICP, Town Planner
DATE: For September 28, 2016
SUBJECT: Public Hearing Regarding an Amendment to the 2534 Design Guidelines to Change the Land Use Designation of Lots 1 & 2, Block 9, 2534 Subdivision 9th Filing, from C. Light Industrial, Office, Flex and Retail uses to B.2 Office, Flex, Retail and Multi-Family, and; Change the Land Use Designation of Lots 4 and 5, 2534 Filing No. 12 from C. Light Industrial, Flex, Office and Retail to B.1 Office, Flex and Retail Uses

Property Information

Applicant: Continental Properties

Owner: The Gerrard Family Limited Partnership

Location: South of Ronald Reagan Blvd. and east of Larimer Parkway

Property Size: 12.8±acres

Comprehensive Plan Designation: Commercial

Current Zoning: PUD-MU

Current Use(s) of Property: Vacant

Surrounding Land Uses/Zoning:

- North: Ronald Reagan Blvd., Medical Offices/PUD-MU
- South: Vacant, Great Western Railroad, Thompson Crossing II; PUD-MU Residential
- East: Private Open Space, Vacant/PUD-MU - Office, Flex and Retail
- West: Larimer Parkway, Vacant/PUD-MU - Future Flex

Summary of Application: The owners of the property, along with the prospective developer Continental Properties have requested Town approval of an amendment to the 2534 Design Guidelines Proposed Land Use Plan. The amendment would allow Multi-Family Residential, a Principal Use as described in Section 1.4.1, and Residential Accessory uses as described in Section 1.4.2 of the Guidelines to be designated for Lots 1 & 2, Block 9, 2534 Subdivision, 9th Filing which is currently designated for Office, Flex and Retail Uses. The applicant proposes to construct approximately 212 apartments of similar or better quality as the nearby Gateway Apartments. The applicant further proposes to develop the adjoining private open

space to the east as a quality, private ‘corporate park’ area with concrete paths, landscaping, benches and picnic pavilion.

A companion amendment removes ‘Light Industrial’ as a designated use from vacant properties to the east. This amendment removes the possibility of a more intense and potentially incompatible development near this residential development.

Prior Actions: The overall 2534 Design Guidelines were amended in 2008 to allow Outdoor Recreation Uses (Boondocks Family Fun Center), in 2013 for the Liberty Arms Institute gun range use and to allow the Gateway Apartments and in early 2016 to allow Gateway Apartments Phase II.

Existing and Proposed Land Use(s): The property is presently vacant, and the proposal is for a Multi-Family and accessory uses in the southeast corner of Ronald Reagan Blvd. and Larimer Parkway.

Design Guidelines: The 2534 Design Guidelines will apply.

Technical Analysis

Relationship to Town Vision and Strategic Plan: “Ensure a balance of housing types.” The Johnstown Comprehensive Area Plan designates higher density residential development around and outside of commercial areas, to provide a full range of housing opportunities and to provide for a transition to single family residential development. Multi-Family and single family residential were envisioned in the southern portion of the 2534 development.

The 2534 development is envisioned by the Town Council as a major contributor to the local economy, with a large proportion of the property designated for retail and the on-going generation of sales tax revenue. The first land use plan amendment for multi-family included a market review and assessment of the economic impact of this change, and offered that the additional residential will generate retail customers and not seriously impact the overall commercial growth or prospective sales tax revenue of the development.

Public Health and Safety Impacts: No special public health and safety impacts are noted. The development of the adjoining open space with the multi-family development will afford a positive health benefit for residents and employees of 2534.

Access and Traffic: Primary access to the site will be from Ronald Reagan Blvd. (Arterial). Traffic management and access points are subject to Town Traffic Engineer review and recommendations at Final Site Development Plan, prior to development.

Utilities: The property is within the Town's service area. Sanitary sewer will be treated at the Low Point Wastewater Treatment Plant. Stormwater is to be collected, detained in the private, regional detention facility and then directed towards the Big Thompson River. A stormwater development fee has been paid for the site at time of plat. Due to the change in land use, water and sewer pipe capacities will need to be confirmed.

Mineral Interests and Operations: There are no oil/gas wells or production facilities approved for the site.

Parks and Open Space: On-site, and adjoining private recreation amenities and landscaped common areas are anticipated. Sidewalk access is required.

Schools: The property is located within the Thompson School District. A school bus stop may be needed.

Architectural Design: High quality design and materials are required/anticipated. A preliminary concept design is provided. Final design review will be by the owners group (DRC) and Town Staff (JRC) in accordance with the 2534 Design Guidelines. Town staff favors stucco and stone/brick. The developer is experienced in providing high-finish multi-family developments.

Landscaping: Landscaping shall comply with Johnstown Landscape Standards and Specifications, and 2534 Design Guidelines.

Fencing and Screening: Not known – subject to Final Development Plan. The Great Western Railroad tracks adjoin the development to the south and should be screened and fenced.

Lighting and Street Furniture: Not known – subject to Final Development Plan.

Signage: Signage shall conform the Town Sign Code.

Phasing: The property will be developed in one or more phases.

Attachments: Written request narrative, concept plan.

Crucial Referral Responses: None

Staff Report

Technical Findings:

- The proposed Multi-Family use and related accessory uses are currently listed in the 2534 Design Guidelines.
- The introduction of quality higher density residential in a mixed use development is consistent with other mixed use development plans in the Town.
- Architecture, site plan, civil engineering and traffic movements will be submitted for review as part of the required Final PUD development Plan process described in the 2534 Guidelines. Town staff does not support use of siding on the buildings.
- The proposed apartments are near the high-quality Thompson Crossing and Thompson Crossing II single family neighborhoods. Potential impacts of the proposed multi-family such as screening of parking lots and site lighting will need to be considered in the final design.

Staff Recommendation:

Staff recommends approval of the Amendment to the 2534 Design Guidelines to Change the Land Use Designation on a portion of Lots 1 & 2, Block 9, 2534 Subdivision 9th Filing, from C. Light Industrial, Office, Flex and Retail uses to B.2 Office, Flex, Retail and Multi-Family, and to Change the Land Use Designation of Lots 4 and 5, 2534 Filing No. 12 from C. Light Industrial, Flex, Office and Retail to B.1 Office, Flex and Retail Uses, with conditions, as follows:

1. The development of the adjoining private open space into a quality amenity shall be concurrent with the development of the multi-family project.
2. The quality of the overall project including architecture and amenities shall be equal or better than the representations provided with the request, including use of stucco and stone/brick.
3. Potential impacts of the proposed multi-family such as parking lots and drives, and site lighting on the nearby single family neighborhoods will need to be considered in the final design.

Planning Commission Action

1. Recommendation:

“I move that the Commission recommend approval of the Amendment to 2534 Design Guidelines to Change the Land Use Designation on a portion of Lots 1 & 2, Block 9, 2534 Subdivision 9th Filing, from C. Light Industrial, Office, Flex and Retail uses to B.2 Office, Flex, Retail and Multi-Family, and to Change the Land Use Designation of Lots 4 and 5, 2534 Filing No. 12 from C. Light Industrial, Flex, Office and Retail to B.1 Office, Flex and Retail Uses.”

Or,

2. Recommendation with Conditions:

“I move that the Commission recommend approval of the Amendment to 2534 Design Guidelines to Change the Land Use Designation on a portion of Lots 1 & 2, Block 9, 2534 Subdivision 9th Filing, from C. Light Industrial, Office, Flex and Retail uses to B.2 Office, Flex, Retail and Multi-Family, and to Change the Land Use Designation of Lots 4 and 5, 2534 Filing No. 12 from C. Light Industrial, Flex, Office and Retail to B.1 Office, Flex and Retail Uses with the following condition(s):

- a) _____;
- b) Etc.”

Or,

3. Recommend denial:

“I move that the Commission recommend denial of the Amendment to 2534 Design Guidelines to Change the Land Use Designation on a portion of Lots 1 & 2, Block 9, 2534 Subdivision 9th Filing, from C. Light Industrial, Office, Flex and Retail uses to B.2 Office, Flex, Retail and Multi-Family, and to Change the Land Use Designation of Lots 4 and 5, 2534 Filing No. 12 from C. Light Industrial, Flex, Office and Retail to B.1 Office, Flex and Retail Uses for the following reasons:

- a) _____;
- b) _____;
- c) Etc.”

APPLICATION



Continental 389 Fund LLC ("Continental") is proposing an upscale 212-unit multifamily apartment community on the southeast corner of Larimer Parkway and Ronald Reagan Boulevard. The proposed community would be located within the 2534 development in Johnstown, CO and will be known as the Springs at 2534 ("Springs"). The Springs will be an upscale, market rate community consisting of ten residential buildings with a mixture of studio, 1-, 2-, and 3-bedroom units on 12.78 acres. Below are a few project highlights:

- The Springs will support local businesses, retailers, and employers through increased foot traffic due to its close proximity to existing users. The Springs provides pedestrians and users with a vibrant live, work, play lifestyle option.
- The Springs will provide an upscale, quality, and unique rental opportunity within the 2534 development. The community features 2-story apartment buildings with durable exterior materials including stone masonry and stucco panels. Private, ground-level, direct access entries into each unit create the exterior appearance and feel of a townhouse. The community will also include a tenant clubhouse, resort-style pool, car care area, pet playground, and attached/detached garages.
- The design of the Springs community lends itself well to promoting a very walkable community and promotes a "know your neighbor" design and mentality that strengthens community character and promotes resident interaction through abundant open space, common courtyards, and amenities for tenants.
- The park improvements proposed by the Thompson Crossing Metro District ("Metro District") will provide the 2534 development with quality open space for active and passive recreation and will provide a quality amenity for the public and surrounding offices, retailers, and Springs community.

In anticipation of our scheduled Town Council meeting on December 5th, 2016, we wanted to reach out with a few comments we had on the staff report. Our comments as follows:

- The first condition to the report states that the construction of the adjoining private open space into a quality amenity shall be concurrent with the development of the multi-family project. We understand that the Metro District will be the applicant for the park improvement plans. Said plans will be designed and submitted separate and apart from Continental's proposed Springs development. The Metro District will be responsible for the construction of the park improvements. Any and all permits pertaining to Continental's proposed multifamily development should not be held contingent to a separate party's construction of the park improvements. The Metro District will post a letter of credit for the park improvements as surety that the work will be completed in an appropriate timeframe.
- The second condition states that the quality of the overall project shall be equal or better than the representations provided with the request. While Continental is still proposing the use of stone masonry and stucco panels, the proposed multifamily development should be subject to the quality and standards represented in the 2534 DRC submittal materials and plans and submittal materials approved by the 2534 DRC.



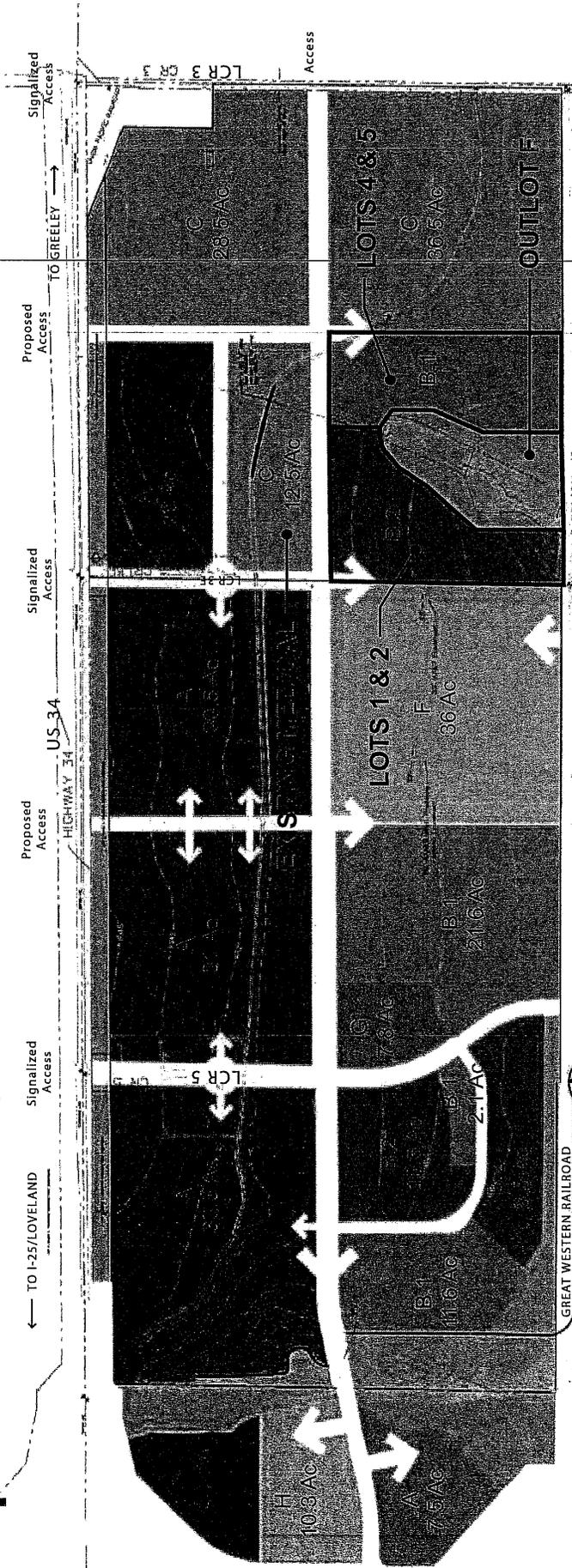
I look forward to presenting this project to the Town Council in early December. Please feel free to reach out with any additional questions that you may have before the scheduled hearing.

Thank you,

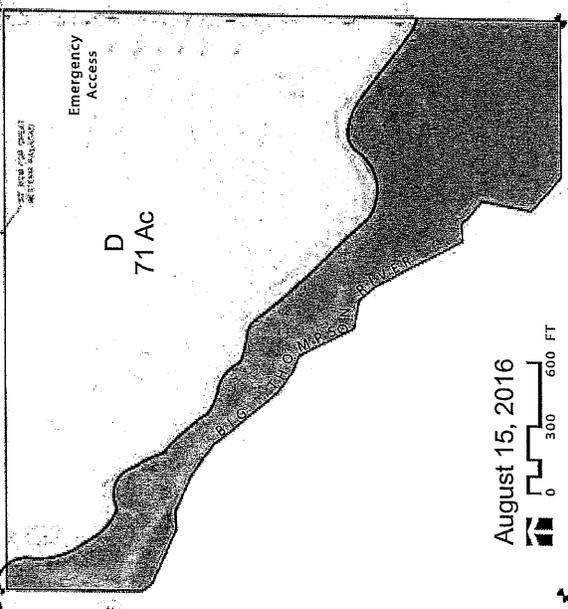
A handwritten signature in black ink that reads "Eric Gumm". The signature is written in a cursive style with a large, prominent "E" and "G".

Eric Gumm
Development Associate
Continental Properties Company, Inc.
(262) 532-9332

Proposed Land Use Plan

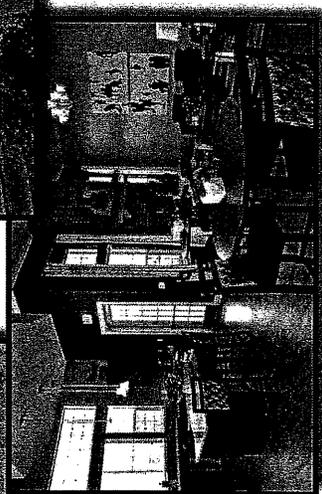
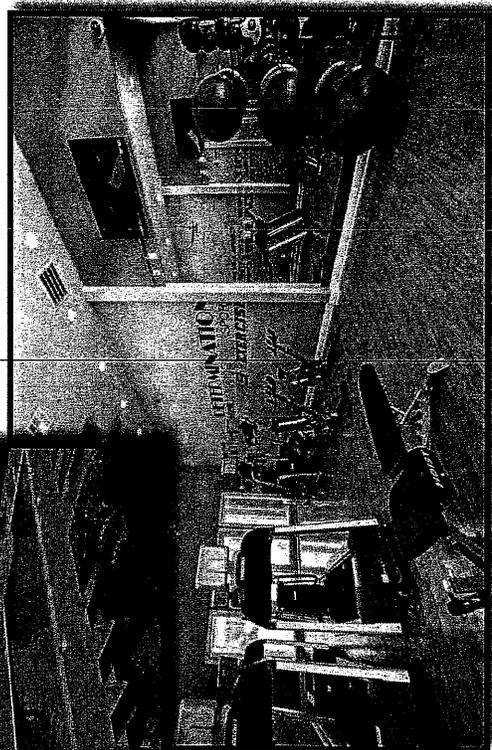
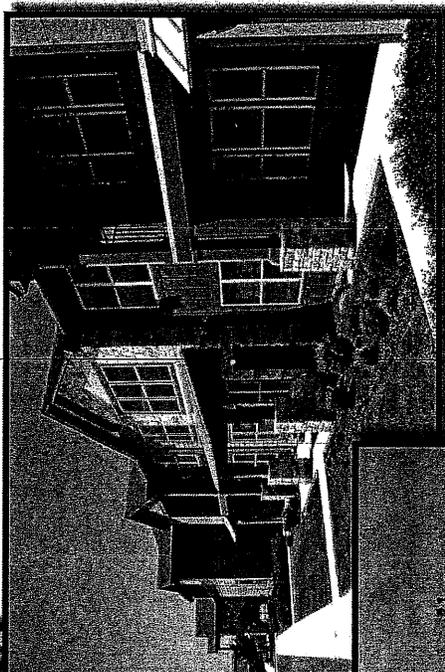
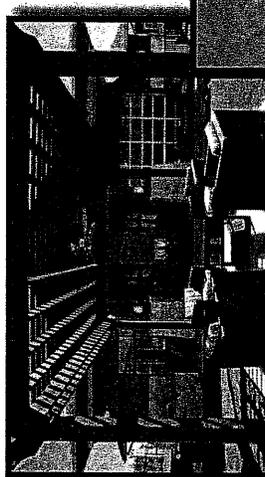


- A: Retail and Office
- B.1: Office, Flex and Retail
- B.2: Office, Flex, Retail, and Multi Family Residential
- C: Light Industrial, Flex, Office and Retail
- D: Residential
- E: Open Space
- F: Future/Flexible Use
- G: Gun Store and Related Accessory Uses
- H: Retail and Outdoor and Indoor Family Entertainment

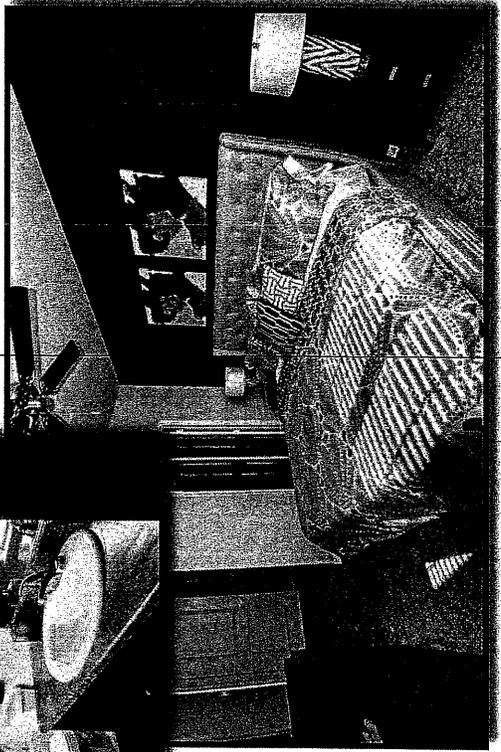
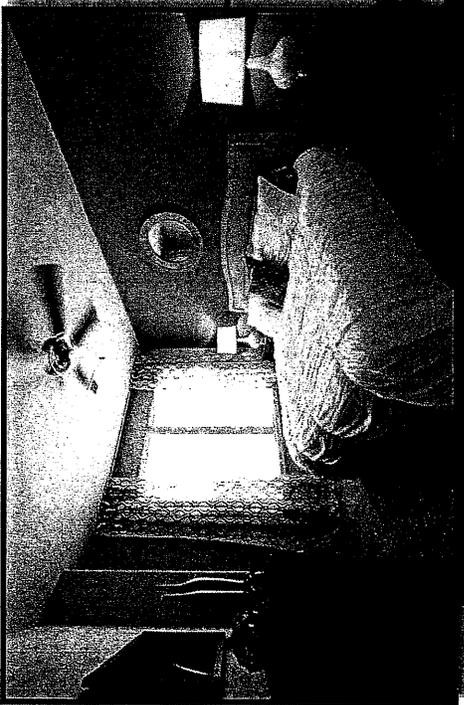
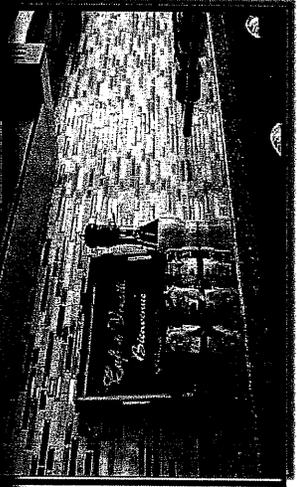
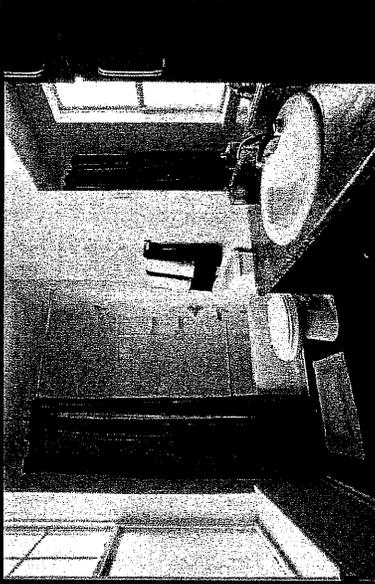
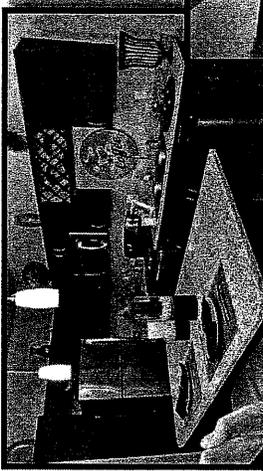


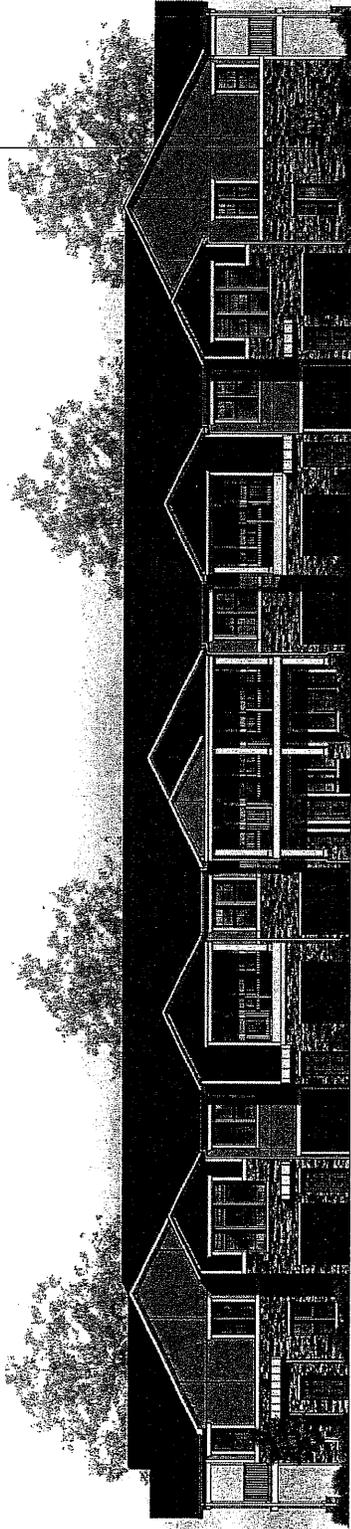
August 15, 2016

SPRINGS[®] *apartments*

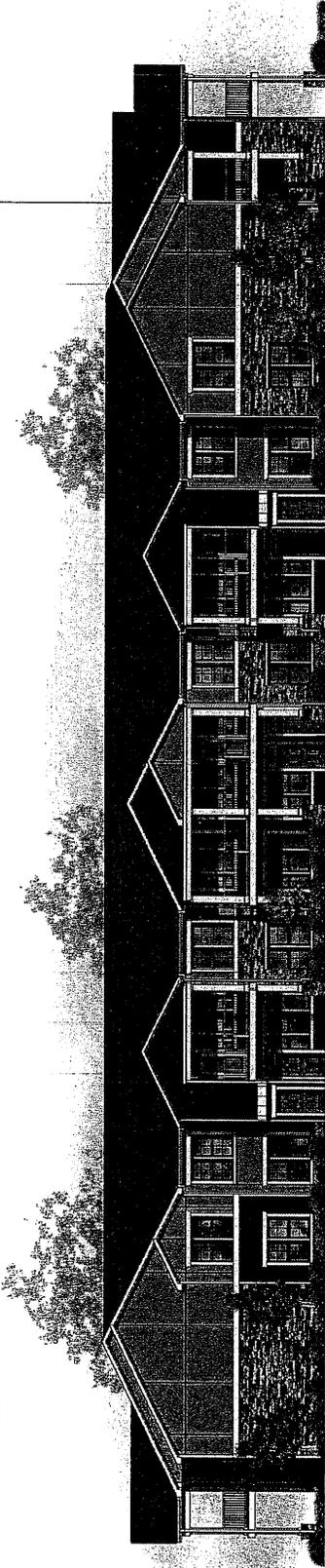
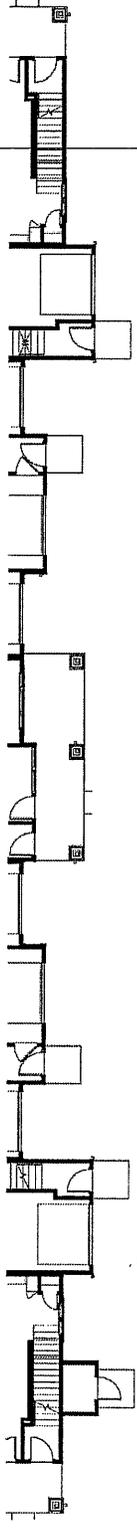


SPRINGS[®] *apartments*

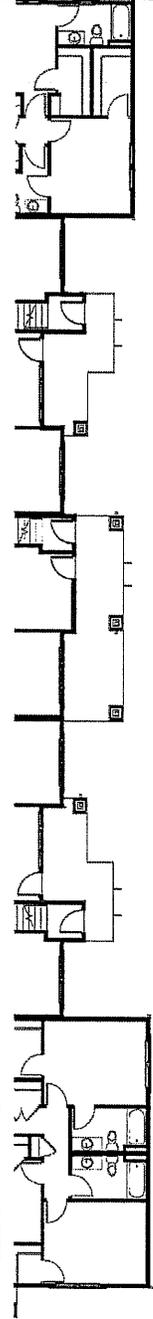




Front Elevation
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Rear Elevation
SCALE: 1/8" = 1'-0"



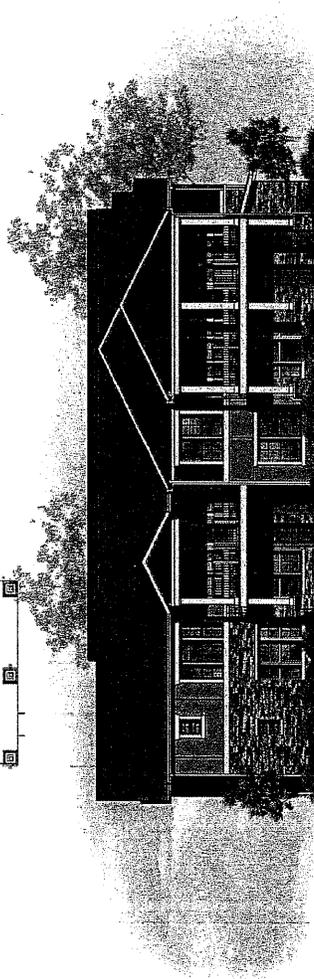
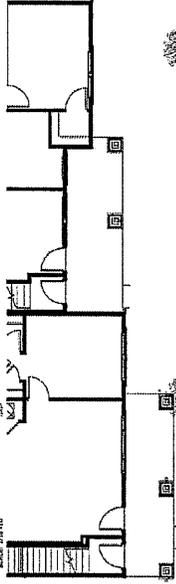
BUILDING B20
06-24-2016

YOU ARE HERE

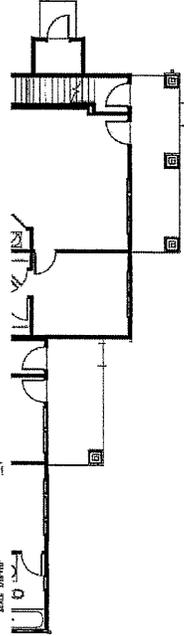
CONTINENTAL
PROPERTIES



Right Elevation

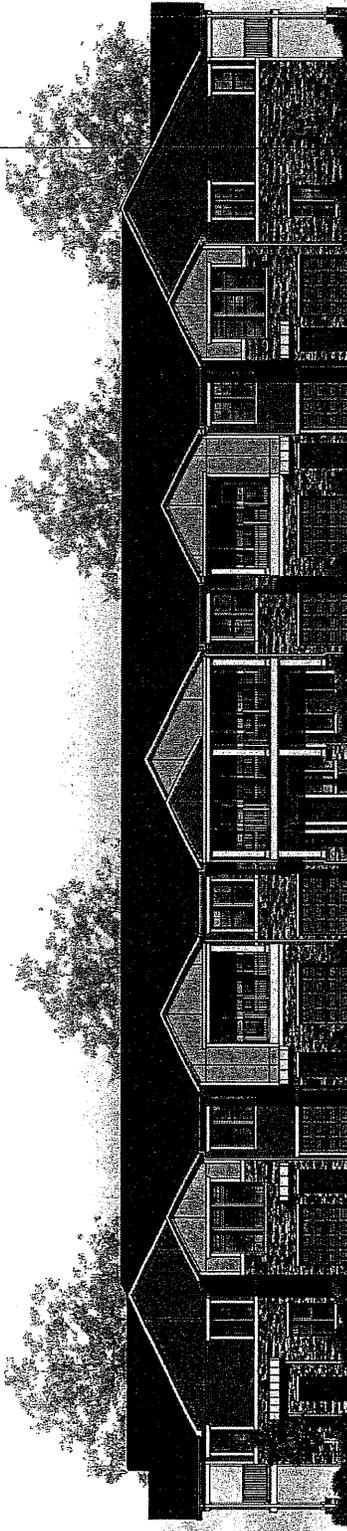


Left Elevation



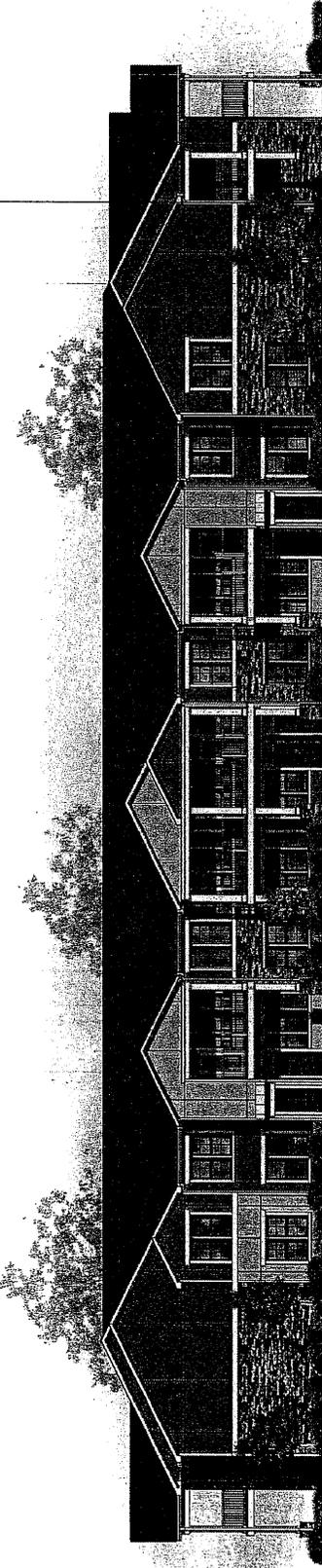
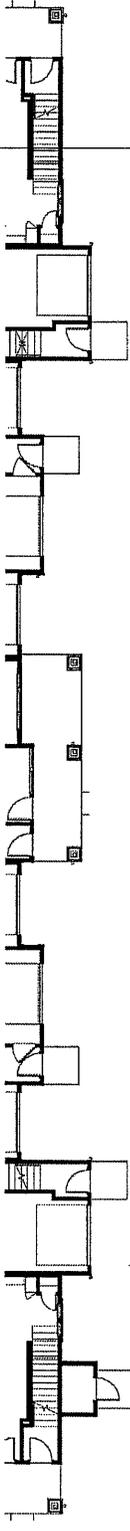
BUILDING B20
06-24-2016

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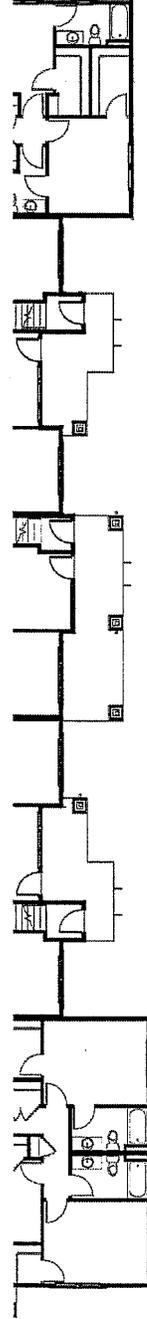
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Rear Elevation

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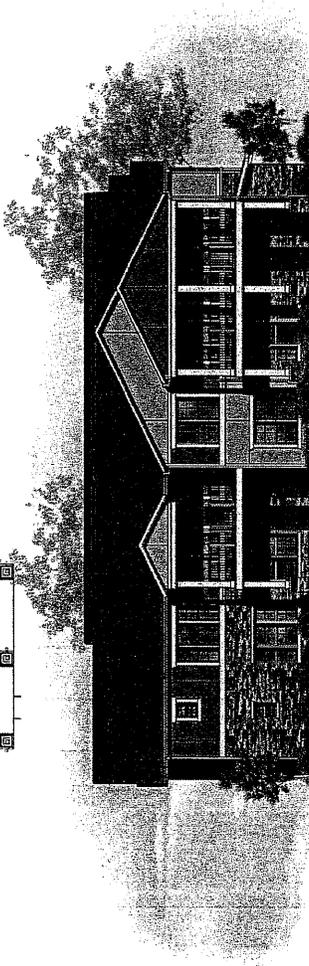
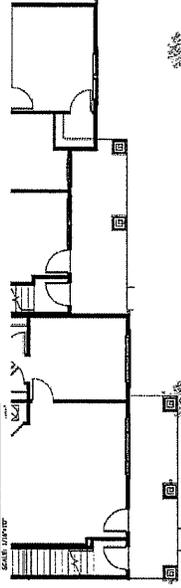
BUILDING B20
06-24-2016

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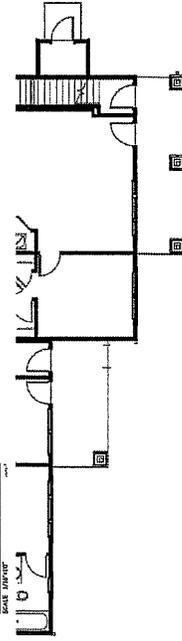
CONTINENTAL
PROPERTIES



Right Elevation

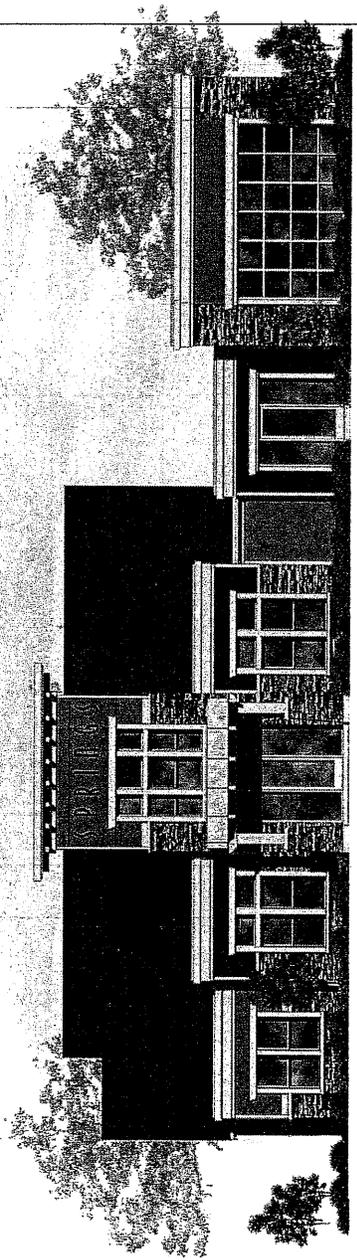


Left Elevation

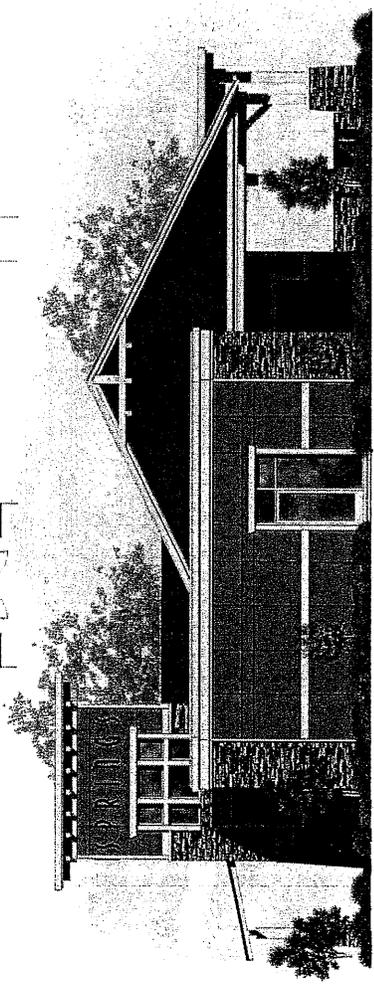
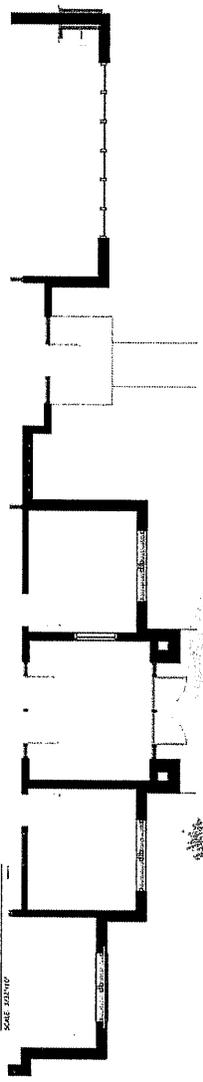


BUILDING B20
06-24-2016

YOU ARE HERE



Front Elevation
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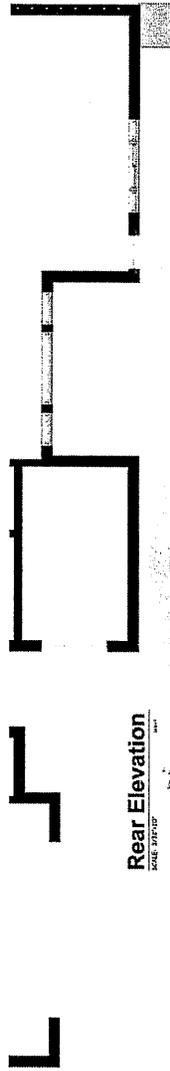
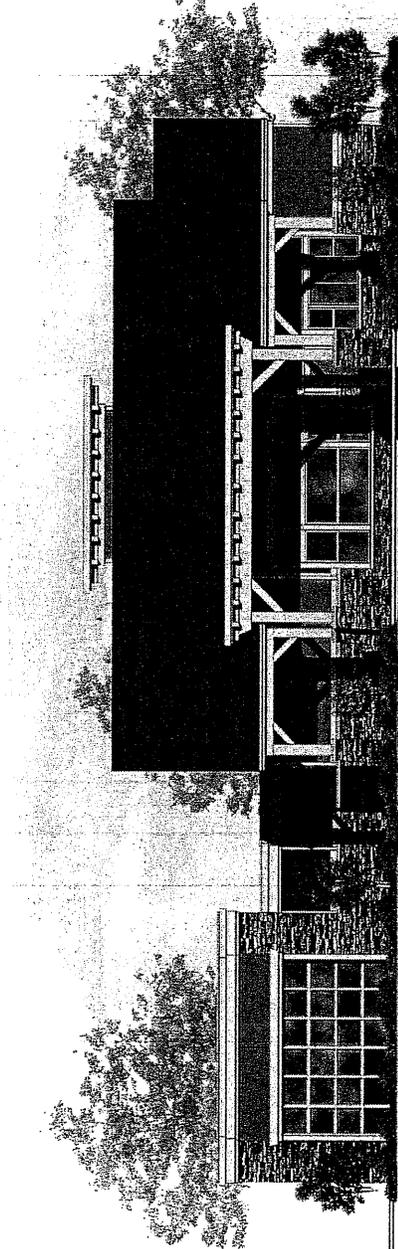


Right Side Elevation
Scale: 1/8" = 1'-0"

CLUBHOUSE
4340 SQ. FT
06-24-2016

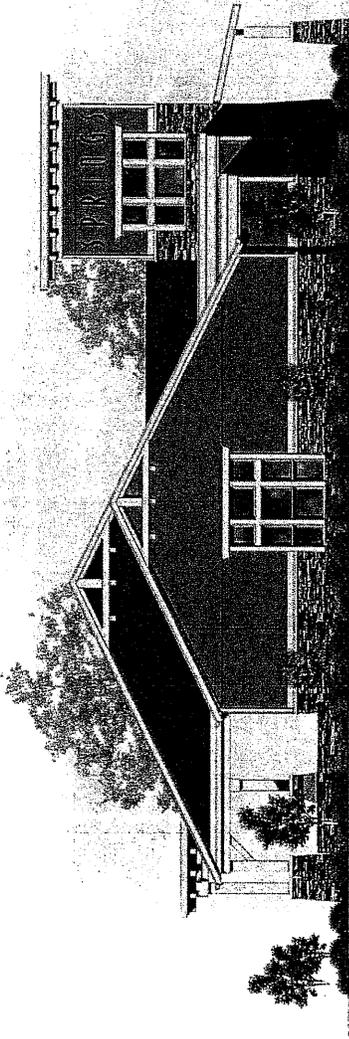
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CONTINENTAL
PROPERTIES



Rear Elevation

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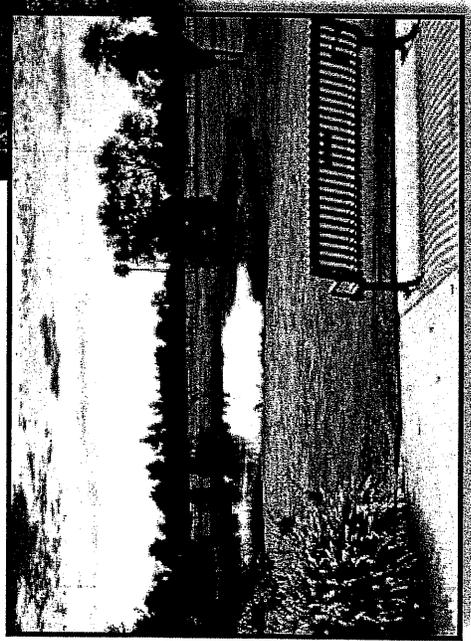
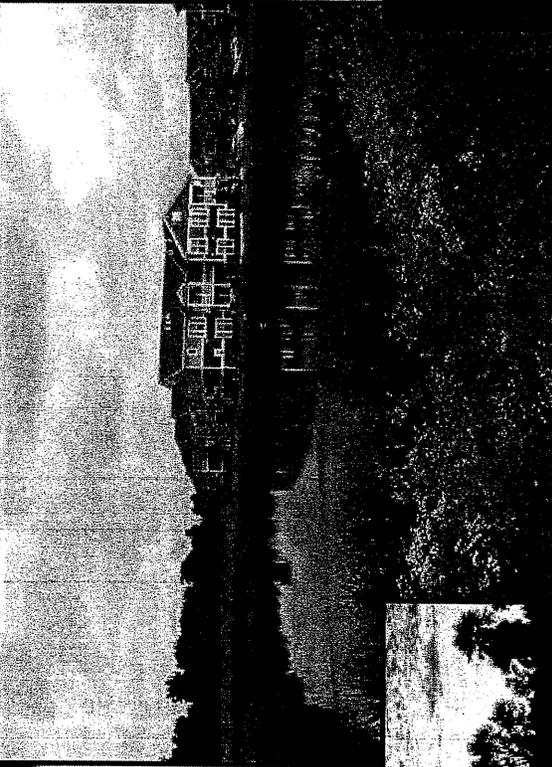
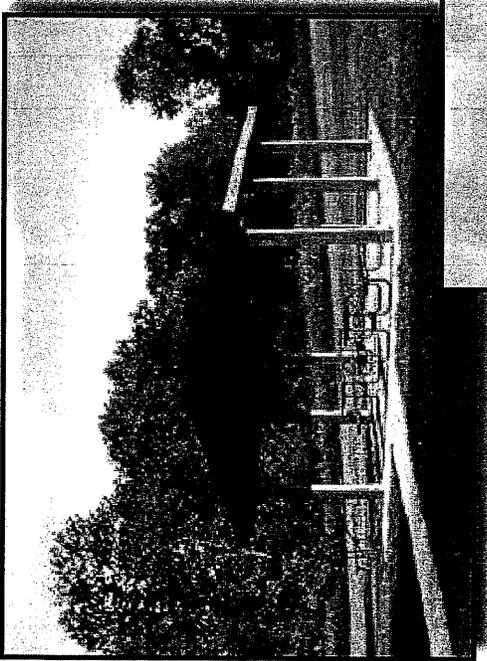
Left Side Elevation

SCALE 3/8"=1'-0"



CLUBHOUSE
4340 SQ FT
06-24-2016

PARK IMPROVEMENT CONCEPT PHOTOS





August 17, 2016

John Franklin

Town of Johnstown
450 S. Parish Avenue
Johnstown, CO. 80534

RE: Proposed Amendment to the 2534 Design Guidelines

Dear John:

The 2534 Design Review Committee (DRC) has approved a proposed amendment to the 2534 Design Guidelines. This amendment includes the following parcels:

1. Lot 1, Block 9, 2534 Filing No. 9
2. Lot 2, Block 9, 2534 Filing No. 9
3. Lot 4, 2534 Filing No. 12
4. Lot 5, 2534 Filing No. 12

The proposed amendment includes a Land Use change from Designation "C" to Designation B.1 and B.2 as reflected on the amended **Proposed Land Use Plan** in the attached document.

Please note the date on the attached edition of the **2534 Design Guidelines** has been updated to August 15, 2016.

If you have any comments or require additional information, please feel free to contact me at (970) 800-3301.

GALLOWAY & COMPANY, INC.

A handwritten signature in black ink that reads "Robert Van Uffelen". The signature is written in a cursive, flowing style.

Robert Van Uffelen
Sr. Civil Engineering Project Manager
Loveland Office Manager

AGENDA ITEM 9E

**CHANGE
OF OWNERSHIP
(Johnstown Liquor)
(*Continued Public Hearing)**

*PUBLIC HEARING PROCEDURE – Change of Ownership of Johnstown Liquor, Inc.

Relevant inquiry: Moral Character of the Applicant.

See attached Liquor Regulation 47-310 containing a non-exclusive list of items a liquor licensing authority may consider in determining character.

1. Ask for a motion to re-open the public hearing.
2. Receive information from staff.
3. Receive information from applicant.
4. ***If information from parties in interest relates to the new testimony presented by the applicant and would otherwise be useful to Council***, receive information from “parties in interest.”
5. Additional questions from Council, if any.
6. Close the public hearing. (*No more questions from Council.*)
7. Discussion and deliberation among Council.
8. Make a decision and/or motion from Council.

SUGGESTED MOTIONS

For Approval:

I move 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.

For Denial:

I move to deny approval of the change of ownership of Johnstown Liquor, Inc. for liquor licensing purposes to Mr. Arnold Martinez.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 5, 2016

ITEM NUMBER: 9E

SUBJECT: *Continued Public Hearing: Report of Change of Ownership of Johnstown Liquor, Inc.

ACTION PROPOSED: Consider Report of Change of Ownership of Johnstown Liquor, Inc.

PRESENTED BY: Town Attorney, Town Clerk and Chief of Police

AGENDA ITEM DESCRIPTION: On November 7, 2016, Town Council held two public hearings 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. At the conclusion of the hearings, Town Council passed motions in favor of the applicant's requests. 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. On November 21, 2016, Town Council granted the request to re-open the public hearing to December 5, 2016. The continued public hearing was re-noticed.

At the commencement of the continued public hearing, a councilmember should move to reopen the public hearing.

Once the hearing is reopened for the purpose of taking evidence, Council may ask to hear from the applicant, who should be sworn before testifying.

Town Council is not required to allow parties-in-interest to provide additional testimony, but may do so if, in its discretion, testimony from others would provide useful evidence related only to the new evidence presented by the applicant.

To refresh Town Council's recollection, a copy of the prior council communication is included herewith.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Consider Report of Change of Ownership of Johnstown Liquor, Inc.

SUGGESTED MOTION:

For Approval: I move 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.

For Denial: I move to deny approval of the change of ownership of Johnstown Liquor, Inc. for liquor licensing purposes to Mr. Arnold Martinez.

Reviewed:


Town Manager

Regulation 47-309. Sports and Entertainment Venues.

- A. This regulation shall apply to licensees at facilities owned by a municipality, county, or special district, or at publicly or privately owned sports and entertainment venue with a minimum seating capacity of one thousand five hundred (1,500) seats.
- B. Licensees authorized to sell alcohol beverages in these venues may sell or provide alcohol beverages in sealed containers to adult occupants of areas within the licensed premises that have limited public access.
- C. Licensees are otherwise responsible for any violations of the Colorado Liquor Code within such limited public access areas and shall not prevent inspection of the premises by any law enforcement official.
- D. The licensee shall not allow any person to bring alcohol beverages onto the licensed premises that were not purchased from the licensee, or allow any person to leave the licensed premises with a container of alcohol beverage that was purchased from the licensee.

Regulation 47-310. Application - General Provisions.

- A. All applications for state licenses for the manufacture or sale of alcohol beverages shall be made upon forms prescribed by the Department of Revenue, Liquor Enforcement Division. No application will be considered which is not complete in every material detail, nor which is not accompanied by a remittance in full for the whole amount of the annual state license fee, and eighty five percent of the local license fee. Each application for a new retail license shall contain a report of the local licensing authority of the town, city, county, or city and county, in which the applicant proposes to conduct its business, which report shall show the opinion of the local licensing authority concerning the reasonable requirements of the neighborhood and the desires of the adult inhabitants with respect to the issuance of the license applied for and the character of a new applicant.
- B. If the applicant for a license is a partnership, except as between a husband and wife, it shall submit with the application a certificate of co-partnership.
- C. Upon request of any licensing authority, each applicant for license shall provide suitable additional evidence of its citizenship, residence, and good character and reputation, and also of the reasonable requirements of the neighborhood and the desires of the adult inhabitants. Applicants and licensees shall also submit upon request of any licensing authority all required information concerning financial and management associations and interests of other persons in the business, and the deed, lease, contract, or other document governing the terms and conditions of occupancy of the premises licensed or proposed to be licensed.
- D. All information submitted to any licensing authority, by application for license or otherwise, shall be given fully, faithfully, truthfully and fairly.
- E. When a licensing authority is required to make a determination as to the character, record and reputation of existing licensees or applicants for new licenses, including transfers of ownership of existing licenses, the authority may consider the following factors, which may include but not be limited to the following:
 - 1. Subject to 24-5-101, C.R.S., the applicant or licensee has knowingly submitted false applications, made willful misrepresentations and/or knowingly committed fraudulent acts;
 - 2. The applicant or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, murder, burglary, robbery, arson, kidnapping, sexual assault, illegal drugs or narcotics convictions;
 - 3. The applicant or licensee has had previous alcohol beverage licenses denied or revoked as a result of violations of law, resulting in a finding of bad moral character by any licensing authority;

4. The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes, and record of such tax delinquency has been filed in a court having jurisdiction, or has been made a public record by some other lawful means;
 5. The applicant or licensee has an established pattern of multiple statutory violations which resulted in the revocation or denial of any other professional license, leading to the finding of bad moral character by any licensing authority.
- F. Pursuant to 24-5-101, C.R.S., when making a determination as to the character, record or reputation of a licensee or applicant as required by title 12, articles 46, 47 and 48, the licensing authority shall also consider evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal history record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction.
- G. When considering whether the applicant for a special event permit is of good moral character and record, the state or local licensing authority shall determine, at a minimum, whether the applicant failed to conduct past special events in compliance with applicable liquor laws. Officers of the organization or of a political candidate making application shall not be required to submit individual history applications and fingerprint cards unless the state or local licensing authority determines that such information is necessary to establish the good moral character of the applicant.

Regulation 47-312. Change of Location.

- A. When a licensee for the manufacture or sale of alcohol beverages desires to change the location of its licensed premises from that named in an existing license, it shall make application to the applicable licensing authorities for permission to change location to the place where such license is to be exercised, except that an application for change of location shall not be required for the demolition and reconstruction of the building in which the original licensed premises was located.
- B. Applications to change location shall be made upon forms prepared by the state licensing authority and shall be complete in every detail. Each such application shall state the reason for such change, and in case of a retail license, shall be supported by evidence that the proposed change will not conflict with the desires of the adult inhabitants and the reasonable requirements of the neighborhood in the vicinity of the new location. An application to change the location of a retail license shall contain a report of the local licensing authority of the town, city, county, or city and county in which the license is to be exercised. Such report shall describe the findings of the local licensing authority concerning the reasonable requirements of the neighborhood and the desires of the adult inhabitants with respect to the new location, except that in the change of location for a club license, the needs of the neighborhood need not be considered. When a licensee is required by lease, lease renewal, condemnation, or reconstruction to move its licensed premises to a new address that is located within the same shopping center, campus, fairground, or similar retail center, the local or state licensing authority may, at its discretion, waive the neighborhood needs and desires assessment requirements should it determine that the new location remains within the same neighborhood as the old location.
- C. For retail licenses, no change of location shall be permitted until the state licensing authority has, after approval of the local licensing authority, considered the application and such additional information as they may require, and approved of such change. The licensee shall, within sixty (60) days of approval, change the location of its licensed premises to the place specified therein. Once at the new location, the licensee shall no longer conduct the manufacture or sale of alcohol beverages at the former location. A local licensing authority may, at its discretion, extend the time to change the location of the licensed premises, for good cause shown. However, no extension that is beyond twelve (12) months from the original date of approval shall be granted.
- D. For those licensees not subject to approval by the local licensing authority, no change of location shall be permitted until the state licensing authority has considered the application and such additional information as it may require, and approved of such change. The licensee shall, within sixty (60) days of approval, change the location of its

**PRIOR COUNCIL
COMMUNICATION**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 7, 2016

ITEM NUMBER: 9C

SUBJECT: *Public Hearing: Report of Change of Ownership of Johnstown Liquor, Inc.

ACTION PROPOSED: Consider Report of Change of Ownership of Johnstown Liquor, Inc.

PRESENTED BY: Town Attorney, Town Clerk and Chief of Police

AGENDA ITEM DESCRIPTION: Johnstown Liquor, Inc. (the “Licensee”) holds Liquor License No. 14-72739-0000. Benjamin Fisher is the sole officer of the Licensee and the only person authorized to exercise the privileges associated with the Liquor License. Based on a series of alleged violations of the Colorado liquor code and rules, the Department of Revenue commenced an investigation of Ben Fisher. The alleged violations also implicate Alan Hershey, the prior holder of the license who is currently in jail, and Renee Molinar, his girlfriend. Alan Hershey’s uncle, Robert Hershey, owns the building where the liquor store is located.

On or about July 25, 2016, the Department of Revenue entered into a Stipulation, Agreement and Final Agency Order (“Stipulation”) with Mr. Fisher. The Stipulation required that, within 60 days, Mr. Fisher either surrender the Liquor License or “initiate a transfer of retail liquor store license 14-72739-0000 to a third party, completely and wholly independent of Licensee, Fisher, Molinar, Hershey, and who otherwise meets the approval of the state and local licensing authorities.”

Within the 60 day period, Ben Fisher entered into a stock purchase agreement with Arnold Martinez, transferring 100% of the stock of Johnstown Liquor, Inc. on the condition that 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 application for a change of location is a separately-scheduled agenda item). The Department of Revenue advised that the transfer of the stock ownership to Mr. Martinez satisfied the provision of the Stipulation requiring the Licensee to “initiate a transfer of retail liquor store ... to a third party, completely and wholly independent of Licensee.”

Per the Stipulation and the liquor code, Mr. Martinez must “meet the approval of the state and local licensing authorities” to hold the privileges associated with the liquor license. The license fees have been paid and the hearing was properly noticed. The remaining inquiry is whether Mr. Martinez is of “good moral character” to hold the liquor license.

C.R.S. § 12-47-307(1)(a)(II) provides that no liquor license shall be issued to or held by “any person who is not of good moral character.”

Subsection (3)(a) provides that the local licensing authority shall have access to an applicant’s criminal history and, if the licensing authority takes into consideration information concerning the applicant’s criminal history record, “the local licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant’s last criminal conviction and the consideration of the application for a license.” C.R.S. § 12-47-307(3)(a).

C.R.S. § 12-47-307(1)(b)(I) further provides that, in making a determination as to character or when considering the conviction of a crime, a licensing authority shall be governed by the provisions of C.R.S. § 24-5-101. In turn, C.R.S. § 24-5-101 provides that:

Whenever any . . . local agency is required to make a finding that an applicant for a license . . . is a person of good moral character as a condition to the issuance thereof, the fact that such applicant has, at some time prior thereto, been convicted of a felony or other offense involving moral turpitude, and pertinent circumstances connected with such conviction, shall be given consideration in determining whether, in fact, the applicant is a person of good moral character at the time of the application. The intent of this section is to expand employment opportunities for persons who, notwithstanding that fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

In short then, the local licensing authority may consider an applicant's past criminal convictions, but must also consider the pertinent circumstances of the conviction with a general presumption of expanding employment opportunities for individuals who have been rehabilitated.

The Town Council acts as the local licensing authority and is responsible for reviewing and issuing liquor licenses, for determining the moral character of an applicant and for permitting a transfer of ownership of the liquor license.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Consider Report of Change of Ownership of Johnstown Liquor, Inc.

SUGGESTED MOTION:

For Approval: I move 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.

For Denial: I move to deny approval of the change of ownership of Johnstown Liquor, Inc. to Mr. Arnold Martinez.

Reviewed:


Town Manager

**APPLICATION
CHANGE OF OWNERSHIP**

**CORPORATION, LIMITED LIABILITY
 COMPANY AND PARTNERSHIP
 Liquor and 3.2 Beer Licenses**

(2355) LLC/PARTNERSHIP
 (2350) CORPORATION

SEE INSTRUCTIONS AND
 FEE SCHEDULE ON PAGE 2

1. Corporate/L.L.C./Partnership Name Johnstown Liquor, Inc.		2. State Tax Account Number 26802931-0000		3. State Liquor License Number 14727390000	
4. Trade Name Johnstown Liquors				5. Telephone Number 970-587-2929	
6. Address of Licensed Premises 21 S. Parish Ave.		City Johnstown		State CO	ZIP Code 80534
7. Mailing Address if different than above		City		State	ZIP Code

8. LIST ALL officers, directors (corporation) or Managing Members (L.L.C.) or General Partner(s). Each Officer, Director, Managing Member or Partner MUST FILL OUT a DR 8404-I (Individual History Record).

Position Held	Names	Home Address	DOB	Replaces
Pres.	Arnold Martinez	1325 42nd Ave. Greeley CO 80634	11/11/57	Benjamin Fisher
Secy.				
Treas.				
Director				

9. LIST ALL 10% (or more) Stockholders or 10% (or more) Members or 10% (or more) Limited Partners. Each person listed Must Fill out a DR 8404-I (Individual History Record)

Stockholders/Members/Partners owning 10% (or more) of business	% Owned	Home Address	DOB	Replaces
Arnold Martinez	100%	1325 42nd Ave Greeley CO 80634	11/11/57	Benjamin Fisher

10. Registered Agent Arnold Martinez	Address For Service 21 S Parish Ave Johnstown CO 80634
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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.

11. Authorized Signature <i>Arnold Martinez</i>	Title President	Date 9/20/2016
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REPORT OF LOCAL LICENSING AUTHORITY
 The foregoing changes have been received and examined by the Local Licensing Authority.

12. Local Licensing Authority For County Town/City

Signature	Title	Date
Attest		Date

DO NOT WRITE IN THIS SPACE – FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

License Account Number	Period	Cash Fund	TOTAL
		-100 (999)	

INDIVIDUAL HISTORY RECORD
MR. ARNOLD MARTINEZ

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.** (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business Johnstown Liquor, Inc.	Home Phone Number (970) 302-4050	Cellular Number (970) 302-4050
2. Your Full Name (last, first, middle) Martinez Arnold Larry	3. List any other names you have used N/A	
4. Mailing address (if different from residence)	Email Address	

5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)

Street and Number	City, State, Zip	From	To
Current 1325 42nd Ave.	Greeley CO 80634	03/01/15	<i>Pres.</i>
Previous 2220 Mountain Lane	Greeley CO 80634	07/01/92	03/01/15

6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)

Name of Employer or Business	Address (Street, Number, City, State, Zip)	Position Held	From	To
Gordons Liquor Mart	2521 11th Ave Greeley CO 80634	Manager	06/01/07	09/17/16

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

Name of Relative	Relationship to You	Position Held	Name of Licensee
Teresa Martinez	Wife	Owner, President	Gordons Liquor Mart Greeley
Brandon Martinez	Son	Onsite Manager	Gordons Liquor Mart Greeley

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) Yes No

Previous Part owner of Gordons Liquor Mart 6/2007 to 2008
 Previous Onsite Manager Gordons Liquor Mart 6/2007 to 09/17/2016

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No

Plead Guilty to 2nd Degree Felony Assault April 1979, Weld County CO, 6 month work release sentence and 5 years probation completed, and released from probation early

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

a. Date of Birth	b. Social Security Number	c. Place of Birth	d. U.S. Citizen
		Alamosa CO	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. If Naturalized, state where	f. When	g. Name of District Court	
h. Naturalization Certificate Number	i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number
l. Height	m. Weight	n. Hair Color	o. Eye Color
5'9"	220 lb	brown	brown
			p. Gender
			M
			q. Race
			H
			r. Do you have a current Driver's License/ID? If so, give number and state.
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No # _____ State Colorado

14. Financial Information. Up to a total of \$542,500.00 including Gift up to \$60,000
 a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ initial \$10,000 plus approximate \$482,500 due to Seller upon approval of Stock transfer

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid up to \$542,500
 * If corporate investment only please skip to and complete section (d)
 ** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
Cash	Checking	Chase	\$10,000.00
Cash/Gift from Teresa Martinez	Checking	Cache Bank	up to \$60,000.00

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
Benjamin Fisher		approx. 9 mo.*	UnSecured	\$482,500.00*
*Unsecured Promissory Note and are attached to this Application	Stock Purchase Agreement			
contingent upon approval of State and	additional payments are			
	Local Liquor Licensing			

Oath of Applicant

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

Authorized Signature <i>Arnold Martinez</i>	Print Signature Arnold Martinez	Title President	Date 09/20/16
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AFFIDAVIT OF GIFT AS SOURCE OF FUNDS AND NO INTERST IN LIQUOR LICENSE

I, Teresa Martinez, hereby verify that my checking account Acct. # 3023803 at Cash Bank and Trust Bank ("Personal Account") was or will be the source of up to \$60,000.00 that was or will be transferred to my Husband Arnold Martinez ("Gift") which will be part of his investment in Johnstown Liquors, Inc including expenses necessary for Johnstown Liquor, Inc to secure the Lease for its proposed new location of 257 Johnstown Center Drive Units 101, 102 & 103 ("Liquor License"). The investment is made by my husband as the sole Officer, Director, and Shareholder of Johnstown Liquors, Inc.. All funds from my Personal Account are provided to my husband, Arnold Martinez, solely by gift from Teresa Martinez to Arnold Martinez. This Gift is not a loan. There is no obligation to repay any of the Gift. I will have no direct or indirect interest in the Liquor License, including income, profits, nor secured interest in any assets of Johnstown Liquor, Inc. As the owner of a Colorado Retail Liquor Store, Gordon's Liquor Mart in Greeley, I acknowledge that I am prohibited from having a direct or indirect interest in another Colorado Retail Liquor Store and that I have no direct or indirect interest in Johnstown Liquor, Inc. as the result of the Gift

Further, Affiant sayeth naught.

Teresa Martinez
Teresa Martinez

STATE OF COLORADO)
)
COUNTY OF Weld) ss.

ERICA HALL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164036443
MY COMMISSION EXPIRES SEPT. 20, 2020

Subscribed and sworn to before me this 24th day of October, 2016, by Teresa Martinez.

Witness my official seal and hand.

E Hall
Notary Public

My commission expires: 9-20-20

**PERMIT APPLICATION
MANAGER REGISTRATION**

Permit Application and Report of Changes

Current License Number 14727390000
All Answers Must Be Printed in Black Ink or Typewritten
Local License Fee \$ _____

1. Applicant is a		Present License Number
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input type="checkbox"/> Limited Liability Company	14727390000	
2. Name of Licensee Johnstown Liquor, Inc.	3. Trade Name Johnstown Liquor	
4. Location Address 21 S Parish Ave.		
City Johnstown	County Weld	ZIP 80634

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
• License Account No. _____ <input checked="" type="checkbox"/> Manager's Registration (Hotel & Restr.).....\$75.00 <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 12-47-301(8), C.R.S.) NO FEE	<input type="checkbox"/> Retail Warehouse Storage Permit (ea).....\$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea)..... 100.00 <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) 50.00 <input type="checkbox"/> Change Location Permit (ea)..... 150.00 <input type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Related Facility to Resort Complex \$75.00 x _____ Total Fee _____
Section B – Duplicate License	
• Liquor License No. _____ <input type="checkbox"/> Duplicate License \$50.00	

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period

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 of Revenue may collect the payment amount directly from your bank account electronically.

TOTAL AMOUNT DUE	\$.00
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Change of Manager

8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 12-47-301(8).

(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only)
 Former manager's name Den Fisher
 New manager's name Arnold martinez

(b) Date of Employment 09/20/16
 Has manager ever managed a liquor licensed establishment?..... Yes No
 Does manager have a financial interest in any other liquor licensed establishment?..... Yes No
 If yes, give name and location of establishment Former manager and part owner Gordons Liquor Mart Greeley

Modify Premises or Addition of Optional Premises or Related Facility

9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility

NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed _____

(b) If the modification is temporary, when will the proposed change:
 Start _____ (mo/day/year) End _____ (mo/day/year)

NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00

(c) Will the proposed change result in the licensed premises now being located 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?
 (If yes, explain in detail and describe any exemptions that apply) Yes No

(d) Is the proposed change in compliance with local building and zoning laws? Yes No

(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes No

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification.

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge

Signature <u>Arnold Martinez</u>	Title President	Date 09/20/16
-------------------------------------	--------------------	------------------

Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. **Therefore, This Application is Approved.**

Local Licensing Authority (City or County)	Date filed with Local Authority
--	---------------------------------

Signature	Title	Date
-----------	-------	------

Report of STATE Licensing Authority

The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature	Title	Date
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**STIPULATION FROM
DEPARTMENT OF REVENUE**

**BEFORE THE EXECUTIVE DIRECTOR, DEPARTMENT OF
REVENUE
STATE OF COLORADO**

STIPULATION, AGREEMENT, AND FINAL AGENCY ORDER

IN THE MATTER OF:

**JOHNSTOWN LIQUOR, INC.
D/B/A JOHNSTOWN LIQUOR
21 SOUTH PARISH AVENUE
JOHNSTOWN, COLORADO 80534**

LICENSE NO. 14-72739-0000

The Colorado Department of Revenue, Liquor Enforcement Division ("Division") and Johnstown Liquor, Inc. d/b/a Johnstown Liquor ("Licensee"), having consulted with their respective counsel, stipulate and agree as follows:

1. Licensee has been the subject of an investigation conducted by the Division. Agents of the Division allege violations of the Colorado Liquor Code (Article 47 of Title 12, Colorado Revised Statutes) and the Colorado Liquor Rules (1 C.C.R. 203-2) including violations of §§ 12-47-301, 307(1)(a), 407(2), 901(1)(h)(I), C.R.S., and Regulation 47-310(D), and Regulation 47-408, 1 C.C.R. 203-2.

IT IS ALLEGED THAT:

- A. Benjamin O. Fisher ("Fisher"), the sole officer of Licensee and only person associated with this license permitted Renee Molinar ("Molinar") and/or Alan Timothy Hershey ("Hershey") to exercise the privileges of the license in violation of § 12-47-301(3)(a), C.R.S. and that the true owner of Licensee is not Fisher but Hershey and/or Molinar.
- B. Licensee failed to report to the State Licensing Authority a transfer or change of financial interest in the license representing Hershey and/or Molinar's ownership interest in Licensee to the state and local licensing authorities in violation of § 12-47-310(7), C.R.S.
- C. Licensee transferred ownership of the license to Hershey and/or Molinar in violation of § 12-47-303, C.R.S.

- D. Fisher, Molinar, and Hershey each are not of good moral character or satisfactory character, record, or reputation to the State Licensing Authority to hold a license pursuant to § 12-47-307(1)(a)(II), (V), and (VI), C.R.S.
- E. Licensee purchased alcohol beverages from persons not licensed to sell at wholesale in violation of § 12-47-901(5)(f), C.R.S. and Regulation 47-408, 1 C.C.R. 203-2.
- F. Fisher consumed malt, vinous, or spirituous liquor on the licensed premises in violation of § 12-47-901(1)(h)(I) and (III), C.R.S.
- G. Licensee failed to provide full and truthful information regarding ownership to the licensing authorities on its license application in violation of Regulation 47-310, 1 C.C.R. 203-2.
2. Licensee acknowledges receipt of sufficient notice, advisement of rights, and process of the proceedings and wishes to resolve all issues which were the subject of the investigation by entering into this Stipulation, Agreement, and Order ("Order").
3. The Division and Licensee have discussed the merits of the investigation and allegations, and they have come to a mutual agreement and understanding to jointly propose to the State Licensing Authority a resolution of the allegations in lieu of administrative proceedings including the issuance of an Order to Show Cause by the State Licensing Authority and conducting a hearing on the merits of the allegations.
4. The terms and conditions of this Order are subject to approval by the State Licensing Authority. It is the intent of the parties and the purpose of this Order to provide for settlement of all allegations set forth in Paragraph 1 without the necessity of formal administrative proceedings. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, express or implied, that modify, interpret, construe, or affect this Order. This Order does not resolve any other cases, complaints, or matters, known or unknown to the parties, as of the effective date of this Order.
5. Licensee understands and acknowledges the following:
- a. Licensee has the right to be represented by an attorney of Licensee's choice, and Licensee is so represented in this matter;
 - b. Licensee has the right to a formal disciplinary hearing pursuant to section 12-47-601, C.R.S.;

- c. By entering into this Order, Licensee is knowingly and voluntarily giving up the right to a hearing, does not contest the facts contained in this Order, and relieves the Division of its burden of proving such facts;
- d. Licensee is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence and to cross-examine witnesses who would testify on behalf of the Division; and
- e. Licensee is knowingly and voluntarily waiving the right to seek judicial review of this Order.

6. Without any admission of wrongdoing by Licensee, in order to expediently resolve the allegations in Paragraph 1 without the necessity of further proceedings, Licensee and the Division desire to enter this Order.

7. To resolve the alleged violations of the Colorado Liquor Code and Rules, Licensee agrees to:

- a. Within sixty (60) days of the date of this Order, Licensee shall initiate a transfer of retail liquor store license 14-72739-0000 to a third-party, completely and wholly independent of Licensee, Fisher, Molinar, and Hershey, and who otherwise meets the approval of the state and local licensing authorities;
- b. If a transfer of retail liquor store license 14-72739-0000 has not commenced within sixty (60) days of the date of this Order, Licensee shall execute an Affidavit of Surrender of State Liquor License No. 42-72739-0000 within ten (10) days and Licensee's right to transfer the license shall terminate;
- c. Benjamin O. Fisher agrees that for a period of three (3) years from the date this Order is approved by the state licensing authority, neither Licensee nor Benjamin O. Fisher will create any financial interest, directly or indirectly, in any entity making application for a Colorado liquor license; and, that Benjamin O. Fisher will not assist in the control of operations related to any liquor-licensed establishment nor act as a registered manager of any liquor-licensed establishment; notwithstanding the above, this provision shall not prevent Mr. Fisher from acting as an employee of a liquor licensed establishment so long as such employment is not in a managerial position.

8. Licensee acknowledges that any violation of this Order shall constitute a violation of the Colorado Liquor Code subject to discipline pursuant to section 12-47-601, C.R.S. If the Division has reasonable grounds to believe that Licensee has violated this Order, the Division may seek issuance of a Show Cause Order against Licensee from the State Licensing Authority or pursue any other legal remedy available to the State Licensing Authority.
9. If the Division makes a satisfactory showing through future investigation or otherwise, that Licensee has engaged in a violation of this Order, this Order shall be admissible as evidence in future proceedings concerning any alleged violation of this Order. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are unproven, then the Division shall take no further action and this Order shall remain operative and in full force and effect.
10. During the pendency of any action arising out of this Order, the obligations herein shall be in full force and effect and shall not be tolled.
11. This Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to section 12-47-601, C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the State Licensing Authority as set forth in sections 12-47-103(9)(b) and 12-47-601, C.R.S.
12. Licensee agrees that this Order is intended for the sole purpose of settling the allegations herein without further administrative or court action, and nothing herein shall be used in any other proceeding, civil, criminal, or administrative, except that the Division may use this Order for the reasons and in the manner provided in this Order, or for the purpose of enforcing this Order.
13. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon.
14. Licensee acknowledges that it understands the legal consequences of this Order, enters into this Order voluntarily, and agrees that no term or condition of this Order is unconscionable. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed and the remainder of this Order shall be given full force and effect.
15. All of the costs and expenses incurred by Licensee to comply with this Order shall be the sole responsibility of the Licensee, and shall not in any way be the obligation of the Division.

16. This Order shall be effective on the date approved and ordered by the Executive Director of the Department of Revenue, as the State Licensing Authority.

17. Upon approval and order of the State Licensing Authority, this Order shall become a permanent part of the record, and shall be open to public inspection and published pursuant to the Division's standard policies and procedures or applicable law.

Patrick Maroney
Patrick Maroney
Director
Colorado Liquor Enforcement Division

07-19-16
Date

By: Ben Fisher
Benjamin O. Fisher for
Johnstown Liquor, Inc.

7-18-16
Date

Approved as to form:

Lynda Atkins
Lynda Atkins, #39363
Assistant Attorney General
Counsel for the Department of Revenue
Liquor Enforcement Division

7/19/16
Date

Douglas Richards
Douglas Richards, # 42148
Richards Carrington
Attorney for Johnstown Liquor, Inc. and
Benjamin O. Fisher

7/15/16
Date

Approved and Ordered this 25th day of July, 2016

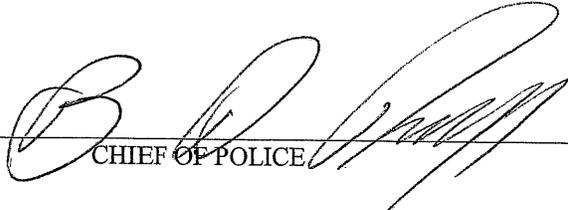
Barbara J. Brohl
Barbara J. Brohl
Executive Director
Department of Revenue, State Licensing Authority

POLICE REPORT

TOWN OF JOHNSTOWN POLICE DEPARTMENT

Information 3.2% Beer or Liquor Application

- Name and address of Applicant} Arnold Martinez
1325 42nd Avenue
Greeley, CO 80634
1. Trade Name and Address} Johnstown Liquor, Inc.
21 S. Parish Avenue
Johnstown, CO 80534
2. Date of Application: 09/20/2016
3. Type of Application: Retail Liquor Store
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
5. Evidence of Public Notice
A. Posting of Premises} Posted October 27, 2016
B. Legal Publication } Johnstown Breeze October 27, 2016
6. Investigation: Police Department Case#}
A. Applicant has made application for a Change of Ownership .
B. Background Investigation: Applicant submitted an Individual History Record and a background check was done.
8. Findings of fact:
A. The required fees were submitted.
B. It is my recommendation the Change of Ownership be approved.



CHIEF OF POLICE

10/27/16

DATE

AGENDA ITEM 9F

**CHANGE OF LOCATION PERMIT
AND
TEMPORARY MODIFICATION OF
PREMISES**

(Johnstown Liquor)

(*Continued Public Hearing)

*PUBLIC HEARING PROCEDURE – Change of Location of Premises for Johnstown Liquor, Inc.

Relevant inquiry for permanent change of location: Reasonable requirements of the neighborhood, the desires of the adult inhabitants of the neighborhood and the number, type and availability of alcoholic beverage outlets located in or near the neighborhood under consideration.

1. Ask for a motion to re-open the public hearing.
2. Receive information from staff.
3. Receive information from applicant.
4. ***If information from parties in interest relates to the new testimony presented by the applicant and would otherwise be useful to Council***, receive information from “parties in interest.”
5. Additional questions from Council, if any.
6. Close the public hearing. (*No more questions from Council.*)
7. Discussion and deliberation among Council.
8. Make a decision and/or motion from Council.

SUGGESTED MOTIONS

For Approval: I move to approve the Application for Change of Location Permit for Johnstown Liquor, Inc.

For Denial: I move to deny approval of the Application for Change of Location Permit for Johnstown Liquor, Inc.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 5, 2016

ITEM NUMBER: 9F

SUBJECT: *Continued Public Hearing: Change of Location Permit and Temporary Modification of Premises for Johnstown Liquor, Inc.

ACTION PROPOSED: Consider Application for Change of Location Permit and Application for Temporary Modification of Premises for Johnstown Liquor, Inc.

PRESENTED BY: Town Attorney, Town Clerk and Chief of Police

AGENDA ITEM DESCRIPTION: On November 7, 2016, Town Council held two public hearings 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. At the conclusion of the hearings, Town Council passed motions in favor of the applicant's requests. 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. On November 21, 2016, Town Council granted the request to re-open the public hearing to December 5, 2016. The continued public hearing was re-noticed.

In addition to the request for a permanent change of location, the prior hearing involved the applicant's request for a temporary modification of the premises. This hearing does not involve that issue.

At the commencement of the continued public hearing, a councilmember should move to reopen the public hearing.

Once the hearing is reopened for the purpose of taking evidence, Council may ask to hear from the applicant, who should be sworn before testifying.

Council is not required to allow parties-in-interest to provide additional testimony, but may do so if, in Council's discretion, testimony from others would provide useful evidence related only to the new evidence presented by the applicant.

To refresh Council's recollection, a copy of the prior council communication is included herewith.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Consider Application for Change of Location Permit for Johnstown Liquor, Inc.

SUGGESTED MOTIONS:

For Approval: I move to approve the Application for Change of Location Permit for Johnstown Liquor, Inc.

For Denial: I move to deny approval of the Application for Change of Location Permit for Johnstown Liquor, Inc.

Reviewed:


Town Manager

**PRIOR COUNCIL
COMMUNICATION**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 7, 2016

ITEM NUMBER: 9D

SUBJECT: *Public Hearing: Change of Location Permit and Temporary Modification of Premises for Johnstown Liquor, Inc.

ACTION PROPOSED: Consider Application for Change of Location Permit and Application for Temporary Modification of Premises for Johnstown Liquor, Inc.

PRESENTED BY: Town Attorney, Town Clerk and Chief of Police

AGENDA ITEM DESCRIPTION: Johnstown Liquor, Inc. holds 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.

With respect to both applications, Johnstown Liquor, Inc. paid the required fees and notice was properly published and posted.

Application to Permanently Change Location of Premises

Town Council acts as the local licensing authority and, in determining whether to permit a change of location of the premises, is required to consider the reasonable requirements of the neighborhood, the desires of the adult inhabitants and the number, type and availability of alcoholic beverage outlets located in or near the neighborhood under consideration. C.R.S. § 12-47-312(2)(a). The applicant is also required to state the reason for the change. Liquor Regulation 47-312. The applicant has conducted a survey of the neighborhood and intends to present those results during the public hearing.

If approved, the lease for the new premises commences on December 1, 2016.

Application for a Temporary Modification of Premises

The owner of the current premises, Mr. Robert Hershey (uncle of Alan Hershey, a previous holder of the liquor license), 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.

The applicant applied to the Colorado Department of Revenue and received a Retail Warehouse Storage Permit to store the wine and distilled spirits during the construction. The state-issued permit does not authorize remote storage of malt beverages. To store the beer during the construction period, the applicant desires a temporary modification of the premises, for the period from November 8, 2016 to December 31, 2016, to place a storage shed on the north east corner of the building. The owner of the property upon which the storage shed would be placed consents to the temporary placement of the shed.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Consider Application for Change of Location Permit for Johnstown Liquor, Inc. and Application for Temporary Modification of Premises

SUGGESTED MOTIONS:

Application to Permanently Change Location of Premises

For Approval: I move to approve the Application for Change of Location Permit for Johnstown Liquor, Inc.

For Denial: I move to deny approval of the Application for Change of Location Permit for Johnstown Liquor, Inc.

Application for a Temporary Modification of Premises

For Approval: I move to approve the Application for a Temporary Modification of Premises for Johnstown Liquor, Inc.

For Denial: I move to deny approval of the Application for a Temporary Modification of Premises for Johnstown Liquor, Inc.

Reviewed:


Town Manager

**PERMIT APPLICATION
CHANGE OF LOCATION**

FOR DEPARTMENT USE ONLY

PERMIT APPLICATION AND REPORT OF CHANGES

CURRENT LICENSE NUMBER 14727390000
 ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
 LOCAL LICENSE FEE \$ _____
 APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165

1. Applicant is a <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input type="checkbox"/> Limited Liability Company	PRESENT LICENSE NUMBER 14727390000
--	---------------------------------------

2. Name of Licensee Johnstown Liquor, Inc.	3. Trade Name Johnstown Liquor
---	-----------------------------------

4. Location Address 21 S Parish Ave.		
City Johnstown	County Weld	ZIP 80534

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
• License Account No. _____ 1983-750 (999) <input type="checkbox"/> Manager's Registration (Hotel & Restr.)..\$75.00 2012-750 (999) <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses) NO FEE	2210-100 (999) <input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00 2200-100 (999) <input type="checkbox"/> Wholesale Branch House Permit (ea).... 100.00 2260-100 (999) <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) .50.00 2230-100 (999) <input checked="" type="checkbox"/> Change Location Permit (ea)..... 150.00 2280-100 (999) <input type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____
Section B – Duplicate License	
• Liquor License No. _____ 2270-100 (999) <input type="checkbox"/> Duplicate License\$50.00	2220-100 (999) <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ 1988-100 (999) <input type="checkbox"/> Addition of Related Facility to Resort Complex \$75.00 x _____ Total Fee _____

DO NOT WRITE IN THIS SPACE – FOR DEPARTMENT OF REVENUE USE ONLY

DATE LICENSE ISSUED	LICENSE ACCOUNT NUMBER	PERIOD
-750 (999)	-100 (999)	TOTAL AMOUNT DUE \$ _____ .00

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 of Revenue may collect the payment amount directly from your bank account electronically.

STORAGE PERMIT

5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit

- Retail Warehouse Permit for:
 - On-Premises Licensee (Taverns, Restaurants etc.)
 - Off-Premises Licensee (Liquor stores)
- Wholesalers Branch House Permit

Address of storage premise: _____
 City _____, County _____, Zip _____

Attach a deed/ lease or rental agreement for the storage premises.
 Attach a detailed diagram of the storage premises.

CHANGE TRADE NAME OR CORPORATE NAME

6. Change of Trade Name or Corporation Name

- Change of Trade name / DBA only
- Corporate Name Change (Attach the following supporting documents)
 1. Certificate of Amendment filed with the Secretary of State, or
 2. Statement of Change filed with the Secretary of State, and
 3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

Old Trade Name	New Trade Name
Old Corporate Name	New Corporate Name

CHANGE OF LOCATION

7. Change of Location

NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 12-47-311 (1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.

Date filed with Local Authority September 26, 2016 Date of Hearing _____

(a) Address of current premises 21 S Parish Ave.
 City Johnstown County Weld Zip 80534

(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)
 Address 257 Johnstown Center Drive Units 101, 102 & 103
 City Johnstown County Weld Zip 80534

(c) New mailing address if applicable.
 Address 257 Johnstown Center Drive
 City Johnstown County Weld State CO Zip 80534

(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.

CHANGE OF MANAGER

8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.

(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)

Former manager's name _____

New manager's name _____

(b) Date of Employment _____

Has manager ever managed a liquor licensed establishment?..... Yes No

Does manager have a financial interest in any other liquor licensed establishment?..... Yes No

If yes, give name and location of establishment _____

MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY

9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility

NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed _____

(b) If the modification is temporary, when will the proposed change:

Start _____ (mo/day/year) End _____ (mo/day/year)

NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00

(c) Will the proposed change result in the licensed premises now being located 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?

(If yes, explain in detail and describe any exemptions that apply) Yes No

(d) Is the proposed change in compliance with local building and zoning laws?..... Yes No

(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises?

..... Yes No

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature <i>Cheryl Martens</i>	Title President	Date 9/26/2016
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY / COUNTY)

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

Local Licensing Authority (City or County)	Date filed with Local Authority
--	---------------------------------

Signature	Title	Date
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REPORT OF STATE LICENSING AUTHORITY

The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature	Title	Date
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MAP

SUMMARY

REPORTS

(Detailing results of petitions)

ESQUIRE PETITIONING SERVICES, LLC
Liquor Licensing Specialists
2792 South Race Street
Denver, Colorado 80210
Telephone: (303)331-8600
Facsimile: (303)331-9048
Email: kpietrs@comcast.net

October 31, 2016

To: Town of Johnstown City Council- Liquor Licensing Authority
Re: Summary report of petition circulation methods and results in the application for
A change of location of a Retail Liquor Store License

Applicant: Johnstown Liquor, Inc.
Trade Name: Johnstown Liquor
Current Location: 21 S. Parish Avenue
Proposed Location: 257 Johnstown Center Drive, Units 101, 102, 103
Johnstown, Colorado 80534

Methods:

1. The petition circulation was conducted under the control of Esquire Petitioning Services, L.L.C. ("Esquire").
2. Circulators were driven to the proposed site and became familiar with the Applicant's proposed location.
3. Petitions were pre-filed according to the Licensing Authority's local rules.
4. Esquire prepared all of the petition circulation materials. Each circulator carried a clipboard and petition packet consisting of the following: a. a map of the designated neighborhood with neighborhood boundaries outlined and the proposed location of the outlet denoted by an "X"; b. a petition cover sheet stating: the Applicant's name, the trade name, the proposed location, the type of license application, the qualifications for signing the petition and the information concerning the public hearing; c. signature sheets that provided eligible persons the opportunity to sign the petition in support of, or in opposition to, the application; and d. data sheets on which to record all responses by address.

5. The circulators were instructed as follows:
 - a. to state the petition being circulated concerned an application for a Change of Location of a Retail Liquor Store License for Johnstown Liquor, Inc., dba Johnstown Liquor;
 - b. to present the map of the designated neighborhood, state the Applicant's name, trade name and to describe the Applicant's location;
 - c. to review the qualifications for signing the petition and the petition issue;
 - d. to provide eligible persons the opportunity to sign the petition in support of, or in opposition of the application;
 - e. to witness all signatures; and
 - f. to record, by address, all responses on the data sheet.

RESULTS:

1. **Overview of Petition Results:**

Total door knocks:	415
Persons who signed the petition:	166
Persons who declined to sign the petition:	20
Ineligible contacts: (Younger than 21; non-resident; non-English speaking; Not a business owner or manager)	22
No answer to the door knock:	236

2. **Response of Eligible Contacts:**

	Totals:	Percentages
a. Signatures supporting issuance:		
Residents:	147	88.6 %
Business Owners/Managers:	19	11.4 %
TOTAL:	166	100 %
b. Signatures opposing issuance:		
Residents:	0	0.0 %
Business Owners/Managers:	0	0.0 %
TOTAL:	0	0.0 %

<u>TOTAL SIGNATURES</u>	166	100 %
--------------------------------	------------	--------------

c. Reasons Stated for Signing In Opposition to the License:

	Totals	% of people signing:
Does not drink alcohol:	0	0.0 %
Neutral:	0	0.0 %
Sufficient number of outlets:	0	0.0%
TOTAL:	0	0.0 %

d. Results analyzed on a needs and desires basis:

Signatures supporting the issuance of the license because the eligible contacts desired the license to issue because the existing outlets are not sufficient to meet the needs of the neighborhood.	166	100 %
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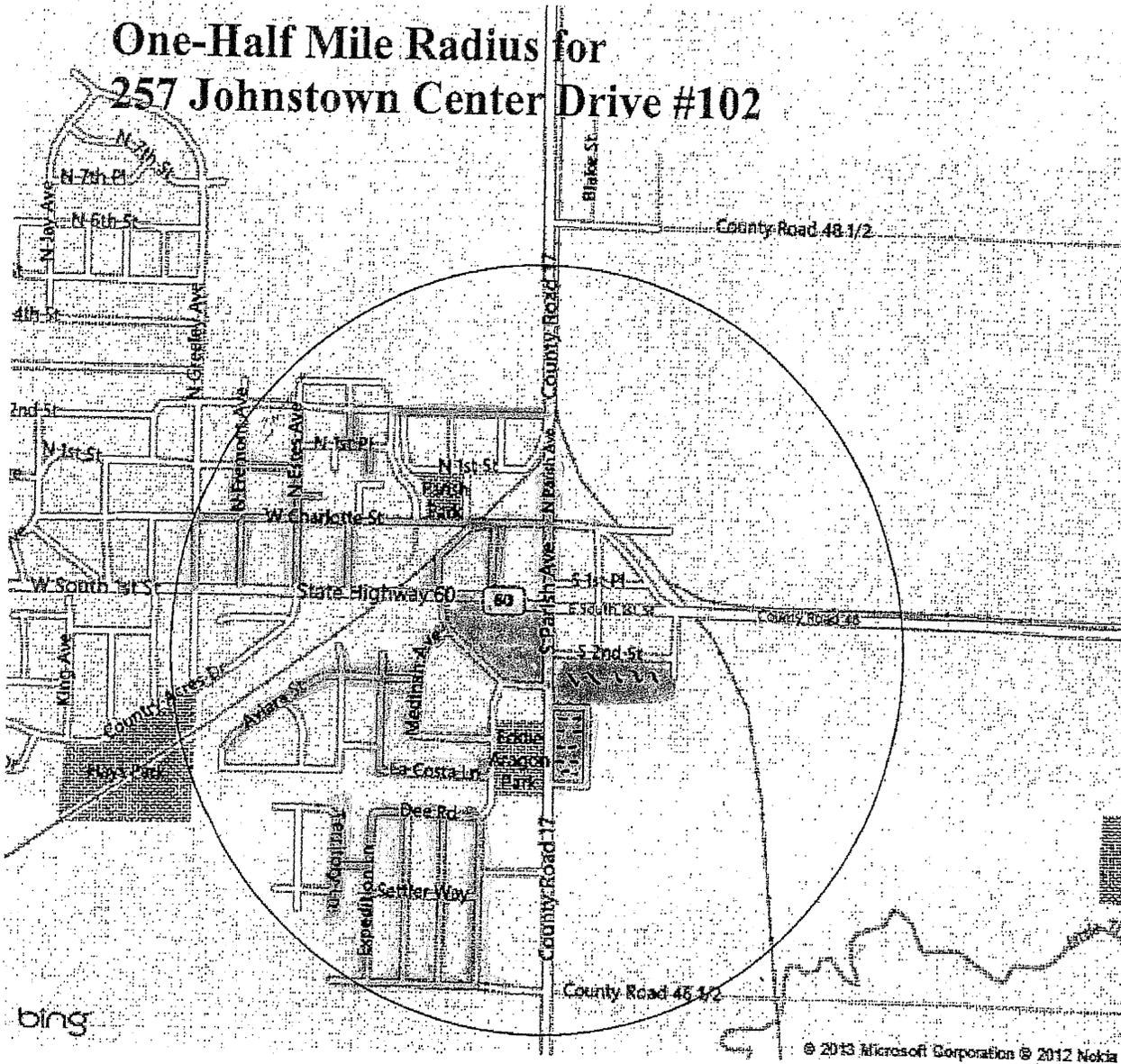
Signatures opposing the issuance of the license because the eligible contacts did not desire the license to issue because the existing outlets are sufficient to meet the needs of the neighborhood.	0	0.0 %
--	---	-------

Total:	166	100 %
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e. Reasons stated for declining to sign the petition

Preferred to remain neutral	1
No interest in application:	8
Does not drink alcohol:	2
Too busy to sign:	4
Against corporate policy:	0
Does not sign Petitions	1
Other:	4
TOTAL:	20

One-Half Mile Radius for 257 Johnstown Center Drive #102



Master Map

Residents
+
Business

**MAP OF THE DESIGNATED AREA CONCERNING A
CHANGE OF LOCATION OF A RETAIL LIQUOR STORE LICENSE**

Applicant: JOHNSTOWN LIQUOR, INC.
 Trade Name: JOHNSTOWN LIQUOR
 Current Location: 21 S. PARISH AVENUE
 Proposed Location: 257 JOHNSTOWN CENTER DR., UNITS 101, 102, 103
 JOHNSTOWN, COLORADO 80534

**PERMIT APPLICATION
TEMPORARY MODIFICATION
OF PREMISES**

Permit Application and Report of Changes

Current License Number 1427390000
All Answers Must Be Printed in Black Ink or Typewritten
Local License Fee \$ _____

1. Applicant is a		Present License Number
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input type="checkbox"/> Limited Liability Company		1427390000
2. Name of Licensee Johnstown Liquor, Inc.		3. Trade Name Johnstown Liquors
4. Location Address 21 S Parish Ave		
City Johnstown	County Weld	ZIP 80534

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
• License Account No. _____ <input type="checkbox"/> Manager's Registration (Hotel & Restr.).....\$75.00 <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 12-47-301(8), C.R.S.) NO FEE	<input type="checkbox"/> Retail Warehouse Storage Permit (ea).....\$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea) 100.00 <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) 50.00 <input type="checkbox"/> Change Location Permit (ea)..... 150.00 <input checked="" type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____
Section B – Duplicate License	
• Liquor License No. _____ <input type="checkbox"/> Duplicate License \$50.00	<input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Related Facility to Resort Complex \$75.00 x _____ Total Fee _____ <input type="checkbox"/> Tavern ConversionNo Fee

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period

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 of Revenue may collect the payment amount directly from your bank account electronically.

TOTAL AMOUNT DUE	\$.00
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Change of Manager	<p>8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 12-47-301(8).</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only)</p> <p>Former manager's name _____</p> <p>New manager's name _____</p> <p>(b) Date of Employment _____</p> <p>Has manager ever managed a liquor licensed establishment?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Does manager have a financial interest in any other liquor licensed establishment?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, give name and location of establishment _____</p>
 Modify Premises or Addition of Optional Premises or Related Facility	<p>9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility</p> <p>NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed <u>Temporary request to store Beer in storage Unit adjacent to the existing Premises</u></p> <p><u>Existing Premises are being repaired and landlord is requiring removal of all product during construction. Storage Unit is approximately 130 sq ft. Licensee has requested a change of location, if granted beer will be moved to new location</u></p> <p>(b) If the modification is temporary, when will the proposed change:</p> <p>Start <u>11/8/16</u> (mo/day/year) End <u>12/30/16</u> (mo/day/year)</p> <p>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</p> <p>(c) Will the proposed change result in the licensed premises now being located 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?</p> <p>(If yes, explain in detail and describe any exemptions that apply) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises. <u>Attached</u></p> <p>(g) Attach any existing lease that is revised due to the modification. <u>n/a</u></p>
Tavern Conversion	<p>10. Tavern Conversion</p> <p>(Note* Must be completed by August 10, 2017 as the Tavern conversion will no longer be permitted. Only Tavern licenses issued before August 10, 2016, that do not fit the definition of a tavern as defined in section 12-47-103(38), C.R.S. may convert to a different license type.) Please pick one of the following choices:</p> <p>(a) I wish to convert my existing Tavern Liquor License # _____ to a Lodging and Entertainment Liquor License?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(b) I wish to convert my existing Tavern Liquor License # _____ to a _____ Liquor License?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p>

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge

Signature

Arnold Martinez

Title

President

Date

10/24/16

Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. **Therefore, This Application is Approved.**

Local Licensing Authority (City or County)

Date filed with Local Authority

Signature

Title

Date

Report of STATE Licensing Authority

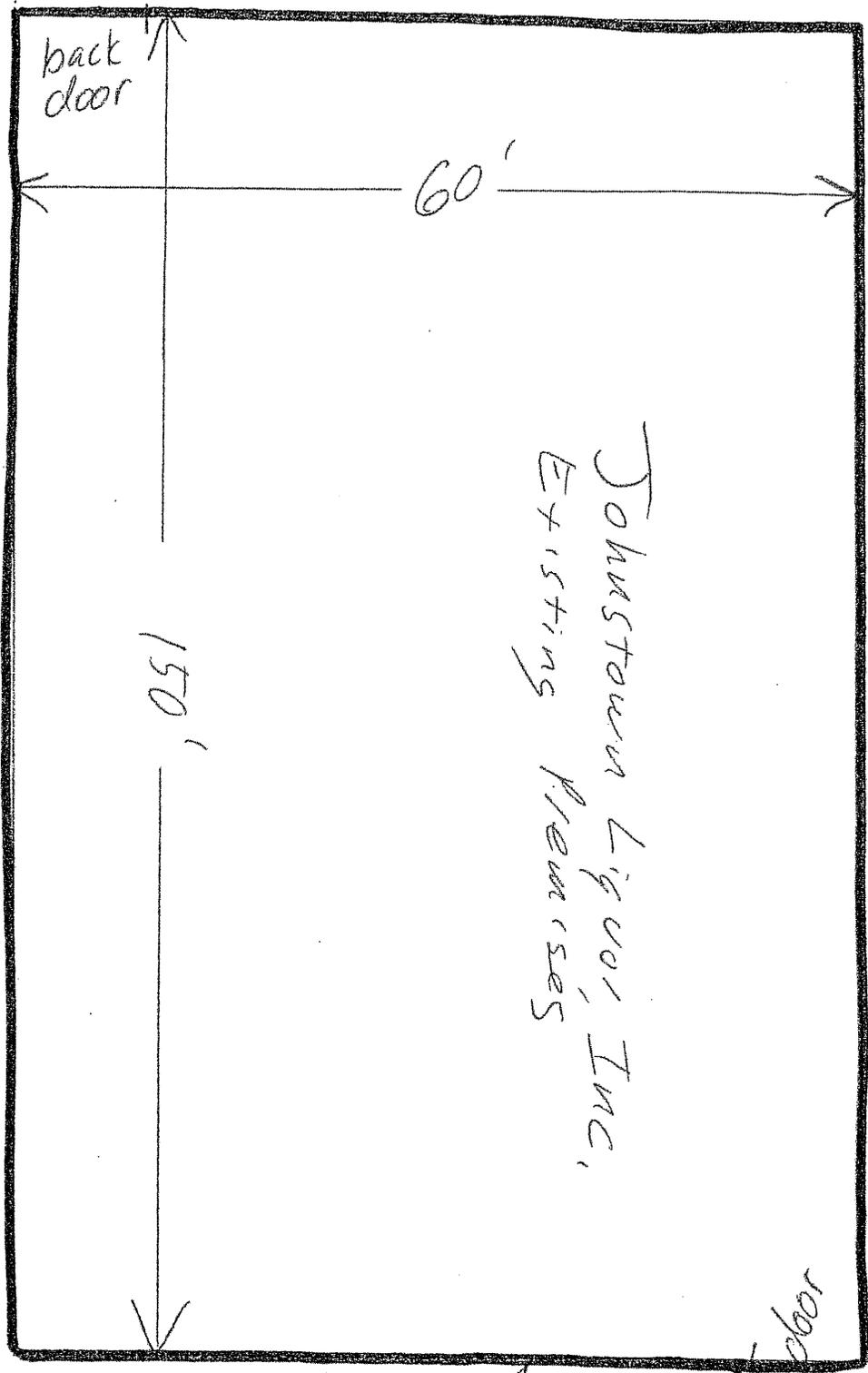
The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature

Title

Date

**DIAGRAM
CURRENT LICENSED
PREMISES**



21 S. Parish Ave

S. Parish Ave.

DIAGRAM
TEMPORARY LOCATION

rope = Temporary Location

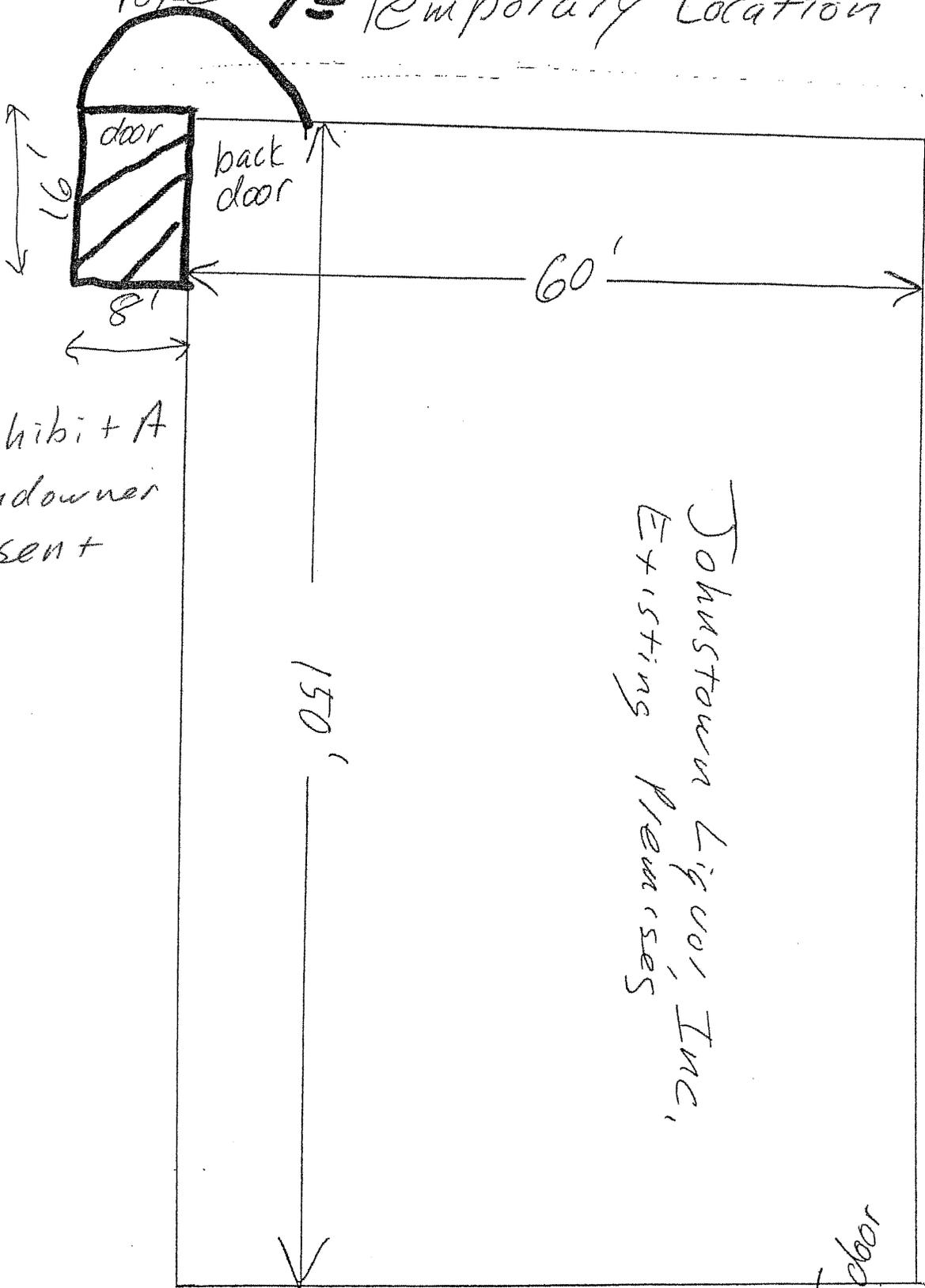


Exhibit A
Landowner
Consent

Johnstown Liquor, Inc.
Existing Premises

19 1/2 S.
Parish Ave

21 S. Parish Ave

S. Parish Ave.

EXHIBIT A
LANDOWNER CONSENT

LANDOWNER CONSENT

Mercy Rivera as the "Landowner" of 19 ½ S Parish Ave Johnstown Colorado ("Premises") hereby grants permission to Johnstown Liquor, Inc. to place an approximate 8 ft. x 16 ft. Storage Unit on the South East Corner of the Premises ("Temporary Location") for the purpose of storing alcohol beverages as part of a Temporary Modification of Johnstown Liquor, Inc. located at 21 S Parish Ave Johnstown Colorado. This permission will allow Johnstown Liquor, Inc. to store Malt Beverage products in the Temporary Location and shall be effective as of the date the Temporary Modification of Johnstown Liquor, is approved by State and Local Liquor Authorities and shall terminate on the earlier of the approval of a location where Johnstown Liquor may store Malt Beverage products or January 15, 2017. The approximate location of the Temporary Location is attached hereto as Exhibit A

Agreed to this 26 day of October, 2016.

LANDOWNER:

By: 

Mercy Rivera

**RETAIL WAREHOUSE
STORAGE PERMIT
APPROVED BY STATE**

COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1881 PIERCE STREET, SUITE 108
LAKEWOOD, CO 80214

State of Colorado
Department of Revenue

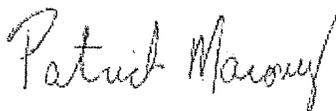
ALCOHOL BEVERAGE LICENSE

RETAIL WAREHOUSE STORAGE PERMIT

Licensee Name JOHNSTOWN LIQUOR	
Liquor License Number 14727390000	License Type LIQUOR STORE (CITY)
Location of Retail Storage Warehouse Permit JOHNSTOWN SELF STORAGE 316 BASHER DRIVE UNIT 01-00702 BERTHOUD CO 80513 – LARIMER COUNTY	
Approval Date OCTOBER 24, 2016	

This permit is issued subject to the laws of the State of Colorado and especially under the provisions of Title 12, Articles 46 or 47, CRS 1973, as amended. This permit is nontransferable and shall be conspicuously posted with the Alcohol Beverage License issued to the licensee above, until a new or renewal license is issued. Any questions concerning this permit should be addressed to: Colorado Liquor Enforcement Division, 1881 Pierce Street, Suite 108, Lakewood, CO 80214.

In testimony whereof, I have hereunto set my hand. 10/24/16 pjr



Division Director



Executive Director

