

Town Council

Agenda
Monday, March 5, 2018
Town Hall, Council Chambers
450 So. Parish Avenue
7:00 PM



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

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

- 1) **CALL TO ORDER**
 - A) Pledge of Allegiance
- 2) **ROLL CALL**
- 3) **AGENDA APPROVAL**
- 4) **RECOGNITIONS AND PROCLAMATIONS**
- 5) **PUBLIC COMMENT (three-minute limit per speaker)**

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

- 6) **CONSENT AGENDA**
 - A) Town Council Meeting –February 21, 2018
 - B) *2nd Reading –Ordinance No. 2018-151, An Ordinance Amending Article 17 of the Johnstown Municipal Code to Include Section 17-230 Concerning Impact Fees Imposed on Behalf of Fire and Emergency Service Providers
- 7) **STAFF REPORTS**
- 8) **OLD BUSINESS**
- 9) **NEW BUSINESS**
 - A) Discussion of Request to Extend Deadline for Completion of Amenity at Thompson River Ranch – Oakwood Homes
 - B) Discussion of Downtown Facade Grant Program
- 10) **COUNCIL REPORTS AND COMMENTS**
- 11) **MAYOR'S COMMENTS**
- 12) **ADJOURN**

WORKSESSION

- A) Discussion of Metropolitan District Policy



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-B

CONSENT

AGENDA

- **Council Minutes – February 21, 2018**
 - **Ordinance No. 2018-151**
(Amending Johnstown Municipal Code)
(Impact Fees-Fire/Emergency Service
Providers)
(*2nd Reading)

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: March 5, 2018

ITEM NUMBER: 6A-B

SUBJECT: Consent Agenda

ACTION PROPOSED: Approve Consent Agenda

PRESENTED BY: Town Clerk

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

- Council Meeting Minutes – February 21, 2018
- * (2nd Reading) Ordinance No. 2018-151, An Ordinance Amending Article 17 of the Johnstown Municipal Code to Include Section 17-230 Concerning Impact Fees Imposed on Behalf of Fire and Emergency Service Providers

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

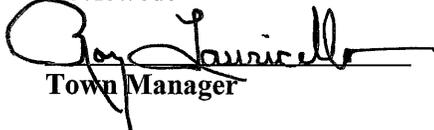
RECOMMENDED ACTION: Approve Consent Agenda

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 Wednesday, February 21, 2018 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, Mellon, Tallent and Young

Those absent: Councilmember Molinar Jr.

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

Agenda Approval

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

Public Comments

Jim Daniels, resident of town, addressed the council on the possibility of allowing golf carts on town roadways. The police chief will research if this is a possibility.

Consent Agenda

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

- February 5, 2018 – Town Council Meeting Minutes
- Payment of Bills
- January Financial Statements

Motion carried with a unanimous vote.

New Business

A. Public Hearing – Amended Public Improvement Development Agreements for Iron Horse Filings 1 & 2 – McWhinney Enterprises, developer of the industrial and commercial property known as Iron Horse as requested amendments to the Iron Horse development agreements. The amendments the developer is requesting: 1.) Divide the Larimer County Road 3 (CR3) improvement obligations into two phases. North CR 3 improvements are from Ronald Reagan Blvd. to US Hwy 34. South CR 3 improvements are from Ronald Reagan Blvd. south to the Great Western railroad tracks. 1.) Delete owner's obligation to improve County Road 3 to US Hwy 34. Town would allow up to 5 building permits upon payment into escrow. With each 5 planned permits, the developer would instead pay the sum of \$64,692.67 into an escrow fund for a total amount of \$323,463.00 for improvements to CR 3.

Mayor James recused himself from the Public Hearing. Mayor Pro-Tem Lebsack opened the public hearing at 7:10 p.m. The applicant Troy McWhinney addressed Council requesting approval to allow 5 planned permits, and pay the sum of \$64,692.67 into an escrow fund for a total amount of \$323,463.00 for improvements to CR3. Having no other public comments the public hearing closed at 8:07 p.m. Councilmember Mellon made a motion seconded by Councilmember Tallent to continue the Public Hearing to April 2, 2018 at 7:00 p.m. Motion carried with a unanimous vote.

B. Public Hearing – Johnstown Plaza Design Guidelines – Carson Development, owner/developer of the Johnstown Plaza property has requested Town approval of Design Guidelines for the Johnstown Plaza Commercial Development. This action is a housekeeping matter for the Town as the agreement is between Carson and the 2534 Master Association.

Mayor James opened the public hearing at 8:11 p.m. and having no public comments closed the hearing at 8:16 p.m. Councilmember Lebsack made a motion seconded by Councilmember Tallent to approve the Johnstown Plaza Design Guidelines. Motion carried with a unanimous vote.

C. Public Hearing – Consider Ordinance No. 2018-151, an Ordinance Amending Article XII of Chapter 17 of the Johnstown Municipal Code to Include Section 17-230 Concerning Impact Fees Imposed on Behalf of Fire and Emergency Services Providers – The Ordinance amends the Johnstown Municipal Code to include Section 17-230, authorizing the Town to impose an impact fee on behalf of the Loveland Fire Rescue Authority.

Mayor James opened the Public Hearing at 8:17 p.m. and having no public comments closed the hearing at 8:19 p.m. Councilmember Young made a motion seconded by Councilmember Davis to approve Ordinance No. 2018-151, an Ordinance Amending Article XII of Chapter 17 of the Johnstown Municipal Code to Include Section 17-230 Concerning Impact Fees Imposed on Behalf of Fire and Emergency Services Providers. Motion carried with a unanimous vote.

There being no further business to come before Council the meeting adjourned at 8:27 p.m.

Mayor

Town Clerk/Treasurer

ORDINANCE

No. 2018-151

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2018-151

**AMENDING ARTICLE XII OF CHAPTER 17 OF THE
JOHNSTOWN MUNICIPAL CODE TO INCLUDE SECTION
17-230 CONCERNING IMPACT FEES IMPOSED ON BEHALF
OF FIRE AND EMERGENCY SERVICES PROVIDERS.**

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, impact fees are one-time payments that fund the construction and expansion of public facilities needed to accommodate new development, as determined by level of service standards, with the intent being that new development pay for its proportionate share of the capital costs of additional infrastructure capacity needed to serve the new development; and

WHEREAS, pursuant to C.R.S. § 29-20-104.5 (“Impact Fee Act”), Town has the authority to impose an impact fee as a condition of issuance of a development permit to fund expenditures incurred by fire and emergency services providers for capital facilities needed to serve new development and a fire and emergency services provider is thereafter authorized to receive and spend the impact fees imposed by the Town for the purposes described in the Impact Fee Act; and

WHEREAS, the Loveland Fire Rescue Authority (“Authority”) is a public entity of the State of Colorado established by the City of Loveland and the Loveland Rural Fire Protection District on August 19, 2011 pursuant to that certain Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity; and

WHEREAS, the Authority was established to provide fire protection, rescue and emergency services, as well as other services, to the citizens and property within its jurisdiction, and to individuals passing through its jurisdiction, which includes property lying within the Town’s jurisdictional boundaries, and is thus a fire and emergency services provider as contemplated by the Impact Fee Act; and

WHEREAS, prior to the Town’s imposition of an impact fee on behalf of fire and emergency services providers, the Town is required to confer with the fire and emergency service provider to assess whether an impact fee should be imposed and, in its discretion, enter into an intergovernmental agreement with the fire and emergency services provider for the collection of the impact fee; and

WHEREAS, the Authority made a presentation to Town Council and requested that the Town impose impact fees on its behalf; and

WHEREAS, the Authority represented that it obtained an impact fee study dated October 19, 2017, to evaluate the nexus between new development within the Authority's jurisdictional boundaries and the projected impact that such development has on the Authority's Capital Facilities ("Nexus Study"); and

WHEREAS, the Nexus Study quantified the reasonable impacts of both new residential and non-residential development on the Authority's capital facilities and concluded that the following impact fees are warranted: \$895.00 per single family home, \$622.00 per multi-family home, \$0.30 per square foot of commercial and \$0.03 per square foot of industrial; and

WHEREAS, on November 13, 2017, the Authority's Board of Directors adopted a Resolution approving an impact fee schedule at the levels set forth in the Nexus Study, which were deemed to be no greater than necessary to defray the impacts directly related to development within the Authority's jurisdiction; and

WHEREAS, after duly considering the Authority's request, the Town agreed to impose an impact fee on the Authority's behalf and, on February 5, 2018, entered into an Intergovernmental Agreement for the Assessment, Collection and Remittance of Emergency Services Impact Fees with the Authority ("IGA"); and

WHEREAS, pursuant to the IGA, the Authority agreed to update the Nexus Study no less frequently than every three years to ensure, among other requirements, that the impact fees remain reasonably related to the impacts of both new residential and non-residential development on the Authority's capital facilities; and

WHEREAS, the impact fees herein described are legislatively adopted, generally applicable to broad classes of property and, based on the Nexus Study, no greater than necessary to defray the projected impacts on capital facilities caused by proposed development; and

WHEREAS, based on the foregoing and based on the Nexus Study, the Town Council desires to amend Article XII of Chapter 17 of the Johnstown Municipal Code to include Section 17-230 concerning impact fees imposed on behalf of fire and emergency service providers.

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

Section 1. Section 17-217 of the Johnstown Municipal Code shall be amended to include a definition for "fire and emergency services provider," which shall be listed in alphabetical order and read as follows:

Sec. 17-217. Definitions.

Fire and emergency services provider means a fire protection district organized under Article 1 of Title 32, C.R.S., or a fire authority established pursuant to Section 29-1-203.5, C.R.S.

Section 2. Section 17-219 of the Johnstown Municipal Code shall be amended to include Subsection (e), which shall read as follows:

Sec. 17-219. Procedures for imposition and collection of impact fees.

(e) Fire and emergency services providers. With respect to impact fees collected on behalf of fire and emergency services providers, an applicant shall confer with the appropriate fire and emergency service provider to determine whether an impact fee is owed under Section 17-230 and, if so, the amount of the impact fee. The applicant shall return an impact fee form signed by the fire and emergency service provider to the Town at the time of the application for a building permit. If an impact fee is owed, the applicant shall provide a check to the Town made payable to the fire and emergency service provider, unless the Town agrees to waive or defer payment of the impact fee as otherwise permitted by law. To the extent the provisions of this Subsection (e) conflict with the foregoing provisions of Section 17-219, this Subsection (e) shall control with respect to impact fees collected on behalf of fire and emergency services providers.

Section 3. Section 17-220 of the Johnstown Municipal Code shall be amended to include Subsection (e), which shall read as follows:

Sec. 17-220. Establishment of impact fee accounts; appropriation of impact fee funds; refunds.

(e) Fire and emergency services providers. Notwithstanding the foregoing provisions of Section 17-220, the Town shall forward impact fees collected on behalf of fire and emergency services providers directly to the appropriate fire and emergency service provider. Such provider shall appropriate and expend the impact fees as required by law. Requests for refunds of the impact fees shall be made, if at all, to the fire and emergency services provider. The fire and emergency services provider shall be solely responsible for granting or denying a request for a refund and, if granted, for providing such refund.

Section 4. Article XII of Chapter 17 of the Johnstown Municipal Code shall be amended to add Section 17-230, which shall read as follows:

Sec. 17-230. Fire and emergency services provider facilities development fee.

(a) Loveland Fire Rescue Authority. All residential and nonresidential development within the jurisdictional boundaries of the Loveland Fire Rescue Authority shall be subject to the payment of a fire and emergency services provider facilities development

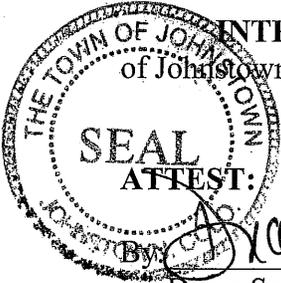
fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223 as follows:

Residential	
Unit Type	Fee Per Dwelling Unit
Single Family	\$895.00
Multifamily	\$622.00

Nonresidential	
Use Type	Fee Per Square Foot
Commercial	\$0.30
Industrial	\$0.03

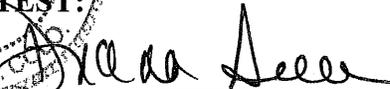
(b) Front Range Fire Rescue Authority. [Reserved]

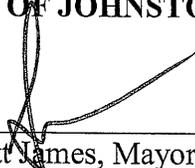
Section 5. Publication and Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance are available at the office of the Town Clerk.



INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 21st day of February, 2018.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

 Diana Seele, Town Clerk

By: 
 Scott James, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ___ day of _____, 2018.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
 Diana Seele, Town Clerk

By: _____
 Scott James, Mayor

AGENDA ITEM 9A

**DISCUSSION
OF
REQUEST TO EXTEND
DEADLINE**

**(Completion of Amenity at Thompson River
Ranch)**

(Oakwood Homes)

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: March 5, 2018

ITEM NUMBER: 9A

SUBJECT: Discussion of Request to Extend Deadline for Completion of Amenity at Thompson River Ranch-Oakwood Homes

ACTION PROPOSED:

PRESENTED BY: Mayor James

AGENDA ITEM DESCRIPTION: Mayor James requested that this matter be placed on the agenda as a discussion item (please refer to attachments).

LEGAL ADVICE:

FINANCIAL ADVICE:

RECOMMENDED ACTION:

SUGGESTED MOTIONS:

For Approval:

For Denial:

Reviewed:


Town Manager

E-MAILS

(Mayor James)

**(David Bracht, Division President-Oakwood
Homes –Denver)**

Roy Lauricello

From: Scott James
Sent: Friday, February 23, 2018 6:01 PM
To: Bracht, David; John Franklin; Roy Lauricello
Cc: avi@rocklinlaw.com; Diana Seele; Amy Tallent; Rau, Bruce; Pock, Jason; Lenz, Brad
Subject: Re: TRR Amenity Extension Letter and Attachments

David,

Thank you for your email and revised letters.

Roy, please place these items in the packet for the n txt meeting and place their discussion as an agenda item under new business.

Thank you!

** Sent from my iPhone **

Scott K. James, Mayor
Town of Johnstown, Colorado
(970) 227-8386 (Mobile)

On Fri, Feb 23, 2018 at 3:28 PM -0700, "Bracht, David" <DBracht@OakwoodHomesCo.com> wrote:

John/Roy,

As you may know, Bruce Rau and I met with Mayor James and Councilor Tallent last Thursday to discuss the current status of our Thompson River Ranch project and possible solutions to the current issue with the timing of construction of the recreational amenity and related financial burden created for the community. Based on that meeting and follow-up discussions, we are submitting for consideration by Town Council a revised request for an extension of time to construct the Thompson River Ranch community amenity along with a proposed amendment to the current development agreement to facilitate the extension and a rendering of our current vision for the future recreation center. It is our understanding that this matter will be brought before Town Council at the earliest possible opportunity due to the urgent nature of resolution of this issue.

We appreciate your prompt attention to this matter. Please let us know the date of the public hearing this is scheduled for so we may be properly represented while it is considered.

Thank you and have a great weekend.

David Bracht
Division President I Denver
O: 303-486-8534

**OAKWOOD
HOMES
LETTER/ATTACHMENTS
(February 21, 2018)**



OAKWOOD
HOMES

February 21, 2017

Town of Johnstown
450 S Parish Ave
Johnstown, CO 80534

RE: Requesting an extension of the deadline to complete the Amenity at Thompson River Ranch

Mayor James and Town Council,

Clayton Properties Group II, Inc. d/b/a Oakwood Homes ("Oakwood") requests an extension of the deadline to complete the community amenity building and swimming pool (the "Amenity") in Thompson River Ranch to the **issuance of 500 additional certificates of occupancy** (the "Request"). The additional homes will provide sufficient operational mill levy revenue to the Thompson Crossing Metropolitan District No. 3 (the "District") to support ongoing maintenance of the Amenity without undue burden on residents.

This Request is based upon the negative impact of increased costs associated with the Amenity on the District and its residents. If opened today, the Amenity would create a substantial shortfall in operations and maintenance funding which would necessarily have to be funded by fees or taxes paid by the residents to the District. The District estimates the cost to maintain the Amenity will be \$205,000 per year. Without additional homes to support these increased costs, the District will be forced to raise additional tax or fee revenue. **As such, the District would be forced to consider implementing a new fee of approximately \$300 per homeowner per year for each of the 700 homes in Thompson River Ranch.**

Additionally, the District's mill levy revenue grows with each additional home constructed and sold in Thompson River Ranch. Therefore, the District's finances improve as the community grows. With improved finances, the District will be better able to maintain the community at a high standard, to provide amenities and services to its residents, and more. However, the District's revenue growth will be substantially harmed on June 30, 2018. From this date, Oakwood will be unable to obtain building permits and certificates of occupancy, thereby ceasing all new home activity.

In exchange for this Request, and to offer greater certainty that the Amenity will be built in the near future, **Oakwood will provide financial assurance to the District securing the future construction of the Amenity in accordance with the preliminary elevations** attached to this letter. Proposed changes to the Subdivision Improvement and Development Agreement to reflect this compromise are also attached.

Oakwood believes this compromise will improve the District's finances while protecting the residents' interests, thereby warranting the Town's reconsideration. For these reasons, Oakwood formally requests that the Town grant the Request and establish a new deadline to complete the Amenity as set forth above.

Sincerely,


David Bracht
Division President
Oakwood Homes

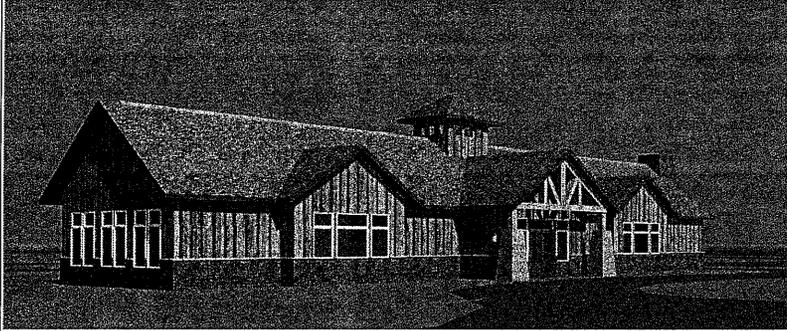
Cc: John Franklin
Avi Rocklin

Diana Seele
Roy Lauricello

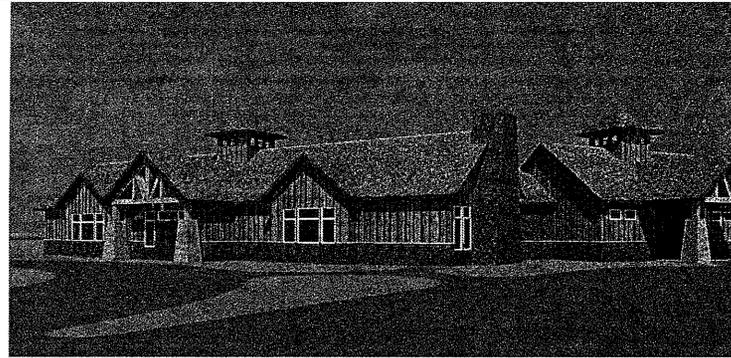
EXHIBIT B-3

ADDITIONAL TERMS, CONDITIONS OR PROVISIONS

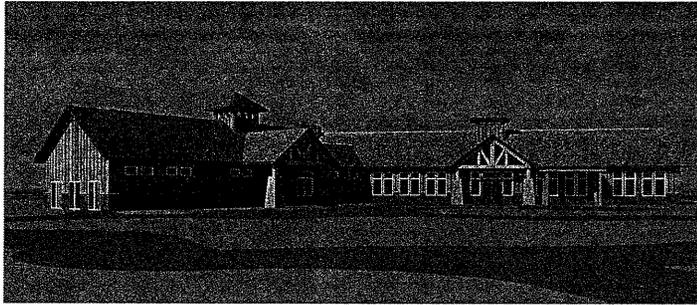
1. Developer shall complete the I-25 frontage road acceleration lane from River Ranch Parkway on or before June 30, 2015.
2. Developer shall complete construction of the community building and swimming pool described in the Final Development Plan 'A' and 'B' for Thompson River Ranch Filing No. 1 approved June 5, 2006, on or before the issuance of 500 additional certificates of occupancy beyond Filing Nos. 1, 3 and 4. Additionally, Developer shall provide financial assurance in the form of a Note to Thompson Crossing Metropolitan District No. 3 to secure its completion.
3. Developer shall complete construction of the neighborhood park described in Block 1 of the Final Plat on or before the completion of the construction of the school described in Block 1 of the Final Plat, prior to the issuance of 250 building permits east of the development at Thompson River Ranch Filing No. 1 or December 31, 2019, whichever is earlier
4. As otherwise set forth in this Agreement, landscaping, signage, street lighting and related Private Improvements are subject to the Thompson River Ranch Design Guidelines and the Final Site Development Plan for this Development.



⑥ 3D View 3
12" = 1'-0"



⑤ 3D View 4
12" = 1'-0"



④ 3D View 6
12" = 1'-0"



③ 3D View 2
12" = 1'-0"



② 3D View 5
12" = 1'-0"



① 3D VIEW 1
12" = 1'-0"

ARCHITECT/PLANNER

LAI
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Bozeman, Montana 59717
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OWNER/CLIENT

CLIENT NAME
Address
Address
Phone
Contact

THOMPSON RIVER RANCH
CLUBHOUSE/POOL

JOHNSTOWN, CO
PERSPECTIVES

PROFESSIONAL STAMP

PROJECT INFORMATION

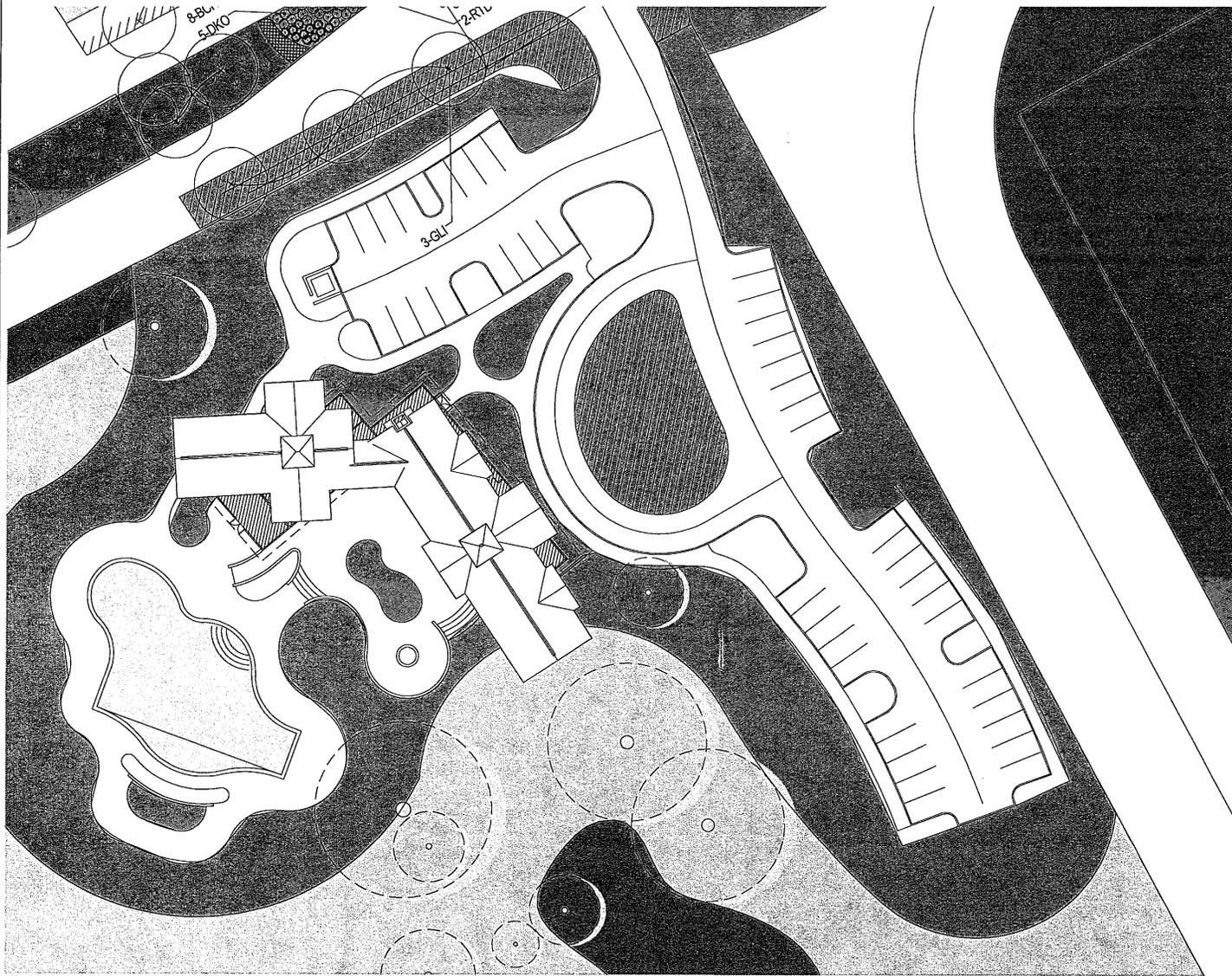
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Drawn By: Author
Checked By: Checker

ISSUE RECORD

TEXT	DATE

SHEET NUMBER

A10.02



1 ARCHITECTURAL SITE PLAN
T = 20'-0"

ARCHITECT/PLANNER

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OWNER/CLIENT

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**THOMPSON RIVER RANCH
CLUBHOUSE/POOL**
JOHNSTOWN, CO
ARCHITECTURAL SITE PLAN

PROFESSIONAL STAMP

PROJECT INFORMATION

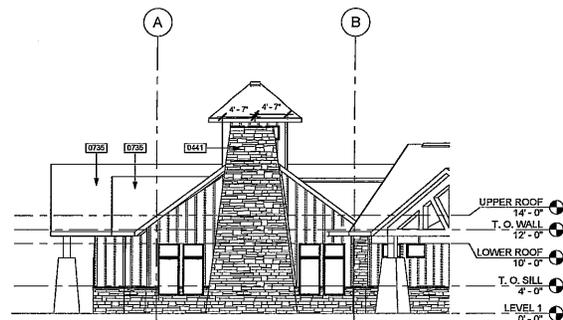
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ISSUE RECORD

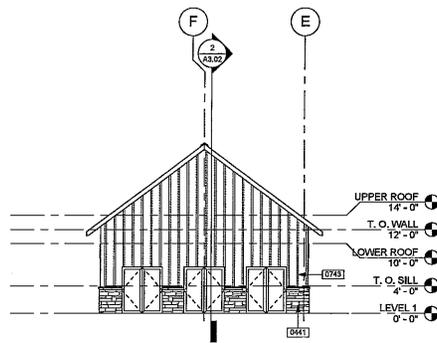
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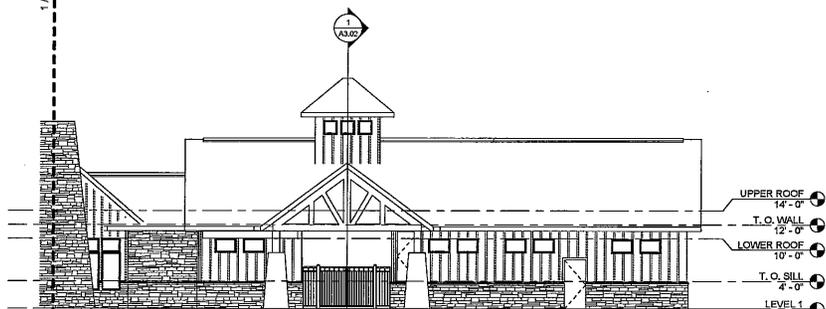
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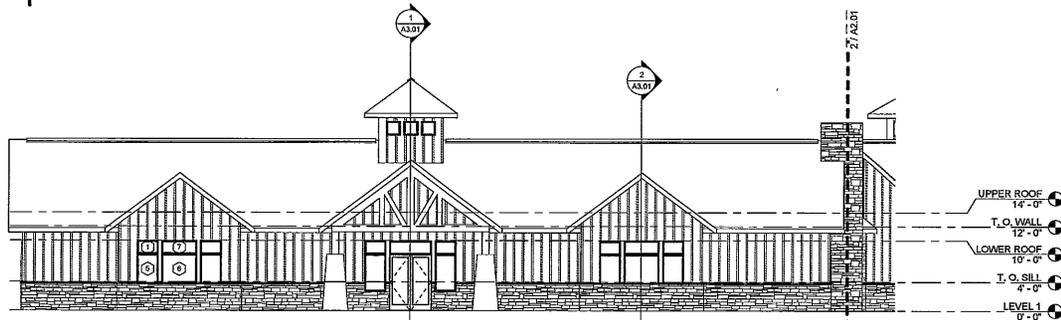
4 SOUTH EAST ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"



1 SOUTH WEST ELEVATION
1/8" = 1'-0"

KEYNOTE LEGEND	
0441	ADHERED STONE VENEER
0735	ROOF SHINGLES: ATLAS ROOFING, STORM MASTER WEATHERED SLATE
0743	BOARD & BATTEN SIDING

ARCHITECT/PLANNER



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918 Business Center East, Mail J, Suite 101
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BUILDING ELEVATIONS

PROFESSIONAL STAMP

PROJECT INFORMATION
Project #: 171074
Drawn By: Author
Checked By: Checker

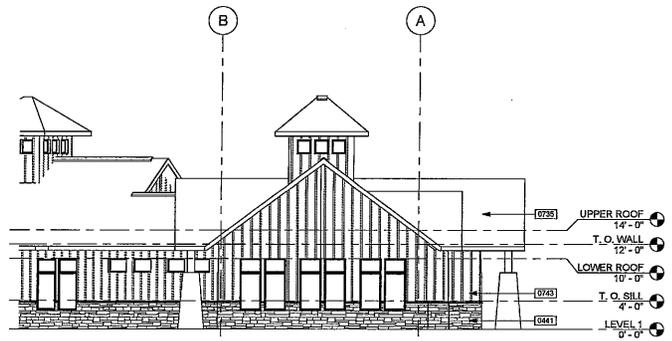
ISSUE RECORD	
TEXT	DATE

SHEET NUMBER

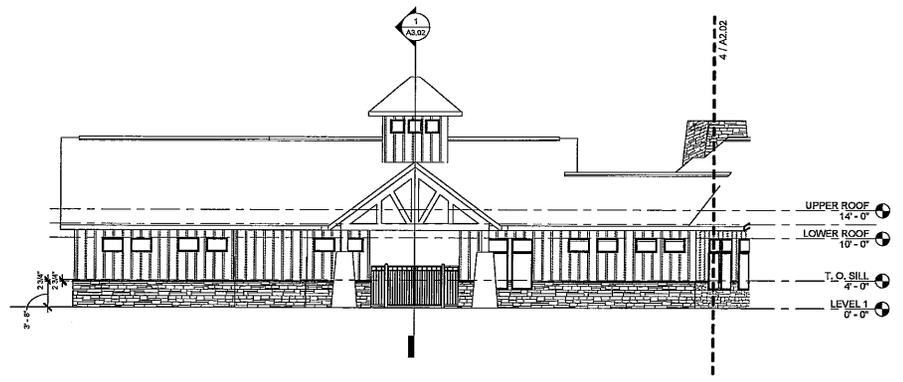
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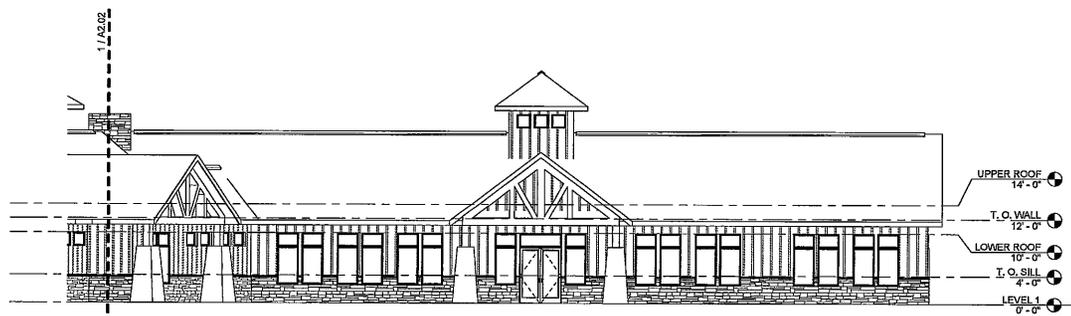
2/15/2018 8:27:39 AM



2 NORTH WEST ELEVATION
1/8" = 1'-0"



1 EAST ELEVATION
1/8" = 1'-0"



4 NORTH EAST ELEVATION
1/8" = 1'-0"

KEYNOTE LEGEND	
0441	ADHERED STONE VENEER
0735	ROOF SHINGLES: ATLAS ROOFING, STORM MASTER WEATHERED SLATE
0743	BOARD & BATTEN SIDING

ARCHITECT/PLANNER



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Phone
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JOHNSTOWN, CO
BUILDING ELEVATIONS

PROFESSIONAL STAMP

PROJECT INFORMATION	
Project #:	171074
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Checked By:	Checker

ISSUE RECORD	
TEXT	DATE

SHEET NUMBER

A2.02

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2/15/2018 8:27:13 AM

AGENDA ITEM 9B

**DISCUSSION
OF
DOWNTOWN FACADE
GRANT PROGRAM**

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: March 5, 2018

ITEM NUMBER: 9B

SUBJECT: Discussion of Request to Extend Deadline for Completion of Amenity at Thompson River Ranch-Oakwood Homes

ACTION PROPOSED:

PRESENTED BY: Mayor James

AGENDA ITEM DESCRIPTION: Mayor James requested that this matter be placed on the agenda as a discussion item (please refer to attachments).

LEGAL ADVICE:

FINANCIAL ADVICE:

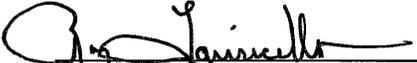
RECOMMENDED ACTION:

SUGGESTED MOTIONS:

For Approval:

For Denial:

Reviewed:


Town Manager

E-MAILS
(Mayor James)
(Councilman Young)
(Danny & Trish Yost)

Roy Lauricello

From: Scott James
Sent: Monday, February 26, 2018 2:12 PM
To: Chad Young
Cc: Roy Lauricello; John Franklin; Gary Lebsack; Troy Mellon; Jesse Molinar, Jr.; Devin Davis; Amy Tallent; Fitness Avenue
Subject: Re: Town of Johnstown Facade Grant

Roy,

I'm requesting this be put on the agenda under new business for the 3/5 meeting. For background, could you provide a brief history of the program, historical participation and our annual funding commitment since the program's inception?

If there is a renewed interest in participation and if council sees appropriate, perhaps the budget could be amended to partially to fully fund the program this year.

Councilor Young, if you have a good email address for Ms. Schlagel, would you kindly forward this email to her.

Thank you!

** Sent from my iPhone **

Scott K. James, Mayor
Town of Johnstown, Colorado
(970) 227-8386 (Mobile)

From: Chad Young <cyoung@townofjohnstown.com>
Sent: Monday, February 26, 2018 1:09 PM
Subject: Fwd: Town of Johnstown Facade Grant
To: Scott James <sjames@townofjohnstown.com>

Trish had your address listed incorrectly so I'm forwarding to you.

Chad W. Young
Council Member
Town of Johnstown

Begin forwarded message:

From: Chad Young <cyoung@townofjohnstown.com>
Date: February 26, 2018 at 1:07:35 PM MST
Cc: John Franklin <jfranklin@townofjohnstown.com>, "sjames@townofjohhstown.com" <sjames@townofjohhstown.com>, Gary Lebsack <GLEbsack@townofjohnstown.com>, "Jesse Molinar, Jr." <JMolinarjr@townofjohnstown.com>, Troy Mellon <TMellon@townofjohnstown.com>, Devin Davis <ddavis@townofjohnstown.com>, Amy

Tallent <atallent@townofjohnstown.com>

Subject: Re: Town of Johnstown Facade Grant

I also received a request from Veronica Schlagel, State Farm. Worth a discussion.

Chad W. Young
Council Member
Town of Johnstown

On Feb 23, 2018, at 10:48 AM, Fitness Avenue <jmfitnessavenue@yahoo.com> wrote:

Dear Mayor James and Town of Johnstown Board Members,

My husband and I recently purchased the property located at 21 South Parish Avenue to be the new location of our business, Fitness Avenue. We are extremely excited about the opportunity to keep our growing business in the heart of our community. We believe this is an exciting time for Johnstown with business growth and development. We learned that there was a Facade Grant opportunity, as we were working towards the acquisition of this property. In January, we picked up a Facade Grant Application from our Town office and earlier this week, we submitted a completed application packet, including all plans for exterior improvements as well as price estimates from our professional contractors assigned to the job. Shortly after submitting the application, we received a response declining the Facade Grant Application due to lack of interest in the program. We were informed that the allocation of funds was eliminated from the budget due to lack of interest last year. I am asking the board to consider the reallocation of funds into the Facade Grant Program. With the synergistic energy of our downtown businesses, I would encourage other business owners to utilize those available funds to make improvements for our downtown buildings. There is so much potential with this concept, and the support of our Town is very valuable to allow the business owners to afford the improvements.

Attached is our application for the Town of Johnstown Facade Grant. We are committed to investing more in this property to add value to our community members by offering several services within our building. In order to complete this, we are asking for approval of our Facade Grant Application.

Thank you for your time and consideration with this matter. We look forward to hearing from you and hope that you will agree that there is great building improvement opportunity within our growing town.

Sincerely,

Danny & Trish Yost

<Town Facade Grant Application.pdf>

**DOWNTOWN
FACADE
GRANT PROGRAM
BROCHURE**



TOWN OF JOHNSTOWN DOWNTOWN FAÇADE GRANT PROGRAM

The program provides financial assistance for improvement projects to building façades in downtown Johnstown. The intent of the grant is to encourage the appropriate revitalization to as many private, commercial properties in the downtown as possible.

Program Goals:

- Preserve the special characteristics of downtown by helping owners make quality improvements that promote a sense of place.
- Complement other revitalization efforts in the downtown, such as sidewalk and landscape improvements.
- Promotion of an attractive environment to draw new investment and business activity.
- Encourage private investment in the downtown.

How the program works:

An applicant submits an improvements application which is reviewed by Town staff and Town Council. Grants will be subject to appropriation and awarded to eligible applicants until all funds are expended.

Eligibility is based upon on the following criteria:

- Improvements to the appearance of a building per the Johnstown Downtown Design Guidelines
- Creation of jobs
- Leveraging of additional economic activities
- Provision of needed services

Applications are submitted to the Town Planner. Town staff reviews the application for completeness prior to consideration by the Town Council. Applicants are responsible for obtaining all necessary permits and authorizations associated with the proposed work, including building permits. Town staff will be permitted to inspect the project to ensure conformance with the approved plans. The Town will not reimburse for work performed prior to the grant application approval. The Town will not contract to perform any of the work.

Eligible improvements:

Eligible improvements include hard costs associated with the physical rehabilitation of the property. Labor costs are eligible if the work is to be done by someone other than the applicant/owner. All renovation projects must meet the Downtown Johnstown Design Guidelines.

- Removal of false fronts and restoration of original storefronts;
- Repair of cornices, soffits and trim;
- Repair or replacement of windows and doors with compatible materials and design;
- Repair of façade materials;
- Repair and stabilization of foundations if related to façade improvements;
- Installation or replacement of gutters;
- Masonry repointing;
- Repair or replacement of roofing with historically appropriate materials;
- New signage;
- New awnings;
- Exterior painting (when part of a larger rehabilitation effort);
- Demolition of non-historic or incompatible elements;
- Alley entrances and façades, where the entrance is for public access.

NOTE: The grant program provides funds for façade improvements. It is not just an awning grant, etc. Funds will not be provided for one component of the façade renovation project if another component is architecturally inappropriate and not in compliance with the Downtown Design Guidelines.

Ineligible improvements include:

- Work undertaken due to normal wear and tear, including but not limited to: painting (unless part of a larger rehabilitation project), or roof replacement with asphalt shingles;
- Routine or periodic maintenance; such as cleaning, routine painting, minor repairs, redecorating or purely cosmetic changes that do not enhance the property's character;
- Soft costs and permit fees; such as appraisals, architectural, engineering or design fees, legal,



TOWN OF JOHNSTOWN DOWNTOWN FAÇADE GRANT PROGRAM

accounting or realtor fees, loan fees, or sales and marketing;

- New additions or enlargements, except as required by building codes;
- Reimbursement for owner or self labor;
- Outbuildings;
- Skylights;
- Security features.

Program eligibility:

Any property owner or business tenant in the downtown may apply (refer to attached map). Tenant applicants must have the buildings owner's written approval. All applications must be submitted for approval *prior to construction*. Owners of vacant building shall be eligible if the owner's purpose is to rehabilitate the building to attract businesses. Expenses will be reimbursed in this case only after a business occupies the space and opens to the public. All real property taxes must be paid in full.

In order to qualify for the grant, proposed work must comply with the Johnstown Downtown Design Guidelines. Work must abide by all applicable Town codes, ordinances, and policies.

Work must fully follow the plans and renderings that are approved by the review committee. Rehabilitation work must be completed within 6 months of the date of project approval and an agreement to maintain the façade for a period of ten years must be signed by the applicant. Following completion of work the project will be reviewed by the Town Planner and Building Inspector. The applicant must submit proof of payment for work (typically in the form of a paid invoice and lien waivers) in order to receive reimbursement by the Town.

1. A maximum grant of \$10,000 per façade will be awarded.
2. Signs meeting the downtown design guidelines are eligible for a one-time façade grant of 50% of the project costs, up to \$1,000, in addition to the façade grant. Sign improvements that simply change the name of an existing business are not eligible.
3. Grants are funded for hard costs only. Soft costs, such as architectural design, town fees, etc. can be included in the ½ match, but are not eligible for grant funds.

The property owner of business must submit a complete application in order to qualify for funding.

Please include the following with the application:

1 original and 1 copy of the following:

- Application (Signature, Applicant identification Property owner identification Location / address of the property)
- Written project description
- Scaled design plan or drawings of proposed renovations
- Color photographs of the existing conditions of the eligible building, including the area for improvement
- Contractor and material cost estimates
- Matching fund verification
- Written permission from the building owner, if applicable

Grants are awarded on a 50/50 matching basis as follows:

**DOWNTOWN
FACADE
GRANT PROGRAM
APPLICATION**



2016 TOWN OF JOHNSTOWN DOWNTOWN FAÇADE GRANT PROGRAM

APPLICATION

Applicant: _____ Property Owner: _____

Applicant Address: _____

Telephone: _____ E-mail address for correspondence: _____

Project Physical Address: _____

Name of Business: _____

Project Start Date*: _____ Project Completion Date*: _____

Project Description:

Total Cost of Project (attach contractor's bid): \$ _____

Amount Requested (not to exceed 50% of the total cost, or \$10,000): \$ _____

- Applicants will receive approval notification by e-mail or regular mail at the address provided above.
• Work completed prior to grant approval is not eligible for funding.
• Reimbursements occur after the project completion, upon submission of appropriate forms and documents, and following inspection by Town Planner and Building Inspector.
• All required permits are the responsibility of the owner / applicant.
• Proposed work will be reviewed by the Design Review Committee.
• * The project will be completed within 180 days (6 months) of approval.

Signed: _____ Date _____
Property Owner(s)

Signed: _____ Date _____
Applicant(s)

Send all application materials to:
John Franklin, Town Planner
Town of Johnstown,
450 S. Parish Ave.
Johnstown, CO 80534



1 original and 1 copy of the following:

- Complete Application
- Written project description (if not on the application)
- Scaled drawings of proposed improvements
- Color photographs of existing conditions; including the area for improvements (include color samples and materials to be used)
- Contractor and material cost estimates
- Letter of commitment for matching funds
- Written approval by property owner, if applicable

**DOWNTOWN
FACADE
GRANT PROGRAM
(Budget/Expenditure by Year)**

DOWNTOWN FACADE GRANT

<u>YEAR</u>	<u>BUDGET</u>	<u>SPENT</u>
2011	\$50,000.00	\$2,166.00
2012	\$50,000.00	\$1,743.80
2013	\$30,000.00	\$1,492.19
2014	\$20,000.00	\$1,240.00
2015	\$10,000.00	\$3,784.29
2016	\$7,000.00	\$3,652.50
2017	\$7,000.00	\$0.00
2018	\$5,000.00	
	TOTAL SPENT	\$14,078.78

**DOWNTOWN
FACADE
GRANT AWARD
LETTERS**

January 11, 2010

Steven L. Martin, DDS
39 S. Parish Ave., Suite 110
Johnstown, CO 80534

Re: Notice of Façade Improvement Grant Award

Dr. Martin:

I am pleased to advise you that your application for matching funds in the amount of \$875.00 has been approved.

Once the awning is completed, please submit to me a copy of the final invoice from the contractor and I will process for payment.

Sincerely,

John Franklin, AICP
Town Planner

Copy to:
Town Clerk
File

November 23, 2011

Gala, Inc.
Jairo Landeros
15 S. Parish Ave.
Johnstown, CO 80534

Re: Facade Grant for 15 S. Parish Ave. (Corral)

Dear Jairo:

I am please to inform you that the facade matching grant in the amount of \$1329.00 is approved. When the work is completed please submit a copy of the final invoice from the awning contractor. We will then prepare and issue a check for 50% of the amount.

Sincerely,

John Franklin
Town Planner

Copy to File

December 20, 2011

Cassie Smith
Split Endz Salon
17½ S. Parish Ave.
Johnstown, CO 80534

Re: Sign Grant for 17½ S. Parish Ave.

Dear Cassie Smith:

I am please to inform you that your application for a sign matching grant in the amount of \$500.00 is approved. When the work is completed please submit a copy of the final invoice from the contractor. We will then prepare and issue a check payable to you.

Sincerely,

John Franklin
Town Planner

Copy to File

April 3, 2012

Patricia Burger
618 Charlotte Street
Johnstown, CO 80534

Re: Facade Grant (awning) for 9 N. Parish Ave.

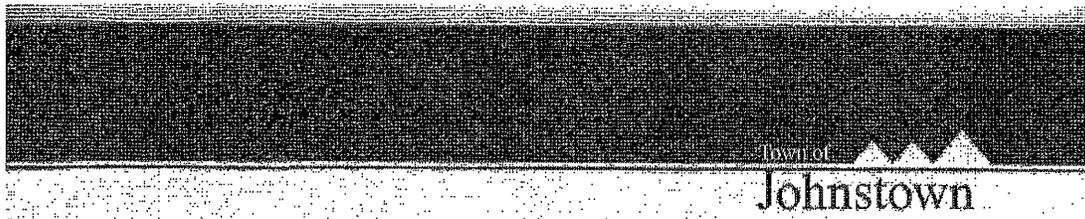
:

I am please to inform you that a matching grant in the amount of \$684.25 is approved for the awning. When the work is completed, please submit a copy of the final invoice from the awning contractor. We will then prepare and issue a check to you.

Sincerely,

John Franklin
Town Planner

Copy to File



August 21, 2012

Stephanie Podtburg
Johnstown Barber Shop
8½ South Parish Ave.
Johnstown, CO 80534

Re: Downtown Sign Matching Grant Program – Notice of Award

The grant to you in the amount of \$510.56 for a barber pole sign is approved.

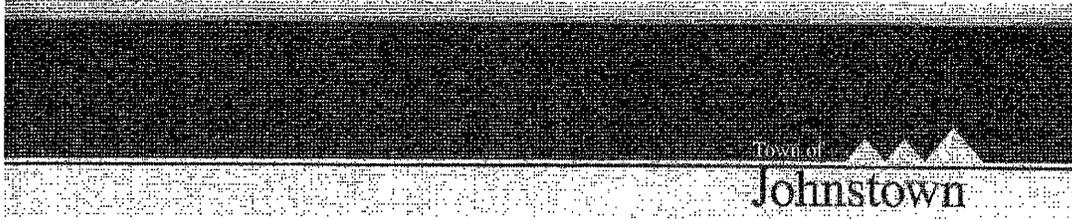
When the work is completed please submit a copy of the contractor invoice and we will inspect the work and then provide you with a check for the funds.

Thank you for your interest in improving Historic Downtown Johnstown!

A handwritten signature in black ink, appearing to read "John Franklin".

John Franklin, Town Planner

Copy to file



March 5, 2013

Ruby Spaur
14 S. Parish Ave.
Johnstown, CO 80534

Re: Facade Grant for 14 S. Parish Ave. (Old Town Washboard)

I am please to inform you that Town Council has approved the facade matching grant in the amount of 50% of the awning replacement cost, not to exceed \$1492.19. When the work is completed please submit a copy of the final invoice from the awning contractor. We will then prepare and issue a check to you.

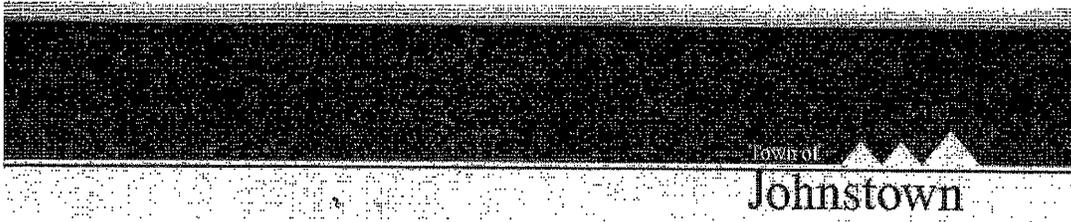
I have also approved the building permit for the awning work.

Sincerely,

A handwritten signature in black ink, appearing to read "John Franklin".

John Franklin
Town Planner

Copy to File



September 16, 2014

John Mitchell
3884 Flagler Avenue
Loveland, CO 80538

Re: Façade and Sign Grant for 8 S. Parish Ave. (Northern Colorado Real Estate Offices)

Mr. Mitchell:

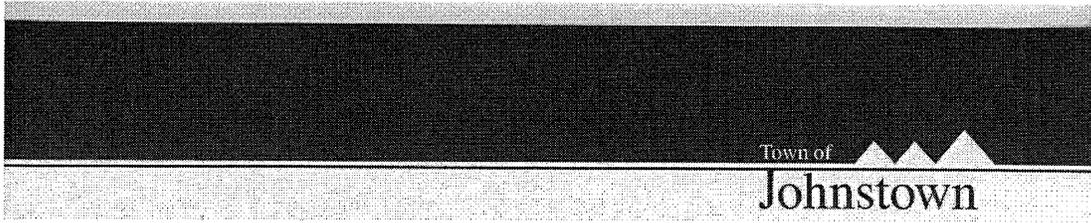
I am please to inform you that Town Council has approved the sign matching grant and the facade matching grant as requested, the total not to exceed \$1240.00 When the work is completed please submit a copy of the final invoice from the awning contractor. We will then prepare and issue a check to you.

Please contact the Building Department regarding required permit(s) for the work.

Sincerely,

John Franklin
Town Planner

Copy to File



April 7, 2015

Mr. Ed Reichert
Johnstown Clothing

Re: Façade Grant for 18 S. Parish Ave. (Johnstown Clothing)

Mr. Reichert:

I am pleased to inform you that Town Council has approved the facade matching grant (awnings replacement) as requested, the total grant not to exceed \$3,783.29. When the work is completed please submit a copy of the final invoice from the awning contractor. We will then prepare and issue a check to you.

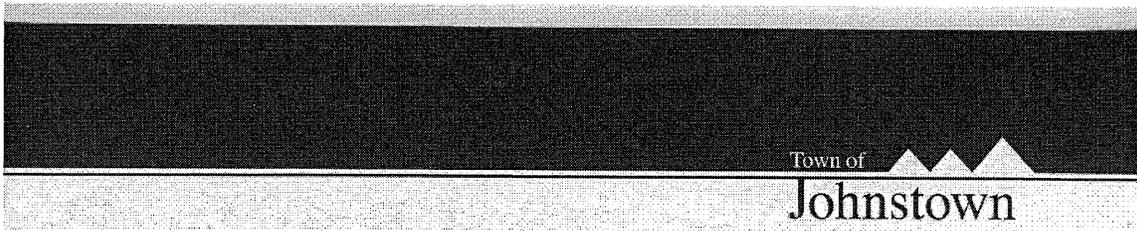
Please contact the Building Department regarding required permit(s) for the work.

Sincerely,

A handwritten signature in black ink, appearing to read "John Franklin", is written over a horizontal line.

John Franklin
Town Planner

Copy to File



October 20, 2016

Lisa Voelker
2610 Cherry St.
Fort Collins, CO 80521

Re: Notice of Award - Façade Grant for 7 S. Parish Ave. (Johnstown Breeze)

Lisa:

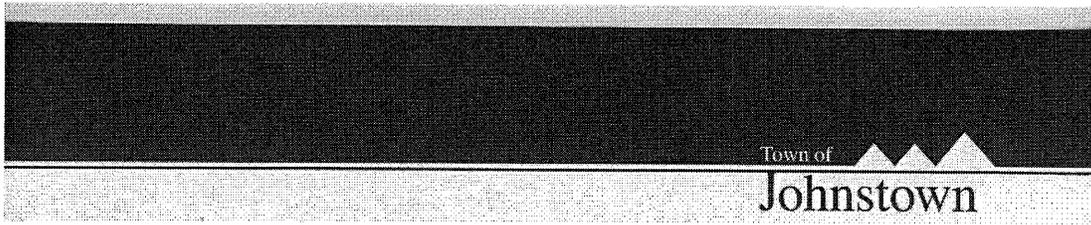
I am pleased to inform you that Town Council has approved the matching grant as requested, in the amount up to 50% of your project cost, but not to exceed \$3,652.50. Please have the contractor apply for the necessary building permit. When the work is completed, please submit a copy of the final invoice from the contractor to the Town Clerk. We will then prepare and issue a check for the grant amount to you.

Sincerely,

John Franklin
Town Planner

Copy to:
Town Clerk
File

2018
DOWNTOWN
FACADE
GRANT REQUESTS



January 18, 2018

Charlie and Veronica Schlagel
118 W. Charlotte St.
Johnstown, CO 80534

Re: Notice of Award - Façade Grant for 118 W. Charlotte St.

I am pleased to inform you that Town Council has approved a matching façade and sign grant, in the amount up to 50% of your project cost, but not to exceed \$ 5,000.00.

Please have the contractor apply for the necessary building permit. When the work is completed, please submit a copy of the final invoice from the contractor to the Town Clerk. We will then prepare and issue a check for the grant amount to you.

Sincerely,

A handwritten signature in black ink, appearing to read "John Franklin". The signature is stylized with a large initial "J" and a horizontal line extending to the right.

John Franklin
Town Planner

Copy to:
Town Clerk
File

Downtown Façade Grant Program Façade Grant Request – Staff Review

Town Staff Application Review – December 21, 2017

- **Date submitted complete application:** December 7, 2017
- **Applicant:** Charlie and Veronica Schlagel
- **Owner?** Yes
- **Address/Location:** 118 W. Charlotte St.
- **Type of Improvements Desired:** New storefront - frame, door and windows. Also new wall and projecting signage.
- **Proposed Project Cost:** \$18,833.93
- **Requested Grant Amount:** 50% - 9,416.96
- **Is building “historic”?** Yes. Building was built in 1928; was listed as Dentist office, then doctor’s office.
- **Applicable Guidelines addressed in application?** Preserve retail- style storefronts.

Staff Recommendation:

A. Façade Grant:

1. **Eligible Project Cost:** New storefront: \$14, 970.75.
2. **Eligible Grant amount:** 50% - \$7,485.32
3. **Recommended Grant:** \$4000.00

B. Signage Grant:

1. **Eligible Sign Cost:** Projecting sign: \$3,580.00
2. **Eligible Grant amount:** \$1000.00*
3. **Recommended Grant:** \$1000.00

Staff Comments:

- Due to few requests in recent years, \$5000.00 was budgeted in 2018 for façade grants.
- The Town has not previously provided funds for this property.
- Bronze color should be used as it will help to maintain the original sash and frame appearance in a more modern, quality material.
- *The projecting sign will need to have external lighting only to meet the guidelines for the grant.



2017 TOWN OF JOHNSTOWN DOWNTOWN FAÇADE GRANT PROGRAM

APPLICATION

Applicant: Danny + Trish Yost Property Owner: Mary + Trish Yost
 Applicant Address: 211 Godwall Lake Johnstown, PA
 Telephone: (D) 970.576.4619 (T) 970.405.6929 E-mail address for correspondence: d.yost@yahoo.com
 Project Physical Address: 21 S. Parish Avenue, Johnstown, CO 80534
 Name of Business: Fitness Avenue
 Project Start Date*: 2/1/2018 Project Completion Date*: 3/1/2018

Project Description:
 • Clear up brick, from residue of previous awning + signage.
 • add new signage on both west + south facing exterior.
 • replace existing entrance doors (1 on west side) (3 on south side)
 • replace window on south side
 • add exterior lighting for safety on west, south, + east sides.
 • paint exterior building on east side only

Total Cost of Project (attach contractor's bid): \$ 16,676.56
 Amount Requested (not to exceed 50% of the total cost, or \$10,000): \$ 8338.28

- Applicants will receive approval notification by e-mail or regular mail at the address provided above.
- Work completed prior to grant approval is not eligible for funding.
- Reimbursements occur after the project completion, upon submission of appropriate forms and documents, and following inspection by Town Planner and Building Inspector.
- All required permits are the responsibility of the owner / applicant.
- Proposed work will be reviewed by the Design Review Committee.
- * The project will be completed within 180 days (6 months) of approval.

Signed: [Signature] 1/21/18
 Property Owner(s) Date
 Signed: [Signature] 1/21/18
 Applicant(s) Date

Send all application materials to:
 John Franklin, Town Planner
 Town of Johnstown,
 450 S. Parish Ave.
 Johnstown, CO 80534



1 original and 1 copy of the following:

- Complete Application
- Written project description (if not on the application)
- Scaled drawings of proposed improvements
- Color photographs of existing conditions; including the area for improvements (include color samples and materials to be used)
- Contractor and material cost estimates
- Letter of commitment for matching funds
- Written approval by property owner, if applicable

FITNESS AVENUE
1 North Parish Avenue
Johnstown, CO 80534
970.587.8383

February 20, 2018

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

Dear Mr. John Franklin:

Please accept this correspondence as an application for the Town of Johnstown Façade Grant Program. As the recent owners of 21 S. Parish Ave., it is our goal to make large improvements to the exterior of our building. We are excited about the opportunity to have assistance from our Town as the cost for improvements is a very large investment. We have included the required documentation for the application process; however, if there is something further that you may need, please let us know at your earliest convenience as we are very eager to get our new building complete.

We are committed to financially providing the necessary funds to make these improvements. Please accept this statement as the Letter of Commitment necessary for the completion of the application process.

We can be reached via email: dtvost@yahoo.com or cell phone: (Danny Yost) 970-576-4619, or (Trish Yost) 970-405-6929.

We appreciate your time and attention to this matter.

Sincerely,



Danny & Trish Yost

FITNESS AVENUE



CONSTRUCTION CONCEPTS INC.

Change Order Request

Detailed (with Breakdown of PCOs), Grouped by Each Number

1716-Fitness Avenue

Project # 1715

Construction Concepts, Inc.

Tel: Fax:

Change Order Request: 001

Date: 2/2/2018

To: Danny Yost
Yostville Enterprises LLC
211 Gadwall Lane
Johnstown, CO 80534

From: Rich Brayden
Construction Concepts, Inc.
14125 Mead Street
Longmont, CO 80504

Table with 3 columns: Description, Category, Status. Row: Exterior Improvements, Pending

Table with 4 columns: Reference, Required By, Days Req, Amt Req. Row: 2/9/2018, 0, 9,907

Notes

Table with 8 columns: PCO No, Date, Reference, Amt Prop, Days Req, Category, Reason. Row: Description, Notes

Table with 8 columns: PCO No, Date, Reference, Amt Prop, Days Req, Category, Reason. Row: 008, 2/2/2018, Exterior Improvements, 9,907, 0

Table with 4 columns: Item No, Item Description, Amt Prop, Reference. Rows: 001 (Clean up brick...), 002 (Replace existing entry door...), 003 (Replace broken window...), 004 (Add 10 exterior lights...), 005 (Mask off, prime & paint...)

Approved By:

Signature

Name

Handwritten signature of Trish Yost

Handwritten date 2/2/18

Date



1304 Duff Drive
 Suite #1
 Fort Collins, CO 80524
 (970) 689-3293

Great. Big. Graphics.

ESTIMATE

EST-7149

Payment Terms: Due on Completion

Created Date: 2/14/2018

DESCRIPTION: New building signage

Bill To: Fitness Avenue
 257 Johnstown Center Dr.
 Johnstown, CO 80534
 US

Pickup At: SpeedPro Imaging
 1304 Duff Drive
 Suite #1
 Fort Collins, CO 80524
 US

Requested By: Trisha Yost
 Email: jmfitnessavenue@yahoo.com
 Cell Phone: (970) 405-6929

Salesperson: House SpeedPro Imaging - Fort Collins
 Entered By: Kelly Kettler

NO.	Product Summary	QTY	UNIT PRICE	AMOUNT
1	Exterior Logo - individual letters (one for front, one for side)	2	\$1,625.0000	\$3,250.00
1.1	Custom - Black aluminum with custom 1/2" offsets installed into brick - Fitness letters 19" tall, AEUE 14" tall, VN 15.5" tall Part Qty: 1			
2	Installation of large logos on brick - includes template	2	\$450.0000	\$900.00
2.1	Graphics Installation - Part Qty: 1			
3	Windows vinyl - individually cut white letters - installed	1	\$330.0000	\$330.00
3.1	Standard Air-release Permanent Matte Vinyl - 4 top, 4 bottom Part Qty: 8 Width: 60.00" Height: 6.00"			
3.2	Calendared Lamination - Gloss finish - Part Qty: 8 Width: 60.00" Height: 6.00"			
3.3	Plotter use - custom cut, weed and masking - Part Qty: 1			
3.4	Graphics Installation - Part Qty: 1			
4	door vinyl - individually cut - installed	1	\$206.0000	\$206.00
4.1	Standard Air-release Permanent Matte Vinyl - Part Qty: 1 Width: 36.00" Height: 48.00"			

4.2	Calendared Lamination - Gloss finish - Part Qty: 1 Width: 36.00" Height: 48.00"
4.3	Plotter use - custom cut, weed and masking - Part Qty: 1
4.4	Graphics Installation - Part Qty: 1

Subtotal:	\$4,686.00
Taxes:	\$122.33
Grand Total:	\$4,808.33

This estimate is valid for two weeks. Changes, additions and deletions to the estimate may result in additional charges. The estimate is based on print-ready files. Design is available at an hourly rate. Sales tax will be added to the invoice unless a Sales Tax Exemption Certificate is on file.

Acceptance of the estimate authorizes SpeedPro Imaging to initiate production. Generally, a deposit of 50% is also required. All amounts are due upon delivery of the products unless other arrangements have been formally agreed upon.

Manufacturer Warranties covering adhesion and durability of the adhesive films may exist. However, SpeedPro does not guarantee adhesion of films to substrates not provided by SpeedPro and is not responsible for unusual wear and tear due to external forces such as power washing or car wash systems.

Thank you for the opportunity to provide this estimate for your graphics needs. Completion will vary based on the date you place your order and graphics are received and/or approved. Please let us know if you have a specific due date.

FITNESS AVENUE

24 HOUR ACCESS

GROUP FITNESS

CHILDCARE • SAUNA

CARDIO & STRENGTH

PERSONAL TRAINERS

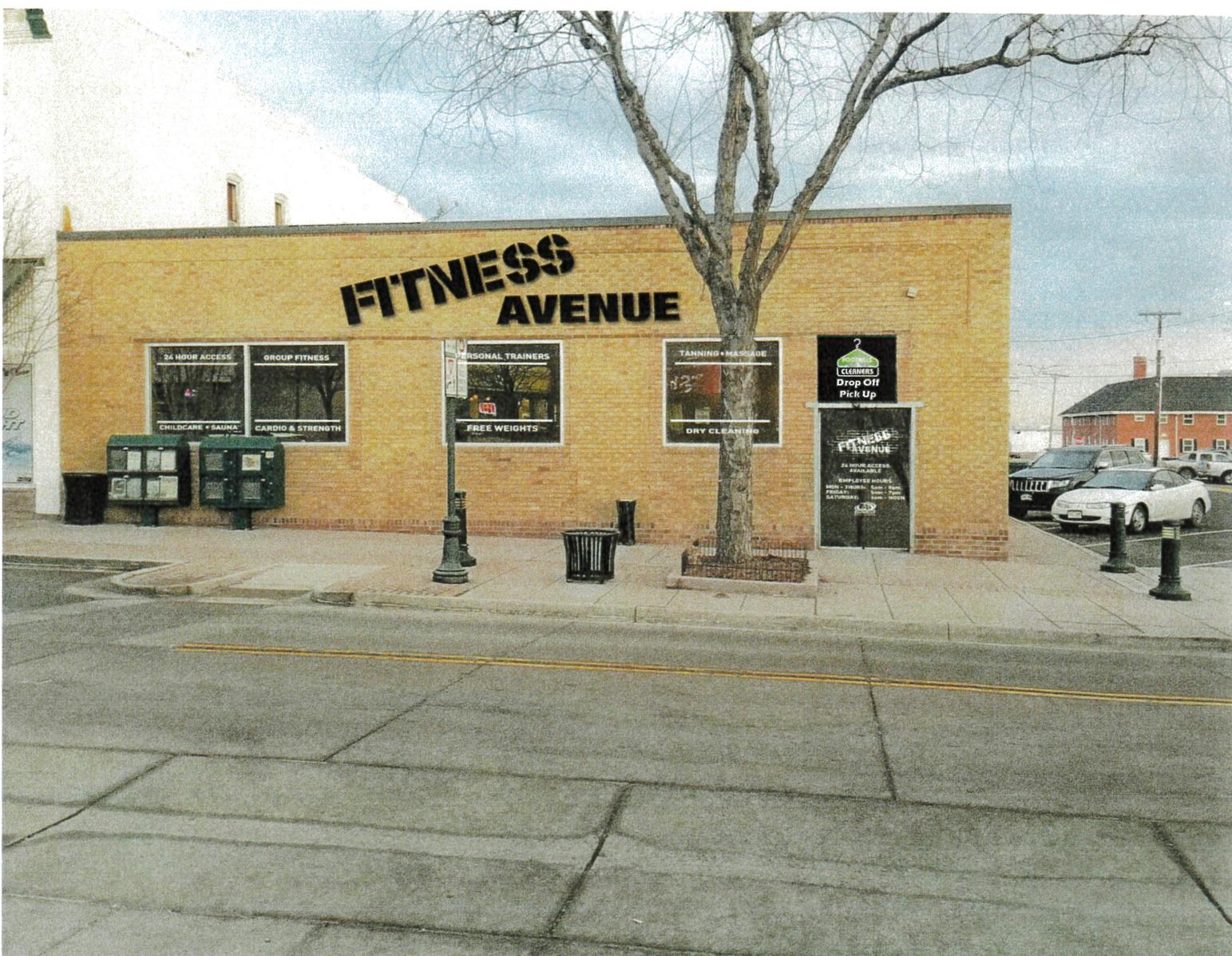
FREE WEIGHTS

TANNING • MASSAGE

DRY CLEANING

CLEANERS
Drop Off
Pick Up

FITNESS AVENUE
24 HOUR ACCESS
MEMBERSHIP
EMPLOYER PRICING
MON - THURS 8am - 9pm
FRIDAY 8am - 9pm
SATURDAY 9am - 1000am



Window signage above front door, west side &
in window on south side



FITNESS AVENUE

**24 HOUR ACCESS
AVAILABLE**

EMPLOYEE HOURS

MON - THURS: 5am - 8pm
FRIDAY: 5am - 7pm
SATURDAY: 6am - NOON



Doc Savage

← This sign will be moved slightly to the west.

Dry Cleaning
FITNESS AVENUE

Customers
Drop Off
Pick Up



* Attached "Dry Cleaning" sign will be attached.

Letters are 5 - 6" wide x 6" tall

DRY

Overall dimension is 48"x15"

CLEANERS

Die-cut black aluminum composit letters on stand offs.



1304 Duff Drive
 Suite #1
 Fort Collins, CO 80524
 (970) 689-3293

Great. Big. Graphics.

ESTIMATE

EST-7190

Payment Terms: Due on Completion

Created Date: 2/20/2018

DESCRIPTION: New building signage for Fitness Avenue

Bill To: Fitness Avenue
 257 Johnstown Center Dr.
 Johnstown, CO 80534
 US

Pickup At: SpeedPro Imaging
 257 Johnstown Center Dr.
 Johnstown, CO 80534

Requested By: Trisha Yost
 Email: jmfitnessavenue@yahoo.com
 Cell Phone: (970) 405-6929

Salesperson: House SpeedPro Imaging - Fort Collins
 Entered By: Kelly Kettler

NO.	Product Summary	QTY	UNIT PRICE	AMOUNT
1	Exterior signage - individual letters	1	\$1,275.0000	\$1,275.00
1.1	Custom - Black aluminum with custom 1/2" offsets installed into brick - Fitness letters 19" tall, AEUE 14" tall, VN 15.5" tall Part Qty: 1			
2	Installation of large logos on brick - includes template	1	\$350.0000	\$350.00
2.1	Graphics Installation - Part Qty: 1			
3	Windows vinyl - individually cut logo - installed	1	\$286.5000	\$286.50
3.1	Standard Air-release Permanent Matte Vinyl - Part Qty: 2 Width: 36.00" Height: 36.00"			
3.2	Calendared Lamination - Gloss finish - Part Qty: 2 Width: 36.00" Height: 36.00"			
3.3	Plotter use - custom cut, weed and masking - Part Qty: 1			
3.4	Graphics Installation - Part Qty: 1			

Subtotal:	\$1,911.50
Taxes:	\$49.73
Grand Total:	\$1,961.23

This estimate is valid for two weeks. Changes, additions and deletions to the estimate may result in additional charges. The estimate is based on print-ready files. Design is available at an hourly rate. Sales tax will be added to the invoice unless a Sales Tax Exemption Certificate is on file.

**WORK
SESSION
(Discussion of Metropolitan District Policy)**

Law Office of Avi S. Rocklin, LLC

ATTORNEY AT LAW
1437 N. DENVER AVENUE, #330
LOVELAND, CO 80538
PHONE: (970) 419-8226 EMAIL: AVI@ROCKLINLAW.COM

MEMORANDUM

TO: Honorable Mayor and Council Members
FROM: Law Office of Avi S. Rocklin, LLC⁴⁴
DATE: February 22, 2018
RE: Work Session: Metropolitan District Model Service Plan

The purpose of the work session is to further define and develop the Town of Johnstown's policies and procedures regarding implementation of the Model Service Plan adopted on February 22, 2017. Once Town Council provides direction, Town staff will draft a policy to be approved by Council and thereafter posted on the Town's website and, when requested, distributed to interested members of the public.

The policy issues to discuss during the work session involve procedural and substantive issues. While Town Council may desire to defer consideration of the substantive issues until particular developments are proposed, it will nevertheless be helpful to Town staff to have a general idea about Council's position to enable more productive discussions with developers. The issues include, among potentially others, the following:

Procedural

- Lead time for the submission of a proposed service plan prior to an election date;
- Development thresholds, if any, to be met prior to consideration of a proposed service plan; and
- Town's initial review costs.

Substantive

- Mill levy caps;
- Enhanced disclosure provisions;
- Desirable amenities and qualities of development being considered for a metropolitan district;
- Limitations, if any, on the use of District funds for public improvements;
- Control districts; and
- Soft cost limits.

For reference and review, attached are potentially helpful documents from Fort Collins and Loveland.

Fort Collins adopted a metropolitan district policy in 2008. In November of 2017, the City considered significant revisions to the policy. In so doing, City staff prepared a thorough memorandum addressing many of the same issues that Town Council will be considering.

Loveland also recently considered policies regarding metropolitan districts. Attached is staff's proposed policy regarding the submission of service plans as well as a disclosure document providing enhanced disclosure to homebuyers.

**CITY
OF
FORT COLLINS
DOCUMENTS**

City of Fort Collins

DATE: November 28, 2017	WORK SESSION ITEM City Council
STAFF: Patrick Rowe, Redevelopment Program Coordinator Tom Leeson, Director, Comm Dev & Neighborhood Svcs Josh Birks, Economic Health Director	

SUBJECT FOR DISCUSSION

Metropolitan District Policy Changes. (Part two).

EXECUTIVE SUMMARY

The purpose of this item is to review and consider changes to the City policy concerning Title 32 Metropolitan (Metro) Districts to better align the policy with desired outcomes and introduce other process improvements.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

Staff is seeking input and direction from Council on potential revisions to the City's current policy concerning metro districts. More particularly, staff seeks Council's input on revising the policy to make a number of process improvements, including changes to make the policy more outcomes focused.

Improving the policy in this way will:

1. provide greater clarity to the development community on what Fort Collins is looking for
2. inform staff's evaluation process
3. provide an improved framework for Council's review and evaluation of a proposed district.
4. Improve alignment with City goals and objectives

Specific questions for Council:

1. What does City Council want to achieve with the City's Metropolitan District Policy?
2. Does Council support amending the Metropolitan District Policy in the following ways?
 - a. Outcomes-focused (non-prescriptive)
 - b. Highly selective review process
 - c. Other process improvements (e.g., model service plan)

BACKGROUND / DISCUSSION

In response to increased interest in utilizing metro districts to address infrastructure and development challenges and the opportunity to introduce a number of process improvements to the existing policy adopted in 2008 (**Attachment 1**), staff proposes that Council consider potential revisions to its existing policy. Generally, staff proposes revising the policy to:

1. Re-orient the policy towards outcomes (pairing back some prescriptive elements of the existing policy).
2. Incorporate a robust and highly selective review process to better screen and evaluate proposals.
3. Introduce additional process improvements and best practices gleaned from peer research (e.g., model service plan, application process, etc.)

Proposed Policy Purpose Statement and Key Principles

The work session and materials focus on a proposed new/updated policy at a principled level. With Council's input, and if directed, out of this discussion staff will expand upon and develop a draft policy for Council's review.

This may be presented to Council for consideration as part of the adoption process by Ordinance, or may be presented at a future Council Finance or Work Session meeting.

Proposed metro district policy purpose statement:

The City of Fort Collins may consider the use of a metropolitan district where a district will deliver significant public benefit that aligns with the goals and objectives of the City. The City will evaluate a district proposal based on its ability to affect enhanced development outcomes in the following areas:

1. *Deliver on Strategic Planning Priorities: Deliver on priorities specified by long term strategic planning documents (City Plan, Strategic Plan, Climate Action Plan, Affordable Housing Plan, Economic Health Office Plan, Sub-Area Plans, etc., as amended and updated);*
2. *Advance Sustainability Outcomes: Sustainable design, multimodal transportation, water conservation, infill and redevelopment, community resiliency, energy efficiency, renewable energy, housing affordability, enhanced employment opportunities, economic vitality, etc.*
3. *Produce High Quality and Unique Development: High quality design, walkable and pedestrian friendly, transit and multimodal oriented, use of quality construction materials, compelling public spaces, mixed-use (live, work, play integration), etc.*
4. *Provide Lacking and/or Enhanced Public Infrastructure. Address key and significant infrastructure challenges, provide enhancements such as urban design elements, beautification, etc.*

Enhanced development outcomes must be specific and sufficiently detailed for Staff review and Council consideration. Commitments will be assured through the entitlement process and/or in the district service plan that must be approved by Council.

The City will only consider metropolitan districts that provide unique or enhanced public benefit which could not be practically provided by the City or an existing public entity, within a reasonable time and on a comparable basis. It is not the intent of the City to create multiple entities which would be construed as competing or duplicative.

District approval will be at Council's sole discretion and nothing in this document is intended, nor shall it be construed, to limit the discretion of City Council.

Proposed Key Policy Principles

- **Selective Use.** The City wishes to set a high standard for use of metropolitan districts, thereby limiting use.
- **Evaluation – process, not prescription.** To preserve creativity and flexibility, and in acknowledgement of the wide-ranging potential uses of metropolitan districts, the City will rely on a robust evaluation process that will assess proposals in the following ways:
 - Outcomes and public benefit evaluation via interdisciplinary staff team (Planning, Finance, Sustainability Services, and others as needed).
 - Necessity of a district, and potential alternatives.
 - Conformance with model service plan and standards.
- **Note:** This is the evaluation process only, approval authority belongs to City Council, at its discretion.
- **Outcomes Focused.** The policy will be written with a focus towards outcomes and will pair back some of the prescriptive elements of the existing policy.
- **Process Improvements.**
 - Multi-step application process to provide early vetting and feedback on potential proposals.
 - Model service plan for streamlined legal review and greater transparency of City requirements.

- o Revised fee structure to accommodate multi-step application process and add fees for non-standard review, service plan amendments, etc.
- o Inclusion of other miscellaneous best practices (e.g., resident transition plan, improved disclosures, etc.).
- **Other Notable Policy Provisions.**
 - o **Aggregate Max Mill Levy:** 50 mills, of which no more than 10 mills may be used for operations and maintenance; additional mills within total limit may be considered when district is used in lieu of a homeowners association. A 50 mill max is consistent with other communities around the state. (This represents a 10 mill increase from the 2008 policy).
 - o **Governance:** It is the intent of the City that owner/resident control of districts occur as early as feasible. The City may consider authority structures to accommodate this. When feasible, the City will discourage the use of control districts (aka managing districts).
 - o **Debt Mill Levy Term:** Debt must be discharged no more than 40 years after approval of the service plan, with some provision for refundings when that is in the best interest of the district and future owners and residents. (Generally consistent with the existing policy). [Denver – 40 years, except for refundings w/ End User controlled district]
 - o **Financial Plan** must be certified and reviewed by an Independent municipal finance advisor as to whether debt issuances are in the best interest of the district at the time of issuance.

Many concepts of the existing policy will remain either in the policy, or as part of the model service plan. The areas where the proposed policy differs, as currently conceived, results from a shift away from the prescriptive approach of the current policy to an outcome based approach that relies on process. Two key changes are:

1. Elimination of the provision limiting district use to projects that are no less than 90% commercial by assessed value.

Rationale: There are a number of instances where Council may wish to authorize a district for a mixed-use or residential project. Staff suggests the alternative approach of having high standards and a rigorous review process versus restriction with consideration for exceptions.

2. Elimination of the provision that states the City will have a bias against using metro districts to fund "basic infrastructure improvements required from new development".

Rationale: Limiting district use to extraordinary infrastructure improvements would significantly limit the applications for districts and likely preclude projects which might otherwise be highly desirable. Both existing fully functional metro districts in Fort Collins (Harmony Tech Park and Foothills Mall) were used to fund basic infrastructure. Peer research did not find any other communities that restrict district use in this.

Community Research and Takeaways

Regional and State Wide Use

- o Metro districts are the most common special district utilized in Colorado. Currently there are approximately 1,576 metro districts state wide.
- o Metro district use varies widely by community (**Attachment 2**), but generally the landscape can be divided into those that are using it as part of the routine development process, or those that are using it in a more focused and selective manner.
- o The following table highlights community usage according to total number of districts (as per State Department of Local Affairs mapping) and on a land area basis (metro district land area as a percentage of total municipal land area):

	% of municipal land area	# of metro districts
Regional		
Fort Collins	0.5%	3
Loveland	13%	26
Greeley	2%	3
Johnstown	22%	18
Timnath	50%	18
Windsor	42%	52
State		
Aurora	27%	205
Denver	10%	45
Littleton	8%	6
Longmont	1%	3

To better understand community use and outcomes, staff interviewed 9 different communities along the front range. Some of the key takeaways are as follows:

- Most communities reported positive experiences and outcomes with metro districts, though some challenges were noted as well. Specifically, several reported issues with residents/owners not being aware that their property was within a district until after purchasing (note: there are state disclosure requirements that are part of a property transaction, but they can be lost in the complexity and volume of materials that are part of a real estate transaction). Additionally, there was a community example where a high mill levy charge and slow delivery of a community amenity caused issue with a number of residents.
- Mill Levy Limits – Combined mill levies ranged from 39 to 65 mills, with most communities restricting to a combined 50 mills. Many communities did not specify a separate operations and maintenance mill levy cap; several communities specify a 10 mill cap.
- Model Service Plan – Most communities are using a model service plan.
- Several communities reported at least some challenges with residents/owners having awareness that their property was within a district. There are state disclosure requirements that are part of a property transaction, but they can be lost in the complexity and volume of materials that are part of a real estate transaction.
- Owner/Tenant/Resident Transition Plan – Improve board transition through the use of a transition plan that is required by the service plan.
- Fees – City charges for service plan review varied, with most communities charging between \$2,500 and \$5,000. The City's fee is currently \$12,000 (\$2,000 fee and \$10,000 deposit).
- Best practices in the area of transparency and accountability.
- Impact on new tax appetite – None of the 9 communities reported seeing any indication that the existence of a metro district had an impact on a resident's willingness to support additional tax/bond initiatives. Staff anecdotally evaluated electoral results from Larimer, Adams, and Arapahoe County (all counties with high usage of Metro Districts) and found little to no correlation between the presence of Metro Districts and the passage/rejection of tax and bond measures in communities with high rates of Metro District use.

Note: Summary table of community information and notes is enclosed (**Attachment 3**).

Existing City Policy Summary

In July 2008, the City Council adopted Resolution 2008-069 establishing the guidelines and parameters under which City staff is to review and evaluate metro district service plans filed with the City (the Policy). While the Policy provides guidance to the Council in making its decision of whether or not to approve a service plan, the Policy makes it clear that it is intended to only be a guide for Council and that nothing in the Policy "is intended

nor shall it be construed, to limit the discretion of City Council, which retains full discretion and authority regarding the terms and limitations of all District Service Plans."

The guidelines and parameters set in the Policy for evaluating metro district service plans include:

- Total assessed value of the taxable improvements within the metro district at full build-out should be at least \$10 million plus CPI increases since 2008
- Development should be "predominantly commercial," meaning no less than 90% non-residential and no more than 10% residential
- Bias against using metro district to fund "basic infrastructure improvements normally required from new development"
- Service plan should "enumerate and describe all powers" of the district for which there is a demonstrated need and those powers not needed should not be approved in the plan
- The district should not have the power of eminent domain
- 40 mills should be the "Maximum Mill Levy" for both debt service and district operations and maintenance
- District's "Financial Plan" should be prepared by an investment bank or financial advisor listed in "Bond Buyer's Market Place."
- Financial plan should include a "Total Debt Limitation" for the district that should not exceed "100% at projected maximum debt capacity as shown in the Financial Plan"
- Service plan should include an "Infrastructure Preliminary Development Plan"
- No development fees may be charged by the district unless identified with particularity in service and financial plan.
- Bonded indebtedness should be limited to what can be serviced by the Maximum Mill Levy
- All debt under financial plan should be issued within 15 years of the district's formation
- Debt issued should have a 30-year maximum maturity date, except for a refunding that results in net present value savings
- All debt should be paid and district dissolved no more than 40 years after service plan approved
- Service plans should require additional Council approval 20 years after district formation and every 10 years thereafter if the district is to continue to provide operation and maintenance services
- No issuance of additional debt if district is in default in payment of existing debt, except to refund debt
- If multiple districts are to be used, the proposed absorption of the project and the improvements to be financed should be reasonably projected to occur over an extended period of time or it should be a mixed-use project with a minimum of its assessed value derived from non-residential uses
- Certain "Material Modifications" of the service plan should be defined in the plan, as well as what are not considered "Material Modifications" ("Material Modification" to a service plan require prior Council approval under the Special District Act)

- Service plan should require the district to provide the City with an annual report
- Service plan should expressly allow City to impose certain sanctions if district is in material default of the service plan
- Again, the Policy provides that it "is intended as a guide only" and not intended "to limit the discretion of the City Council." Consequently, the Council is free to waive any of the requirements and limitations listed above, as well as impose any other reasonable requirements or limitations in the service plan as a condition of its approval

Metro District General Information Overview

A metro district is a type of special district derived from Colorado's Special District Act (Title 32, Article 1, Colorado Revised Statutes). In practice, metro districts are a preferred public financing tool used to pay for public infrastructure and/or services which the municipality is not able or unwilling to provide, or provide in a reasonable time frame, address challenging site conditions, and/or allow for unique and amenitized development. More broadly, the tool may be used to further community specific objectives through private development, such as a specific form of land use pattern, sustainability goals, and other community goals.

Formation

A metro district is a quasi-governmental entity formed by a district court process following the approval of the district(s) service plan by the governing body (municipal or county). The process is outlined below:

Step 1: Application of Service Plan Consideration to City

Step 2: City Review/Consideration/Approval

Step 3: Petition by District Electors Filed with Court

Step 4: District Court Hearing - court orders election on organization (board election and financial matters)

Step 5: Election - authorizes the creation and elects the district's first board of directors

**TABOR election and process is also required before a district may take on multiple-fiscal year debt and levy property taxes.*

City Role

When a district is proposed to be organized within the City, the City Council has the authority to approve, approve with conditions or disapprove the service plan. In exercising this authority, the Council has considerable discretion and the Council's decision is subject to judicial review only on the basis that its decision was "arbitrary, capricious or unreasonable result."

Through this approval process, the City also has the authority to limit the metro district's powers and operations under its service plan, such as by limiting the public infrastructure and services that the district can finance and provide under the service plan. The City can also require in the service plan that some or all of the public infrastructure to be constructed be dedicated to the City. For example, utility improvements and streets are typically dedicated to the municipality, but park and recreation improvements are often not. The City can also impose in the service plan a maximum cap on the metro district's mill levy and on the amount of bonds and other debt the district can issue.

If a metro district takes an action that is a material departure from the requirements or limitations of the approved service plan, the municipality approving the plan may file an action-in-court-to-enjoin-that-action. Also, the approved service plan can grant additional enforcement remedies to the municipality.

District Powers/Authorized Uses

State law permits metro districts to be utilized for a broad range of purposes including the construction and financing of public improvements -transportation, water, sanitary systems, parks and recreation improvements, and others - and/or the operation and maintenance of these public improvements. They may also perform some

of the functions that property-owner and homeowner associations typically perform, such as covenant enforcement.

And, unless limited in the service plan, a metro district has these powers: (a) to levy property taxes; (b) impose fees and other charges for the facilities and services it provides; (c) issue debt, like bonds; (d) exercise the power of eminent domain; (e) construct authorized public improvements both within and outside its boundaries; and (f) to provide its services directly or through intergovernmental agreements with other governmental entities, such as a municipality, county or other metro district.

While metro districts are often used to provide ongoing services, they are more often used to finance public improvements for the use and benefit of the district's property owners and residents. Eligible capital costs are usually financed through the district's issuance of general obligation bonds paid from the property taxes levied by the district. When its bonds are properly issued and used for eligible public purposes, the income earned from them by a bond purchaser can be exempt from the purchaser's federal and state income taxes. It should be noted that the municipality is not financially liable for any financial obligations made by a metro district.

The tax-exempt nature of metro district bonds usually results in lower infrastructure financing costs than would be the case with private financing alternatives. Once the initial infrastructure has been completed, a metro district will continue to exist while the infrastructure bonds are being paid, but are often dissolved once the bonds are retired. However, a metro district is permitted, again unless limited by its service plan, to exist in perpetuity in order to provide certain ongoing services to the district's inhabitants, such as: trash removal and recycling; security services; architectural design review and covenant enforcement; maintenance and administration of the common areas; and the operation and maintenance of the district's facilities.

Governance, Election Process, and Public Participation

A metro district is a separate governmental entity governed by its elected board of directors (5 or 7 individuals), subject to the requirements and limitations of its approved service plans, the Special District Act, and other applicable law. The electors of a district are those individuals who are registered to vote in Colorado who either: (1) reside in the district, or (2) own taxable real or personal property within the district (i.e., those that will be paying the tax within the district).

As a quasi-municipal entity, a Metro district is subject to many of the same transparency and accountability laws required of a municipality and other Colorado governmental entities, including: Colorado Open Records Act, Taxpayer Bill of Rights (TABOR), and Title 1, C.R.S. pertaining to elections. Elections are held each November or in May of even-numbered years. A notice of election must be provided to eligible electors, designate the location for regular meetings, current financial information, and the date of election. In practice, a developer will typically have control of the district(s) through the buildout phase of a project, after which point it's common for residents and/or business owners to assume control.

The public has various opportunities to interface with the board. Metro District boards have regular open meetings and publish regular annual and financial reports that are available to the public. These reports are submitted to the Colorado Department of Local Affairs (DOLA) for review.

Additionally, if a property is purchased by a new resident, disclosure of special taxes, debt obligation, and location in a Metro District must be provided to the buyer upon time of sale (38-36.7-101, C.R.S.; 10-11-122 C.R.S.).

Miscellaneous

- *Metro Districts vs. Homeowner's Associations (HOAs)*
 - Metro districts and HOA's are similar, but ultimately differ in their legal structure and outcomes that can be achieved. A key difference between the two organizations is that a metro district is a public entity, subject to public accountability requirements of the state. This includes Colorado Open Meeting Laws (§24-6-402, C.R.S.), Colorado Open Records Act (CORA), requirements for the adoption and publishing of annual budgets (§29-1-106, C.R.S.), the provision of public information regarding the district (§32-1-809, C.R.S.), and the district is subject to Colorado's Taxpayer Bill of Rights (TABOR). As a private, non-profit corporation, a HOA is only accountable

to its membership and is not subjected to the public accountability laws listed above. The adoption of an annual budget is required, but audits are only required after reaching certain financial thresholds.

- o Metro districts have a broader focus on the public benefit of financed amenities. Under a metro district, all district facilities must generally remain open to the public. With this stipulation in mind, metro districts are authorized to construct, maintain, and operate public improvements such as streets, water, sewer, infrastructure, park and recreational improvements, which a HOA is not generally tasked with. HOA improvements are primarily focused on covenant enforcement, design review, trash removal, and general upkeep services.
- o Revenue generation is also a key difference between the two entity types. In a metro district, revenue can be generated through ad valorem property taxes, which are tax deductible by residents. These districts also have the ability to issue tax exempt bonds and are eligible for a variety of government grants that can potentially lower the costs of funding. In an HOA, revenue is generated primarily through fees and assessments on residents within the community. Whereas property tax is much easier to collect, there is a greater chance that HOA fees will go unpaid.
- o These differences between metro districts and HOAs allow them to be used for different desired outcomes. A metro district, with its taxing authority, public accountability standards, public benefit requirements, and legal protections, make it a preferable mechanism to fund public infrastructure projects such as streets, water, sanitation, and other public goods in a district. An HOA, conversely, is better suited to provide beautification and improvements to private property within a residential community.
- *Risk Considerations*
 - o **Municipal Risk:** The City has no legal or obligation for any financial obligations of a metro district. Legal and industry financial professionals are not aware of any instances where metro district default/failure/distress has indirectly impacted a municipality's credit rating.
 - o **Risk of Failure:** Due in part to changes in state law pertaining to special districts, the risk of failure is very low. As per Colorado Department of Local Affairs records, there has been only one recorded bankruptcy filing for a metropolitan district since 2000 (and this petition was later rejected by the court).
 - o **Financial Distress:** Financial distress can occur, however, the effect of financial distress is most often a non-event. As per state law, with few exceptions metro districts can only commit a limited tax revenue stream (i.e., a limited mill levy) to service debt. If a payment is unable to be made, the unpaid principal and interest is added to the principal balance of the debt. This means that as long as a district is levying at the maximum authorized rate and complying with other loan covenants, the bonds are generally not in default. This contrasts with what occurred in the late 1980's and early 1990's following an economic down turn when approximately one dozen districts filed for bankruptcy. At that time, metro district debt was a general obligation and not limited by a specific mill levy. This resulted in districts being forced to dramatically raise mill levies in an attempt to meet required debt service and forestall default, which in the midst of a market down turn, very likely exacerbated the situation.
 - o **Political Risk:** As stated above, the risk of failure is very low and the impact of a financially distressed district may largely be limited to the extension of the payment term. That said, should a metro district fail to deliver on its commitments, residents/property owners may have an expectation that the municipality will step in to assume the district's responsibilities and the residents could bring political pressure on the City's leaders to do so. Further, with the higher property taxes from metro districts it has been hypothesized that citizens may be less willing to pass additional local tax initiatives. There are a number of communities that utilize metro districts to a significant degree (see Regional and State Wide Use, below) and yet evidence of this relationship has not been produced. With limited and focused use this hypothetical risk would seem even more remote for Fort Collins.
 - o **Other Risk Considerations.**

- **Underwriting / Market Requirements:** There are considerable underwriting and market requirements for district debt issuance. The earlier in the development process the greater the risk and associated market/underwriting requirements - greater debt coverage and reserves, higher interest rates, etc.
- **Basic Infrastructure Assurances:** The city requires development to construct essential infrastructure according to the obligations of the Development Agreement and the Development Construction Permit and approved construction plans. This is assured with a bond, letter of credit, or cash, according to City requirements. A district service plan also requires that the infrastructure be constructed to the City's standards.
- **Financial Phasing:** For financial and other reasons it's very common for metro districts to phase both the financing and construction of improvements. This phasing can mitigate risk through the incremental financing and construction of improvements.
- **Development Plan Changes:** The nature of a majority of the proposed improvements is such that they may be scaled down to account for buildout / product absorption issues (e.g., a community center may be delayed, downsized, or eliminated in response to market conditions).

ATTACHMENTS

1. Existing Policy (PDF)
2. Case Studies (PDF)
3. Metro Districts Research Table (PDF)
4. Presentation (PDF)

**CITY
OF
LOVELAND
DOCUMENTS**



Loveland Metropolitan Districts

Development Services Department

500 East 3rd Street, Loveland, CO

80537

Phone: 970.962.2525

Recommended Application Submittal Materials

Proponents of a proposed Metropolitan District should consider admitting an application that includes the following:

1. Two (2) paper copies of a **Service Plan** in the form of the City's current model **service plan (INSERT LINK)** and model **Intergovernmental agreement (INSERT LINK)**, copies of which should be obtained from the City's Developmental Services Department.
2. One (1) **cover letter** that addresses the following:
 - 1) What the application is for
 - 2) Identify the address/es or Parcel ID Number (PIN) of property included within the district's service area
 - 3) Identify the names, addresses, and phone numbers of the district applicant/s (applicant must own property within district boundaries) and the representatives of the applicant/s (law firm and individual handling the project).
 - If this is an amendment, see additional info requirements on page 3
3. **Application fee and deposits**, as indicated on page 2, is due at time of submittal. Checks must be written for the exact fee amount, credit cards or supplemented by another form of payment. Checks written for more than the fee amount will not be accepted.

Applicants who propose a submittal which deviates from the model shall discuss the proposal with a representative of the Developmental Services Department. All applications will be reviewed in accordance with the requirements of Colorado Statutes regarding Metropolitan Districts and the City's Metropolitan District Policy Guidelines, attached below, as approved by the City on _____.

In addition to the service plan, the City may require proof of ownership for all properties within the proposed Metro District, as well as a copy of any and all of the proposed enabling, controlling, contractual and/or operations documents that would affect or be executed by the proposed Metro District, including the intergovernmental agreement

between or among the Metro District, the City, or any other government, authority or district, and the name and contact information for the Metro District's Attorney.

Organized districts proposing a material modification to their approved service plan are required to submit additional information, as described below on page 3.

Fees & Deposit

Fees and deposits are due at the time of application as follows:

Standard Fees:

A \$5,000 non-refundable submittal fee for a new application is due with an application.

Deposit:

A \$10,000 deposit is due at the time of application to pay for the fees of legal and financial consultants that the City may retain if the applicant submits a service plan, or amended service plan ("Deposit"). It will be within the City's discretion to determine if outside consultant or attorney reviews are necessary on a case by case basis. Developer will be reimbursed any amount of the Deposit that is not spent on attorneys or financial or other consultants who review the plan or amended service plan. If the Deposit does not cover all of the City's costs attorneys or financial consultants who review the plan or amended service plan, the City will bill the Developer for all amounts in excess of the Deposit, which the Developer shall pay to the City within twenty (20) days.

Deadlines for Submittals

For November election (every year)	May 1
For May election (even numbered years only)	November 1

NOTE: All Metropolitan District documents requested by the City should be sent to:

**Loveland Development Services Department
410 East 5th Street
Loveland, Colorado 80537
Phone: 970.962.2525**

**ADDITIONAL SUBMITTAL REQUIREMENTS FOR MATERIAL MODIFICATIONS
TO APPROVED SERVICE PLANS**

After the organization of a Metro District and pursuant to the provisions of Colorado State Statute, material modifications of the service plan, as originally approved, may be made by the board of directors of the Metro District only by petition to and approval by Council in substantially the same manner as is provided for the approval of an original service plan; but the processing fee for such modification procedure shall be as established by resolution of the Council. Such approval of modifications shall be required with regard to changes of a basic or essential nature,

The password to the public access wireless network (colquest...

**EXHIBIT B
TO GENERAL DISCLOSURE AND COMMON QUESTIONS**

ESTIMATE OF PROPERTY TAXES

Annual Tax Levied on Residential Property With \$300,000 Actual Value Without the District

<u>Taxing Entity</u>	Mill Levies (2015**)	Annual tax levied
Insert entity	Insert amount	\$ Insert amount
Larimer County	Insert amount	\$ Insert amount
City of Loveland	Insert amount	\$ Insert amount
Insert entity	Insert amount	\$ Insert amount
Insert entity	Insert amount	\$ Insert amount
Insert entity	Insert amount	\$ Insert amount
TOTAL:	Insert total	\$ Insert amount

**Annual Tax Levied on Residential Property With \$300,000 Actual Value With the District
(Assuming Maximum District Mill Levy)**

<u>Taxing Entity</u>	Mill Levies (2015**)	Annual tax levied
Insert District Name	Insert amount	\$ Insert amount
Insert entity	Insert amount	\$ Insert amount
Larimer County	Insert amount	\$ Insert amount
City of Loveland	Insert amount	\$ Insert amount
Insert entity	Insert amount	\$ Insert amount
Insert entity	Insert amount	\$ Insert amount
Insert entity	Insert amount	\$ Insert amount
TOTAL:	Insert total	\$ Insert total

****This estimate of Overlapping Mill Levies is based upon mill levies certified by the Larimer County Assessor's office in December 2015 for collection in 2016, and is intended only to provide approximations of the total overlapping mill levies within the District. The stated mill levies are subject to change and you should contact the Larimer County Assessor's office to obtain the most accurate and up to date information.**