

TOWN COUNCIL
MEETING
PACKET

July 16, 2018



Town Council

Agenda
Monday, July 16, 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 –July 2, 2018
 - B) Payment of Bills
 - C) June Financial Statements
 - D) Resolution No. 2018-13, Appointing a Director to the Villages at Johnstown Metropolitan District Nos. 1-8 Board of Directors
 - 7) **STAFF REPORTS**
 - 8) **OLD BUSINESS**
 - 9) **NEW BUSINESS**
 - A) ***Public Hearing** – US Engineering Annexation
 - 1) Consider Annexation Agreement
 - 2) Consider Resolution No. 2018-12 (Findings of Fact)
 - 3) Consider Annexation Ordinance No. 2018-152 on First Reading
 - 4) Consider Zoning Ordinance No. 2018-153 on First Reading
 - B) ***Public Hearing** –Amendment to 2534 Design Guidelines Proposed Land Use Plan – Multi-Family Use (Gerrard Family Partnership, LLC on behalf of Continental Properties)
 - C) Consider Award of Contract to Prime Solution Inc., for Low Point Wastewater Treatment Plant Dewatering Equipment
 - 10) **COUNCIL REPORTS AND COMMENTS**
 - 11) **MAYOR'S COMMENTS**
 - 12) **ADJOURN**
-



NOTICE OF ACCOMODATION

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

AGENDA ITEMS 6A-D

CONSENT

AGENDA

- **Council Minutes – July 2, 2018**
 - **Payment of Bills**
 - **June Financial Statements**
 - **Appointment of Director**
(Villages at Johnstown Metropolitan
District Nos. 1-8)
(Resolution No. 2018-13)

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: July 16, 2018

ITEM NUMBER: 6A-D

SUBJECT: Consent Agenda

ACTION PROPOSED: Approve Consent Agenda

PRESENTED BY: Town Clerk

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

- A) Council Meeting Minutes – July 2, 2018
- B) Payment of Bills
- C) June Financial Statements
- D) *Resolution No. 2018-13, Appointing a Director to the Villages at Johnstown Metropolitan District Nos. 1-8 Board of Directors

*On March 19, 2018, the Town Council approved the Consolidated Service Plan for the Villages at Johnstown Metropolitan District Nos. 1-8 ("District"). The proponents thereafter held an election, approving the organization of the Districts and the tax and debt measures, but failing to elect an initial board of directors. Pursuant to C.R.S. Section 32-1-905(2.5), the Districts requested that the Town Council appoint a director from the pool of duly qualified and willing candidates and represented that, within six (6) months of the Town's appointment of a director, they will proceed to call for nominations for a special election pursuant to C.R.S. Section 32-1-905(2.5), to elect directors.

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

FINANCIAL ADVICE: N/A

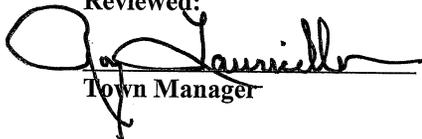
RECOMMENDED ACTION: Approve Consent Agenda

SUGGESTED MOTION:

For Approval: I move to approve the Consent Agenda.

For Denial:

Reviewed:


Town Manager

**COUNCIL
MINUTES**

The Town Council of the Town of Johnstown met on Monday, July 2, 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 were: Councilmembers Lebsack, Lemasters, Mellon, Tallent and Young

Those absent were: Councilmember Molinar Jr.

Also present: Avi Rocklin, Town Attorney, Roy Lauricello, Town Manager, John Franklin, Town Planner, Aaron Sanchez, Commander and Diana Seele, Town Clerk/Treasurer

Agenda Approval

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

Consent Agenda

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

- June 18, 2018 Council Meeting Minutes
- Raw Water Usage Agreement – Clearview Non-Potable Management, Inc.
- Order Granting Retail Liquor Store License for Red Barn Liquors, LLC

Motion carried with a unanimous vote.

New Business

A. Public Hearing – Use by Special Review for Oil and Gas Exploration for the Cito Trust Property – Extraction Oil and Gas, LLC – This is a request by Extraction Oil and Gas, LLC to develop 8 horizontal wells within a single drilling area, and construct a new tank battery/production facility on property annexed into the town.

Mayor James opened the Public Hearing at 7:15 p.m. representatives of Extraction Oil and Gas, LLC, Chris Freeman and Troy Owens, gave an overview of the project and answered questions. Mayor James opened the hearing to public comment: Andrea Heil-Stoner, voiced concerns about the extra truck traffic on County Road 50, which is already in poor shape. Having no further comments Mayor James closed the hearing at 7:47 p.m.

Councilmember Mellon made a motion seconded by Councilmember Lebsack to approve the Use by Special Review for oil and gas exploration for Cito Trust Property – Extraction Oil and Gas, LLC, with the following conditions recommended by the Planning and Zoning Commission: 1. The Operator shall comply with Town and State regulations, including obtaining a Town Building Permit and payment of applicable use tax for permanent improvements, including all related pipelines.

2. The Operator shall apply for and receive an access permit (right-of-way work permit) from the Town prior to connecting, or upgrading, access to CR 50. The operator shall ensure that the existing gravel road surface is periodically cleaned of operation-related mud and debris, as directed by the Town. The operator shall provide contact information for the person responsible for the facility. 3. The Town will assign a street address to the driveway access for the production facility. 4. The operator shall direct all lighting sources away from residential. 5. Due to proximity to residential development, the operator shall assess the ambient noise levels near the surrounding homes, and provide noise mitigation during drilling and fracturing operations. 6. Given the uncertainty of the timing of future development surrounding the well and production facility/tank battery sites, the operator has provided for permanent visual screening of the facilities. The adequacy of screening is subject to Town staff approval, and construction should be coordinated with the property owner. 7. The operator shall call for utility locates prior to subgrade work. 8. The Operator shall coordinate with the Harry Lateral Ditch Company regarding protection of the ditch at crossings. Motion carried with a unanimous vote.

There being no further business to come before the Council the meeting adjourned at 7:51 p.m.

Mayor

Town Clerk/Treasurer

**PAYMENT
OF
BILLS**

BILLS SUBMITTED FOR PAYMENT- JULY 2018

A & E TIRE INC.	\$ 894.25
A CONCRETE INC.	\$ 26,215.00
ACE OF BLADES	\$ 700.00
ACE HARDWARE	\$ 802.57
ADVANCED ROOFING TECHNOLOGIES	\$ 558.00
ALL COPY PRODUCTS	\$ 380.95
ANCHOR AUTO GLASS	\$ 572.72
APEX PAVEMENT SOLUTIONS	\$ 52,850.00
APEX SHREDDING INC.	\$ 675.00
APPLIED CONCEPTS INC. / STALKER RADAR	\$ 8,000.00
ARAPAHOE RENTAL	\$ 65.37
BRANDON COPELAND	\$ 535.68
CASELLE INC	\$ 1,029.00
CENTRAL WELD COUNTY WATER DISTRICT	\$ 586.00
CENTURY LINK	\$ 326.95
CHEMATOX LABORATORIES INC	\$ 25.00
CINTAS - GREELEY	\$ 439.25
CINTAS - LOVELAND	\$ 247.08
CIRSA	\$ 46,758.75
COLORADO ANALYTICAL	\$ 95.00
DANA KEPNER CO	\$ 536.98
DBC IRRIGATION	\$ 656.60
DEPARTMENT OF LABOR	\$ 40.00
DPC INDUSTRIES (CHEMICALS)	\$ 41,067.67
ELECTION SYSTEMS & SOFTWARE	\$ 16,661.82
ELITE PRINTING GROUP, LLC	\$ 132.00
ENTENMANN-ROVIN CO	\$ 326.00
FACILITY MAINTENANCE BY DESIGN	\$ 308.12
FAIRBANK EQUIPMENT INC.	\$ 32.15
FARIS MACHINERY CO.	\$ 625.00
FERGUSON WATERWORKS	\$ 240.28
FINES LINES PAVEMENT MARKING	\$ 2,286.00
FIRST CLASS SECURITY SYSTEMS	\$ 78.90
FIRST NATIONAL BANK	\$ 793.71
FRONTIER FERTILIZER	\$ 755.16
GREELEY ELECTRIC REPAIR SERVICE	\$ 190.92
GREELEY LOCK & KEY	\$ 14.89
GREYSTONE TECHNOLOGY	\$ 2,532.54
HAYS MARKET	\$ 184.18
HELTON & WILLIAMSEN, P.C.	\$ 3,742.99
HOME DEPOT	\$ 129.94
IMEG CORP	\$ 70.00
JOHNSTOWN BBQ DAY COMMITTEE	\$ 2,000.00
JONES EXCAVATING & PLUMBING LTD	\$ 1,920.00
KEYSTONE RIDGE DESIGNS INC.	\$ 3,818.00
KELLY SUPPLY CO	\$ 55.03
KINSCO	\$ 26.95
LAW ENFORCEMENT SYSTEMS	\$ 122.00
LAW OFFICE OF AVI S. ROCKLIN, LLC	\$ 2,984.50
LAZAR, MICHAEL A.	\$ 1,375.00
LOVELAND READY MIX CONCRETE	\$ 616.00
LOWE'S	\$ 199.19
MAC EQUIPMENT	\$ 607.56
MARES AUTO	\$ 100.00
MARIPOSA PLANTS	\$ 85.00
MATHERN SERVICES	\$ 4,595.00
MCDONALD FARMS ENTERPRISES INC.	\$ 3,855.00
MIDWEST RADAR & EQUIPMENT	\$ 440.00
MOUNTAIN STATES PIPE & SUPPLY CO.	\$ 17,680.19
NALCO COMPANY LLC	\$ 3,395.99
NAPA AUTO PARTS	\$ 456.37
NEWCO INCORPORATED	\$ 28.26
OFFICE DEPOT	\$ 87.37
PIONEER	\$ 451.80

PITNEY BOWES GLOBAL FINANCIAL SERVICES LLC	\$	98.55
POUDRE VALLEY REA	\$	12,480.85
PROFORCE LAW ENFORCEMENT	\$	2,082.67
PURCHASE POWER	\$	604.50
QUILL	\$	419.93
RENEWABLE FIBER	\$	3,594.00
RHINEHART OIL	\$	9,580.53
SECURITY CENTRAL	\$	207.00
SOUTHWEST DIRECT, INC.	\$	3,576.18
STATE OF COLORADO / DRIVER SERVICES & TRAFFIC RECORDS	\$	285.00
SUPPLYWORKS	\$	465.44
TDS	\$	711.91
TERRY'S TRACTOR SERVICE	\$	250.00
TREE GUYS	\$	4,000.00
TRU-GREEN CHEM LAWN	\$	1,585.00
UTILITY NOTIFICATION CENTER	\$	1,029.50
UNITED POWER	\$	749.10
UNIVERSITY OF COLORADO / MEDICAL CENTER OF THE ROCKIES	\$	141.70
VERIZON WIRELESS	\$	1,825.59
WASTE MANAGEMENT	\$	54,435.23
WELD COUNTY DEPARTMENT OF HEALTH & ENVIRONMENT	\$	7,042.00
WELD COUNTY DETENTION CENTER	\$	26.82
WESTERN FIRE EXTINGUISHER	\$	152.31
WINDSTREAM	\$	1,839.45
WINTERS, HELLERICH & HUGHES	\$	2,250.00
WORKWELL OCCUPATIONAL MEDICINE	\$	36.00
XCEL ENERGY	\$	47,287.93
YOST CLEANING	\$	1,972.00
	\$	416,790.82

JUNE
FINANCIAL
STATEMENTS

EXECUTIVE SUMMARY JUNE 2018

50.00%

	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>	<u>%</u>
GENERAL				
<u>Revenues</u>	8,737,210.00	10,203,800.00	1,466,590.00	86%
<u>Expenditures</u>				
Legislative	14,055.00	37,800.00	23,745.00	37%
Judicial	19,960.00	50,100.00	30,140.00	40%
Elections	2,199.00	18,600.00	16,401.00	12%
Administration	202,208.00	429,100.00	226,892.00	47%
Planning & Zoning	93,539.00	218,000.00	124,461.00	43%
Police	1,052,881.00	2,332,100.00	1,279,219.00	45%
Protective Inspections	77,298.00	205,800.00	128,502.00	38%
Streets	603,416.00	1,512,300.00	908,884.00	40%
Cemetery	13,204.00	41,000.00	27,796.00	32%
Animal Control	42,543.00	95,200.00	52,657.00	45%
Senior Coordinator	36,893.00	73,600.00	36,707.00	50%
Parks	17,485.00	67,000.00	49,515.00	26%
Community	96,116.00	879,300.00	783,184.00	11%
Transfers	367,338.00	24,223,700.00	23,856,362.00	2%
<u>Total Expenditures</u>	2,639,135.00	30,183,600.00	27,544,465.00	9%
Excess Revenues over Expenditures	6,098,075.00			

EXECUTIVE SUMMARY JUNE 2018

50%

	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>	<u>%</u>
WATER				
<u>Revenues</u>	2,360,311.00	2,908,700.00	548,389.00	81%
<u>Expenditures</u>				
Administration	99,673.00	259,800.00	160,127.00	38%
Operations	442,355.00	1,451,500.00	1,009,145.00	30%
	542,028.00	1,711,300.00	1,169,272.00	32%
Excess Revenues over Expenditures	1,818,283.00			

EXECUTIVE SUMMARY JUNE 2018

50.00%

	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>	<u>%</u>
WASTEWATER				
<u>Revenues</u>	1,075,877.00	1,885,000.00	809,123.00	57%
<u>Expenditures</u>				
Administration	111,568.00	295,400.00	183,832.00	38%
Operation	400,323.00	1,727,800.00	1,327,477.00	23%
	511,891.00	2,023,200.00	1,511,309.00	25%
Excess Revenues over Expenditures	563,986.00			

TOWN OF JOHNSTOWN
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAXES</u>					
01-01-4010-00 GEN. PROPERTY ACCOUNTS	712,687.92	4,622,519.51	4,250,000.00	(372,519.51)	108.8
01-01-4020-00 SPECIFIC OWNERSHIP TAXES	40,459.45	202,998.01	280,000.00	77,001.99	72.5
01-01-4030-00 FRANCHISE TAXES	30,748.99	234,346.54	395,000.00	160,653.46	59.3
01-01-4040-00 PENALTIES & INTEREST	184.96	(1,848.89)	3,000.00	4,848.89	(61.6)
01-01-4070-00 SALES TAX	318,737.74	2,116,007.30	3,200,000.00	1,083,992.70	66.1
01-01-4075-00 LODGING TAX	12,310.07	51,799.49	85,000.00	33,200.51	60.9
01-01-4080-00 SEVERANCE TAX	.00	.00	50,000.00	50,000.00	.0
TOTAL TAXES	1,115,129.13	7,225,821.96	8,263,000.00	1,037,178.04	87.5
<u>LICENSES & PERMITS</u>					
01-02-4110-00 LIQUOR LICENSE	100.00	2,543.25	1,800.00	(743.25)	141.3
01-02-4120-00 BUS. LIC. & PERMITS - OTHE	400.00	18,147.93	14,000.00	(4,147.93)	129.6
01-02-4130-00 BUILDING PERMITS	58,589.88	490,391.31	475,000.00	(15,391.31)	103.2
01-02-4140-00 DOG LICENSE & PERMITS OTHE	202.00	2,268.00	2,300.00	32.00	98.6
01-02-4150-00 FINGERPRINTING	90.00	461.00	200.00	(261.00)	230.5
TOTAL LICENSES & PERMITS	59,381.88	513,811.49	493,300.00	(20,511.49)	104.2
<u>INTERGOVERNMENTAL</u>					
01-03-4210-00 CIGARETTE TAXES	1,480.97	8,252.26	14,000.00	5,747.74	58.9
01-03-4220-00 HIGHWAY USERS TAX	38,875.26	229,362.46	380,000.00	150,637.54	60.4
01-03-4230-00 ADD. VEH. REG. FEE	5,495.50	28,931.00	45,000.00	16,069.00	64.3
01-03-4240-00 COUNTY ROAD & BRIDGE	.00	110,143.22	90,000.00	(20,143.22)	122.4
TOTAL INTERGOVERNMENTAL	45,851.73	376,688.94	529,000.00	152,311.06	71.2
<u>CHARGES FOR SERVICES</u>					
01-04-4310-00 CEMETERY LOTS AND CARE	2,502.00	24,673.00	22,000.00	(2,673.00)	112.2
01-04-4320-00 TRASH CHARGES	53,698.26	320,095.20	640,000.00	319,904.80	50.0
01-04-4330-00 OTHER SERVICES	599.43	2,552.50	900.00	(1,652.50)	283.6
01-04-4340-00 FISHING PERMITS	200.00	690.00	600.00	(90.00)	115.0
TOTAL CHARGES FOR SERVICES	56,999.69	348,010.70	663,500.00	315,489.30	52.5
<u>FINES</u>					
01-05-4315-00 COURT FEES REFUND	.00	(540.00)	.00	540.00	.0
01-05-4410-00 MUNICIPAL COURT FINES & FE	13,841.00	70,333.72	120,000.00	49,666.28	58.6
01-05-4420-00 SURCHARGE	2,145.00	10,030.00	18,000.00	7,970.00	55.7
TOTAL FINES	15,986.00	79,823.72	138,000.00	58,176.28	57.8

TOWN OF JOHNSTOWN
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>MISCELLANEOUS</u>					
01-06-4510-00	COMM. CENTER RENTAL FEES	470.00	8,114.68	11,000.00	2,885.32 73.8
01-06-4530-00	REFUND OF EXPENDITURES	386.10	21,992.32	5,000.00 (16,992.32) 439.9
01-06-4570-00	SCHOOL DISTRICT	.00	.00	31,000.00	31,000.00 .0
	TOTAL MISCELLANEOUS	856.10	30,107.00	47,000.00	16,893.00 64.1
<u>EARNINGS ON INVESTMENTS</u>					
01-07-4610-00	EARNINGS ON INVESTMENTS	25,754.97	135,056.27	65,000.00 (70,056.27) 207.8
	TOTAL EARNINGS ON INVESTMENTS	25,754.97	135,056.27	65,000.00 (70,056.27) 207.8
<u>SOURCE 08</u>					
01-08-4530-00	DEVELOPERS COST PAYMENT	(21,731.27)	27,890.00	5,000.00 (22,890.00) 557.8
	TOTAL SOURCE 08	(21,731.27)	27,890.00	5,000.00 (22,890.00) 557.8
	TOTAL FUND REVENUE	1,298,228.23	8,737,210.08	10,203,800.00	1,466,589.92 85.6

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>LEGISLATIVE</u>					
01-10-5010-00 BOARD MEMBERS COMPENSATION	1,775.00	9,700.00	22,800.00	13,100.00	42.5
01-10-5050-00 PAYROLL TAXES	135.81	742.15	1,800.00	1,057.85	41.2
01-10-5070-00 WORKMEN'S COMPENSATION	69.62	432.36	1,200.00	767.64	36.0
01-10-6511-00 TRAINING	.00	907.00	3,000.00	2,093.00	30.2
01-10-6522-00 INSURANCE	.00	500.00	1,000.00	500.00	50.0
01-10-6544-03 EQUIPMENT/SOFTWARE - IPADS	161.68	971.21	2,500.00	1,528.79	38.9
01-10-8016-00 PROFESSIONAL SERVICES	238.98	552.23	4,000.00	3,447.77	13.8
01-10-9028-00 COUNCIL OUTREACH	.00	250.00	1,500.00	1,250.00	16.7
TOTAL LEGISLATIVE	2,381.09	14,054.95	37,800.00	23,745.05	37.2
<u>JUDICIAL</u>					
01-15-5011-00 SAL-JUDGE	1,137.50	7,075.00	17,000.00	9,925.00	41.6
01-15-5012-00 SAL-PROS. ATT.	2,210.00	12,377.33	32,000.00	19,622.67	38.7
01-15-6505-00 OFFICE EXPENSES	.00	507.35	1,000.00	492.65	50.7
01-15-8016-00 PROFESSIONAL SERVICES	.00	.00	100.00	100.00	.0
TOTAL JUDICIAL	3,347.50	19,959.68	50,100.00	30,140.32	39.8
<u>ELECTIONS</u>					
01-20-6413-00 PUBLISHING	.00	118.04	700.00	581.96	16.9
01-20-6526-00 SUPPLIES	.00	1,032.50	17,000.00	15,967.50	6.1
01-20-8017-00 ELECTION JUDGES	.00	1,048.52	900.00	(148.52)	116.5
TOTAL ELECTIONS	.00	2,199.06	18,600.00	16,400.94	11.8

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
01-25-5010-00 SALARIES	5,824.74	37,345.60	97,000.00	59,654.40	38.5
01-25-5010-03 OVERTIME	.00	.00	600.00	600.00	.0
01-25-5011-00 PART TIME OFFICE	313.72	2,180.86	7,500.00	5,319.14	29.1
01-25-5012-00 HOURLY COMMUNICATIONS STAFF	1,128.47	6,350.67	18,000.00	11,649.33	35.3
01-25-5015-00 CLEANING SALARIES	216.67	1,300.02	3,500.00	2,199.98	37.1
01-25-5025-00 MANAGER	4,404.02	28,541.44	57,100.00	28,558.56	50.0
01-25-5050-00 PAYROLL TAXES	875.04	5,586.81	14,300.00	8,713.19	39.1
01-25-5060-00 RETIREMENT FUND	804.56	5,194.60	12,800.00	7,605.40	40.6
01-25-5065-00 HEALTH INSURANCE	1,829.78	10,859.38	33,000.00	22,140.62	32.9
01-25-5070-00 WORKMAN'S COMPENSATION	69.62	432.36	1,000.00	567.64	43.2
01-25-6010-00 UTILITIES	387.65	1,440.14	6,000.00	4,559.86	24.0
01-25-6505-00 OFFICE EXPENSE	527.31	2,826.29	6,700.00	3,873.71	42.2
01-25-6506-00 UTILITY BILL MAILING	697.57	3,483.97	8,300.00	4,816.03	42.0
01-25-6510-00 TELEPHONE	132.97	711.63	2,000.00	1,288.37	35.6
01-25-6511-00 TRAINING	.00	20.00	1,000.00	980.00	2.0
01-25-6513-00 PUBLISHING	245.76	618.90	5,000.00	4,381.10	12.4
01-25-6515-00 DUES AND SUBSCRIPTIONS	.00	2,427.62	2,900.00	472.38	83.7
01-25-6518-00 CLEANING SUPPLIES	77.08	480.10	1,700.00	1,219.90	28.2
01-25-6520-00 MILEAGE & EXPENSES	.00	13.22	2,000.00	1,986.78	.7
01-25-6522-00 INSURANCE & BONDS	.00	6,000.00	15,700.00	9,700.00	38.2
01-25-6544-05 SOFTWARE	.00	.00	3,000.00	3,000.00	.0
01-25-6544-07 MISC. OFFICE EQPT.	.00	.00	500.00	500.00	.0
01-25-7020-00 MAINTENANCE & REPAIRS	12.22	333.30	3,800.00	3,466.70	8.8
01-25-8010-00 AUDIT	2,000.00	2,000.00	3,000.00	1,000.00	66.7
01-25-8012-00 COMPUTER PROFESSIONAL SERV	534.05	2,886.06	10,500.00	7,613.94	27.5
01-25-8014-00 LEGAL	3,413.50	14,033.75	42,000.00	27,966.25	33.4
01-25-8015-00 TAPING MEETINGS	587.68	2,722.40	7,000.00	4,277.60	38.9
01-25-8016-00 SALARY STUDY FEES	.00	.00	1,500.00	1,500.00	.0
01-25-8017-00 PROFESSIONAL SERVICES	.00	.00	2,000.00	2,000.00	.0
01-25-8019-00 TREASURER'S FEES	8,252.88	64,418.86	59,000.00	(5,418.86)	109.2
01-25-9028-00 COMMUNICATIONS	.00	.00	700.00	700.00	.0
TOTAL ADMINISTRATION	32,335.29	202,207.98	429,100.00	226,892.02	47.1

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PLANNING & ZONING</u>					
01-30-5010-00 SALARIES	9,382.00	60,802.58	132,000.00	71,197.42	46.1
01-30-5050-00 PAYROLL TAXES	703.98	4,569.40	10,000.00	5,430.60	45.7
01-30-5060-00 RETIREMENT FUND	866.48	5,615.45	12,100.00	6,484.55	46.4
01-30-5065-00 HEALTH INSURANCE	1,419.39	8,438.00	26,000.00	17,562.00	32.5
01-30-5070-00 WORKMENS COMPENSATION	69.62	432.36	1,700.00	1,267.64	25.4
01-30-6010-00 UTILITIES	186.65	693.41	3,000.00	2,306.59	23.1
01-30-6505-00 OFFICE SUPPLIES	.00	295.05	2,500.00	2,204.95	11.8
01-30-6510-00 TELEPHONE	132.97	670.14	1,400.00	729.86	47.9
01-30-6511-00 TRAINING	.00	.00	500.00	500.00	.0
01-30-6513-00 PUBLISH/RECORD	48.60	48.60	200.00	151.40	24.3
01-30-6515-00 DUES/SUBSCRIPTIONS	.00	.00	800.00	800.00	.0
01-30-6520-00 MILEAGE & EXPENSES	38.42	38.42	100.00	61.58	38.4
01-30-6522-00 INSURANCE AND BONDS	.00	1,400.00	3,000.00	1,600.00	46.7
01-30-6544-04 MACHINERY AND EQPT.	.00	.00	300.00	300.00	.0
01-30-8012-00 COMPUTER PROFESSIONAL SERVICES	156.80	940.80	2,000.00	1,059.20	47.0
01-30-8016-00 PROFESSIONAL SERVICES	300.00	612.66	15,500.00	14,887.34	4.0
01-30-8017-00 NORTH FRONT RANGE MPO	.00	8,982.00	6,900.00	(2,082.00)	130.2
TOTAL PLANNING & ZONING	13,304.91	93,538.87	218,000.00	124,461.13	42.9

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>POLICE</u>					
01-35-5010-00 SALARIES	103,744.31	638,030.81	1,375,000.00	736,969.19	46.4
01-35-5010-03 OVERTIME PAY	488.55	3,150.50	13,500.00	10,349.50	23.3
01-35-5013-00 CLERICAL SALARIES	2,889.16	18,710.95	37,700.00	18,989.05	49.6
01-35-5015-00 PART-TIME SALARIES	4,393.29	25,580.90	59,000.00	33,419.10	43.4
01-35-5050-00 PAYROLL TAXES	8,308.69	52,022.06	114,000.00	61,977.94	45.6
01-35-5060-00 RETIREMENT	5,870.80	37,433.99	80,000.00	42,566.01	46.8
01-35-5065-00 HEALTH INSURANCE	22,120.59	127,597.76	341,000.00	213,402.24	37.4
01-35-5070-00 WORKMEN'S COMPENSATION	2,784.80	17,294.40	40,000.00	22,705.60	43.2
01-35-6010-00 UTILITIES	345.77	6,641.97	14,000.00	7,358.03	47.4
01-35-6505-00 OFFICE EXPENSE	705.47	4,278.75	6,800.00	2,521.25	62.9
01-35-6510-00 TELEPHONE	569.64	2,864.35	10,500.00	7,635.65	27.3
01-35-6511-00 TRAINING	1,199.80	6,145.84	11,000.00	4,854.16	55.9
01-35-6513-00 PUBLISHING	.00	364.79	1,500.00	1,135.21	24.3
01-35-6515-00 DUES AND SUBSCRIPTIONS	.00	35.00	1,200.00	1,165.00	2.9
01-35-6518-00 CLEANING SERVICES	640.64	3,802.08	8,500.00	4,697.92	44.7
01-35-6522-00 INSURANCE AND BONDS	.00	23,000.00	50,500.00	27,500.00	45.5
01-35-6524-00 GAS AND OIL	2,672.80	16,332.53	26,400.00	10,067.47	61.9
01-35-6526-00 OPERATING SUPPLIES	327.95	2,825.85	6,500.00	3,674.15	43.5
01-35-6527-00 UNIFORMS AND CLEANING	.00	2,812.89	9,000.00	6,187.11	31.3
01-35-6528-00 WELD COUNTY MAINT. AGREEME	.00	26,391.99	26,500.00	108.01	99.6
01-35-6544-02 COMPUTER SYSTEMS	.00	.00	2,500.00	2,500.00	.0
01-35-6544-04 RADAR GUNS	.00	160.00	2,500.00	2,340.00	6.4
01-35-6544-06 VESTS	.00	1,558.00	5,000.00	3,442.00	31.2
01-35-6544-07 CAMERA & INVESTIGATION EQPT.	.00	.00	3,500.00	3,500.00	.0
01-35-6544-09 SHOOTING RANGE SUPPLIES	.00	25.62	3,600.00	3,574.38	.7
01-35-6544-10 OFFICE IMPROVEMENTS	.00	.00	3,000.00	3,000.00	.0
01-35-6544-11 POLICE EQUIPMENT	858.91	2,998.38	10,000.00	7,001.62	30.0
01-35-7010-00 BLDG. REPAIR & MAINT.	811.94	1,885.69	8,000.00	6,114.31	23.6
01-35-7020-00 REPAIRS AND MAINTENANCE	343.55	7,010.98	13,500.00	6,489.02	51.9
01-35-8012-00 COMP. PROFESSIONAL SERVICE	295.21	3,143.14	10,000.00	6,856.86	31.4
01-35-8014-00 LEGAL	.00	170.50	2,500.00	2,329.50	6.8
01-35-8016-00 PROFESSIONAL SERVICES	1,000.00	4,041.02	5,000.00	958.98	80.8
01-35-8017-00 JUVENILE ASSESSMENT CENTER	.00	5,340.00	5,400.00	60.00	98.9
01-35-8021-00 COMP. LINK TO RECORDS	894.47	5,967.19	10,500.00	4,532.81	56.8
01-35-9022-00 JAIL FEES	107.28	214.56	1,500.00	1,285.44	14.3
01-35-9028-00 COMMUNITY SERVICES	221.47	221.47	2,000.00	1,778.53	11.1
01-35-9028-01 TASK FORCE	.00	.00	2,000.00	2,000.00	.0
01-35-9028-03 RECORDS CONTRACT	.00	4,826.63	9,000.00	4,173.37	53.6
TOTAL POLICE	161,595.09	1,052,880.59	2,332,100.00	1,279,219.41	45.2

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PROTECTIVE INSPECTIONS</u>					
01-40-5010-00 SALARIES	2,562.68	16,608.15	37,600.00	20,991.85	44.2
01-40-5050-00 PAYROLL TAXES	191.06	1,240.78	2,900.00	1,659.22	42.8
01-40-5060-00 RETIREMENT	108.54	703.42	1,600.00	896.58	44.0
01-40-5065-00 HEALTH INSURANCE	506.79	3,007.08	7,000.00	3,992.92	43.0
01-40-5070-00 WORKMEN'S COMPENSATION	69.62	432.36	1,400.00	967.64	30.9
01-40-6010-00 UTILITIES	244.05	906.63	3,900.00	2,993.37	23.3
01-40-6505-00 OFFICE EXPENSE	.00	515.03	3,800.00	3,284.97	13.6
01-40-6510-00 TELEPHONE	132.96	670.12	1,600.00	929.88	41.9
01-40-6511-00 TRAINING	.00	.00	500.00	500.00	.0
01-40-6513-00 PUBLISHING	.00	.00	500.00	500.00	.0
01-40-6515-00 DUES & SUBSCRIPTIONS	.00	25.00	200.00	175.00	12.5
01-40-6518-00 CLEANING & SUPPLIES	77.09	436.21	1,000.00	563.79	43.6
01-40-6522-00 INSURANCE AND BONDS	.00	3,600.00	8,700.00	5,100.00	41.4
01-40-6526-00 OPERATING SUPPLIES	.00	.00	2,000.00	2,000.00	.0
01-40-7020-00 REPAIR & MAINTENANCE	.00	312.73	2,000.00	1,687.27	15.6
01-40-8012-00 COMP. PROF. SERVICES	216.80	1,840.80	3,600.00	1,759.20	51.1
01-40-8014-00 LEGAL	.00	.00	500.00	500.00	.0
01-40-8016-00 PROFESSIONAL SERVICES	9,400.00	47,000.00	127,000.00	80,000.00	37.0
TOTAL PROTECTIVE INSPECTIONS	13,509.59	77,298.31	205,800.00	128,501.69	37.6

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>STREETS</u>					
01-45-5010-00 SALARIES	19,202.50	125,860.06	303,000.00	177,139.94	41.5
01-45-5010-03 OVERTIME	85.43	594.96	7,000.00	6,405.04	8.5
01-45-5015-00 PART-TIME SALARIES	4,608.99	6,801.99	15,000.00	8,198.01	45.4
01-45-5050-00 PAYROLL TAXES	1,767.96	9,827.82	26,000.00	16,172.18	37.8
01-45-5060-00 RETIREMENT FUND	1,239.23	7,583.59	19,000.00	11,416.41	39.9
01-45-5065-00 HEALTH INSURANCE	5,723.38	34,662.66	82,000.00	47,337.34	42.3
01-45-5070-00 WORKMEN'S COMPENSATION	1,670.88	10,376.64	19,100.00	8,723.36	54.3
01-45-6010-00 UTILITIES	368.18	3,881.25	10,000.00	6,118.75	38.8
01-45-6015-00 UTILITIES - STREET LIGHTIN	15,312.35	79,338.62	243,000.00	163,661.38	32.7
01-45-6505-00 OFFICE EXPENSE	.00	.00	600.00	600.00	.0
01-45-6510-00 TELEPHONE	416.89	2,052.29	3,600.00	1,547.71	57.0
01-45-6511-00 TRAINING	.00	370.00	1,500.00	1,130.00	24.7
01-45-6515-00 DUES & SUBSCRIPTIONS	.00	.00	1,500.00	1,500.00	.0
01-45-6518-00 CLEANING SUPPLIES	95.11	541.77	1,600.00	1,058.23	33.9
01-45-6522-00 INSURANCE AND BONDS	.00	14,000.00	29,700.00	15,700.00	47.1
01-45-6524-00 GAS & OIL	11.98	6,922.12	14,000.00	7,077.88	49.4
01-45-6526-00 OPERATING SUPPLIES	133.80	2,455.29	4,500.00	2,044.71	54.6
01-45-6530-00 SNOW AND ICE REMOVAL	.00	8,864.14	35,000.00	26,135.86	25.3
01-45-6532-00 TRASH SERVICE	65,010.45	274,667.94	640,000.00	365,332.06	42.9
01-45-6534-00 WEED CONTROL	272.10	272.10	2,500.00	2,227.90	10.9
01-45-6536-00 STREET SIGNS	27.50	1,311.58	3,500.00	2,188.42	37.5
01-45-6544-03 EQUIPMENT	.00	.00	4,000.00	4,000.00	.0
01-45-6544-06 HOLIDAY DECORATIONS	.00	1,406.86	7,500.00	6,093.14	18.8
01-45-6544-07 TOOLS	106.71	301.29	2,500.00	2,198.71	12.1
01-45-6544-09 SAFETY EQUIPMENT	595.21	595.21	4,000.00	3,404.79	14.9
01-45-7020-00 REP & MAINT - EQUIP & BLDG	416.06	7,246.44	25,000.00	17,753.56	29.0
01-45-7030-00 REPAIR & MAINT. BLDGS.	.00	321.09	3,000.00	2,678.91	10.7
01-45-8012-00 COMPUTER PROFESSIONAL SERVICES	219.95	1,229.70	1,200.00	(29.70)	102.5
01-45-8016-00 PROFESSIONAL SERVICES	251.45	1,930.66	3,000.00	1,069.34	64.4
TOTAL STREETS	117,536.11	603,416.07	1,512,300.00	908,883.93	39.9

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CEMETERY</u>					
01-50-5015-00 SALARIES	2,004.30	2,167.50	12,000.00	9,832.50	18.1
01-50-5050-00 PAYROLL TAXES	153.35	165.84	1,000.00	834.16	16.6
01-50-5070-00 WORKMEN'S COMPENSATION	348.10	2,161.80	1,500.00	(661.80)	144.1
01-50-6513-00 PUBLISHING	.00	.00	300.00	300.00	.0
01-50-6522-00 INSURANCE	.00	1,000.00	2,200.00	1,200.00	45.5
01-50-6524-00 GAS & OIL	.00	.00	1,900.00	1,900.00	.0
01-50-6526-00 SUPPLIES	522.85	563.06	2,200.00	1,636.94	25.6
01-50-6533-00 TREE TRIMMING	.00	.00	4,000.00	4,000.00	.0
01-50-6534-00 FERTILIZER & WEED CONTROL	1,050.00	2,602.25	5,000.00	2,397.75	52.1
01-50-6544-03 SPINTRIMMER	.00	.00	800.00	800.00	.0
01-50-6544-05 TOOLS	22.49	22.49	400.00	377.51	5.6
01-50-6544-06 TREES	.00	.00	2,000.00	2,000.00	.0
01-50-7020-00 REPAIRS AND MAINTENANCE	1,356.67	2,516.72	3,500.00	983.28	71.9
01-50-7025-00 SPRINKLER REPAIR	2,003.89	2,003.89	3,700.00	1,696.11	54.2
01-50-8016-00 PROFESSIONAL SERVICES	.00	.00	500.00	500.00	.0
TOTAL CEMETERY	7,461.65	13,203.55	41,000.00	27,796.45	32.2
<u>ANIMAL CONTROL</u>					
01-55-5010-00 SALARIES	3,818.00	24,748.01	50,000.00	25,251.99	49.5
01-55-5010-03 OVERTIME	.00	.00	500.00	500.00	.0
01-55-5050-00 PAYROLL TAXES	284.60	1,848.61	3,900.00	2,051.39	47.4
01-55-5060-00 RET BEN	161.72	1,048.25	2,200.00	1,151.75	47.7
01-55-5065-00 HEALTH BEN	759.97	4,508.78	12,000.00	7,491.22	37.6
01-55-5070-00 WORKMENS COMPENSATION	69.62	432.36	1,800.00	1,367.64	24.0
01-55-6522-00 INSURANCE	.00	1,800.00	4,100.00	2,300.00	43.9
01-55-6524-00 GAS AND OIL	267.02	1,208.82	2,000.00	791.18	60.4
01-55-6526-00 SUPPLIES	.00	180.76	1,200.00	1,019.24	15.1
01-55-7020-00 REPAIR & MAINTENANCE	373.91	658.85	1,500.00	841.15	43.9
01-55-7030-00 WEED/NUISANCE CONTROL	2,104.10	2,033.70	9,000.00	6,966.30	22.6
01-55-8016-00 PROFESSIONAL SERVICES	1,030.00	4,075.00	7,000.00	2,925.00	58.2
TOTAL ANIMAL CONTROL	8,868.94	42,543.14	95,200.00	52,656.86	44.7
<u>SENIOR COORDINATOR PROGRAM</u>					
01-60-5015-00 PART-TIME SALARIES	3,184.16	20,643.19	41,800.00	21,156.81	49.4
01-60-5050-00 PAYROLL TAXES	236.12	1,534.64	3,200.00	1,665.36	48.0
01-60-5065-00 HEALTH INSURANCE	695.71	4,127.88	8,500.00	4,372.12	48.6
01-60-5070-00 WORKMEN'S COMPENSATION	69.62	432.36	1,200.00	767.64	36.0
01-60-6010-00 UTILITIES	315.19	1,923.93	4,500.00	2,576.07	42.8
01-60-6510-00 TELEPHONE	120.26	594.47	1,500.00	905.53	39.6
01-60-6520-00 MILEAGE	242.21	1,257.45	3,200.00	1,942.55	39.3
01-60-6522-00 INSURANCE	.00	4,096.00	4,000.00	(96.00)	102.4
01-60-7020-00 REPAIR & MAINTENANCE	381.34	2,283.20	5,700.00	3,416.80	40.1
TOTAL SENIOR COORDINATOR PROGRAM	5,244.61	36,893.12	73,600.00	36,706.88	50.1

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PARKS</u>					
01-65-5015-00	2,759.10	4,952.10	22,000.00	17,047.90	22.5
01-65-5050-00	211.03	378.77	1,800.00	1,421.23	21.0
01-65-5070-00	139.24	864.72	2,000.00	1,135.28	43.2
01-65-6010-00	239.15	1,188.64	7,000.00	5,811.36	17.0
01-65-6511-00	.00	.00	500.00	500.00	.0
01-65-6522-00	.00	1,200.00	2,400.00	1,200.00	50.0
01-65-6524-00	236.25	316.16	1,800.00	1,483.84	17.6
01-65-6526-00	225.46	677.17	2,500.00	1,822.83	27.1
01-65-6534-00	5,858.00	5,858.00	13,000.00	7,142.00	45.1
01-65-6542-00	395.64	395.64	2,200.00	1,804.36	18.0
01-65-6544-01	.00	.00	1,000.00	1,000.00	.0
01-65-6544-02	.00	.00	800.00	800.00	.0
01-65-7020-00	289.42	1,072.22	5,000.00	3,927.78	21.4
01-65-7025-00	.00	581.31	5,000.00	4,418.69	11.6
TOTAL PARKS	10,353.29	17,484.73	67,000.00	49,515.27	26.1
<u>LIBRARY</u>					
01-70-7000-00	37,500.00	225,000.00	450,000.00	225,000.00	50.0
TOTAL LIBRARY	37,500.00	225,000.00	450,000.00	225,000.00	50.0
<u>DEPARTMENT 75</u>					
01-75-6526-00	150.31	871.97	6,000.00	5,128.03	14.5
01-75-7020-00	416.08	2,191.16	9,000.00	6,808.84	24.4
01-75-7025-00	315.18	1,923.93	6,500.00	4,576.07	29.6
01-75-7031-00	10,332.79	10,651.08	27,000.00	16,348.92	39.5
01-75-7040-00	12,802.50	23,152.75	250,000.00	226,847.25	9.3
01-75-7041-00	.00	.00	5,000.00	5,000.00	.0
01-75-7051-00	.00	.00	25,000.00	25,000.00	.0
01-75-7054-00	187.50	262.82	8,000.00	7,737.18	3.3
01-75-7055-00	.00	7,000.00	7,000.00	.00	100.0
01-75-7056-00	.00	.00	12,000.00	12,000.00	.0
01-75-7066-00	100.00	100.00	8,900.00	8,800.00	1.1
01-75-7070-00	.00	28,000.00	30,000.00	2,000.00	93.3
01-75-7080-00	3,069.00	9,207.00	19,000.00	9,793.00	48.5
01-75-7090-00	295.24	1,906.91	17,000.00	15,093.09	11.2
01-75-7100-00	.00	.00	365,400.00	365,400.00	.0
01-75-7125-00	319.99	787.97	16,000.00	15,212.03	4.9
01-75-7129-00	.00	763.13	10,000.00	9,236.87	7.6
01-75-7130-00	160.19	1,811.86	5,000.00	3,188.14	36.2
01-75-7131-00	.00	.00	2,500.00	2,500.00	.0
01-75-7133-00	.00	7,485.37	5,000.00	(2,485.37)	149.7
01-75-7137-00	.00	.00	45,000.00	45,000.00	.0
TOTAL DEPARTMENT 75	28,148.78	96,115.95	879,300.00	783,184.05	10.9

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>TRANSFERS OUT</u>					
01-80-7040-00 TRANSFER WATER FUND	4,947.00	5,988.00	187,700.00	181,712.00	3.2
01-80-7050-00 TRANSFER - CONTINGENT FUND	.00	.00	225,000.00	225,000.00	.0
01-80-7056-00 COMMUNITY RECREATION CENTER	.00	.00	22,000,000.00	22,000,000.00	.0
01-80-7080-00 TRANSFER TO DEVELOPERS COST	.00	.00	25,000.00	25,000.00	.0
01-80-7081-00 FUNDING I-25 IMPROVEMENTS	.00	13,676.73	16,000.00	2,323.27	85.5
01-80-7110-00 SALES TAX REFUND	.00	122,672.87	320,000.00	197,327.13	38.3
01-80-7115-00 TRANSFER TO EQPT. REPLACEMENT	.00	.00	1,000,000.00	1,000,000.00	.0
TOTAL TRANSFERS OUT	4,947.00	142,337.60	23,773,700.00	23,631,362.40	.6
TOTAL FUND EXPENDITURES	446,533.85	2,639,133.60	30,183,600.00	27,544,466.40	8.7
NET REVENUE OVER EXPENDITURES	851,694.38	6,098,076.48	(19,979,800.00)	(26,077,876.48)	30.5

TOWN OF JOHNSTOWN
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
02-00-4310-00 WATER CHARGES	388,831.46	1,098,910.19	2,500,000.00	1,401,089.81	44.0
02-00-4320-00 WATER TAP FEES	28,410.90	317,705.58	.00	(317,705.58)	.0
02-00-4322-00 RAW WATER DEV. FEE	84,148.79	592,617.27	.00	(592,617.27)	.0
02-00-4325-00 WATER REFUNDS	(2,415.24)	(6,690.60)	.00	6,690.60	.0
02-00-4330-00 MISCELLANEOUS	24,401.78	272,046.47	150,000.00	(122,046.47)	181.4
02-00-4610-00 EARNINGS ON INVESTMENTS	7,994.64	79,734.48	71,000.00	(8,734.48)	112.3
02-00-4830-00 TRANSFER FROM GENERAL FUND	4,947.00	5,988.00	187,700.00	181,712.00	3.2
TOTAL SOURCE 00	536,319.33	2,360,311.39	2,908,700.00	548,388.61	81.2
TOTAL FUND REVENUE	536,319.33	2,360,311.39	2,908,700.00	548,388.61	81.2

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
02-25-5010-00 SALARIES	3,410.36	21,717.07	65,000.00	43,282.93	33.4
02-25-5010-03 OVERTIME	.00	.00	300.00	300.00	.0
02-25-5015-00 PART-TIME SALARIES	313.72	2,180.86	7,500.00	5,319.14	29.1
02-25-5020-00 JANITORIAL SALARIES	216.67	1,300.02	2,700.00	1,399.98	48.2
02-25-5025-00 MANAGER	2,268.74	14,703.18	29,700.00	14,996.82	49.5
02-25-5050-00 PAYROLL TAXES	447.40	2,887.04	8,000.00	5,112.96	36.1
02-25-5060-00 RETIREMENT FUND	448.42	2,888.26	8,100.00	5,211.74	35.7
02-25-5065-00 HEALTH INSURANCE	1,132.01	6,717.93	16,000.00	9,282.07	42.0
02-25-5070-00 WORKMEN'S COMPENSATION	69.62	432.36	1,000.00	567.64	43.2
02-25-6010-00 UTILITIES	229.72	853.41	3,500.00	2,646.59	24.4
02-25-6505-00 OFFICE EXPENSE	104.15	591.08	3,600.00	3,008.92	16.4
02-25-6506-00 UTILITY BILL MAILING	697.57	3,483.95	8,300.00	4,816.05	42.0
02-25-6507-00 BILL PRESENTMENT	.00	.00	10,000.00	10,000.00	.0
02-25-6510-00 TELEPHONE	132.96	670.12	1,700.00	1,029.88	39.4
02-25-6511-00 TRAINING & MEETINGS	.00	.00	500.00	500.00	.0
02-25-6513-00 PUBLISHING	.00	.00	1,000.00	1,000.00	.0
02-25-6515-00 DUES AND SUBSCRIPTIONS	.00	2,229.00	2,700.00	471.00	82.6
02-25-6518-00 CLEANING SUPPLIES	77.08	474.06	1,000.00	525.94	47.4
02-25-6520-00 MILEAGE & EXPENSES	.00	.00	500.00	500.00	.0
02-25-6522-00 INSURANCE & BONDS	.00	3,100.00	7,000.00	3,900.00	44.3
02-25-6544-02 CAPITAL OUTLAY - COMP. SOFT	.00	.00	3,200.00	3,200.00	.0
02-25-6544-04 COMPUTER	.00	.00	1,200.00	1,200.00	.0
02-25-6544-07 MISCELLANEOUS OFFICE	.00	.00	300.00	300.00	.0
02-25-7020-00 REPAIR & MAINT.	97.17	409.89	1,000.00	590.11	41.0
02-25-8010-00 AUDIT	1,500.00	1,500.00	3,000.00	1,500.00	50.0
02-25-8011-00 PROF. SERV.-WATER ADJUDICATION	.00	4,080.80	30,000.00	25,919.20	13.6
02-25-8012-00 COMP. PROFESSIONAL SERVICES	444.05	5,551.46	8,300.00	2,748.54	66.9
02-25-8014-00 LEGAL	325.50	10,438.25	6,000.00	(4,438.25)	174.0
02-25-8016-00 SALARY STUDY FEES	.00	.00	700.00	700.00	.0
02-25-8017-00 PROFESSIONAL SERVICES	10,154.64	13,450.39	25,000.00	11,549.61	53.8
02-25-9028-00 COMMUNICATIONS	.00	13.50	3,000.00	2,986.50	.5
TOTAL ADMINISTRATION	22,069.78	99,672.63	259,800.00	160,127.37	38.4

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OPERATIONS - WATER FUND</u>					
02-70-5010-00 SALARIES	14,747.21	91,859.83	235,000.00	143,140.17	39.1
02-70-5010-03 OVERTIME	413.60	1,819.18	10,000.00	8,180.82	18.2
02-70-5015-00 PART TIME SALARIES	627.30	790.50	2,600.00	1,809.50	30.4
02-70-5050-00 PAYROLL TAXES	1,166.17	6,937.72	18,900.00	11,962.28	36.7
02-70-5060-00 RETIREMENT FUND	661.95	4,247.11	13,500.00	9,252.89	31.5
02-70-5065-00 HEALTH INSURANCE	4,157.22	24,483.52	65,000.00	40,516.48	37.7
02-70-5070-00 WORKMEN'S COMPENSATION	696.20	4,323.60	8,000.00	3,676.40	54.1
02-70-6010-00 UTILITIES	17,090.79	72,709.19	205,000.00	132,290.81	35.5
02-70-6510-00 TELEPHONE	593.02	2,975.30	8,300.00	5,324.70	35.9
02-70-6511-00 TRAINING	60.00	1,846.48	4,000.00	2,153.52	46.2
02-70-6518-00 CLEANING SUPPLIES	95.11	541.74	1,600.00	1,058.26	33.9
02-70-6522-00 INSURANCE	.00	15,255.00	27,400.00	12,145.00	55.7
02-70-6524-00 GAS AND OIL	892.30	5,025.07	8,800.00	3,774.93	57.1
02-70-6526-00 CHEMICALS	11,602.61	41,063.87	160,000.00	118,936.13	25.7
02-70-6527-00 SUPPLIES-SAFETY EQPT.	358.16	540.27	2,500.00	1,959.73	21.6
02-70-6528-00 OPERATING SUPPLIES	393.13	2,788.89	10,400.00	7,611.11	26.8
02-70-6544-01 METER UPGRADE	3,155.07	21,797.31	75,000.00	53,202.69	29.1
02-70-6544-02 TOOLS	.00	100.71	6,500.00	6,399.29	1.6
02-70-6544-07 TESTING EQUIPMENT	.00	.00	4,200.00	4,200.00	.0
02-70-6544-08 VEHICLE-PURCHASE	.00	.00	18,500.00	18,500.00	.0
02-70-6544-13 WATER PLANT IMPROVEMENTS	19,547.63	23,012.61	65,000.00	41,987.39	35.4
02-70-6544-19 DAF SATURATOR SYSTEM	.00	.00	65,000.00	65,000.00	.0
02-70-6544-22 WATERLINE REPLACEMENT	.00	.00	33,000.00	33,000.00	.0
02-70-6544-29 INSTRUMENTATION UPGRADES	.00	2,601.22	50,000.00	47,398.78	5.2
02-70-6544-36 FIRE HYDRANT REPAIRS	.00	.00	42,000.00	42,000.00	.0
02-70-7015-00 R&M WATERLINES	846.67	1,205.44	30,000.00	28,794.56	4.0
02-70-7020-00 REPAIRS & MAINTENANCE	2,361.27	13,508.58	80,000.00	66,491.42	16.9
02-70-7022-00 VEHICLE REPAIRS	.00	2,231.66	3,500.00	1,268.34	63.8
02-70-7030-00 PURCHASED WATER	.00	29.00	12,700.00	12,671.00	.2
02-70-7031-00 CWCWD EMERGENCY CONNECTION	586.00	2,972.90	7,100.00	4,127.10	41.9
02-70-7035-00 WATER ASSESMENT	.00	88,369.60	118,000.00	29,630.40	74.9
02-70-7090-00 INSURANCE DEDUCTIBLES	.00	1,246.66	10,000.00	8,753.34	12.5
02-70-8012-00 PROFESSIONAL SERVICES	1,467.90	8,071.97	50,000.00	41,928.03	16.1
TOTAL OPERATIONS - WATER FUND	81,519.31	442,354.93	1,451,500.00	1,009,145.07	30.5
TOTAL FUND EXPENDITURES	103,589.09	542,027.56	1,711,300.00	1,169,272.44	31.7
NET REVENUE OVER EXPENDITURES	432,730.24	1,818,283.83	1,197,400.00	(620,883.83)	151.9

TOWN OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
03-00-4310-00 SEWER CHARGES	159,053.12	947,993.71	1,825,000.00	877,006.29	51.9
03-00-4320-00 SEWER TAP FEES	17,200.00	89,900.00	.00	(89,900.00)	.0
03-00-4330-00 MISCELLANEOUS	2,050.00	12,843.69	10,000.00	(2,843.69)	128.4
03-00-4610-00 EARNINGS ON INVESTMENTS	5,240.35	25,140.05	50,000.00	24,859.95	50.3
TOTAL SOURCE 00	183,543.47	1,075,877.45	1,885,000.00	809,122.55	57.1
TOTAL FUND REVENUE	183,543.47	1,075,877.45	1,885,000.00	809,122.55	57.1

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PERSONNEL</u>					
03-25-5010-00 SALARIES	4,165.84	26,600.83	80,000.00	53,399.17	33.3
03-25-5010-03 OVERTIME	.00	.00	500.00	500.00	.0
03-25-5015-00 PART-TIME SALARIES	313.72	2,180.86	7,500.00	5,319.14	29.1
03-25-5020-00 JANITORIAL SALARIES	216.66	1,299.96	2,600.00	1,300.04	50.0
03-25-5025-00 MANAGER SALARIES	4,404.04	28,541.56	57,100.00	28,558.44	50.0
03-25-5050-00 PAYROLL TAXES	664.96	4,297.88	11,200.00	6,902.12	38.4
03-25-5060-00 RETIREMENT FUND	715.40	4,617.35	11,600.00	6,982.65	39.8
03-25-5065-00 HEALTH INSURANCE	1,505.12	8,933.34	24,200.00	15,266.66	36.9
03-25-5070-00 WORKMEN'S COMPENSATION	69.62	432.36	800.00	367.64	54.1
03-25-6010-00 UTILITIES - TOWN HALL	287.15	1,066.77	4,400.00	3,333.23	24.2
03-25-6505-00 OFFICE EXPENSES	.00	174.26	3,200.00	3,025.74	5.5
03-25-6506-00 UTILITY BILL MAILING	697.56	3,483.92	7,800.00	4,316.08	44.7
03-25-6507-00 ON LINE BILL PRESENTMENT	.00	.00	8,000.00	8,000.00	.0
03-25-6510-00 TELEPHONE	132.96	670.12	1,800.00	1,129.88	37.2
03-25-6511-00 TRAINING & MEETINGS	.00	.00	700.00	700.00	.0
03-25-6515-00 DUES & SUBSCRIPTIONS	.00	.00	500.00	500.00	.0
03-25-6518-00 CLEANING SUPPLIES	156.98	700.64	1,100.00	399.36	63.7
03-25-6520-00 MILEAGE & EXPENSES	.00	.00	500.00	500.00	.0
03-25-6522-00 INSURANCE & BONDS	.00	3,300.00	7,200.00	3,900.00	45.8
03-25-6544-02 COMPUTER SOFTWARE	.00	.00	3,200.00	3,200.00	.0
03-25-6544-04 CAPITAL OUTLAY - COMPUTER	.00	.00	1,500.00	1,500.00	.0
03-25-6544-07 MISCELLANEOUS OFFICE	.00	.00	400.00	400.00	.0
03-25-7020-00 REPAIR & MAINTENANCE	.00	312.72	800.00	487.28	39.1
03-25-8010-00 AUDIT	1,500.00	1,500.00	5,000.00	3,500.00	30.0
03-25-8012-00 PROFESSIONAL SERVICES	444.05	5,305.80	7,000.00	1,694.20	75.8
03-25-8014-00 LEGAL	.00	.00	16,000.00	16,000.00	.0
03-25-8016-00 SALARY STUDY	.00	.00	800.00	800.00	.0
03-25-8017-00 PROFESSIONAL SERVICES - ENG.	18,150.00	18,150.00	30,000.00	11,850.00	60.5
TOTAL PERSONNEL	33,424.06	111,568.37	295,400.00	183,831.63	37.8

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OPERATIONS - SEWER FUND</u>					
03-70-5010-00 SALARIES	16,509.63	107,653.27	280,000.00	172,346.73	38.5
03-70-5010-03 OVERTIME PAY	393.28	2,111.21	10,000.00	7,888.79	21.1
03-70-5050-00 PAYROLL TAXES	1,242.26	8,045.62	22,200.00	14,154.38	36.2
03-70-5060-00 RETIREMENT FUND	809.01	5,190.68	16,500.00	11,309.32	31.5
03-70-5065-00 HEALTH INSURANCE	5,081.06	29,924.27	81,000.00	51,075.73	36.9
03-70-5070-00 WORKMEN'S COMPENSATION	417.72	2,594.16	8,900.00	6,305.84	29.2
03-70-6010-00 UTILITIES	20,125.62	102,201.16	220,000.00	117,798.84	46.5
03-70-6510-00 TELEPHONE	601.41	2,996.77	6,500.00	3,503.23	46.1
03-70-6511-00 TRAINING	60.00	145.00	3,300.00	3,155.00	4.4
03-70-6518-00 CLEANING SUPPLIES	95.11	541.74	1,500.00	958.26	36.1
03-70-6522-00 INSURANCE	.00	15,855.02	29,300.00	13,444.98	54.1
03-70-6524-00 GAS AND OIL	892.30	4,477.94	9,100.00	4,622.06	49.2
03-70-6525-00 GIS MAPPING	.00	.00	25,000.00	25,000.00	.0
03-70-6526-00 CHEMICALS	7,598.00	58,292.08	120,000.00	61,707.92	48.6
03-70-6527-00 SUPPLIES-SAFETY EQPT.	.00	.00	3,500.00	3,500.00	.0
03-70-6528-00 OPERATING SUPPLIES	459.76	1,577.69	10,000.00	8,422.31	15.8
03-70-6544-02 TOOLS	56.66	283.66	3,500.00	3,216.34	8.1
03-70-6544-03 VEHICLE	.00	.00	19,000.00	19,000.00	.0
03-70-6544-04 MANHOLE INSTALLATION	.00	.00	50,000.00	50,000.00	.0
03-70-6544-10 SEWERLINE REPLACEMENT	.00	.00	20,000.00	20,000.00	.0
03-70-6544-16 INSTRUMENTATION UPGRADES	.00	.00	140,000.00	140,000.00	.0
03-70-6544-20 LOW POINT - IMPROVEMENTS	2,460.00	2,460.00	400,000.00	397,540.00	.6
03-70-7015-00 REPAIRS & MAINT - MAINS	.00	4,116.26	20,000.00	15,883.74	20.6
03-70-7020-00 REPAIRS & MAINTENANCE	5,905.29	41,297.89	120,000.00	78,702.11	34.4
03-70-7022-00 VEHICLE REPAIRS	.00	371.52	3,000.00	2,628.48	12.4
03-70-7023-00 WEED CONTROL/GROUND MAINT.	.00	.00	3,000.00	3,000.00	.0
03-70-7025-00 SEWERLINE CLEANING	.00	.00	45,000.00	45,000.00	.0
03-70-7090-00 INSURANCE DEDUCTIBLES	1,000.00	1,000.00	7,500.00	6,500.00	13.3
03-70-8012-00 PROFESSIONAL SERVICES	(8,280.60)	9,186.76	50,000.00	40,813.24	18.4
TOTAL OPERATIONS - SEWER FUND	55,426.51	400,322.70	1,727,800.00	1,327,477.30	23.2
TOTAL FUND EXPENDITURES	88,850.57	511,891.07	2,023,200.00	1,511,308.93	25.3
NET REVENUE OVER EXPENDITURES	94,692.90	563,986.38	(138,200.00)	(702,186.38)	408.1

TOWN OF JOHNSTOWN
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

CONSERVATION TRUST

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
05-00-4070-00 COLORADO LOTTERY	22,795.06	40,056.30	70,000.00	29,943.70	57.2
05-00-4110-00 PARK FEES	7,000.00	41,500.00	62,500.00	21,000.00	66.4
05-00-4130-00 LARIMER COUNTY USE TAX	9,403.95	54,551.64	90,000.00	35,448.36	60.6
05-00-4330-00 OTHER	113.00	132.90	5,000.00	4,867.10	2.7
05-00-4610-00 CT-EARNINGS ON INVEST.	2,759.29	6,981.28	9,000.00	2,018.72	77.6
TOTAL SOURCE 00	42,071.30	143,222.12	236,500.00	93,277.88	60.6
TOTAL FUND REVENUE	42,071.30	143,222.12	236,500.00	93,277.88	60.6

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

CONSERVATION TRUST

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
05-70-6533-00 TREE TRIMMING	151.19	151.19	6,000.00	5,848.81	2.5
05-70-6544-01 CAPITAL - TREES	.00	.00	7,000.00	7,000.00	.0
05-70-6545-00 EDDIE ARAGON PARK	.00	168.73	5,000.00	4,831.27	3.4
05-70-6546-00 SUNRISE PARK	.00	.00	4,000.00	4,000.00	.0
05-70-6547-00 PARISH PARK	.00	.00	4,000.00	4,000.00	.0
05-70-6548-00 HAYS PARK	.00	.00	6,000.00	6,000.00	.0
05-70-6549-00 PIONEER RIDGE PARK	.00	.00	4,000.00	4,000.00	.0
05-70-6550-00 ROLLING HILLS RANCH PARK	.00	.00	4,000.00	4,000.00	.0
05-70-6551-00 JOHNSTOWN LAKE PARK	.00	.00	8,000.00	8,000.00	.0
05-70-6553-00 CLEARVIEW PARK	79,541.00	102,932.09	165,000.00	62,067.91	62.4
05-70-7020-00 REPAIR & MAINT.	.00	242.50	6,000.00	5,757.50	4.0
TOTAL DEPARTMENT 70	79,692.19	103,494.51	219,000.00	115,505.49	47.3
TOTAL FUND EXPENDITURES	79,692.19	103,494.51	219,000.00	115,505.49	47.3
NET REVENUE OVER EXPENDITURES	(37,620.89)	39,727.61	17,500.00	(22,227.61)	227.0

TOWN OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

CONTINGENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
06-00-4110-00 TRANSFER FROM GENERAL FUND	.00	.00	225,000.00	225,000.00	.0
06-00-4610-00 CF-EARNINGS ON INVESTMENTS	2,376.09	11,938.28	7,200.00	(4,738.28)	165.8
TOTAL SOURCE 00	2,376.09	11,938.28	232,200.00	220,261.72	5.1
TOTAL FUND REVENUE	2,376.09	11,938.28	232,200.00	220,261.72	5.1

TOWN OF JOHNSTOWN
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

CONTINGENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
06-70-6544-00 TRANSFER TO BANK FUND	.00	7,390.40	1,855,500.00	1,848,109.60	.4
TOTAL DEPARTMENT 70	.00	7,390.40	1,855,500.00	1,848,109.60	.4
TOTAL FUND EXPENDITURES	.00	7,390.40	1,855,500.00	1,848,109.60	.4
NET REVENUE OVER EXPENDITURES	2,376.09	4,547.88	(1,623,300.00)	(1,627,847.88)	.3

TOWN OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

CEMETERY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
07-00-4310-00 CEMETERY LOTS AND CARE	297.00	1,989.00	3,000.00	1,011.00	66.3
07-00-4610-00 CP-EARNINGS ON INVESTMENTS	205.76	991.37	900.00	(91.37)	110.2
TOTAL SOURCE 00	502.76	2,980.37	3,900.00	919.63	76.4
TOTAL FUND REVENUE	502.76	2,980.37	3,900.00	919.63	76.4
NET REVENUE OVER EXPENDITURES	502.76	2,980.37	3,900.00	919.63	76.4

TOWN OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

EQUIPMENT REPLACEMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
09-00-4110-00 TRANSFER FROM GENERAL FUND	.00	.00	1,000,000.00	1,000,000.00	.0
09-00-4610-00 EARNINGS ON INVESTMENTS	2,457.76	12,079.31	5,000.00	(7,079.31)	241.6
TOTAL SOURCE 00	2,457.76	12,079.31	1,005,000.00	992,920.69	1.2
TOTAL FUND REVENUE	2,457.76	12,079.31	1,005,000.00	992,920.69	1.2

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

EQUIPMENT REPLACEMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
09-70-6544-03 GRADER ROLL OVER	18,900.00	18,900.00	18,900.00	.00	100.0
09-70-6544-04 POLICE VEHICLE	11,806.26	11,806.26	99,500.00	87,693.74	11.9
09-70-6544-07 PUBLIC WORKS EQUIPMENT	.00	73,072.35	133,000.00	59,927.65	54.9
09-70-6544-10 COMPUTERS	.00	.00	5,200.00	5,200.00	.0
09-70-6544-12 LOADER	19,200.00	19,200.00	19,500.00	300.00	98.5
TOTAL DEPARTMENT 70	49,906.26	122,978.61	276,100.00	153,121.39	44.5
TOTAL FUND EXPENDITURES	49,906.26	122,978.61	276,100.00	153,121.39	44.5
NET REVENUE OVER EXPENDITURES	(47,448.50)	(110,899.30)	728,900.00	839,799.30	(15.2)

TOWN OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

DRAINAGE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
11-00-4110-00 DRAINAGE FEES	59,013.03	292,518.09	416,000.00	123,481.91	70.3
11-00-4610-00 EARNINGS ON INVESTMENTS	14,208.97	27,605.48	22,500.00	(5,105.48)	122.7
TOTAL SOURCE 00	73,222.00	320,123.57	438,500.00	118,376.43	73.0
TOTAL FUND REVENUE	73,222.00	320,123.57	438,500.00	118,376.43	73.0

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

DRAINAGE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
11-25-5010-00 CLERICAL SALARIES	1,521.55	9,308.04	38,900.00	29,591.96	23.9
11-25-5010-03 OVERTIME	.00	.00	100.00	100.00	.0
11-25-5011-00 PART TIME OFFICE	313.72	2,180.83	12,600.00	10,419.17	17.3
11-25-5025-00 MANAGER	2,268.74	14,703.18	29,500.00	14,796.82	49.8
11-25-5050-00 PAYROLL TAXES	306.23	1,972.93	6,300.00	4,327.07	31.3
11-25-5060-00 RETIREMENT FUND	273.92	1,760.31	5,700.00	3,939.69	30.9
11-25-5065-00 HEALTH INSURANCE	775.54	4,604.68	10,200.00	5,595.32	45.1
11-25-5070-00 WORKMAN'S COMPENSATION	69.62	432.36	700.00	267.64	61.8
11-25-6010-00 UTILITIES	100.51	373.40	1,600.00	1,226.60	23.3
11-25-6505-00 OFFICE SUPPLIES	.00	98.28	800.00	701.72	12.3
11-25-6506-00 UTILITY BILL MAILING	697.56	3,483.92	7,900.00	4,416.08	44.1
11-25-6507-00 ON LINE BILL PRESENTMENT	.00	.00	2,300.00	2,300.00	.0
11-25-6510-00 TELEPHONE	.00	.00	800.00	800.00	.0
11-25-6522-00 INSURANCE AND BONDS	.00	1,300.00	2,800.00	1,500.00	46.4
11-25-6544-04 COMPUTER SOFTWARE	.00	.00	3,500.00	3,500.00	.0
11-25-7020-00 MAINTENANCE AND REPAIRS	.00	312.72	500.00	187.28	62.5
11-25-8010-00 AUDIT	1,000.00	1,000.00	2,500.00	1,500.00	40.0
11-25-8012-00 COMPUTER PROF. SERVICES	377.25	2,323.50	3,700.00	1,376.50	62.8
11-25-8014-00 LEGAL	.00	.00	2,200.00	2,200.00	.0
11-25-8017-00 PROFESSIONAL SERVICES	.00	.00	1,500.00	1,500.00	.0
TOTAL ADMINISTRATION	7,704.64	43,854.15	134,100.00	90,245.85	32.7
<u>OPERATIONS</u>					
11-70-5010-00 SALARIES	1,450.75	9,379.07	63,200.00	53,820.93	14.8
11-70-5010-03 OVERTIME	.00	.00	600.00	600.00	.0
11-70-5050-00 PAYROLL TAXES	101.93	663.47	4,900.00	4,236.53	13.5
11-70-5060-00 RETIREMENT FUND	61.44	397.21	4,200.00	3,802.79	9.5
11-70-5065-00 HEALTH INSURANCE	823.70	4,886.15	24,000.00	19,113.85	20.4
11-70-5070-00 WORKMEN'S COMPENSATION	208.86	1,297.08	1,900.00	602.92	68.3
11-70-6510-00 TELEPHONE	17.24	86.38	900.00	813.62	9.6
11-70-6511-00 TRAINING	.00	.00	600.00	600.00	.0
11-70-6522-00 INSURANCE	.00	2,400.00	5,000.00	2,600.00	48.0
11-70-6524-00 GAS & OIL	356.63	1,019.68	2,000.00	980.32	51.0
11-70-6526-00 OPERATING SUPPLIES	37.11	193.73	1,000.00	806.27	19.4
11-70-6544-06 INFRASTRUCTURE REPAIR	.00	.00	20,000.00	20,000.00	.0
11-70-7020-00 REPAIR & MAINTENANCE	.00	.00	1,000.00	1,000.00	.0
11-70-7022-00 VEHICLE REPAIRS	.00	.00	800.00	800.00	.0
11-70-7024-00 INLET REPLACEMENT	.00	.00	20,000.00	20,000.00	.0
11-70-7026-00 CURB/GUTTER REPLACEMENT	.00	.00	70,000.00	70,000.00	.0
TOTAL OPERATIONS	3,057.66	20,322.77	220,100.00	199,777.23	9.2
TOTAL FUND EXPENDITURES	10,762.30	64,176.92	354,200.00	290,023.08	18.1
NET REVENUE OVER EXPENDITURES	62,459.70	255,946.65	84,300.00	(171,646.65)	303.6

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

LIBRARY

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
14-00-5010-00 LIBRARY- SALARIES	23,601.22	149,466.19	398,000.00	248,533.81	37.6
14-00-5050-00 LIBRARY-PAYROLL TAXES	1,783.03	11,377.32	48,000.00	36,622.68	23.7
14-00-5065-00 HEALTH INS.	500.00	2,654.90	10,000.00	7,345.10	26.6
14-00-5070-00 WORKMENS COMPENSATION	69.62	432.36	4,000.00	3,567.64	10.8
14-00-6522-00 INSURANCE AND BONDS	.00	1,900.00	.00	(1,900.00)	.0
TOTAL DEPARTMENT 00	25,953.87	165,830.77	460,000.00	294,169.23	36.1
TOTAL FUND EXPENDITURES	25,953.87	165,830.77	460,000.00	294,169.23	36.1
NET REVENUE OVER EXPENDITURES	(25,953.87)	(165,830.77)	(460,000.00)	(294,169.23)	(36.1)

TOWN OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

CAPITAL PROJECTS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
15-00-4060-00 USE TAX	344,803.44	1,812,948.84	1,000,000.00	(812,948.84)	181.3
15-00-4610-00 EARNINGS ON INVESTMENTS	9,486.33	79,770.24	65,000.00	(14,770.24)	122.7
TOTAL SOURCE 00	354,289.77	1,892,719.08	1,065,000.00	(827,719.08)	177.7
 <u>SOURCE 01</u>					
15-01-4530-00 DEVELOPER REIMBURSEMENT	.00	.00	60,000.00	60,000.00	.0
TOTAL SOURCE 01	.00	.00	60,000.00	60,000.00	.0
 TOTAL FUND REVENUE	 354,289.77	 1,892,719.08	 1,125,000.00	 (767,719.08)	 168.2

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

CAPITAL PROJECTS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
15-70-7020-00 STREET REPAIR & MAINT.	22,697.59	30,849.05	350,000.00	319,150.95	8.8
15-70-7022-00 ALLEY IMPROVEMENTS	.00	.00	2,000.00	2,000.00	.0
15-70-7035-00 COMMUNITY CENTER IMPROVEMENTS	.00	.00	5,000.00	5,000.00	.0
15-70-7045-00 STREETLIGHTS	.00	.00	5,000.00	5,000.00	.0
15-70-7047-00 SIGNS	.00	705.00	5,000.00	4,295.00	14.1
15-70-7055-00 ENGINEERING/ARCHITECTURAL	106,045.12	124,392.40	1,200,000.00	1,075,607.60	10.4
15-70-7062-00 COMMUNITY RECREATION CENTER	.00	995,297.82	6,000,000.00	5,004,702.18	16.6
15-70-7065-00 SIDEWALK/CURB REPL.	.00	.00	15,000.00	15,000.00	.0
15-70-7085-00 SHOP IMPROVEMENTS	.00	.00	5,500.00	5,500.00	.0
TOTAL DEPARTMENT 70	128,742.71	1,151,244.27	7,587,500.00	6,436,255.73	15.2
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15-80-7060-00 REBATE	.00	795.00	180,000.00	179,205.00	.4
15-80-7090-00 I-25 GRANT CONTRIBUTION	.00	250,000.00	250,000.00	.00	100.0
TOTAL DEPARTMENT 80	.00	250,795.00	430,000.00	179,205.00	58.3
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TOTAL FUND EXPENDITURES	128,742.71	1,402,039.27	8,017,500.00	6,615,460.73	17.5
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NET REVENUE OVER EXPENDITURES	225,547.06	490,679.81	(6,892,500.00)	(7,383,179.81)	7.1

TOWN OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

JOHNSON'S CORNER IMP. FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
16-00-4070-00 FROM SALES TAX	8,898.96	52,903.24	112,500.00	59,596.76	47.0
16-00-4610-00 EARNINGS ON INVESTMENTS	9.00	12.07	100.00	87.93	12.1
TOTAL SOURCE 00	8,907.96	52,915.31	112,600.00	59,684.69	47.0
TOTAL FUND REVENUE	8,907.96	52,915.31	112,600.00	59,684.69	47.0

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

JOHNSON'S CORNER IMP. FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
16-70-7010-00 CONSTRUCTION	.00	.00	114,900.00	114,900.00	.0
TOTAL DEPARTMENT 70	.00	.00	114,900.00	114,900.00	.0
TOTAL FUND EXPENDITURES	.00	.00	114,900.00	114,900.00	.0
NET REVENUE OVER EXPENDITURES	8,907.96	52,915.31	(2,300.00)	(55,215.31)	2300.7

TOWN OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

IMPACT FEES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
17-00-4610-00 EARNINGS ON INVESTMENTS	21,610.18	70,879.47	50,000.00	(20,879.47)	141.8
TOTAL SOURCE 00	21,610.18	70,879.47	50,000.00	(20,879.47)	141.8
<u>SOURCE 01</u>					
17-01-4110-01 TRANSPORATION FAC. DEV. FEE	104,934.64	832,647.22	405,000.00	(427,647.22)	205.6
17-01-4110-02 POLICE FACILTIES DEV. FEE	15,234.68	196,915.59	132,000.00	(64,915.59)	149.2
17-01-4110-03 PUBLIC FACILITIES DEV. FEE	41,012.20	444,194.70	28,000.00	(416,194.70)	1586.4
17-01-4110-04 PARKS & OPEN SPACE DEV. FEE	16,422.00	331,931.00	150,000.00	(181,931.00)	221.3
17-01-4110-05 LIBRARY FACILITIES FEE	12,824.00	236,212.00	100,000.00	(136,212.00)	236.2
17-01-4110-06 TRAFFIC SIGNAL	836.58	4,736.92	5,000.00	263.08	94.7
TOTAL SOURCE 01	191,264.10	2,046,637.43	820,000.00	(1,226,637.43)	249.6
TOTAL FUND REVENUE	212,874.28	2,117,516.90	870,000.00	(1,247,516.90)	243.4

TOWN OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2018

IMPACT FEES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
17-70-6544-01 POLICE VEHICLE	3,935.42	3,935.42	93,000.00	89,064.58	4.2
17-70-6544-15 POLICE EQUIPMENT	.00	.00	33,200.00	33,200.00	.0
17-70-6544-19 ANNUAL LEASE/UTILITIES	1,821.85	10,488.52	26,500.00	16,011.48	39.6
17-70-6544-20 PEDESTRIAN CROSSING SIGNALS	.00	28,995.00	75,000.00	46,005.00	38.7
17-70-8017-00 PARKS & OPEN - PROFESSIONAL	.00	.00	15,000.00	15,000.00	.0
17-70-8018-00 TRANSPORTATION EXPENDITURES	13,774.37	13,774.37	30,000.00	16,225.63	45.9
TOTAL DEPARTMENT 70	19,531.64	57,193.31	272,700.00	215,506.69	21.0
TOTAL FUND EXPENDITURES	19,531.64	57,193.31	272,700.00	215,506.69	21.0
NET REVENUE OVER EXPENDITURES	193,342.64	2,060,323.59	597,300.00	(1,463,023.59)	344.9

TOWN OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

STREET MAINTENANCE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
20-00-4110-00 STREET MAINTENANCE FEES	27,726.08	165,261.78	305,000.00	139,738.22	54.2
20-00-4610-00 EARNINGS ON INVESTMENTS	.00	80.73	500.00	419.27	16.2
TOTAL SOURCE 00	27,726.08	165,342.51	305,500.00	140,157.49	54.1
TOTAL FUND REVENUE	27,726.08	165,342.51	305,500.00	140,157.49	54.1

TOWN OF JOHNSTOWN
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2018

STREET MAINTENANCE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
20-70-7020-00 STREET MAINTENANCE	.00	3,510.00	300,000.00	296,490.00	1.2
TOTAL DEPARTMENT 70	.00	3,510.00	300,000.00	296,490.00	1.2
TOTAL FUND EXPENDITURES	.00	3,510.00	300,000.00	296,490.00	1.2
NET REVENUE OVER EXPENDITURES	27,726.08	161,832.51	5,500.00	(156,332.51)	2942.4

RESOLUTION

No. 2018-13

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2018-13

**APPOINTING A DIRECTOR TO THE VILLAGES AT JOHNSTOWN
METROPOLITAN DISTRICT NOS. 1-8 BOARDS OF DIRECTORS**

WHEREAS, on March 19, 2018, the Town Council of the Town of Johnstown passed a Resolution Approving the Consolidated Service Plan for the Villages at Johnstown Metropolitan District Nos. 1-8 (“Districts”); and

WHEREAS, on May 8, 2018, the proponents of the Districts held an election to consider, among other matters, the organization of the Districts, tax and debt authorizations and election of an initial board of directors; and

WHEREAS, while the eligible electors voted to approve the organization of the Districts and the tax and debt measures, the electors failed to elect initial boards of directors; and

WHEREAS, based on C.R.S. § 32-1-905(2.5), the Districts requested that the Town Council appoint a director to each of the boards from the pool of duly qualified and willing candidates; and

WHEREAS, the Districts represented that the only qualified and willing candidate is Mark Hunter, 5845 Pear East Circle, Suite 101, Boulder, CO 80301; and

WHEREAS, the Districts further represented that, within six (6) months of the Town’s appointment of a director, the Districts will proceed to call for nominations for a special election pursuant to C.R.S. § 32-1-905(2.5), to be held in accordance with the provisions of Section 32-1-305.5 and Articles 1 to 13.5 of Title 1, C.R.S., except that the question of organization, which has already passed, will not be presented at the election; and

WHEREAS, based on the Districts’ representations and in order to ensure that there will not be an interruption of the Districts’ services, the Town Council agrees to appoint a director to each of the Districts’ initial Board of Directors.

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

1. Based on the condition set forth below, the following candidate is hereby appointed to each of the Districts’ Boards of Directors:

Mark Hunter
5845 Pear East Circle, Suite 101
Boulder, CO 80301

2. As a condition of the appointment, within six (6) months, the Districts shall call for nominations for a special election pursuant to C.R.S. § 32-1-905(2.5), to be held in accordance with the provisions of Section 32-1-305.5 and Articles 1 to 13.5 of Title 1,

C.R.S., except that the question of organization, which has already passed, shall not be required to be presented at the election.

PASSED, SIGNED, APPROVED, AND ADOPTED this ____ day of _____, 2018.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Scott James, Mayor

AGENDA ITEM 9A

**US
ENGINEERING
ANNEXATION**

- **Annexation Agreement**
- **Resolution No. 2018-12
(Findings of Fact)**
- **Ordinance No. 2018-152
(Annexation Ordinance)
(First Reading)**
- **Ordinance No. 2018-153
(Zoning Ordinance)
(First Reading)**

***Public Hearing**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: July 16, 2018

ITEM NUMBER: 9A

SUBJECT: *Public Hearing –US Engineering Annexation

ACTION PROPOSED: Consider US Engineering Annexation

PRESENTED BY: Mr. John Franklin, Town Planner

AGENDA ITEM DESCRIPTION: This is a request for annexation of 12± acres, which is generally located immediately north of the US Engineering facility at 390 Longs Peak Rd. in the northwest corner of the I-25 Gateway Center. The owner has requested Gateway Zoning, which is the zoning of their adjoining property. The owner proposes to expand their current HVAC equipment fabrication facility with an added building. The property is connected by driveways to the existing facility.

The annexation agreement is the standard form of agreement.

State statutes require that the governing body of the annexing municipality approve a resolution of substantial compliance of the annexation petition. As part of the resolution finding substantial compliance, the governing body must set a public hearing to determine if the proposed annexation complies with sections 31-12-105, C.R.S., (Eligibility for Annexation) and 31-12-105, C.R.S., (Limitations). In accordance with statute, a public hearing date of July 16, 2018 has been scheduled.

The Planning and Zoning Commission held a public hearing on April 10, 2018 and voted to recommend approval of the annexation and the Gateway zoning with the condition that an Annexation Agreement is to be prepared by the Town Attorney and signed by the Owner for Town Council consideration with annexation. The signed agreement is in the packet for consideration.

LEGAL ADVICE: The Town Attorney prepared the Annexation Agreement.

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: The Planning and Zoning Commission has recommended approval of the annexation, and Gateway zoning.

SUGGESTED MOTIONS:

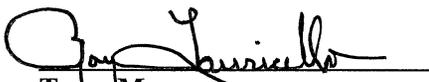
For Approval:

- 1) I move to approve the Annexation Agreement (subject to the following conditions...)
- 2) I move to approve Resolution No. 2018-12 (Findings of Fact).
- 3) I move to approve Annexation Ordinance No. 2018-152 on first reading.
- 4) I move to approve Zoning Ordinance No. 2018- 153 on first reading.

For Denial:

- 1) I move to deny approval of the Annexation Agreement.
- 2) I move to deny approval of Resolution No. 2018-12 (Findings of Fact).
- 3) I move to deny approval of Annexation Ordinance No. 2018-152.
- 4) I move to deny approval of Zoning Ordinance No. 2018-153.

Reviewed:


Town Manager

**ANNEXATION
AGREEMENT**

ANNEXATION AGREEMENT U.S. ENGINEERING ANNEXATION

THIS ANNEXATION AGREEMENT (“Agreement”) is made and entered into this _____ day of _____, 2018, by and between **Use Real Estate Holdings, LLC**, a Missouri limited liability company (“Owner”), and the **Town of Johnstown**, a municipal corporation of the State of Colorado (“Town”).

WITNESSETH:

WHEREAS, Owner desires to annex real property into the Town, which property is more particularly described on Exhibit A attached hereto, incorporated herein, and made a part hereof (“Property”), and shall be known as the “U.S. Engineering Annexation;” and

WHEREAS, Owner executed a Petition for Annexation, dated February 15, 2018, a copy of which petition is on file with the Town Clerk; and

WHEREAS, Owner prepared an Outline Development Plan, dated February 21, 2018, identifying and illustrating requested zoning, proposed land use and intended development of the property; and

WHEREAS, it is to the mutual benefit of the parties hereto to enter into this Agreement regarding annexation of the Property to the Town and other related matters as set forth herein; and

WHEREAS, Owner acknowledges that, upon annexation, the Property will be subject to all ordinances, resolutions and other regulations of the Town, as amended from time to time.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE PREMISES AND THE COVENANTS AS HEREINAFTER SET FORTH, IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. ***Incorporation of Recitals.*** The parties confirm and incorporate the foregoing recitals into this Agreement.

2. ***Purpose.*** The purpose of this Agreement is to set forth the terms and conditions of the annexation of the Property to the Town. Except as expressly provided for herein to the contrary, all terms and conditions herein are in addition to all requirements concerning annexation contained in the Johnstown Municipal Code, Development Regulations and Comprehensive Plan, and the Municipal Annexation Act of 1965, as amended, C.R.S., Section 31-12-101, et seq.

3. **Owner.** As used in this Agreement, the term “Owner” shall include any of the heirs, transferees, successors or assigns of Owner. In addition to the foregoing and to the extent excluded therefrom, this Agreement shall be binding upon all developers of the Property or any part thereof. All such parties shall be subject to the terms of this Agreement as if they were the original parties thereto.

4. **Further Acts.** Upon request of the Town, Owner agrees to promptly execute any and all surveys and other documents necessary to accomplish the annexation of the Property and the other provisions of this Agreement. Owner agrees not to sign any other petition for annexation of the Property or any petition for annexation election relating to the Property, except as otherwise requested by the Town.

5. **Annexation Documents.** Owner agrees to provide legal documents, surveys, engineering work, newspaper publications, maps, and reports determined by the Town to be necessary to accomplish the annexation.

6. **Zoning and Land Use.** The parties recognize that it is the intent and desire of Owner to develop the Property in a manner generally consistent with the zoning and land uses presented in the Outline Development Plan dated February 21, 2018, and that the granting of such zoning by the Town of Johnstown is a material consideration of the Owner’s agreement to annex the Property to the Town. Owner shall take all action necessary to permit zoning by the Town of the annexed Property within the time prescribed by state statute.

7. **Non-Conforming Use.** The Town agrees to allow existing non-conforming agricultural use, if any, to continue until such time as the Property is platted, but not at a greater level than at its current level of activity and use.

8. **Water and Sewer Demand Study.** In compliance with the Town’s Ordinances, Owner has submitted to the Town a preliminary water and sewer demand analysis. The parties recognize and agree that the estimate is preliminary and may need to be revised by Owner. Prior to the time of any plat submittal, Owner shall submit an updated water and sewer demand analysis for the development. The parties further recognize and agree that a separate water and sewer service agreement, or multiple agreements depending on the phasing of the development, will be executed no later than the time of final plat approval.

9. **Water Rights Dedication.** Owner shall dedicate all water rights and lateral ditch company rights appurtenant to the Property to the Town, which include one (1) share of the capital stock of The Consolidated Home Supply Ditch and Reservoir Company, as represented by Stock Certificate No. 6804, and one (1) share of the eight (8) shares of the capital stock of The Harry Lateral Ditch Company, as represented by Stock Certificate No. 413. Such dedication shall occur no later than the date of approval of a final plat for development the Property. Owner further agrees that it has not sold or transferred any water rights appurtenant to the Property within the past year nor will it do so during the pendency of this annexation petition and, once annexed to the

Town, it will not sell or transfer the water rights appurtenant to the Property without the prior written approval of the Town.

10. **Non-potable Irrigation.** Owner may install a non-potable water system to provide irrigation water to the Property. In the Town's discretion, the non-potable water system may become an extension of the Town's water utility enterprise and be owned, operated and maintained by the Town after acceptance by the Town. In consideration of the reduced potable water demand that will be realized by the installation of a non-potable irrigation system, the amount of raw water to be dedicated to the Town may be subject to reduction.

11. **Municipal Services.** The Town agrees to make available to the Property all of the usual municipal services provided by the Town, in accordance with the ordinances and policies of the Town. The services provided by the Town include, but are not limited to, police protection, water and waste water services. Owner acknowledges that Town services do not include, as of the date of the execution of this Agreement, fire protection or emergency medical services. Subject to the provisions of Paragraphs 9, 10 and 21 of this Agreement and Owner's performance of all the requirements of the Town's ordinances and policies, the Town shall provide water and sewer services to the Property, and, unless otherwise agreed in writing, Owner shall bear the cost of the delivery of such services.

12. **Public Improvements.** Required public improvements shall be designed and constructed to Town standards by Owner and at Owner's expense. Owner further agrees to provide financial guarantees for construction of all required improvements. The public improvements and financial guarantees shall be set forth in a development agreement between the Town and Owner. ~~All overhead utility lines shall be undergrounded.~~ **Improvement/upgrades to existing sewer between the development and the town of Johnstown proper are specifically excluded from this agreement.** TM

13. **Streets and Arterial Roads.** On-site and required off-site streets, if any, shall be designed and constructed to Town standards by Owner at Owner's expense.

14. **Land Dedication.** The dedication of easements for utilities, rights-of-way for streets and other public ways and dedications for other public purposes, if any, shall be by general warranty deed (to include, except for public easements, mineral interest owned by Owner at the time of annexation) or appropriate instrument of conveyance acceptable to the Town. Such dedications shall occur when requested by the Town. The Town and Owner agree that such dedications are directly related to and generated by the development intended to occur within the Property and that no taking thereby will occur requiring any compensation.

15. **Water and Waste Water Utilities.** Water and waste water mains and appurtenances shall be constructed to Town standards by Owner at Owner's expense. Town and Owner hereby agree to cooperate in good faith with respect to locating and securing approvals for installation of utility mains and appurtenances within public rights-of-way.

16. **Drainage.**

(a) A drainage study of the entire annexation territory shall be provided by the Owner to the Town no later than the date of the Owner's filing of a preliminary plat with the Town. Improvements recommended by such study shall be completed as required by the Town.

(b) Historical irrigation and drainage patterns shall be maintained on the property to the extent feasible including no change in the quality, quantity, or point of discharge, except to the extent approved by the Town.

(c) The Town has established a Storm Water Utility. A system development charge (currently \$1,100.00 per acre) shall be payable upon approval of the annexation.

17. **Reimbursements.** To the extent water, sewer, storm drainage facilities or other utilities are oversized or extended onto the property by Owner or to the extent streets or street lighting or other public improvements are built or relocated off-site of the Property for benefit accruing to other parties, said improvements may be eligible for reimbursement as provided in the Town's Ordinances.

18. **Limitation on Fee Impositions by the Town.** The Town agrees that the Property shall be subject to typical development fees similar to those that are imposed on other comparable developments in the Town pursuant to the Town's regulations and ordinances. Owner acknowledges that the Town has adopted impact fees that will apply to this development.

19. **Conformity with Laws.** Owner agrees that the design, improvement, construction, development and use of the Property shall be in conformance with all applicable laws and ordinances and that Owner shall comply with all Town ordinances, resolutions and regulations including, without limitation, ordinances, resolutions, and regulations pertaining to annexation, subdivision, zoning, storm drainage, utilities, access to Town streets and flood control.

20. **Disconnection.** No right or remedy of disconnection of the Property from the Town shall accrue from this Agreement other than that provided by applicable state laws. In the event the Property or any portion thereof is disconnected at Owner's request, the Town shall have no obligation to serve the disconnected Property or portion thereof and this Agreement shall be void and of no further force and effect as to such Property or portion thereof.

21. **Special Districts.** Within thirty (30) days after written request by the Town, Owner shall apply for inclusion of the Property within one or more special districts serving the Town and the Town may request Owner to petition to exclude the Property from another special district. If Owner is in a fire protection district other than the Johnstown Fire Protection District, Owner shall petition out of the other fire district and into the Johnstown Fire Protection District. All costs, expenses, attorney fees and judgments for exclusion of the property from any special district shall be borne by Owner. ~~Within thirty (30) days after written request by the Town, Owner shall be required to pay sums due and owing to the Little Thompson Water District pursuant to an~~ TMM

~~Intergovernmental Agreement between the Town of Johnstown and the Little Thompson Water District dated January 21, 2009, arising from this annexation.~~ **Because U.S. Engineering is not a current customer of Little Thompson Water District, that portion of this paragraph does not apply.** TM

22. **Future Cooperation.** The parties agree that they will cooperate with one another to accomplish the terms, conditions, and provisions of the Agreement and will execute such additional documents as necessary to effectuate the same.

23. **No Joint Venture or Partnership/No Assumption of Liability.** Nothing contained in this Agreement is intended to create a partnership or joint venture between the Town and Owner or between the Town and any one or more of the individual owners that may exist and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not provide for the joint exercise by the parties of any activity, function or service, nor does it create a joint enterprise or an agency relationship. Except as otherwise provided in this Agreement, no party shall in any way assume any of the liability of any other party for any act or obligations of the other party.

24. **Failure to Annex.** This Agreement shall be null and void if the Town fails to approve the annexation of the Property.

25. **No Warranties by the Town.** The Town is entering into this Agreement in good faith and with the present intention, on the part of the present Town Council, to comply with this Agreement. However, because certain of the provisions of this Agreement may involve areas of legal uncertainty, the Town makes no representation as to the validity or enforceability of this Agreement and no such warranty is made on the part of the Town.

26. (a) **Breach by Owner; Town's Remedies.** In the event of a default or breach by the Owner of any term, condition, covenant, or obligation under this Agreement, the Town may take such action as it deems necessary to protect the public health, safety and welfare; to protect lot buyers and builders; and to protect the citizens of the Town from hardship. The Town's remedies include:

(I) The refusal to issue any development permit, building permit or certificate of occupancy. This remedy shall not affect sales to bona fide purchasers nor be applied to bona fide purchasers;

(II) A demand that the security given for the completion of the public improvements be paid or honored;

(III) The refusal to consider further development plans within the Property; and/or

(IV) Any other remedy available at law.

Unless necessary to protect the immediate public health, safety and welfare, the Town shall provide the Owner ten (10) days' written notice of its intent to take any action under this Paragraph during which ten-day period the Owner may cure the breach described in said notice and prevent further action by the Town.

(b) **Breach by Town.** Parties agree that in the event of a breach by Town, Owner will have the right to seek all remedies provided by law.

27. **Attorney's Fees.** If Owner breaches this Agreement, Owner party shall pay the Town's reasonable costs and attorney's fees incurred in the enforcement of the terms and conditions of this Agreement. Should litigation occur by suit of a third party, Owners shall reimburse Town for Town's attorney's fees, court costs, and witness fees. In addition thereto, in the event that any person, corporation, special district, municipal or county government or any other entity asserts a claim against the Town, its officials, or employees pursuant to the provisions of the Colorado Municipal Annexation Act, C.R.S., Section 31-12-101, et seq., Owner agrees to reimburse the Town all reasonable costs and attorney's fees incurred by the Town in defense of such claims whether or not such defense is successful; provided, however, that nothing herein shall be interpreted as permitting the Owner to act or participate in any manner whatsoever in the defense of such claims, including, but not limited to, selection of legal counsel or settlement of claims. Owner acknowledges and understands that the Town may, at its sole discretion, voluntarily elect not to defend against such an action and may consent to and permit the entry by the court of an order voiding the annexation or reach another means of settlement of claims. In such an event, Owner shall also reimburse to the Town any costs or attorney's fees assessed against the Town by the court, if any.

28. **General Provisions.** The Town shall:

(a) Cause its staff to review and timely approve or disapprove Owner's written submittal of any plans, specifications, drawings, details or other pertinent data required in connection with any water line, sanitary sewer line, storm drainage, or other utility serving the Property or any improvements within any dedicated right-of-way on the Property. Any disapproval shall set forth the items disapproved together with the reasons for such disapproval;

(b) Use its best efforts in securing, at Owner's expense, construction and maintenance agreements from governmental or private entities other than the Town which are necessary to allow Owner to fulfill its obligations under this Agreement and to develop the Property in a timely manner;

(c) Cooperate with Owner with any filing, applications, approvals, or other administrative procedures with governmental entities other than the Town which are necessary to allow Owner to fulfill its obligations under this Agreement and to develop the Property in a timely manner; and

Property to be annexed, Owner owns one hundred percent (100%) of the Property, excluding public streets and alleys, and would vote to approve the annexation and all terms and conditions as set forth herein. Thus, any election would necessarily result in a majority of the electors' approval to the annexation and the terms and conditions.

32. **Cost Reimbursement to Town.** Developer shall reimburse Town for professional consultants such as engineers, testing companies, planners and attorneys necessitated by processing and completion of this development.

33. **No Third Party Rights.** This Agreement is made solely for the benefit of the parties hereto and is not intended to nor shall it be deemed to confer rights to any persons or entities not named as parties hereto, except as set forth in Paragraph 40.

34. **Governing Law.** The laws of the State of Colorado shall govern the validity, performance, and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that the venue of such suit or action shall be in Weld County, Colorado.

35. **Default.** In the event of default by either party hereunder the non-defaulting party shall notify the defaulting party in writing of such default(s), specifying the nature and extent thereof. If such default is not cured within thirty (30) days and the non-defaulting party desires to seek recourse, the parties shall participate in mediation, the costs of which shall be shared equally by the parties. If mediation is not successful after ninety (90) days, either party may then commence an action in a court of competent jurisdiction in Weld County, Colorado, and shall be entitled to such remedies as are provided by law.

36. **Headings.** The paragraph headings in this Agreement shall not be used in the construction or interpretation hereof as they have no substantive effect and are for convenience only.

37. **No Repeal of Laws.** Nothing contained in this Agreement shall constitute or be interpreted as a repeal of the Town's ordinances or resolutions, or as a waiver of the Town's legislative, governmental, or police powers to promote and protect the health, safety, and welfare of the Town and its inhabitants, nor shall this Agreement prohibit the enactment or increase by the Town of any tax or fee.

38. **Amendments to Law.** As used in this Agreement, unless otherwise specifically provided herein, any reference to any provision of any Town ordinances, resolution, regulations, or policy is intended to refer to any subsequent amendments or revisions to such ordinance, resolution, regulations, or policy, and the parties agree such amendments or revision shall be binding upon Owner.

39. **No Vested Rights.** No vested rights shall accrue to Owner by virtue of annexation of the Property or this Annexation Agreement. Any such vested rights for the Property shall be

acquired only by compliance with §§ 24-68-101, *et seq.*, C.R.S., and approval by the Town of a site specific development plan for the Property.

40. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of all heirs, transferees, successors and assigns hereof, and shall constitute covenants running with the land. In addition to the foregoing and to the extent excluded therefrom, this Agreement shall be binding upon all developers of the Property or any part thereof. This Agreement shall be recorded with the County Clerk and Recorder of Weld County, Colorado, at Owner's expense. Subject to the conditions precedent herein, this Agreement may be enforced in any court of competent jurisdiction.

41. **Entire Agreement.** This Agreement embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Agreement supersedes all previous communications, representations or agreements, either verbal or written, between the parties, except as that provided in the Cost Agreement and Funds Deposit Agreement executed by Owner and filed with the Town Clerk.

42. **Amendment.** This Agreement may be amended only by mutual agreement of the Town and Owner. Such amendments shall be in writing, shall be recorded with the County Clerk and Recorder of Weld County, Colorado, shall be covenants running with the land and shall be binding upon all persons or entities having an interest in the Property and/or an interest in water rights referenced in Paragraph 9 of the Agreement.

43. **Severability.** The parties agree that if any part, term, portion, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Colorado or any federal law, the validity of the remaining parts, terms, portions, or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, portion, or provision held to be invalid.

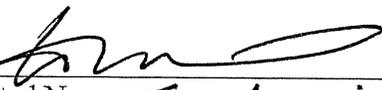
ATTEST:

TOWN OF JOHNSTOWN, COLORADO,
A MUNICIPAL CORPORATION

By: _____
Diana Seele, Town Clerk

By: _____
Mayor

USE REAL ESTATE HOLDINGS, LLC

By: 
Printed Name: Tim Moormeier
Title: President

MISSOURI
STATE OF ~~COLORADO~~)
) ss.
COUNTY OF JACKSON)

SUBSCRIBED AND SWORN to before me this 29 day of JUNE, 2018, by
Kenneth W. Glasbrenner

WITNESS my hand and official seal.

My commission expires: 5-2-20



KENNETH W. GLASBRENNER
My Commission Expires
May 2, 2020
Jackson County
Commission #12505262

Kenneth W. Glasbrenner
Notary Public

RESOLUTION

No. 2018-12

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2018-12

FINDINGS OF FACT AND CONCLUSIONS BASED THEREON WITH RESPECT TO THE U.S. ENGINEERING ANNEXATION.

BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, as follows:

The Town Council hereby sets forth its findings of fact and conclusions with respect to the annexation of U.S. Engineering based on the evidence contained in the official file, the official records of the Town of Johnstown, Colorado and the evidence produced at the hearing held on July 16, 2018.

FINDINGS OF FACT

1. The requirements of the applicable parts of C.R.S. 31-12-104 and C.R.S. 31-12-105, have been met including the following:
 - A. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with Town of Johnstown ("Town") as shown on the annexation map.
 - B. A community of interest exists between the area proposed to be annexed and the Town, due to the proximity of the area to the Town, the desires of the owners to annex, the fact that it is within the Johnstown Comprehensive Planning Area and within the area served by the Central Wastewater Treatment Plant.
 - C. The area will be urbanized in the near future and the area is capable of being fully integrated with the Town.

The land owners of the area proposed for annexation, while presently agricultural, plan to convert the land to light industrial uses in less than five (5) years, and urban services, which are currently being provided to other citizens of the Town of Johnstown, can be provided to citizens of the proposed annexed area on the same terms and conditions as the services are made available to other citizens. The Town can provide water service and the Town's sewer system can be extended to the property annexed with the same standards as the current sewer system serving other citizens. Police and other municipal services can be provided as well.
 - D. No land held in identical ownership has been divided into separate parts. No land with a valuation of over \$200,000 has been included without written consent. No annexation proceedings concerning this area have been commenced by any other municipality.
 - E. This annexation will not result in any detachment of area from any School District.
 - F. No part of the area to be annexed extends any more than three (3) miles from the existing Town boundaries. The Town has in place a plan for that area as required by C.R.S. 31-1-105.
 - G. The entire widths of any streets to be annexed are included within the annexation.

2. No petition for annexation election has been submitted and an election is not required pursuant to C.R.S. 31-12-107(2). An annexation agreement has been submitted.
3. The Town Council has determined that additional terms and conditions will not be imposed.
4. The Petition was signed by the owners of 100% of the property to be annexed exclusive of streets and alleys.
5. Proper notice of this hearing has been given as required by C.R.S. 31-12-108.
6. An Annexation Impact Report has been prepared and submitted to the Weld County Board of County Commissioners and County Attorney as required by C.R.S. 31-12-108.5.

CONCLUSIONS

1. The area proposed for annexation is eligible for annexation pursuant to applicable parts of C.R.S. 31-12-104.
2. None of the limitations of C.R.S.31-12-105 apply to restrict annexation.
3. Said U.S. Engineering annexation may be annexed by Ordinance pursuant to C.R.S. 31-12-111, without election under Section 31-12-107 (2).

ADOPTED this 16th day of July, 2018 by the Johnstown Town Council.

TOWN OF JOHNSTOWN, COLORADO

BY: _____
Scott James, Mayor

ATTEST:

Diana, Seele, Town Clerk

ORDINANCE

No. 2018-152

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2018-152

ANNEXING CERTAIN UNINCORPORATED LANDS LOCATED IN THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, KNOWN AS THE U.S. ENGINEERING ANNEXATION, AND CONTAINING APPROXIMATELY TWELVE (12±) ACRES

WHEREAS, by Resolution No. 2018-09, the Town Council of the Town of Johnstown, Colorado has found a petition for annexation of certain property situated in the Northeast Quarter of Section 3, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, being more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference, to be in substantial compliance with C.R.S. 31-12-107 (1); and

WHEREAS, after notice pursuant to C.R.S. 31-12-108, the Town Council has held a public hearing on the proposed annexation to determine if the annexation complies with C.R.S. 31-12-104 and 105; and

WHEREAS, the Town Council has determined that the requirements of C.R.S. 31-12-104 and 105 have been met, that an election is not required, and that no additional terms or conditions are to be imposed on the annexed area.

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

Section 1. The annexation of certain unincorporated property situated in the Northeast Quarter of Section 3, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, being more particularly described on Exhibit A be and the same is hereby approved and said unincorporated area is hereby incorporated and made a part of the Town of Johnstown, Colorado.

Section 2. That the annexation of such unincorporated area to the Town of Johnstown, Colorado shall be complete and effective on the effective date of this Ordinance, except for the purpose of general property taxes, and shall be effective as to general property taxes on and after the first day of January, 2019.

Section 3. That within thirty (30) days of the effective date of this Ordinance the Town Clerk be and is hereby authorized and directed to:

- A. File one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk; and
- B. File two certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the Weld County Clerk and Recorder.

Section 4. This Ordinance shall take effect as provided by State law.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 16th day of July, 2018.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
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

ORDINANCE

No. 2018-153

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2018-153

APPROVAL OF GATEWAY ZONING OF THE PROPERTY KNOWN AS U.S. ENGINEERING ANNEXATION LOCATED IN THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, AND CONTAINING APPROXIMATELY TWELVE (12±) ACRES

WHEREAS, the Town Council of the Town of Johnstown approved annexation of certain property situated in the Northeast Quarter of Section 3, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, being more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference, known as the U.S. Engineering Annexation (“Property”); and

WHEREAS, the property owners applied for Gateway zoning of the Property in conjunction with annexation; and

WHEREAS, pursuant to state law, the Town Council upon annexation must zone the Property within ninety (90) days; and

WHEREAS, the Town Planning Commission had a hearing and recommended approval of Gateway zoning on the Property; and

WHEREAS, the Town Council of the Town of Johnstown on July 16, 2018, held a hearing to determine appropriate zoning for the Property and, based upon the evidence received at the hearing, finds that the requested zoning of the Property to Gateway conforms to the Town’s Comprehensive Plan.

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

1. Zoning of the Property known as the U.S. Engineering Annexation and more particularly described on the attached Exhibit A shall hereby be designated as Gateway.
2. The Town Clerk is hereby directed to file this Ordinance with the real estate records of the Weld County Clerk and Recorder and publish this Ordinance as required by state law.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 16th day of July, 2018.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
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

**PLANNING AND ZONING
COMMISSION**

SUMMARY MINUTES

**SUMMARY MINUTES
PLANNING & ZONING COMMISSION
WEDNESDAY, MAY 9, 2018
COUNCIL CHAMBERS
450 S. PARISH AVE.**

- 1. CALL TO ORDER:** *Chair Dowling called the meeting to order at 7:00 pm.*
- 2. ROLL CALL:** *Present were Commissioners Montez, Dowling, Geisendorfer and Storms. Absent were Commissioners Eady and Kingsolver.*
- 3. PUBLIC COMMENTS REGARDING ITEMS NOT ON THE AGENDA:** *None*

4. PUBLIC HEARINGS:

A. Annexation and Gateway Zoning – US Engineering: *Chair Dowling opened the public hearing at 7:05 pm. Town Planner Franklin introduced the item and presented the staff recommendation. [Secretary's note: Commissioner Geisendorfer stated that the firm he works for was a consultant for US Engineering, but that he was not involved in the project, and believed he could vote impartially.] Dave Richards and Bob Brunson of US Engineering presented the request and answered questions.*

Commissioner Questions:

Should the disconnection be a Condition of approval? (It may, but is contemplated in the standard annexation agreement)

Public Comment:

Chief Ty Drage, Front Range Fire Rescue Authority asked the Commissioners to include direction that the owner disconnect the property from the Berthoud Fire District and petition for inclusion in the Front Range Fire Authority.

Mr. Richards agreed to the exclusion/inclusion, which is in the draft agreement.

Chair Dowling closed the hearing at 7:12pm and asked for discussion and a motion.

Motion by Commissioner Storms, seconded by Commissioner Montez to recommend approval with the conditions that an annexation agreement be prepared by the Town Attorney and signed by the owner for Town Council consideration with annexation and zoning.

Unanimous.

B. Use by Special Review for Oil and Gas Exploration – Cito Trust Property: *Chair Dowling opened the hearing at 7:20 pm. Town Planner Franklin introduced the item and presented the staff recommendation. Chris Freeman and Troy Owens of Extraction Oil & Gas presented the request and answered questions.*

Commissioner questions:

- *The farm access – is that an all-weather surface as is required? (Yes)*
- *Extent of the notice list for the open house? (one-half mile radius – same as for the hearing notices.*
- *Any other production facilities within one-half mile? (No)*
- *Noise study completed per COGCC? (Yes)*

**STAFF REPORT
TO
PLANNING AND ZONING
COMMISSION**

AGENDA MEMORANDUM

TO: Johnstown Planning and Zoning Commission
FROM: John Franklin Town Planner 
DATE: For May 9, 2018
SUBJECT: Annexation and Gateway Zoning – US Engineering

PROPERTY DATA:

Applicant: US Engineering

Owner(s): same

Location: Unincorporated Weld County, immediately north of the US Engineering facility at 390 Longs Peak Rd. in the I-25 Gateway Center.

Property Size: 12 ± acres

Current Zoning/Land Use(s): Weld County Agriculture

Surrounding Zoning/Land Uses:

North: Weld County Ag/Agriculture

South: Gateway/US Engineering fabrication facility

East: Weld County Ag/Agriculture

West: Weld County Ag/Agriculture

Comprehensive Plan Designation: Employment

General:

This property was part of the original 123 acres owned by PTI, Inc. (oil camp housing provider) which also owned the US Engineering facility in the I-25 Gateway Center. In 2015 Weld County approved a minor exemption to carve 12 acres from the larger parcel and Use by Special review to permit storage of housing units with screen fencing. PTI later sold the two properties.

Summary:

General Description:

Existing Land Use: The property is vacant.

Proposed Land Uses: As described in the Outline Development Plan. The intent of the owner is to develop the property as an expansion of the existing facility with a new building and yard.

Access, Traffic and Parking: Proposed site access is from the existing facility and thence to Longs Peak Rd. An access and utility easement is provided.

Water and Sanitary Sewer: The property is in the Central Wastewater Treatment Plant service area. The property proposes to connect restrooms and a possible break room to the existing water and sewer serving the current US Engineering facility.

Stormwater and floodplain: Storm water runoff from the development will need to be managed through on-site detention and released at historic rate to drainage ways leading to the Big Thompson River, in accordance with Town requirements. The property is not in or near a floodplain.

Park and Open Space: Privately owned and maintained landscaped open space will conform to Town standards.

Fire Services: The property is presently within the Berthoud Fire Protection District. The Front Range Fire Rescue Authority has requested that upon annexation of the property, the owner petition for exclusion from the Berthoud District and for inclusion in the Front Range. That is a standard provision in the annexation agreements.

Mineral Interests:

Attachments: Petition, Annexation Map, Outline Development Plan.

Municipal Code Review Provisions: Annexation is governed by state statutes and Municipal Code.

Technical Analysis: The overall annexation has at least one-sixth boundary contiguity to the Town limits. The property is located within the Comprehensive Planning and Urban Service Area. The property can be developed in the very near future. Town water and sanitary sewer services are nearby.

Staff Recommendation: Based upon the above, staff recommends approval of the US Engineering Annexation and Gateway Zoning, with the conditions:

1. An Annexation Agreement is to be prepared by the Town Attorney and signed by the Owner for Town Council consideration with annexation and zoning.

Planning Commission Actions:

1. If the Commission desires to recommend approval:
"I move to that the Commission recommend approval of the US Engineering Annexation and Gateway Zoning"
Or,
2. If the Commission desires to recommend approval with conditions
"I move that the Commission recommend approval of the US Engineering Annexation and Gateway Zoning with the following condition(s):
a. _____
b. _____
Etc. "
Or,
3. If the Commission desires to recommend denial:
"I move that the Commission recommend denial of the US Engineering Annexation and Gateway Zoning for the following reasons:
a. _____
b. _____
Etc. "

US Engineering Annexation Vicinity Map



APPLICATION



450 S. Parish Ave, Johnstown, CO 80534
Ph: 970-687-4664 Fax: 970-687-0141

Date: 2/15/18 COMMUNITY DEVELOPMENT APPLICATION

Project Name: U.S. Engineering Annexation

Application is for: Annexation Zoning Subdivision USR Cond. Use Other _____

Landowner: USE Real Estate Holdings LLC

Address: 3433 Roanoke Rd, Kansas City, MO 64111-3726

Telephone: 303-629-1244

Authorized Applicant/Representative: Troy Campbell, Coffey Engineering & Surveying, LLC

Address: 4045 St. Cloud Drive, Suite 180, Loveland, CO 80538

Telephone: 970-622-2095; Fax Number: _____; E-Mail: tcampbell@coffey-engineering.com

Landowner Authorization:

The undersigned affirms ownership of the property pertaining to this application, and hereby applies to the Town of Johnstown, Colorado for the above indicated development review process, and authorizes the individual or company stated as "authorized representative" to represent me/us in all aspects of said process.

[Signature] C.O.O.
Signature of Landowner

Signature of Landowner

STATE OF COLORADO)
) ss
COUNTY OF _____)

The foregoing application was subscribed and sworn to before me this 15th day of February, A.D., 2018, by Robert Horvath

Witness my hand and official seal.

My commission expires: 12/20/21

Heather Tegemeier
Notary Public



ANNEXATION IMPACT REPORT

U.S. ENGINEERING ANNEXATION

February 21, 2018

A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation.

- The Town of Johnstown has adopted general master plans for the extension of water lines and appurtenant facilities, sanitary sewer mains and treatment facilities, stormwater facilities, road maintenance, police protection, parks and recreation and library services to the area proposed for annexation, which is within the Johnstown Planning Area as described on Exhibit 1.

A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed.

- Services have been extended to adjacent properties. In the event services need to be extended, Johnstown plans to finance extension of the above mentioned municipal services to the area proposed for annexation through a variety of means, including subdivision improvement requirements, impact fees capital improvement programs, and arrangements with special districts.

A statement identifying existing tax districts within the area to be annexed.

- According to the Weld County Assessor, the following tax districts are within the area to be annexed:
 - Berthoud Fire;
 - Berthoud Fire (Bond 2018);
 - Big Thompson Conservation;
 - High Plains Library;
 - Little Thompson Water (LTW);
 - Northern Colorado Water (NCW);
 - School District R2J-Loveland;
 - Weld County.

Annexation Impact Report, U.S. Engineering Annexation

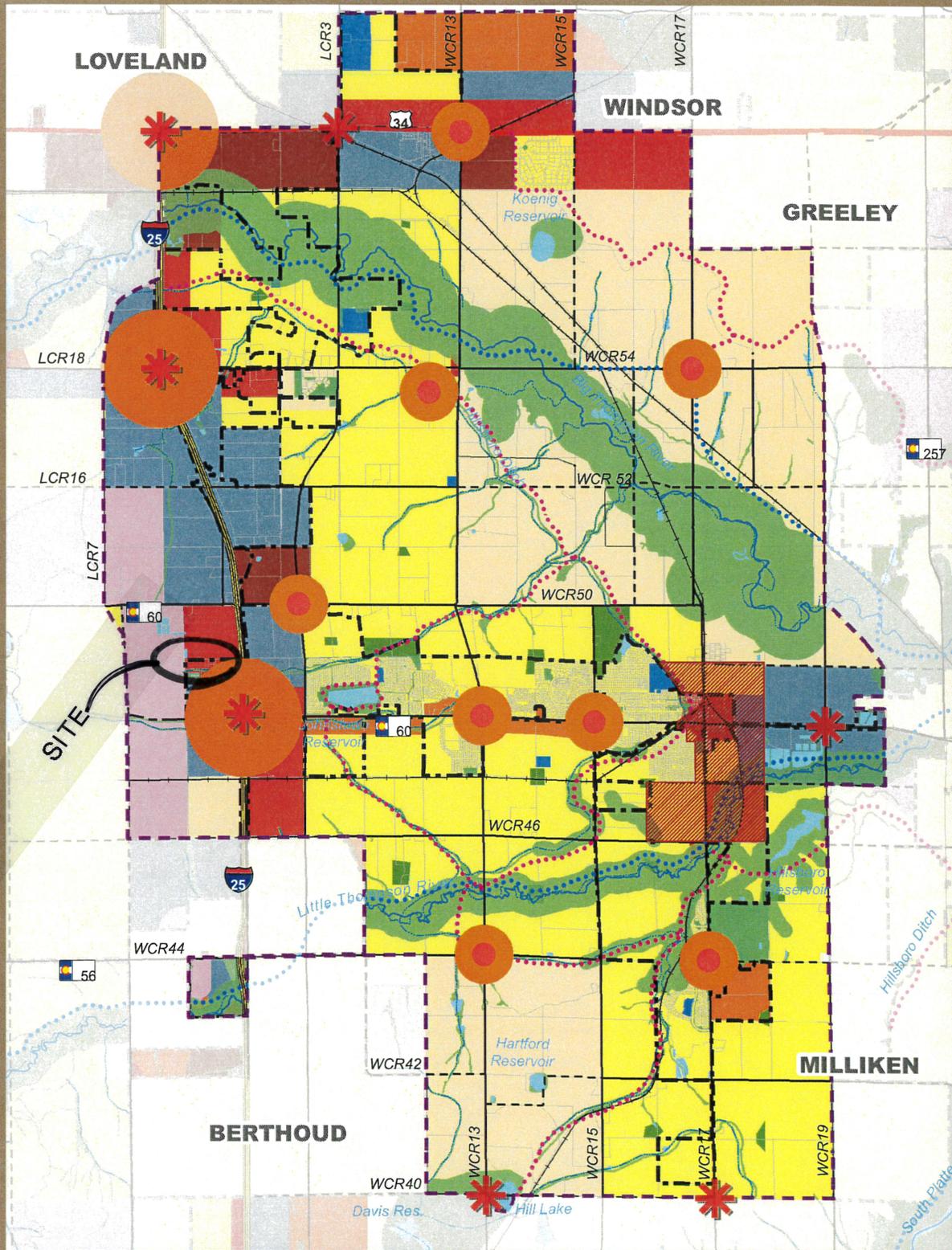
A statement on the effect of annexation upon local public school district systems, including the estimated number of students generated and the capital construction required to educate such students.

- No dwellings are planned and there will be no impact upon the Loveland R2-J School District.

A map (or maps) of the municipality and adjacent territory to show the following information:

- a. The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;
- b. The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation (from Town master plans)
- c. The existing and proposed land use pattern in the areas to be annexed (Outline Development Plan);

- See attached Exhibit 1 and Outline Development Plan



CENTERS

- Village Center
- Johnstown Gateway
- Gateway Center

DOWNTOWN

- Downtown
(See downtown framework plan)

DISTRICTS

- Employment
- Commercial
- Commercial Mixed Use

NEIGHBORHOOD(S)

- Conservation-oriented Agricultural/Large Lot Residential
- Residential Mixed-Use
- Low Density Residential (avg. 3 du/ac)
- Medium Density Residential (avg. 6-8 du/ac)
- Public/Institutional

PARKS & GREENWAYS

- Greenways
- Park/Cemetery

MULTI-MODAL CORRIDORS

- Freeway
- Expressway
- Major Arterial
- Minor Arterial
- Local Roads
- Railroad
- Community Trail
- Primary Greenway

Land Use Framework Plan



Johnstown GMA Boundary

Town of Johnstown

Source: Town of Johnstown, EDAW



Johnstown Comprehensive Plan

November 2006



EDAW | AECOM

ANNEXATION AND ZONING MAPS

ANNEXATION

TO THE TOWN OF JOHNSTOWN
A PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH,
RANGE 68 WEST, 6TH P.M., WELD COUNTY, COLORADO
12.00 ACRES

CERTIFICATE OF OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS THAT USE REAL ESTATE HOLDINGS, LLC, A MISSOURI LIMITED LIABILITY COMPANY BEING THE OWNER(S), MORTGAGEE OR LEASHOLDER OF CERTAIN LANDS IN WELD COUNTY, COLORADO, EXCLUSIVE OF PUBLIC RIGHTS-OF-WAY, HAVE HEREWITH FOSTERED TO THE TOWN OF JOHNSTOWN FOR ANNEXATION OF THE PROPERTY BEING DESCRIBED AS FOLLOWS:

LOT A, RECORDED EXEMPTION NO. 1061-3-1-REC016-0131, ACCORDING TO THE PLAT RECORDED DECEMBER 17, 2016 AT RECEPTION NUMBER 4883884, BEING LOCATED IN THE NE 1/4 OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

SAID DESCRIBED TRACT CONTAINS 12.00 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

EXECUTED THIS _____ DAY OF _____, 20____.

OWNER
STATE OF COLORADO }
COUNTY OF } SS

THE FOREGOING CERTIFICATE OF OWNERSHIP WAS ACKNOWLEDGED BEFORE ME BY _____ THIS _____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL _____
ROTARY PUBLIC

MY COMMISSION EXPIRES _____

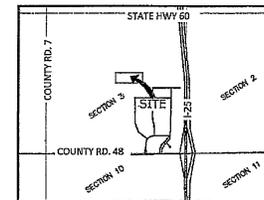
PLANNING AND ZONING APPROVAL:

THIS MAP TO BE KNOWN AS _____ WAS RECOMMENDED TO THE TOWN COUNCIL FOR APPROVAL BY ACTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF JOHNSTOWN, COLORADO AT THE REGULAR MEETING HELD ON THE _____ DAY OF _____.

TOWN COUNCIL APPROVAL:

THIS MAP TO BE KNOWN AS _____ IS APPROVED AND ACCEPTED TO THE TOWN OF JOHNSTOWN, COLORADO BY ORDINANCE NUMBER _____ PASSED AND ADOPTED ON FINAL READING AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, HELD ON THE _____ DAY OF _____.

BY: _____ MAYOR ATTEST: _____ TOWN CLERK



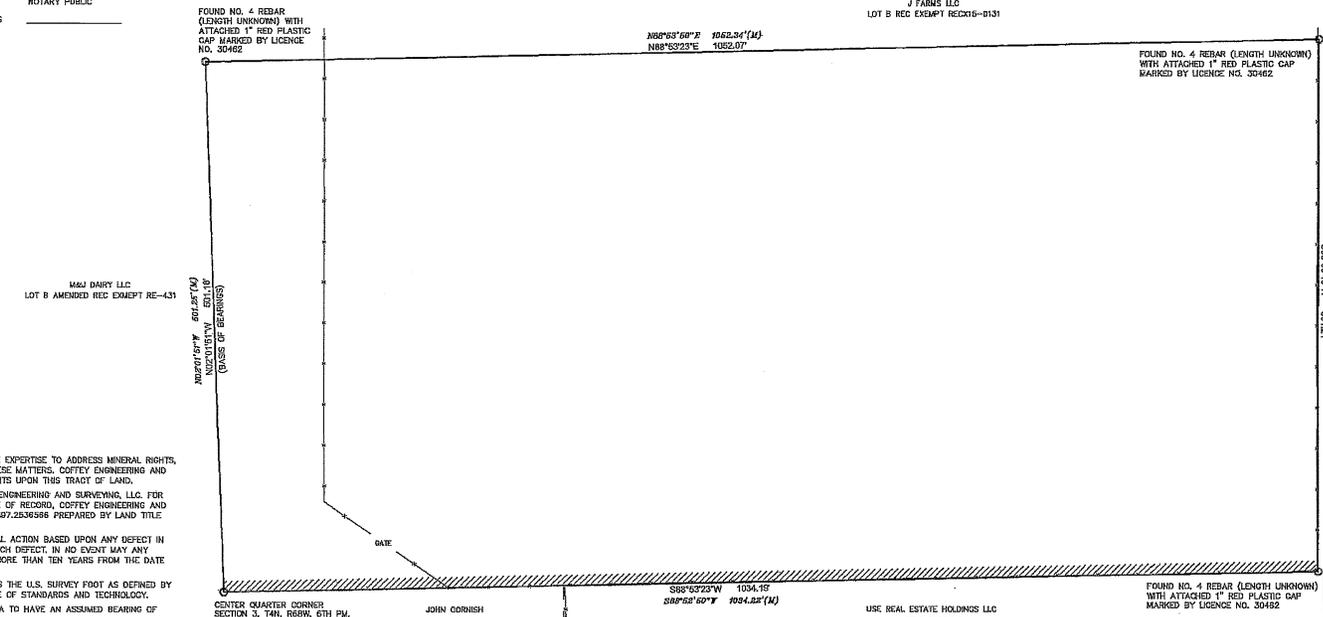
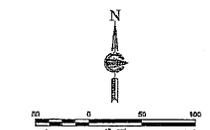
VICINITY MAP
1"=2000'

DATE	APPROVED BY	CHECKED	DATE	REQUESTED BY	CHECKED

Project: 12.00 ACRES
Description: ANNEXATION
Parcel No.: 0142270005
Map Date: 02/22/18
Checked By: JC

ANNEXATION
TO THE TOWN OF JOHNSTOWN
A PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 68 WEST, 6TH P.M., WELD COUNTY, COLORADO
LUNACHER

COFFEY
REGISTERED PROFESSIONAL LAND SURVEYOR
SINCE 1988
1100 S. 10TH ST., SUITE 100
LOVELAND, CO 80538
(970) 622-2095



SURVEY NOTES:

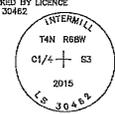
- COFFEY ENGINEERING AND SURVEYING, LLC DOES NOT HAVE THE EXPERTISE TO ADDRESS MINERAL RIGHTS, AND RECOMMENDS THE OWNER RETAIN AN EXPERT TO ADDRESS THESE MATTERS. COFFEY ENGINEERING AND SURVEYING, LLC ASSUMES NO RESPONSIBILITY FOR THE MINERAL RIGHTS UPON THIS TRACT OF LAND.
- THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY COFFEY ENGINEERING AND SURVEYING, LLC. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, OR TITLE OF RECORD, COFFEY ENGINEERING AND SURVEYING, LLC RELIES ON TITLE COMMITMENT POLICY NO. PR025154807.2536998 PREPARED BY LAND TITLE GUARANTEE COMPANY EFFECTIVE JANUARY 18, 2018.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT, IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS SURVEY IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- BASES OF BEARINGS, CONSIDERING THE WESTERLY LINE OF LOT A TO HAVE AN ASSUMED BEARING OF NORTH 02°01'51\" WEST AND MONUMENTED AS SHOWN HEREON.

CONTIGUITY:

TOTAL PARCEL BOUNDARY=3,088.69'
1/8 TOTAL PARCEL BOUNDARY=564.79'
TOTAL CONTIGUOUS TO THE PRESENT TOWN OF JOHNSTOWN=1,034.19'

LEGEND:

○ DENOTES FOUND MONUMENT AS DESCRIBED



PRELIMINARY
NOT FOR CONSTRUCTION
02/22/18

BY: _____
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR #37911

OWNER:

USE REAL ESTATE HOLDINGS, LLC
A MISSOURI LIMITED LIABILITY COMPANY
3433 RIVINGTON RD
KANSAAS CITY, MO 641117226
(816) 753-6999

SURVEYOR/ENGINEER:

COFFEY ENGINEERING & SURVEYING
4045 ST. CLAUDIO DR., SUITE 100
LOVELAND, CO 80538
(970) 622-2095

Sheet: 1 / 1

REFERRAL COMMENTS



March 29, 2018

Troy Campbell, PE
Project Manager
Coffee Engineering
4045 St. Cloud Drive, Suite 180, Loveland, CO 80538

Re: Annexation of Parcel II of Lot A, US Engineering Recorded Exemption 15-0131

Troy:

Initial, technical review of the annexation request is completed, and comments are as follows:

1. The property is contiguous to the Town limits of Johnstown and is located within the Town's Urban Service Area. The Comprehensive Plan land use designation is Gateway.
2. The Town may serve only annexed property with water and sanitary sewer. The property adjoins your current facility in the I-25 Gateway Center, and provided that the water demand and sewer loading are limited to restroom and breakroom uses, there appears to be sufficient capacity.
3. Access is proposed from Longs Peak Road by private driveway through the existing US Engineering facility. Please confirm that the parcel does have an access and utility easement from the existing facility site.
4. The request to zone the property Gateway is consistent with the adjacent property zoning.
5. Attached are comments received from Weld County, Front Range Fire Authority and Little Thompson District. In accordance with an intergovernmental agreement with the Town, the Fire Authority desires that this property disconnect from the Berthoud Fire District and annex to them after the annexation is effective.
6. I have attached a draft (standard annexation) agreement for review. The Special Provisions section will include any recommendations resulting from the Planning and Zoning Commission hearing, such as the Fire District exclusion and inclusion process. The agreement will need to be signed when the Town Council holds the public hearing on the annexation and zoning.

I have tentatively scheduled the hearing before the Planning and Zoning Commission on Wednesday May 9, 2018. Please prepare to mail out hearing notices to owners of record at least 15 calendar days prior to the hearing. I will provide a notice format and publish the notice. Once the Commission has made a recommendation, the Town Council will be asked to proceed with a tightly scheduled, state-required annexation process. I will keep you apprised of hearing dates.

Please let me know if you need additional detail.

Sincerely,

John Franklin, Town Planner



Planning and Zoning Department
450 S. Parish Ave. Johnstown, CO 80534
(970) 587-4664; Fax (970) 587-0141
www.townofjohnstown.com

DATE: February 27, 2018

REFERRAL OF APPLICATION

The Town of Johnstown has received the following application for review:

Project: US Engineering Annexation and Requested Gateway District Zoning
Location: Approximately 1/2 mile west of I-25 and approximately 1/2 mile south of CR 50
Applicant: US Engineering
Please reply by: March 27, 2018
Tentative Planning and Zoning Commission Hearing: April 25, 2018
Planner: John Franklin jfranklin@townofjohnstown.com

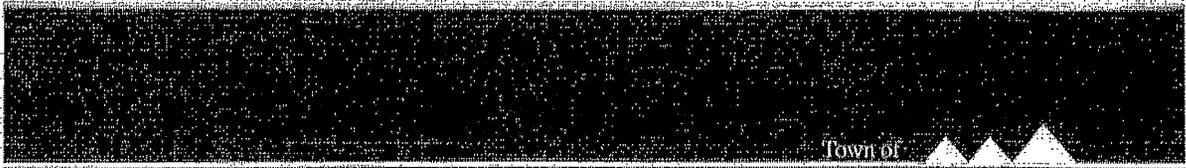
This application is submitted to you for review. Any comments or recommendations you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may include your comments with others. If additional documentation is required, please advise us as soon as possible.

- X We have reviewed the request and find no conflicts with our interests.
- X Please see the attached annexation agreement.
- X Comments:

Pursuant to the title work submitted in connection with the Petition for Annexation, the Petitioner is the owner of 100% of the real property, and the Petition appears to be in substantial compliance with §31-12-107(1), C.R.S. Town Council should consider a resolution setting a public hearing, within 30-60 days of the resolution, to determine if the proposed annexation complies with §§31-12-104 and 31-12-105, C.R.S. The property owner should execute an annexation agreement prior to the effective date of the annexation and, prior to development, dedicate the water rights appurtenant to the property, which are described in the form of annexation agreement submitted herewith. Petitioner should be required to pay the sums due to the Little Thompson Water District pursuant to an Intergovernmental Agreement between the Town of Johnstown and the Little Thompson Water District, dated January 21, 2009, arising from the annexation.

Signature:  Date: March 15, 2018

Agency: Law Office of Avi S. Rocklin, LLC, Town Attorney



Town of
Johnstown

Planning and Zoning Department
450 S. Parish Ave. Johnstown, CO 80534
(970) 587-4664; Fax (970) 587-0141
www.townofjohnstown.com

DATE: February 27, 2018

REFERRAL OF APPLICATION

The Town of Johnstown has received the following application for review:

Project: US Engineering Annexation and Requested Gateway District Zoning

Location: Approximately 1/2 mile west of I-25 and approximately 1/2 mile south of CR 50

Applicant: US Engineering

Please reply by: March 27, 2018

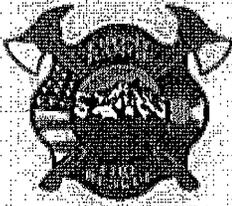
Tentative Planning and Zoning Commission Hearing: April 25, 2018

Planner: John Franklin jfranklin@townofjohnstown.com

This application is submitted to you for review. Any comments or recommendations you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may include your comments with others. If additional documentation is required, please advise us as soon as possible.

- We have reviewed the request and find no conflicts with our interests.
- Please see the attached letter.
- Comments:

Signature: *Spencer Coughlin* Date: 3/23/2018
Agency: Little Thompson Water District



FRONT RANGE FIRE RESCUE

PO Box 130, Milliken, CO 80543

970-587-4464 / Fax: 970-587-0324

Courage ★ Compassion ★ Professionalism

Serving Johnstown, Milliken and Weld County for more than 100 years

February 28, 2018

Town of Johnstown
Planning and Zoning Department
Attn: John Franklin
450 S. Parish Ave
Johnstown, CO 80534

RE: US Engineering Annexation and Requested Gateway District Zoning (dated 02/27/2018)

Dear Mr. Franklin,

Front Range Fire Rescue Fire Protection District (District) has received the Referral of Application for the above-referenced project. The applicant, US Engineering, currently owns and operates a commercial business at the north end of the Gateway Industrial Park, which is within District boundaries. The property for which US Engineering is seeking annexation and re-zoning is directly adjacent to the Gateway Industrial Park.

Information provided by the Applicant in the Petition for Annexation is inaccurate. Specifically, Item #10 in this document indicates that the property is within the District. According to the Weld County Property Portal, the property that is the subject of this annexation and zoning request is a parcel of land that is approximately 12 acres that is currently within unincorporated Weld County and within the Berthoud Fire Protection District.

Section 4.2 of the 2011 Intergovernmental agreement (IGA) between the Town and the District states:

"...Town agrees to require landowners who seek annexation of their lands into the Town to concurrently petition for inclusion of such lands into the District as a condition of annexation..."

Pursuant to this IGA, the District hereby requests that the Town include a requirement within the annexation agreement whereby the property owner(s) shall be required to seek exclusion from the Berthoud Fire Protection District and inclusion into the Front Range Fire Rescue Fire Protection District as a mandatory term of the annexation and zoning agreement.

Sincerely,

Tyler Drage
Life Safety Chief/Fire Marshal
Attachments



DEPARTMENT OF PLANNING SERVICES

1555 N. 17th Ave
Greeley, CO 80631
reddick@weldgov.com
PHONE: (970) 353-6100, Ext. 3527
FAX: (970) 304-6498

March 5, 2018

Planning and Zoning Department
450 S. Parish Avenue
Johnstown, CO 80534

Subject: Gateway Center Annexation

Mr. Franklin,

The Weld County Department of Planning Services has reviewed the request and has no concerns with the proposed annexation plan as shown in this request. The area is adjacent to the current Town of Johnstown municipal boundaries, the recorded exemption lot proposed for annexation is being fully annexed and the proposal shows connectivity to the current Town of Johnstown municipal boundaries. It does not appear that any other parcel or right-of-way is part of this annexation.

During the review of the annexation, it is noted that the sole legal access to Lot A of RECX15-0131 is via a 30' access and utility easement from Basher Drive per reception # 4164982. This easement crosses through Lot B of RECX15-0131, as shown on the plat, reception # 4165964. Weld County recommends that Lot B also be annexed with Lot A so that access to Lot A is within the same jurisdiction as the annexed parcel. This may mitigate potential conflicts with access. The Town of Johnstown should consider this recommendation with the applicant and notify the County if the annexation request is modified to include Lot B.

Additionally, during any annexation process, please make sure to annex the entire legal boundary of a given parcel(s) and do not leave any remnant parcels within unincorporated Weld County by only annexing a portion of a parcel.

The following comments below are intended to provide property owners of the annexed parcels, information about the rights and privileges provided to the neighboring parcels that are still located in unincorporated Weld County, as well as to provide general guidelines for site development if and when development occurs on the annexed parcel(s).

The following comments regarding these potential annexations are general comments for different land use procedures and development standards the County would like to see upheld if annexation takes place.

Transportation and Public Roads:

Weld County requests that the town take all the road right-of-way adjacent to the proposed parcels to be annexed in order to avoid split jurisdiction on roads and bridges, if current county roads are not already

maintained fully by the Town. This request is consistent with Colorado Revised Statutes for annexation of platted right-of-way.

Utility permits are necessary for work on County roads or within Weld County right-of-way.

There is no County commitment to upgrade County roads and bridges to accommodate municipal developments. Please consider a separate agreement for the developer to contribute toward a proportionate share of County road improvements in coordination with the municipality.

Drainage Patterns:

The historical storm water drainage patterns and runoff amounts must be maintained if the property is developed. The municipality should require the developer to perform a detailed engineering study that shows both the undeveloped and developed drainage patterns. The drainage study should trace the route of off-site discharge until it reaches a natural drainage course such as a creek or river. The developer should be required to mitigate any downstream impacts. Weld County requests the opportunity to review and comment on drainage studies. Adherence to FEMA standards is required when development occurs in the Flood Plain.

Environmental Concerns:

The Weld County Department of Health and Environment was unable to respond to this referral. The following comments are generic in nature and may not address unique or related issues regarding this referral request.

Development of this site may result in dusty conditions and storm water runoff. The developer should obtain appropriate storm water discharge and emission permits from the Colorado Department of Public Health & Environment.

Each commercial development must comply with all applicable Weld County, Colorado Department of Public Health & Environment, EPA and/or Oil & Gas regulations. Contact the appropriate agency for site specific requirements.

Water Availability:

As required in Section 30-28-136(1)(h)(II), C.R.S., a municipality or quasi-municipality which is designated as the source of water for a proposed subdivision or other use, shall file a report with the county and state engineer documenting the amount of water which can be supplied without causing injury to existing water rights. Such a report should include a summary of water rights owned or controlled by the District, the yield of these rights both in an average year and a dry year, the present demand on the system and the anticipated demand due to commitments for service entered into by the District, and the amount of uncommitted firm supply the District has available for future development. A copy of the Water Supply Information Summary may be obtained from the Colorado Division of Water Resources.

Public Service Provision:

The Weld County Department of Planning Services has concern with the potential or actual impact of the above referenced proposal on the provision of public services, such as police and fire protection, school and library facilities and recommends that applicant fully explore and mitigate any impacts to these services.

Flood-plain:

The developer shall adhere to Federal, State and Local requirements for development in a Federal Emergency Management Agency (FEMA) designated floodplain. The FEMA definition of development is any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment and materials.

Adjacent and Surrounding Properties:

The present zoning of adjacent and surrounding properties, in the county, are predominantly Agricultural with some approved Use by Special Review's and Site Plan Reviews. Owners of property in the area of

this proposal should be made aware that agricultural uses, even when done in a manner consistent with good Agricultural practices, may generate, but are not limited to, noise, dust, flies, odors, aerial spraying and slow moving equipment on County roadways. New residents cannot expect all agricultural practices to stop for their convenience. It is important for future residents to note that adjacent properties may be in unincorporated Weld County and that Weld County supports the Right to Farm Statement (per the Weld County Code) and recommends it be placed on all plats adjacent to unincorporated areas:

Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

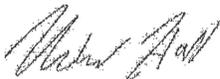
Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved "out of the way" of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high-speed traffic, sand burs, puncture vines, territorial farm dogs and livestock and open burning present real threats. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood. (Weld County Code Ordinance 2002-6; Weld County Code Ordinance 2008-13)

Thank you for the opportunity to respond to this proposal. This response addresses general requirements, concerns or issues and is intended to assist in your community's decision-making process regarding this land use proposal. Weld County respectfully reserves the right to make further comment on information or issues as they are discovered.

Regards,



Michael Hall - Planner - 3/5/2018

AGENDA ITEM 9B

**AMENDMENT
TO
DESIGN GUIDELINES
LAND USE PLAN
(Multi-Family Use)
(Gerrard Family Partnership, LLC
On behalf of Continental Properties)**

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

- 1. Open public hearing**
- 2. Receive information from staff**
- 3. Ask to hear from anyone who supports the Amendment**
- 4. Ask to hear from anyone who opposes the Service Amendment**
- 5. Close the public hearing**
- 6. Ask for discussion**
- 7. Make decision and/or motion from Council.**
 - a. Need motion to approve or deny the Amendment.**

(SUGGESTED MOTIONS):

For Approval:

I move to approve the Amendment to the 2534 Design Guidelines to change the Lot 1, 2534 Subdivision, Filing No. 12 and Lot 4, 2534 Subdivision, Filing No. 15 from B.1, Office, Flex and Retail Uses to B.2 Office, Flex, Retail and Multi-family (subject to the following conditions...).

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

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: July 16, 2018

ITEM NUMBER: 9B

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

ACTION PROPOSED: Consider Amendment to 2534 Design Guidelines

PRESENTED BY: Mr. John Franklin, Town Planner

AGENDA ITEM DESCRIPTION: This is a request by the property owner, Gerrard Family Partnership, LLC on behalf of Continental Properties, for approval of an amendment to the 2534 Design Guidelines Land Use Plan. The amendment would include Multi-Family Residential and accessory uses on Lot 1, 2534 Subdivision Filing No. 12 and Lot 4, 2534 Subdivision, Filing No. 15 located immediately south of Ronald Reagan Blvd. and west of Trade Street.

The property is currently designated for Office Flex and Retail Uses.

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

The Planning and Zoning Commission held a public hearing on June 27, 2018 and voted (five in favor and one against) to recommend approval with the condition that the developer look further into the concerns about the orientation of Buildings 4 and 5 to reduce noise impacts from the [High Country Beverage] loading docks.

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

FINANCIAL ADVICE: N/A

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

SUGGESTED MOTIONS:

For Approval: I move to approve the amendment to the 2534 Design Guidelines to change the Lot 1, 2534 Subdivision, Filing No. 12 and Lot 4, 2534 Subdivision, Filing No. 15 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, Retail and Multi-family (subject to the following condition(s)...).

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

Reviewed:


Town Manager

**PLANNING AND ZONING
COMMISSION**

SUMMARY MINUTES

**SUMMARY MINUTES
PLANNING & ZONING COMMISSION
WEDNESDAY, 27, 2018
COUNCIL CHAMBERS
450 S. PARISH AVE.**

- 1. CALL TO ORDER:** *Chair Dowling called the meeting to order at 7:00 pm.*
- 2. ROLL CALL:** *Present were Commissioners Storms, Geisendorfer, Kingsolver, Dowling, Montez and Eady. None were absent.*
- 3. PUBLIC COMMENTS REGARDING ITEMS NOT ON THE AGENDA:** *None.*

4. PUBLIC HEARINGS:

A. Request to Amend the 2534 Design Guidelines Land Use Plan to allow Multi-Family Residential on Lot 4, 2534 Filing No. 12 and Lot 1, 2534 Filing No. 15. :

Chair Dowling opened the hearing at 7:02 pm. Town Planner Franklin introduced the item and presented the staff recommendation. Eric Gumm, Continental Properties presented the request and answered questions.

Commissioner questions:

- *Are HCBs hours of operations overnight as well? (No)*
- *Is this essentially a buffer issue? (Yes)*
- *Is there apartment parking planned on Trade Street? (No, as the apartments will be fenced off from Trade Street.)*
- *Will High Country Beverage expand? (Yes, to the south – warehouse only)*
- *Exiting in Phase II? (Main entry from Ronald Reagan Blvd., emergency access from Trade Street.)*
- *Parking? (All on-site in garages or open spaces, in excess of Town requirements.)*
- *General Traffic concerns. (2534 streets network designed for much more traffic.)*
- *One or two management entities for Phases I and II? (Two separate entities.)*
- *Distance of buildings from Trade Street? (Approximately 25-30' from sidewalk.)*
- *Any sound mitigation planned? (Possibly windows, and could change orientation of Buildings 4 and 5.)*

Public comment:

- *Ryan Schaeffer, President 2534 Design Review Committee – DRC supports the amendment. There were no multifamily projects planned in the original 2534 – Thompson Crossing 1 was changed to single family as the market would not support apartments. More housing is needed. The apartments are compatible with the loading docks area. The noise study indicates higher levels of noise currently than at the loading docks area. Considerable support for project including the Thompson Crossing 1 neighborhood.*
- *Gary Gerrard, Gerrard Family Partnership – landowner. Disagrees with Town staff. The market has taken a long time to evolve, but the project is mixed-use. Grocery stores want more rooftops.*

Chair Dowling closed the hearing at 8:20 pm. And invited discussion and a motion. Motion by Commissioner Montez, seconded by Commissioner Geisendorfer to

recommend approval of the Amend the 2534 Design Guidelines Land Use Plan to allow Multi-Family Residential on Lot 4, 2534 Filing No. 12 and Lot 1, 2534 Filing No. 15 with one condition:

1) The developer look further into the concerns regarding orientation of Buildings 4 and 5 to reduce noise impacts from the loading docks.

Vote was five For and one Against.

5. NEW BUSINESS:

A. Approval of Minutes of May 23, 2018: *Motion by Commissioner Montez, seconded by Commissioner Kingsolver to approve. Vote was five For and one Abstention.*

B. County Referrals: *Weld County referral of the Xcel Energy 120' monopole antenna in the substation at Hwy 60 and CR 19. No concerns.*

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

A. Recent Town Council Actions

B. Applications in Review

C. Project and Program Updates: *The I-25 Express Lane project including Hwy 402 interchange.*

7. COMMISSIONERS' ITEMS:

A. Commissioner Candidate Interviews: *The Commission will visit with candidate Patricia Kiovsky on July 11 at 7:00 pm. (Candidate Schramma withdrew due to schedule conflicts.)*

8. ADJOURN: *Chair Dowling adjourned the meeting at 8:45 pm.*

Respectfully submitted by John Franklin, Town Planner, as Secretary to the Planning and Zoning Commission

**STAFF REPORT
TO
PLANNING AND ZONING
COMMISSION**

AGENDA MEMORANDUM

TO: Johnstown Planning and Zoning Commission
FROM: John Franklin, Town Planner 
DATE: For June 27, 2018
SUBJECT: Public Hearing Regarding an Amendment to the 2534 Design Guidelines to Change the Land Use Designation of Lot 1, 2534 Subdivision Filing No. 12 and lot 4, 2534 Subdivision, Filing No. 15 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, Retail and Multi-family

Property Information

Applicant: Continental Properties

Owner: The Gerrard Family Limited Partnership

Location: South of Ronald Reagan Blvd. and west of Trade Street

Property Size: 11.8±acres

Comprehensive Plan Designation: Commercial

Current Zoning: PUD-MU Planned Unit Development – Mixed use

Current Use(s) of Property: Vacant

Surrounding Land Uses/Zoning:

- North: Ronald Reagan Blvd., Medical Offices, vacant/PUD-MU
- South: Great Western Railroad, Thompson Crossing II; PUD-MU Residential
- East: Trade Street, High Country Beverage/PUD-MU – Light industrial Office, Flex and Retail
- West: 2534 private open space (planned park), Springs Apartments/PUD-MU - B.2 Office, Flex, Retail and Multi-Family

Summary of Application: The owners of the property, along with the prospective developer Continental Properties have requested Town approval of an amendment to the 2534 Design Guidelines Proposed Land Use Plan. The amendment would allow Multi-Family Residential, a Principal Use as described in Section 1.4.1, and Residential Accessory uses as described in Section 1.4.2 of the Guidelines, to occupy two lots which are currently designated B.1 Office, Flex, Retail. The applicant proposes to construct approximately 216 apartments, and accessory uses.

Prior Actions: In 2016, this property was included in an amendment to the 2534 Design Guidelines to change the Land Use Designation of the current Springs Apartments (Lots 1 & 2, Block 9, 2534 Subdivision 9th Filing), from C. Light Industrial, Office, Flex and Retail uses to B.2 Office, Flex, Retail and Multi-Family, and to change the Land Use Designation of this property (Lot 1, 2534 Subdivision Filing No. 12 and lot 4, 2534 Subdivision, Filing No. 15) from C. Light Industrial, Flex, Office and Retail to B.1 Office, Flex and Retail Uses. The 2016 amendment for this property was to eliminate the possibility of light industrial uses close to the proposed apartments.

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

Design Guidelines: The 2534 Design Guidelines apply.

Technical Analysis

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

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

Public Health and Safety Impacts: This property is directly across Trade Street from the High Country Beverage loading docks and truck yard. The yard is busy throughout the day with diesel trucks moving, backing up (with required alarms) and entering and leaving the property on Trade Street. Section 3.2.6 of the 2534 Design Guidelines reflect the concern about the impacts of truck parking and loading areas: *Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall be at least 75% screened from abutting streets unless*

otherwise approved by the DRC and JRC. These service areas should be located within a central core or on the side of a building away from public streets where possible. Service areas should not be located directly adjacent to residential areas. If this situation occurs, no delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the owner submits evidence the sound barriers effectively reduce noise emissions to a level of 45 db as measured at the lot line of the adjoining property.

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

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

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

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

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

Architectural Design: Design and materials will be similar to the current Springs Apartments. A preliminary concept design is provided. Final design review will be by the 2534 Owners group (DRC) and Town Staff (JRC) in accordance with the 2534 Design Guidelines.

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

Fencing and Screening: Subject to Final Site Development Plan.

Lighting and Street Furniture: Subject to Final Development Plan.

Signage: Signage shall conform the Town Sign Code.

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

Attachments: Written request narrative, concept plan.

Crucial Referral Responses: None

Technical Findings:

- The proposed location was not envisioned for multi-family residential use.

- The use of the property was changed in 2016 to not allow light industrial uses, so as to ensure compatibility with the Springs Apartments now under construction.
- The High Country Beverage loading area, and truck access on Trade Street are permitted active light industrial uses and would not be compatible with adjoining residential development. The High Country Beverage site development plan, including the nominal but attractive screening of the loading docks and truck yard area was approved due to there being non-residential uses to the west across trade Street.

Staff Recommendation: Staff recommends against approval of the Land Use Amendment, in that the existing High Country Beverage loading docks and truck yard and the Trade Street primary truck access are not a compatible use so close to residential.

Planning Commission Action

1. Recommendation:

“I move that the Commission recommend approval of the Amendment to 2534 Design Guidelines to Change the Land Use Designation for Lots 4 and 5, 2534 Filing No. 12 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, retail and Multi-family Uses.”

Or,

2. Recommendation with Conditions:

“I move that the Commission recommend approval of the Amendment to 2534 Design Guidelines to Change the Land Use Designation for Lots 4 and 5, 2534 Filing No. 12 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, retail and Multi-family Uses with the following condition(s):

- a) _____;
- b) Etc.”

Or,

3. Recommend denial:

“I move that the Commission recommend denial of the Amendment to 2534 Design Guidelines to Change the Land Use Designation for Lots 4 and 5, 2534 Filing No. 12 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, retail and Multi-family Uses. for the following reasons:

- a) _____;
- b) Etc.”

APPLICATION



April 13, 2018

Continental 446 Fund LLC
W134N8675 Executive Parkway
Menomonee Falls, WI 53051

Re: Springs at Johnstown
2534 Design Guidelines - Proposed Land Use Changes

Introduction

Continental 446 Fund LLC ("Continental") is pursuing the acquisition of approximately 11.801 acres of land on the southwest corner of Ronald Reagan Boulevard and Trade Street ("Site") in the town of Johnstown, CO ("Town") for its proposed multifamily community to be known as the Springs at Johnstown ("Springs"). The subject Site is adjacent to the east of the Springs at 2534 multifamily community currently under construction at the southeast corner of Ronald Reagan Boulevard and Larimer Parkway and adjacent to the park and open space area located in Outlot F ("Park"). Continental is submitting this proposal and accompanying materials requesting a land use change on the parcels listed below in the 2534 development for its Springs community:

- a. Lot 1, 2534 Filing No. 15 (6.783 acres)
- b. Lot 4, Block 8, 2534 Filing No. 12 (5.018 acres)

Springs at Johnstown

Overview

Continental is proposing an upscale, market rate 216-home multifamily community on the southwest corner of Ronald Reagan Boulevard and Trade Street within the 2534 development in Johnstown, CO. The development is designed to meet the standards set forth in 2534 Design Guidelines and the Town of Johnstown Design Guidelines. The Springs community consists of ten (10) residential buildings, clubhouse, pet playground, and both attached and detached garages placed throughout the site. The Springs community will total 11.801 acres with a density of approximately 18.31 units per acre. A conceptual site plan has been included as **Exhibit A**.

Site Plan

The design of the Springs community lends itself well to providing a very walkable and pedestrian friendly community. Similar to the adjacent Springs at 2534 community to the west, residential buildings are situated around the adjacent Park to maximize tenant views of the open space, to provide tenant access to the Park area, and to provide a cohesive, active and passive recreation open space opportunity to its tenants. Connectivity among buildings and tenant amenities is provided on site through sidewalks, with direct access to each unit, as well as pedestrian connections to Ronald Reagan Boulevard, Trade Street, and the adjacent Park. As



part of Continental's proposal, a pedestrian crosswalk consisting of pavement striping and appropriate crosswalk signage will connect the sidewalk north of Ronald Reagan Boulevard to the Park's spur trail commencing at the sidewalk south of Ronald Reagan Boulevard. This will improve pedestrian accessibility to the Park area for pedestrians north of Ronald Reagan Boulevard. All sidewalks located within the Springs community are ADA accessible. Greenspace is provided through common courtyards and on-site open space. Along with the other tenant amenities provided on site and adjacent Park, the Springs community promotes a "know your neighbor" mentality and resident interaction.

The Springs community is a gated and fenced community with ample tenant parking within the community to avoid tenant parking spilling over onto adjacent streets. All service and maintenance related amenities (such as trash and mail services) are screened from the public through landscaping and building placement and are centrally located within the site for safe and convenient access. Parking and attached/detached garages face interior to the development and are also screened from the public's view. Lighting is designed to minimize any spillage of light onto adjacent properties while also providing adequate lighting along pedestrian paths. All on-ground HVAC units will be screened with sufficient landscaping. High quality perimeter landscaping will also be located along Ronald Reagan Boulevard and Trade Street, creating a pedestrian-friendly corridor.

Interiors

The Springs community will contain a mixture of studio, 1-, 2-, and 3-bedroom homes in ten (10) residential buildings. Unit floor plans offer an open-living concept with interiors that include dark wood cabinetry, stainless steel appliances, granite countertops and backsplashes, luxury wood grain flooring, and large kitchen islands in select units. Washers and driers are also included in each unit.

Exteriors

Like the Springs at 2534 community currently under construction, the Springs at Johnstown community will offer two-story residential structures with private, ground level, direct entries to each unit, providing a similar style to a townhome. This distinctive design will further bring a quality, new style of residential living into the 2534 master development. Exterior elevations provide architectural interest through varied rooflines and quality materials, including stone masonry and stucco siding on all buildings. Alongside a complementary color palette, roof accents over unit entries bring additional articulation to the buildings. Large-scale windows are provided in each unit to promote natural lighting. Each building provides articulation to break up the structure's massing by incorporating balconies, covered doorways, and unit projections to create variation with each façade. This provides a human scale to the community. All ancillary structures also feature the same quality and durable materials. Conceptual Building elevations are attached hereto as **Exhibit B**.

Tenant Amenities

Several amenities are included within the Springs community. Among the facilities are a 4,000+ square foot clubhouse, pedestrian sidewalks throughout the community, seating and picnic areas, a car care area, a pet wash station, storage lockers, bike parking, private yards, and two (2) fenced pet playgrounds. The clubhouse includes a large gathering room, 24-hour fitness center, kitchen area, coffee bar, and office space for Continental’s property management team. A pool and sun deck for the residents are provided behind the clubhouse along with an outdoor grilling area. The fitness room features a large garage-style door which may be opened during warmer months for an open-air workout area. The clubhouse and pool area are served by wireless internet service. Pedestrian sidewalk connections also offer tenants with easy and convenient access to the directly adjacent open space and trails west of the Site.

Proposed Land Use Changes

Continental is proposing land use designation changes to the 2534 Design Guidelines for two (2) lots within the 2534 master development for its proposed Springs at Johnstown community. The lots are listed below with their current and proposed land uses, as shown in **Exhibit C**:

1. Lot 1, 2534 Filing No. 15 (6.783 acres)
 - Current Land Use: “B.1” – Office, Flex, and Retail
 - Proposed Land Use: “B.2” – Office, Flex, Retail, and Multifamily Residential
2. Lot 4, Block 8, 2534 Filing No. 12 (5.018 acres)
 - Current Land Use: “B.1” – Office, Flex, and Retail
 - Proposed Land Use: “B.2” – Office, Flex, Retail, and Multifamily Residential

Apartment Demand

The Johnstown/Loveland area population is projected to grow 2.5% annually, creating 9,200 new households in the next five years as shown in **Figure 1**. Of these new households, 59% will be rental households,

resulting in 5,450 new households requiring rental housing. Nearly 2,200 of those renter households (40%) will prefer apartments over other housing options. There are only 1,800 apartment units either under construction or planned within the Johnstown/Loveland area. As a result, the

Johnstown/Loveland area

Year	Total Households	New Households Created	New Renter Households	New Apartment Households
2018	70,297	1,757	1,037	415
2019	72,054	1,801	1,063	425
2020	73,855	1,846	1,089	436
2021	75,702	1,893	1,117	447
2022	77,594	1,940	1,145	458
Total for 2018-2022		9,238	5,450	2,180

*Source: US Census Bureau (2017), ESRI Demographics (2017-2022), National Multifamily Housing Council, Colorado State Demography Office
Johnstown/Loveland area defined as Johnstown, Loveland, Windsor, and Berthoud portions of Larimer/Weld Counties*

Figure 1

Johnstown/Loveland area needs at least 400 additional apartment homes to meet the demand. The Springs community will help meet this demand while providing a unique, quality housing opportunity.

Proximity to Retail

As shown in **Figure 3**, the proposed Springs community is centrally located in 2534 and is near existing retail, restaurants, office, and open space. Studies continue to show the importance of walkability, distance to entertainment, and proximity to work as residents want immediate and convenient access to amenities as shown in **Figure 2**. This provides a strong live, work, play lifestyle option for tenants and supports job growth and future adjacent retail development.

Percentage ranking at top (6-10)	Gen Y	Gen X	Baby boomers
Short distance to work and school	82%	71%	67%
Walkability	76%	67%	67%
Distance to family/friends	69%	57%	60%
Distance to shopping/entertainment	71%	58%	67%
Convenience of public transportation	57%	45%	50%

Source: ULI. America in 2013.

Figure 2



Figure 3

The Springs community and its proximity to local businesses and retailers, specifically the Johnstown Plaza development, will increase sales tax revenue for the Town through increased foot traffic. Springs residents have a per capita income of \$49,000, which is 59% higher than the



United States per capita income of \$30,800. It is projected that the proposed 216-home Springs community will provide \$12.7 million dollars in total annual expenditures, as shown in **Figure 4**, that will result in increased sales tax collection opportunities for the Town.

Estimated Annual Spending by Residents

Johnstown, CO (Fort Collins/Loveland metro area)

April 3, 2018

	Avg. Annual Expenditure
Apparel and Services	\$ 2,376
Computer	\$ 236
Entertainment & Recreation	\$ 3,384
Financial	\$ 2,946
Food	\$ 9,736
Health	\$ 641
Home	\$ 16,982
Household Furnishings and Equipment	\$ 1,358
Household Operations	\$ 1,801
Insurance	\$ 7,256
Transportation	\$ 6,581
Travel	\$ 1,696
Total Average Annual Expenditures per Household	\$ 54,992
LESS "Homeowner Expenses"	
Mortgage Payment and Basics (11)	\$ 9,159
Maintenance and Remodeling Services	\$ 2,050
Maintenance and Remodeling Materials (12)	\$ 413
Lawn and Garden (16)	\$ 441
Subtotal	\$ 12,063
Subtotal - Annual Expenditures per Renter Household Excluding Rent	\$ 42,929
Average monthly rent at Springs	\$ 1,586
Plus Average Annual Rent	\$ 19,034
Total Annual Expenditures per Springs Household	\$ 61,963
Total Apartment Homes in Springs Community	216
Total Households (95% occupancy)	205
Total Annual Expenditures by Springs Households	\$ 12,700,000

Figure 4

Demographic & Housing Trends

Young adults (age 20-34) are the primary renter population in Springs communities and this group continues to grow. The post-Millennial generation (born 1996 or later) is the largest (77.9 million) of any generation including Millennials (75.6 million). These young professionals prefer locations in growing, vibrant areas with employment, shopping, and entertainment nearby. The Springs community will provide its tenants with close proximity to these amenities.

Compatibility with the Town of Johnstown Comprehensive Plan

Per the Johnstown Comprehensive Plan, the Site is part of the Commercial Mixed Use district. The Comprehensive Plan designates higher density residential development near commercial areas to provide a range of housing opportunities and provide for a transition to single family residential. The proposed Springs community will provide a quality housing opportunity near existing and future retail in 2534 and will provide a complementary transition from commercial and industrial land uses to single family residential (i.e. Thompson Crossing I & II). The Comprehensive Plan also designates residential areas near Gateway and Village Centers. The intersection of Interstate 25 and Highway 34 is designated as a Gateway Center and the intersection of Highway 34 and County Road 7 is designated as a Johnstown Gateway Center.

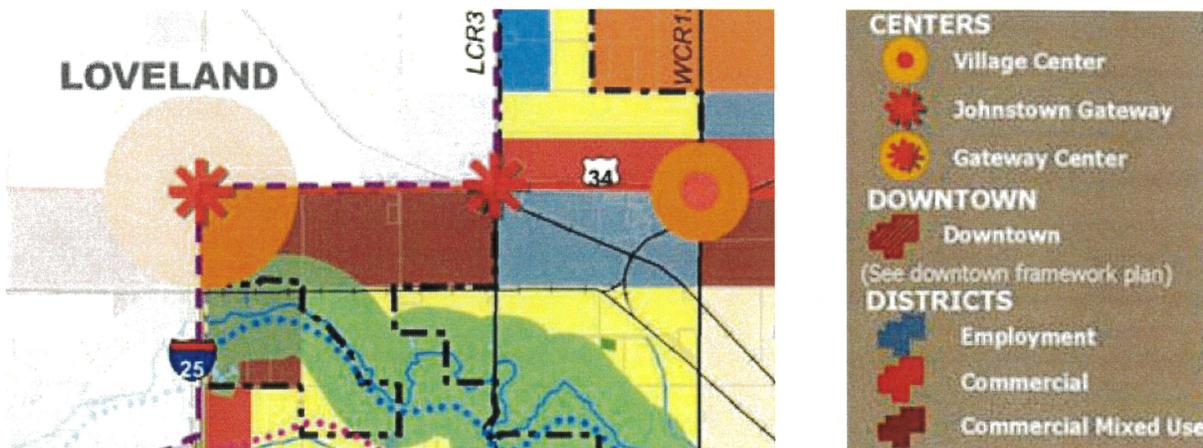


Figure 5

Town Revenue

The proposed 216-home Springs community will generate more impact fee revenue that will be collected by the Town. In addition to increasing sales tax revenue opportunities with its close proximity to existing retail, the proposed Springs community will generate greater development/impact fees and utility fees as compared to other land uses, such as either a small office building or a bank. **Figure 6** compares the estimated fee collections by the Town for both an office/bank user on the Site compared to the proposed Springs community. The Springs



community will generate an estimated \$1,919,337.16 in fees collected by the Town compared to an estimated \$214,944.00 in fees generated by an office or bank user.

Estimated Town of Johnstown Fee Collections		
Land Use	Office/Bank	Springs at Johnstown
Development Fees*	\$76,800.00	\$1,230,768.00
Utility Fees**	\$13,332.00	\$201,906.16
Building Permit Fees***	\$114,812.00	\$446,663.00
Other Municipal Fees ****	\$10,000.00	\$40,000.00
Total Estimated Impact Fees:	\$214,944.00	\$1,919,337.16

*Includes Parks & Open Space and Library, Public Facilities, Police, and Transportation Facilities fees listed in the Town of Johnstown Residential Permit Fee schedule dated March 2018.

**Includes Raw Water Development Fees and Water Meter Fees listed in the Town of Johnstown Commercial and Industrial Permit Fee schedule dated March 2018. Fees were calculated using 1.5" and 1" water meters.

***Includes Town of Johnstown Use Tax, Plan Review, Building Permit, Electrical Permit, and Inspection fees as outlined in the Town of Johnstown Commercial and Industrial Permit Fee schedule dated March 2018.

****Includes necessary Johnstown Review Deposits.

Figure 6

Neighborhood Support

To date, Continental has received letters from High Country Beverage and Scheels expressing support for its proposed Springs community. These support letters are included as **Exhibit D** and, in summary, state that the proposed Springs community will provide a quality housing option for area employees and will strengthen the economic vitality of 2534's existing and future retailers.

Staff Considerations

On February 15, 2018, Continental met with Town staff to discuss the proposed Springs community. Town staff expressed concerns regarding the adjacent High Country Beverage distribution facility and questioned the compatibility of a residential land use adjacent to High Country Beverage. Although Continental does not anticipate excessive noise from High Country Beverage or views of its loading areas to be concerning to its residents, Continental is cognizant of other impacts adjacent developments may have on its Springs community. As a result, Continental has proactively taken the necessary steps to analyze staff's considerations in order to best provide a cohesive, complementary development within the surrounding community.



Sound Study

Continental has completed a sound study to understand and quantify the sound levels located on the Site. The sound study, conducted by AECOM, was intended to establish a representative baseline ambient sound environment at five (5) different data points on the Site to determine if High Country Beverage is a dominant source of sound within the existing soundscape at these locations.

In summary, the sound measurement data collected at the Site indicated that traffic along Highway 34 and Interstate 25 was the dominant source of the ambient noise, even when High Country Beverage traffic was at its busiest. Noises generated from High Country Beverage do not contribute to the overall continuous noise levels in the area and during the periods measured, continuous noise levels from High Country Beverage were not perceptible above the existing ambient traffic noise. This data confirms that there is no excessive noise from High Country Beverage above the ambient noise from Interstate 25 and Highway 34 currently present on the Site that would be considered a nuisance to Springs residents. The full sound study report and its quantitative findings is included as **Exhibit E**.

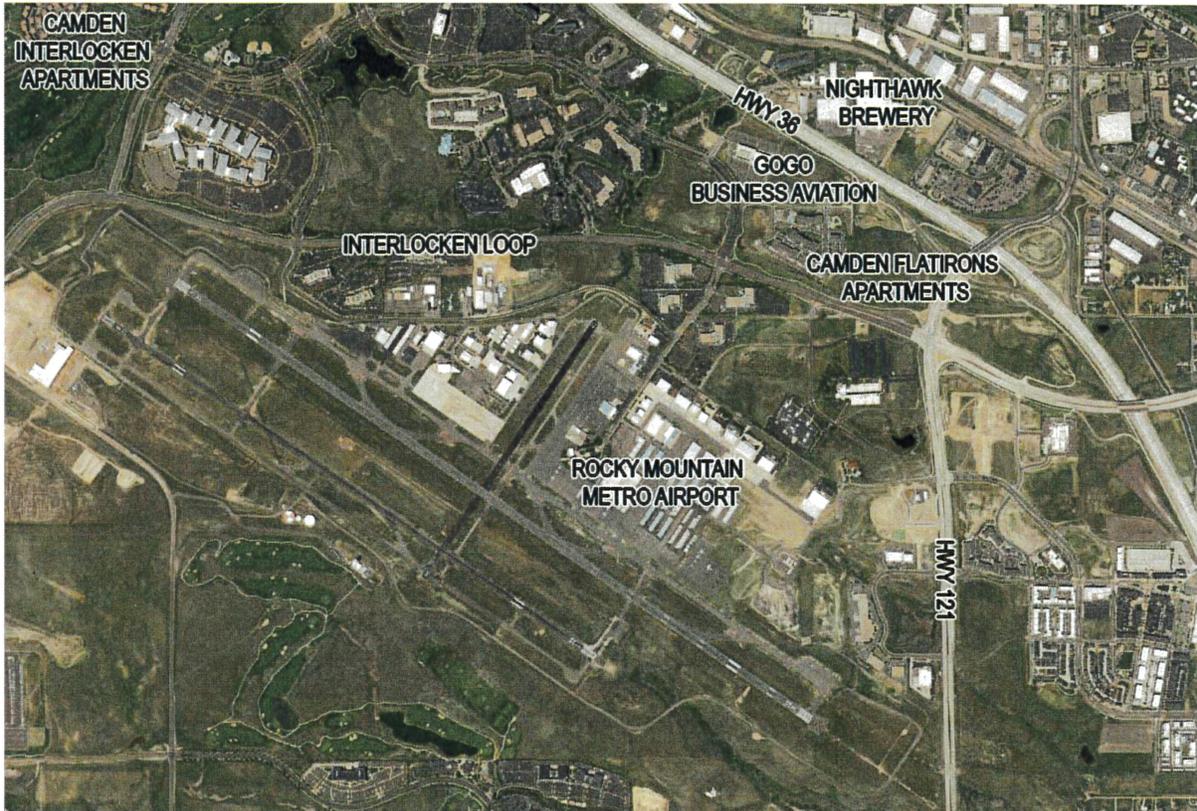
Landscape Buffer

Continental has implemented a landscape buffer to help screen views from both first- and second-floor units towards the adjacent High Country Beverage distribution facility. Buildings 2, 4, 5, and 8 are situated so that the landscape buffer will be incorporated along Trade Street and the Site's eastern property boundary. This landscape buffer will consist of deciduous and evergreen trees and shrubs to provide year-round mitigation while providing an aesthetic planting design. Buildings 9 and 10 are designed so that in addition to the landscape buffer, a drive aisle with double loaded parking will separate these buildings from the shared property boundary with High Country Beverage. A conceptual landscape buffer plan and section have been included as **Exhibit F**.

Case Studies

Continental analyzed several existing apartment communities in the greater north-Denver and Fort Collins metro areas that are adjacent to land uses commonly considered to be incompatible with residential. The purpose of this study is to understand if occupancy rates of these residential communities were negatively impacted due to the adjacent land uses. In summary, it was determined that residential communities adjacent to hospitals, light industrial, and other similar land uses had high occupancy rates, confirming that the adjacent land uses did not negatively impact the ability of the apartment communities to perform and maintain high occupancy rates. Similar to the proposed Springs development, the apartment communities that were analyzed are located near existing retail, employment, and open space areas. The individual apartment communities that were analyzed are listed below.

Camden Flatirons Apartments – Broomfield, CO



Camden Flatiron Apartments	
Occupancy Rate:	96.0%
Camden Interlocken Apartments	
Occupancy Rate:	94.4%

*As of April 13, 2018 per AXIOMetrics RealPage

The Camden Flatiron and Camden Interlocken Apartments are market-rate communities located off Interlocken Loop near the Rocky Mountain Metro Airport in Broomfield, CO. Both of these apartment communities continue to have strong occupancy rates considering their close proximity to the Rocky Mountain Metro Airport and possible noises generated from airplanes taking off and landing at the airport.

Homestead Apartments – Greely, CO



Homestead Apartments	
Occupancy Rate:	100.0%

*As of April 13, 2018 per AXIOMetrics RealPage

The Homestead Apartments, located near the corner of 35th Avenue and 29th Street, in Greely, CO is situated behind an existing Home Depot and Office Depot stores directly adjacent to the retailers' loading areas. The Homestead Apartments continue to have a strong occupancy rate considering the views and possible noises from trucks utilizing the loading areas. The Homestead Apartments are also directly adjacent to a park area featuring walking trails, picnic areas, and ponds for tenant use, similar to the proposed Springs community.

Lake Vista Apartments – Loveland, CO



Lake Vista Apartments	
Occupancy Rate:	93.0%

*As of April 13, 2018 per AXIOMetrics RealPage

The Lake Vista Apartments is a market-rate community located off Rocky Mountain Avenue near the UC Health Medical Center of the Rockies in Loveland, CO. This apartment community has a high occupancy rate considering its proximity to the adjacent hospital and possible noises generated from ambulances and helicopters servicing the hospital. The Lake Vista community is also adjacent to a trail system for tenant use, similar to the proposed Springs community.

Mason & Perry Street Flats – Fort Collins, CO

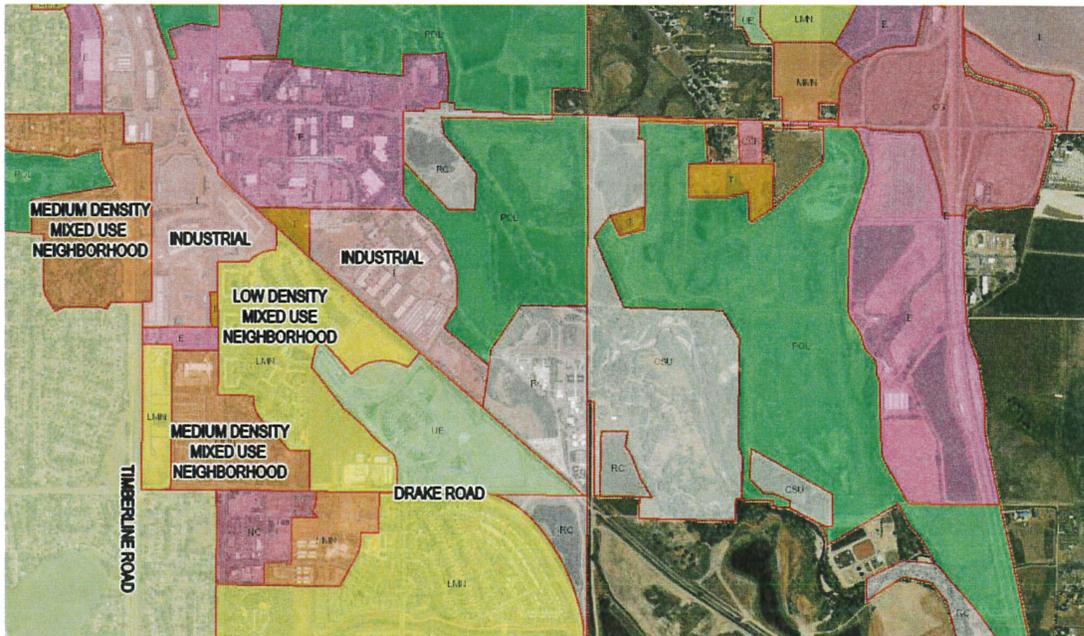
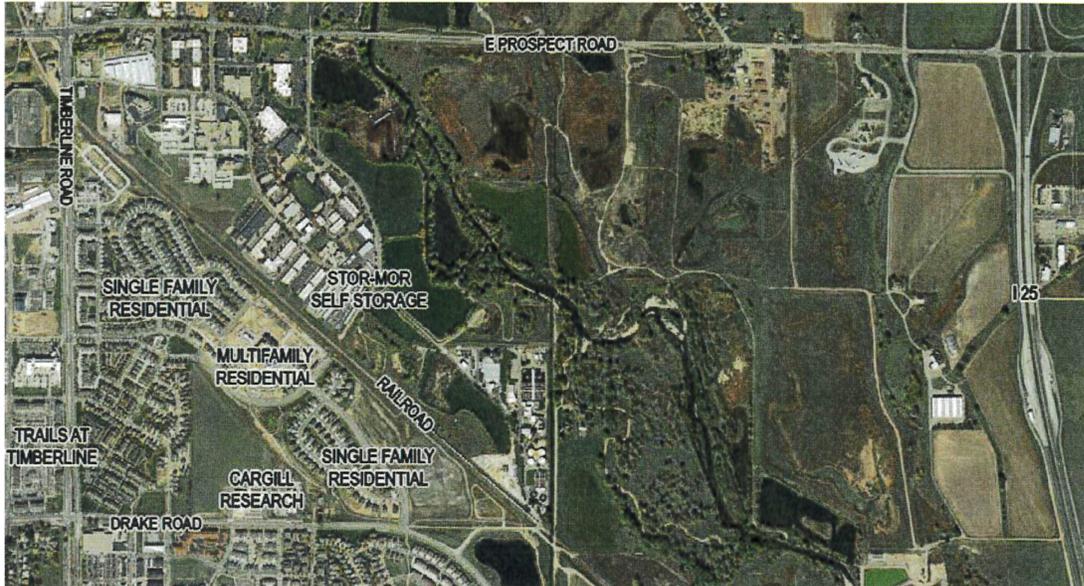


Mason Street & Penny Flats Apartments	
Occupancy Rate:	92.0%

*As of April 13, 2018 per AXIOMetrics RealPage

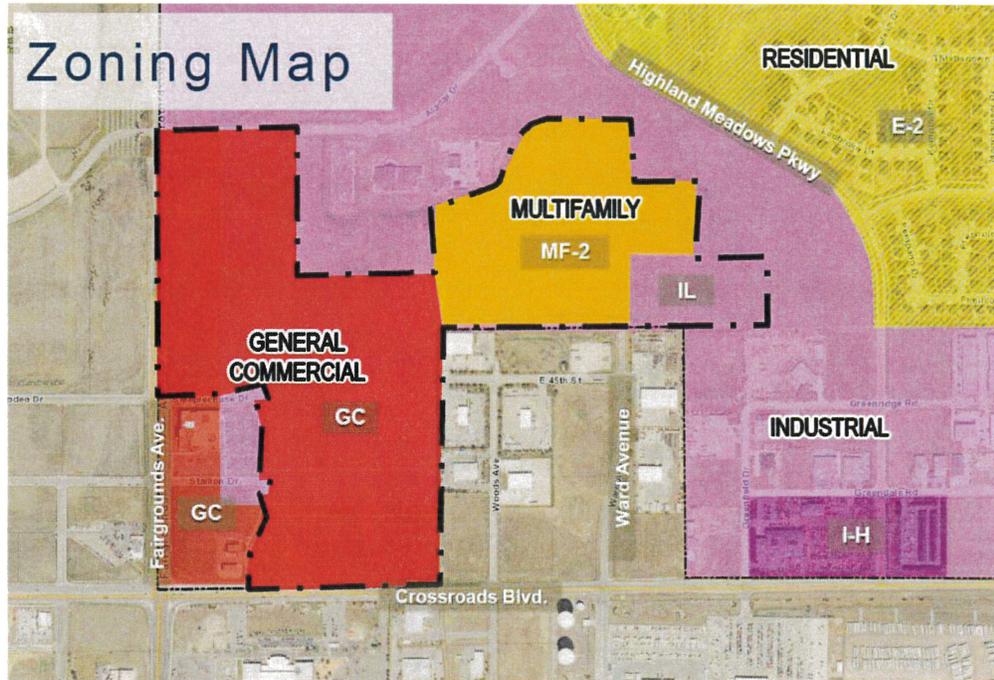
The Mason Street and Penny Flats Apartments are market-rate communities located on the northwest corner of Maple Street and Mason Street in Fort Collins, CO. These communities continue to have strong occupancy rates considering the adjacent Eco-Thrift store, Fort Collins Municipal Railway building, and existing railroad.

Bucking Horse, CO



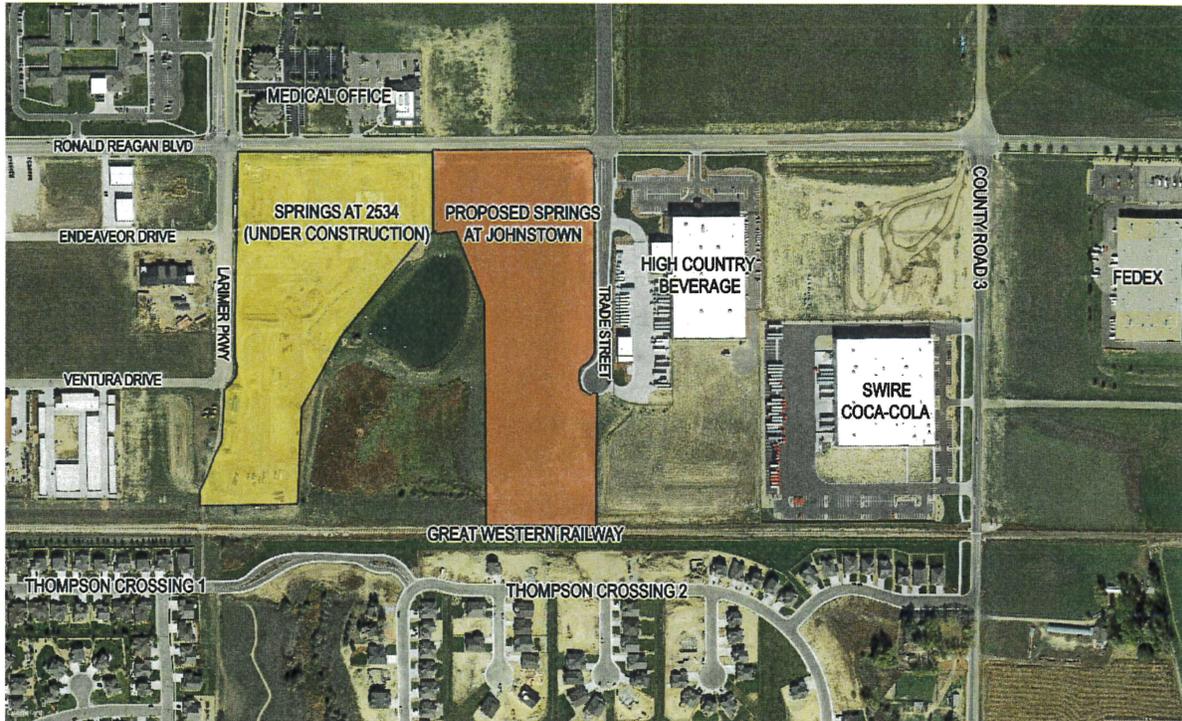
The area near the intersection of Drake Road and Timberline Road in Bucking Horse, CO is an example of existing of single family and multifamily residential (currently under construction) land uses developing adjacent to an existing railroad, self-storage facilities, and industrial zoned areas.

Brands at the Ranch – Windsor, CO



The above zoning map for the area near the intersection of Crossroads Boulevard and Fairground Avenue in Windsor, CO shows existing commercial and industrial land uses adjacent to multifamily residential and single family residential land uses.

Springs at 2534 and Proposed Springs at Johnstown – Johnstown, CO



Lot Line Distances	
Springs at Johnstown Site to High Country Beverage lot line	84 feet
High Country Beverage lot line to Thompson Crossing II lot line	90 feet
Swire Coca-Cola lot line to Thompson Crossing II lot line	90 feet
Self-Storage lot line to Thompson Crossing I lot line	90 feet
Thompson Crossing I lot line to Great Western Railway	20 feet
Thompson Crossing II lot line to Great Western Railway	25 feet

*According to Larimer County Assessor's GIS as of March 13, 2018

As shown in the above table, the subject Site is separated 84 feet from the lot line for High Country Beverage. This lot line separation is comparable to the existing 90-foot lot line separation between the Thompson Crossing II single family residential community and the lot lines for High Country Beverage and Swire Coca-Cola distribution facilities. The subject Site's lot line separation from High Country Beverage is also comparable to the 90-foot separation of the Thompson Crossing I single family residential community and the existing self-storage facility. These examples within 2534 demonstrate that residential land uses can be



complementary with adjacent light industrial land uses. These mixed land uses in combination with existing nearby retail further provide a quality, mixed-use community within 2534.

Conclusion

In conclusion, the proposed Springs community will benefit the Town and the surrounding retail and office community in 2534. The community will help meet the demand for rental housing in the Johnstown area while providing a unique, quality housing opportunity for employers. The proximity to existing retail will increase Town sales tax collection and will help draw future retailers to the area. Tenants will have retail, restaurant, and entertainment opportunities nearby, providing a live, work, play lifestyle option and strengthening the mixed-use character of 2534. The community will generate additional revenue for the Town through increased development fee collection, which provide the Town with additional park, open space, library, police, and transportation funds. The community provides a transitional use between the commercial, office, and industrial uses and the existing Thompson Crossing I & II single family communities to the south. The Springs community will further define 2534 as a regional commerce center and will be a cohesive, complementary development within 2534.

Thank you for considering this land use proposal and please let me know if there are any questions on the enclosed. I look forward to working with the 2534 DRC and the Town of Johnston.

Sincerely,

A handwritten signature in black ink that reads "Eric Gumm". The signature is written in a cursive style.

Eric Gumm
Development Associate
Continental 446 Fund LLC
(262) 532-9332
egumm@cproperties.com

Attachments

Exhibit A: Springs Site Plan

Exhibit B: Building Elevations

Exhibit C: Existing & Proposed 2534 Design Guideline Land Use Map

Exhibit D: Support Letters

Exhibit E: Sound Study Report prepared by AECOM

Exhibit F: Landscape Buffer



Exhibit A
Springs Site Plan



SITE PLAN
EXHIBIT A

JOHNSTOWN, CO

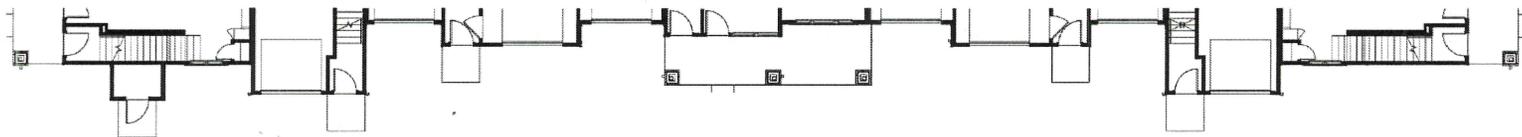


Exhibit B

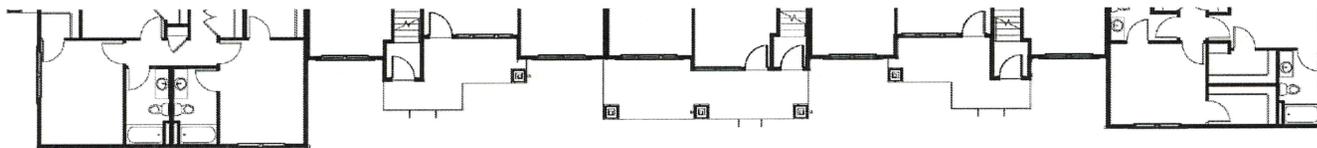
Building Elevations



Front Elevation



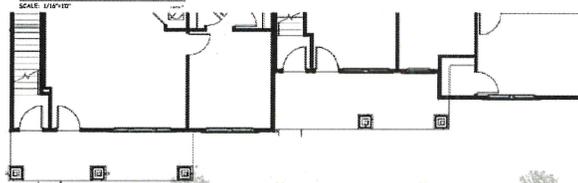
Rear Elevation



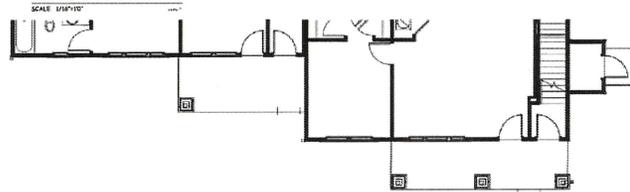
Scheme A
BUILDING B20
06-24-2016



Right Elevation



Left Elevation

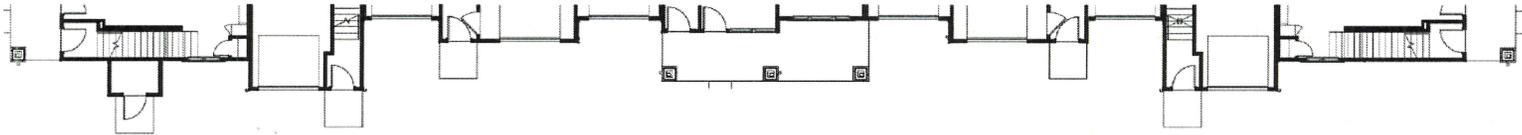


Scheme A
BUILDING B20
06-24-2016



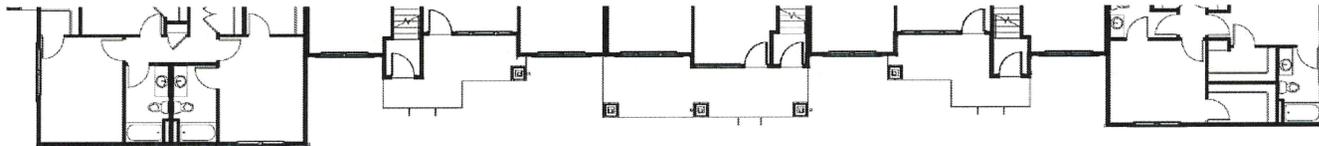
Front Elevation

SCALE: 1/8"=1'-0"



Rear Elevation

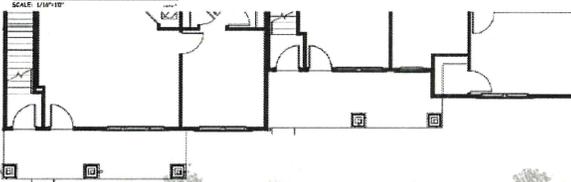
SCALE: 1/8"=1'-0"



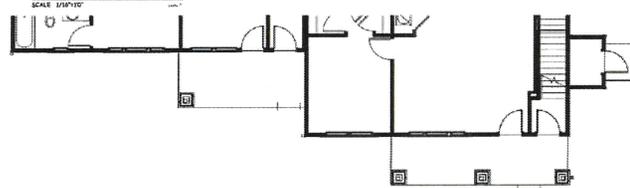
Scheme B
BUILDING B20
06-24-2016



Right Elevation



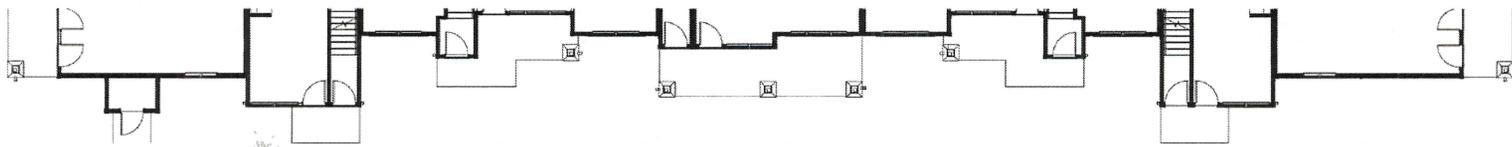
Left Elevation



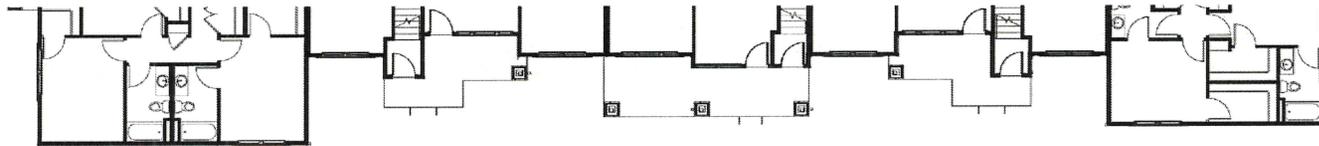
Scheme B
BUILDING B20
06-24-2016



Front Elevation



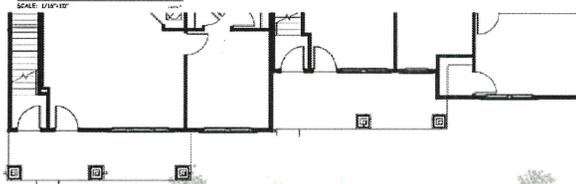
Rear Elevation



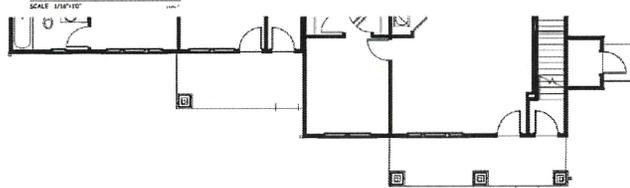
Scheme A
BUILDING G24
06-24-2016



Right Elevation



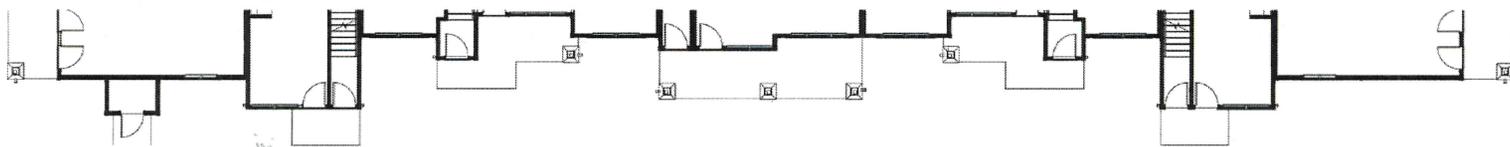
Left Elevation



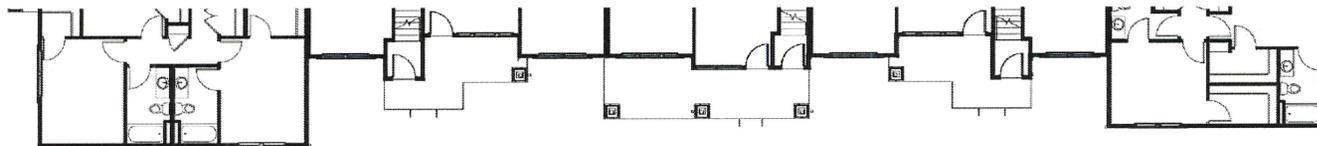
Scheme A
BUILDING G24
06-24-2016



Front Elevation



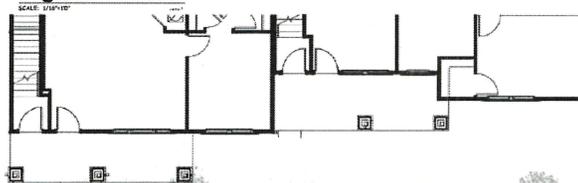
Rear Elevation



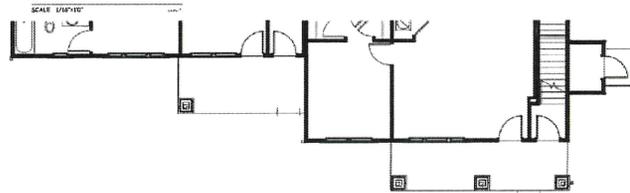
Scheme B
BUILDING G24
06-24-2016



Right Elevation



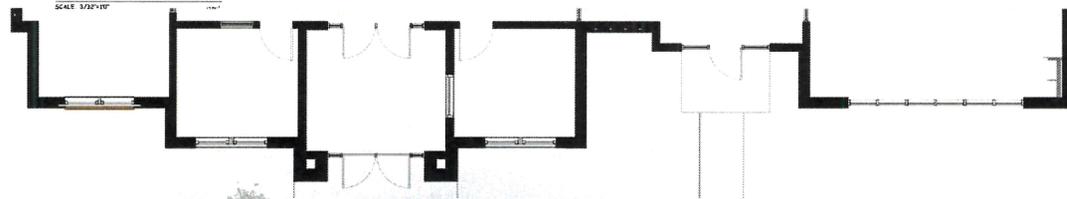
Left Elevation



Scheme B
BUILDING G24
06-24-2016



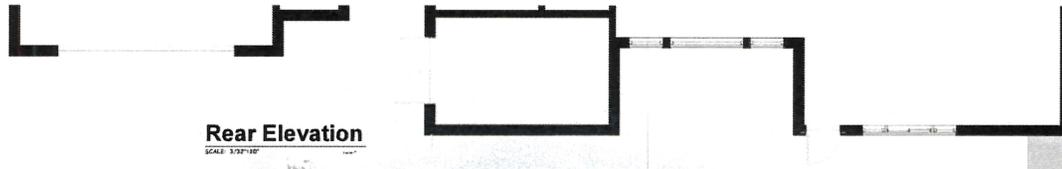
Front Elevation



Right Side Elevation



Scheme A
CLUBHOUSE
4340 SQ FT
10-17-2016



Rear Elevation

SCALE: 3/32"=1'-0"



Left Side Elevation

SCALE: 3/32"=1'-0"



Scheme A
CLUBHOUSE

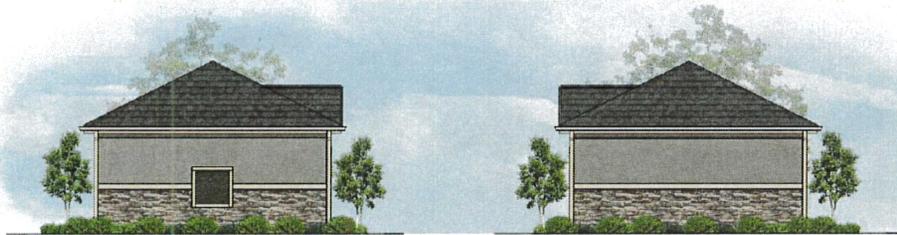
4340 SQ FT

10-17-2016



Front Elevation

SCALE: 3/32"=1'-0"



Left Elevation

SCALE: 3/32"=1'-0"

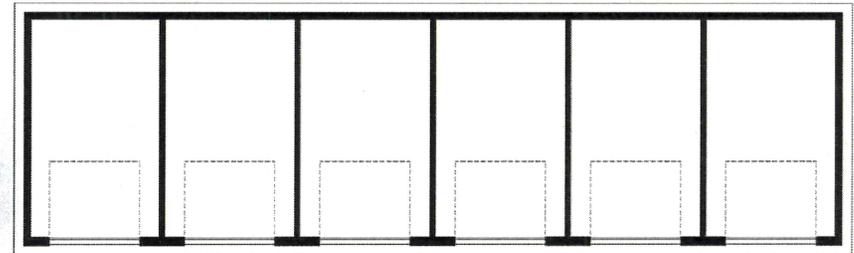
Right Elevation

SCALE: 3/32"=1'-0"



Rear Elevation

SCALE: 3/32"=1'-0"



Floor Plan Elevation

SCALE: 3/32"=1'-0"

Scheme A
6 BAY GARAGE
06-24-2016



Exhibit C

Existing & Proposed 2534 Design Guideline Land Use Map

Proposed Land Use Plan

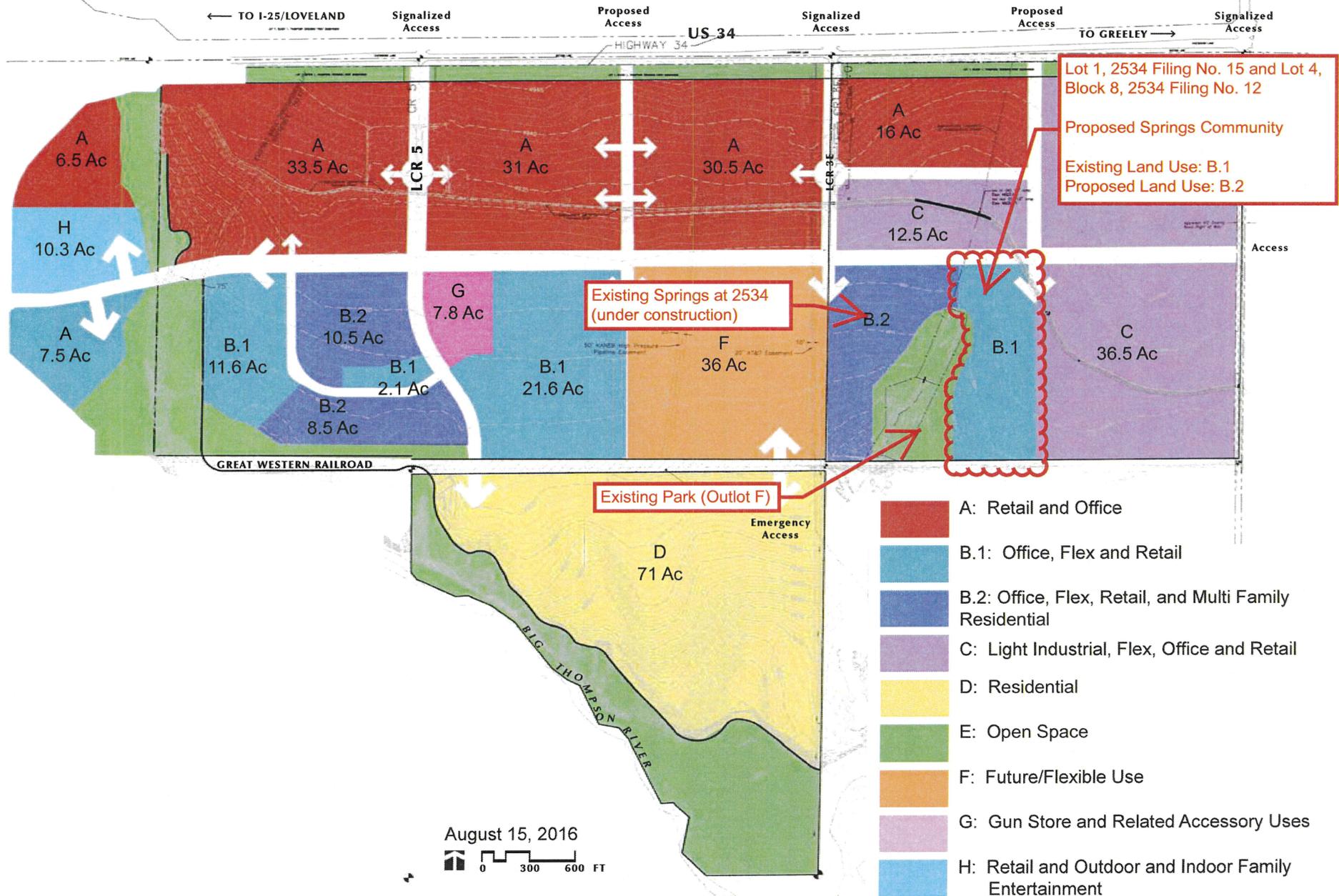




Exhibit D
Support Letters

SPIRIT 
HOSPITALITY LLC
HOTEL DEVELOPMENT & MANAGEMENT

June 19, 2018

Mr. John Franklin
Town Planner
Town of Johnstown
450 S. Parish Avenue
Johnstown, CO 80534
Email: jfranklin@townofjohnstown.com

Sent Via Email

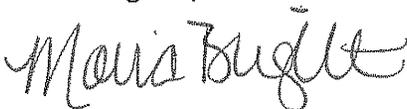
Re: The Springs Apartments Phase II

Dear Mr. Franklin:

Spirit Hospitality, LLLP and WILLCO XII Development, LLLP (Comfort Suites, Johnstown, CO) wish to express our support for the proposal by Continental Properties and Gerrard Development to amend the 2534 Design Guidelines to allow the addition of multi-family residential as permitted use on Lot 1, 2534 15th Filing and Lot 4 of 2534 12th Filing. Additional apartment homes of similar design and quality to those already approved at 2534 are beneficial to the economic vitality of the Town and our businesses by providing valued employee housing for a talented workforce and our guests for 2534's existing and future bricks and mortar retailers.

Thank you for allowing us to share our opinion on the matter. Please include this letter of support in all Planning Commission and Town Council Packages. If you have any questions, please do not hesitate to contact our office.

Warm Regards,



Moira Bright
Senior VP Development



4200 Ronald Reagan Blvd
Johnstown, Co 80534
Phone 970.622.8444
800.462.3615
Fax 970.622.8484

February 13, 2018

Mr. John Franklin
Town Planner
Town of Johnstown
450 S. Parish Avenue
Johnstown, CO 80534
E: JFranklin@TownOfJohnstown.com

Sent Via Email

RE: THE SPRINGS APARTMENTS PHASE II

Dear John:

I am writing to express my support for the proposal by Continental Properties and Gerrard Development to amend the 2534 Design Guidelines to allow the addition of multi-family residential as a permitted use on Lot 1, 2534 15th Filing and Lot 4 of 2534 12th Filing. Additional apartment homes of similar design and quality to those already approved at 2534 are beneficial to the economic vitality of the Town and my business by providing valued employee housing for a talented workforce and on-site customers for 2534's existing and future bricks and mortar retailers.

Thank you for allowing me to share my opinion on the matter. Please include this letter of support in all Planning Commission and Town Council Packages. Of course, you are welcome to contact me with any questions.

Sincerely,

Steve Nichols
President
High Country Beverage



Johnstown Scheels • 4755 Ronald Reagan Blvd • Johnstown, CO 80534 • (970) 663-7800 • (970) 663-9598

February 12, 2018

Mr. John Franklin
Town Planner
Town of Johnstown
450 S. Parish Avenue
Johnstown, CO 80534
E: JFranklin@TownOfJohnstown.com

Sent Via Email

RE: THE SPRINGS APARTMENTS PHASE II

Dear John:

I am writing to express my support for the proposal by Continental Properties and Gerrard Development to amend the 2534 Design Guidelines to allow the addition of multi-family residential as a permitted use on Lot 1, 2534 15th Filing and Lot 4 of 2534 12th Filing. Additional apartment homes of similar design and quality to those already approved at 2534 are beneficial to the economic vitality of the Town and my business by providing valued employee housing for a talented workforce and on-site customers for 2534's existing and future bricks and mortar retailers.

Thank you for allowing me to share my opinion on the matter. Please include this letter of support in all Planning Commission and Town Council Packages. Of course, you are welcome to contact me with any questions.

Sincerely,

Mark Knudson
Store Leader



April 25, 2018

Continental 446 Fund LLC
Attn.: Eric Gumm
W.134 N8675 Executive Parkway
Menomonee Falls, WI 53051

Sent via email: Eric Gumm egumm@cproperties.com

RE: Springs at Johnstown - Proposed Land Use Changes

Dear Mr. Gumm:

The 2534 DRC has reviewed your proposed Land Use Change submittal documents for the approximate 11.8-acre parcel of land located at the southwest corner of Ronald Reagan Boulevard and Trade Street, Johnstown, Colorado. Briefly, we understand the proposal includes the following improvements/site features/characteristics:

1. Approximately 216 multifamily units, a clubhouse, a pet playground, attached and detached garages.
2. Site and building design that will be similar to the current Springs at 2534 project located immediately to the west of this 11.8-acre site.
3. Connectivity between the adjacent Springs project and the Park currently being improved that surrounds the existing adjacent 2534 irrigation and detention ponds.
4. A fully gated and fenced community.
5. A mixture of upscale studio, 1, 2, and 3 bedroom homes within 10 residential buildings.

We further understand that Continental Properties is proposing a land use designation change to the 2534 Design Guidelines. The current Land Use designation for the approximate 11.8 acres is B.1 (office, flex, and retail) and the proposed change would re-designate the approximate 11.8 acres to B.2 (office, flex, retail and multi-family).

The 2534 DRC, having reviewed the documents that include a site plan, building elevations, support letters, sound study, and planned eastern edge landscape buffer is in full support of the proposed Land Use Change from B.1 to B.2.

If you have any comments or require additional information, please feel free to contact me at (303) 770-8884.

GALLOWAY & COMPANY, INC.

Kristoffer Kenton, AIA, NCARB, LEED AP
Principal - Director of Architecture
Kristoffer_Kenton@gallowayUS.com

CC: John Franklin, Town of Johnstown



June 19, 2018

Mr. John Franklin
Town Planner
Town of Johnstown
450 S. Parish Avenue
Johnstown, CO 80534
E: JFranklin@TownOfJohnstown.com

Sent Via Email

RE: THE SPRINGS APARTMENTS PHASE II

Dear John:

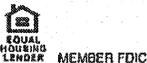
I am writing to express my support for the proposal by Continental Properties and Gerrard Development to amend the 2534 Design Guidelines to allow the addition of multi-family residential as a permitted use on Lot 1, 2534 15th Filing and Lot 4 of 2534 12th Filing.

Additional apartment homes of similar design and quality to those already approved at 2534 are beneficial to the economic vitality of the Town and to Bank of Colorado by providing valued employee housing for a talented workforce and on-site customers for 2534's existing and future bricks and mortar retailers. Increased rooftops and overall activity helps each and every business at 2534 and I feel this project will build on the momentum that we have all benefited from at 2534 over the last several years.

Thank you for allowing me to share my opinion on the matter. Please include this letter of support in all Planning Commission and Town Council Packages. Of course, you are welcome to contact me with any questions.

Sincerely,

Christian J. Bordewick
Market President



www.bankofcolorado.com

1609 East Harmony Rd.
Fort Collins, CO 80525
Phone: (970) 206-1160
Fax: (970) 206-1156

1102 Lincoln Ave.
Fort Collins, CO 80524
Phone: (970) 223-8200
Fax: (970) 223-8201

4848 Thompson Parkway, Ste. 100
Johnstown, CO 80534
Phone: (970) 663-7600
Fax: (970) 663-7601

636 Coffman St., Ste. 101
Longmont, CO 80501
Phone: (303) 776-3111
Fax: (303) 776-3222

1888 West Eisenhower
Loveland, CO 80537
Phone: (970) 669-1355
Fax: (970) 669-1345

206 East 4th St., Ste. 200
Loveland, CO 80537
Phone: (970) 669-1355
Fax: (970) 669-1345



Exhibit E

Sound Study Report Prepared by AECOM

Technical Memorandum

To: Eric Gumm Page 1

Cc: Tom Damiana, Anthony Galligan

Subject: Continental 446 Fund LLC

From: Aaron Wilson

Date: April 13, 2018

This technical memorandum presents the results of an ambient sound characterization study conducted at the Continental 446 Fund LLC (Continental) 2534 Development located in Johnstown, Colorado in March of 2018. This study was designed to measure and characterize existing ambient sound levels from several locations along the Continental 2534 Development property line prior to the start of residential construction. The following discussion presents the project background, measurement methods used, measurement results and a summary of dominant ambient sound sources observed during data collection.

Background

The Continental 2534 Development is a proposed multifamily residential development that will be located between another multifamily development that is currently in the final stages of construction and the existing High Country Beverage (HCB) distribution facility located across Trade St. from the property. The primary objectives of this monitoring program are as follows:

- Establish representative baseline ambient sound environment along the side of the 2534 Development facing the HCB property at times of day when the HCB facility would normally be operating at a high capacity and residential receptors are likely to be impacted.
- Using the data collected to establish whether or not HCB is an important or dominant source within the existing soundscape as measured from the perspective of the proposed 2534 Development residences.

In order to meet these objectives, existing ambient sound levels were measured at four (4) short term (ST) locations and one (1) long term (LT) location along the 2534 Development eastern property line. These sites were chosen based on their potential to provide a comprehensive comparison of noise impacts originating from HCB to those representing the existing soundscape without HCB.

Ambient Sound Measurement Summary

The sound measurement data collected indicated that traffic was a dominant source of continuous noise impacts around the Continental 2534 property. Traffic along US-Highway 34 (US-34), Ronald Reagan Blvd. and to a much lesser extent, Interstate Highway 25 (I-25) dominated the soundscape at all sites all day but was particularly loud during morning commutes. Noise levels captured at all locations decreased as rush hour traffic decreased. **Table 1** displays the average 5-minute (min) Leq for each measurement period and was developed using three representative 5-min periods during the measurement period. As demonstrated in **Table 1**, values at all four ST sites closely match the measured values at the LT site.

On the day short-term measurements were collected, unanticipated dirt moving occurred at a nearby residential community in close proximity to LT1. This activity began shortly after 7:00 am on March 20th causing elevated measurements at LT1. In order to characterize more representative measurements at this site during that period, AECOM continued sampling at the LT1 location for an additional day. AECOM does not believe that construction activity was impacting measurements taken at ST2, ST3, and ST4 due to their proximity. **Figure 1** presents the 1-minute Leq values measured at each of the short term monitoring sites overlaid with the corresponding long-term Leq values to help visualize how the HCB activities fit in with the existing soundscape in the area.

The following presents a qualitative overview of the sound sources contributing to the sound level measurements at each location and are based on observations made during data collection.

Site LT1

The most predominant source of continuous noise at LT1 was ambient traffic. This location was selected to provide baseline measurements for the area. As previously described, this site did experience some impacts from construction and development activities taking place at the adjacent residential community on the first morning of the study, but AECOM believes that the site still captured a good representation of the area throughout its sampling duration. Measurements collected on the second morning after 7:00 am show representative measurements without the construction activity present.

Site ST1

The most predominant source of continuous noise at ST1 was ambient traffic. This site was selected to provide collocated measurements to LT1. It is located far enough away from LT1 that its setup and removal would not interfere with the long term measurement location.

Site ST2

The most predominant source of continuous noise at ST2 was ambient traffic. HCB activities were occurring but measurements indicate that they were not a continuous source nor did they contribute to instantaneous maximums. This site was located to capture truck traffic in and out of HCB regardless of which gate was used. This site was also able to capture noises from the loading area.

Site ST3

The most predominant source of continuous noise at ST3 was ambient traffic. HCB activities were occurring but measurements indicate that they were not a continuous source nor did they contribute to instantaneous maximums. This site was located directly across from the HCB loading docks and was able to capture truck activities in the yard and trucks leaving the facility through the south gate.

Site ST4

The most predominant source of continuous noise at ST4 was ambient sounds (i.e., birds, prairie dogs and insects) far removed from highway 34. This location was selected to provide a representation of HCB activities as the noise approaches an established residential community located on the south side of Great Western's rail tracks.

Ambient measurements collected during the morning hours of March 21st and 22nd at LT1 indicate that noise levels between 5:30 am and 8:30 am in this area are above the 55-dB(A) level. These values peaked at around 7:00 am when sound levels approached 65-dB(A). This is a repeatable diurnal pattern attributed to local commuter traffic.

Given the consistency between LT1 and the ST sites, it appears that traffic noise dominates the existing soundscape and that highway 34 dominates during periods that HCB is the busiest. This leads AECOM to conclude that noises generated from HCB do not contribute to continuous noise levels in the area. While impulsive noises from HCB's facility were noted in the field observations, they did not contribute to continuous noise levels, nor is it obvious that they impacted the level of maximum instantaneous readings.

Table 1 Continental 2534 Ambient Sound Representative Average for Each Short-Term Site in Comparison to Long-Term Baseline

Short-Term Site	Measurement Period	Average 5 minute L_{eq}			Average L_{90}		
		Short-Term Sites	Long-Term Sites*	Delta*	Short-Term Sites*	Long-Term Sites*	Delta*
ST3	0549-0604	57	62(59)	4(2)	54.7	57.3(56.4)	2.6(1.7)
ST2	0637-0651	61	62(64)	1(3)	58.6	60.5(59.6)	1.9(1)
ST1	0714-0729	63	64(63)	1(1)	61.2	62.1(61.0)	0.9(-0.2)
ST4	0807-0822	57	60(59)	3(2)	56.3	58.7(55.7)	2.4(-0.6)
ST3	0900-0915	52	59(54)	7(2)	50.0	56.4(51.5)	6.4(1.5)

* Day 1 measurements, Day 2 measurements in parenthesis. Dirt moving activities near the LT1 site on the day of the short term measurements (Day 1), the meter was left in place for an extra day (Day 2) to collect additional data not contaminated by that particular construction activity.

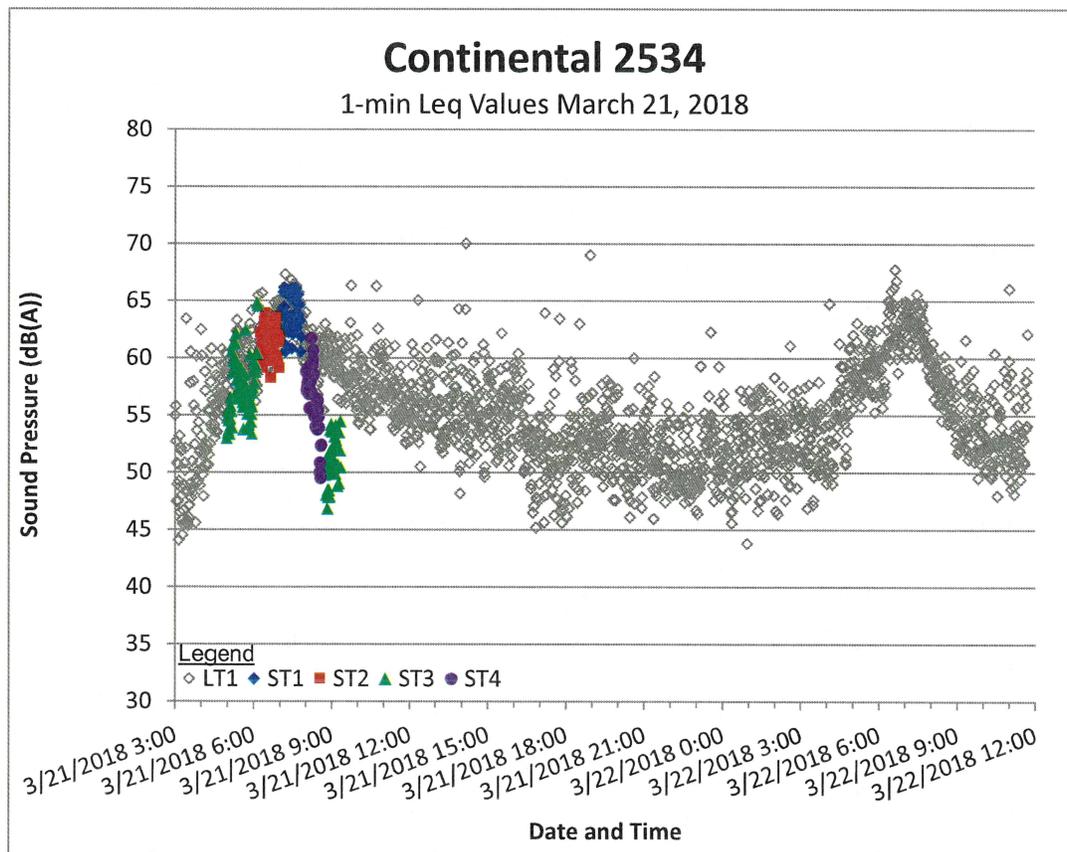


Figure 1 Continental 2534 1-minute L_{eq} Plot

Acoustical Measurements

Methods

Sound measurements were collected using two laboratory-certified sound level meters (SLMs), model Larson Davis 831. The SLMs were configured to record sound pressure level in 1-min measurement intervals. 1-min measurement intervals were selected due to the quantity of different noise contributors in the area. These averaging periods are discussed in ANSI S12.9-1993 / Part 3.

Based on pre-measurement site visits, AECOM determined that weekday mornings (with the exception of Monday and Friday) were optimal because HCB operations will be taking place during these times and these are times that sound from the HCB facility would be most likely to disturb nearby residences. A long-term measurement was conducted to provide context to the short-term measurements as well as a clear understanding of the variations and changes affecting the short-term measurements.

Short-term measurements, approximately 30-min each, were conducted at the four short-term monitoring sites along the property line as identified in **Figure 2** with site descriptions provided in **Table 2**, and in close adherence to ANSI S12.9-1993 / Part 3. One SLM remained at site LT1 to collect the long-term measurement, while the second SLM was used to measure ambient sound levels concurrently at the ST monitoring sites. A-weighting and “slow” response settings were applied to all 1-minute measurement metrics (Leq, Lmin, Lmax, L10, L50, L90 values). Unless described otherwise, all sound level values presented in this technical memo are the calculated 5-minute L_{eq} value from the SLM’s measurements.

Table 2 Continental 2534 Ambient Sound Monitoring Locations

Site	Description
ST-1	ST-1 was located along the northern property line near Ronald Reagan Blvd. This monitoring site provides traffic noise levels in the vicinity of the northern end of the proposed development.
ST-2	ST-2 was located along the eastern property line near the northern edge of the proposed development along Trade Street. This monitoring site provides ambient conditions for comparison to impacts from traffic that will enter or exit from either driveway at HCB.
ST-3	ST-3 was located on the eastern edge of the proposed development where the loading docks of HCB are directly across from potential residential receptors.
ST-4	ST-4 was located along the proposed development’s southern property line. This site provides baseline ambient conditions for comparison to those measurements captured closer to HCB.
LT-1	LT-1 was collocated with site ST-1 (separated by a short distance). This site was selected for long-term measurement since it has the potential to experience the largest change in ambient sound levels throughout the day.

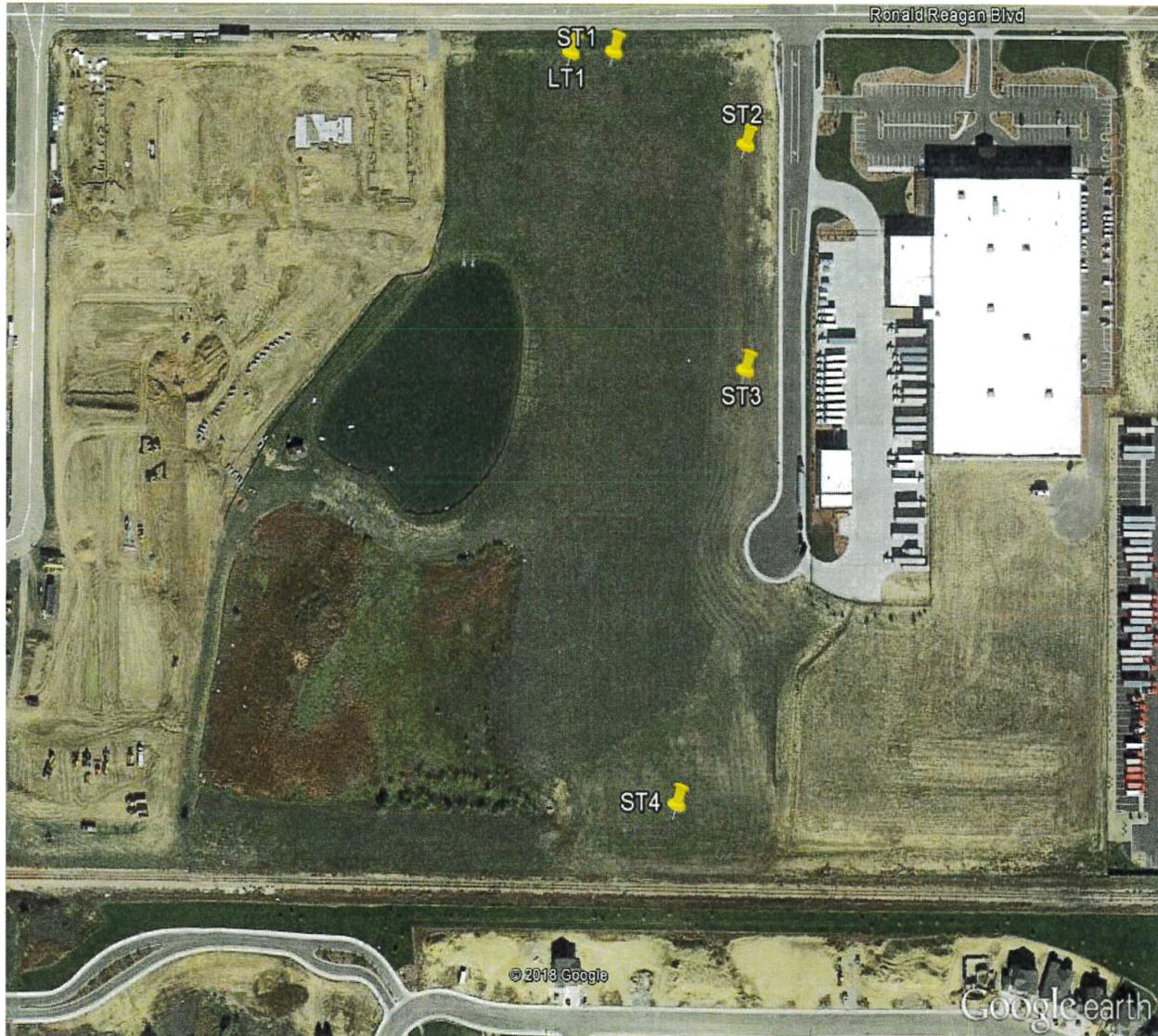


Figure 2 Continental 2534 1 minute Leq Plot

Field Measurements

A minimum of three consecutive 5-min intervals were measured at each monitoring location during a representative weekday, including a long-term measurement spread out over a diurnal cycle. The measurements were conducted by AECOM acoustic technician Aaron Wilson beginning Tuesday March 20th and concluded on Thursday March 22nd. While measuring at ST locations, the sound level meter microphone was pointed towards the HCB loading docks. At the LT location, the SLM microphone was pointed north.

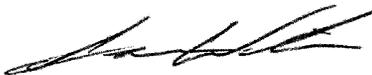
Atmospheric Conditions

Horizontal wind speed, wind direction, temperature, and relative humidity were measured at each monitoring location in accordance with ANSI S12.9-1993 / Part 3. This data was supplemented with data from nearby private weather stations (PWS) and barometric pressure data from the Fort Collins – Loveland Regional Airport.

Supporting Documentation

A photo log containing photographs of each monitoring site is provided in **Attachment A**. All equipment used in this sound level monitoring study was within their respective certification periods at the time of monitoring. Certificates for the equipment used to conduct this study are provided in **Attachment B**. Field notes were taken on standard AECOM field data sheets and are included in **Attachment C**. The raw digital data files have been transmitted electronically with this memo. In addition, electronic copies of the photos and videos taken while conducting the ambient sound level measurements can be made available upon request.

Sincerely,



Aaron Wilson
Aaron.Wilson@aecom.com



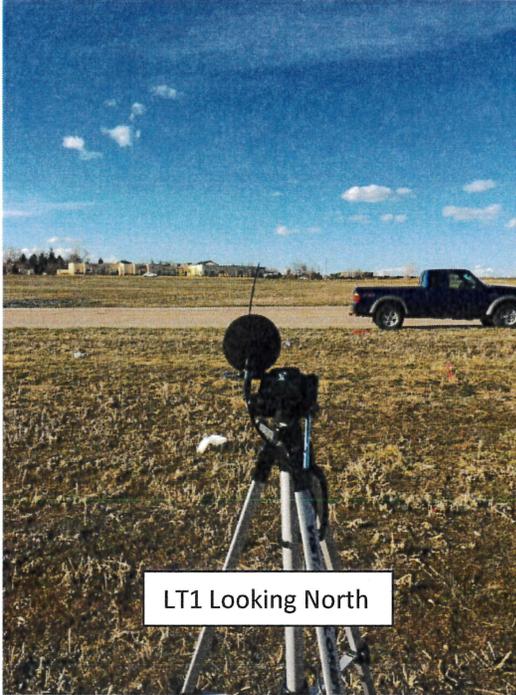
Anthony Galligan
Anthony.galligan@aecom.com

encl: Attachment A – Photo Log
Attachment B – SLM Certificates
Attachment C – AECOM Field Note Data Forms

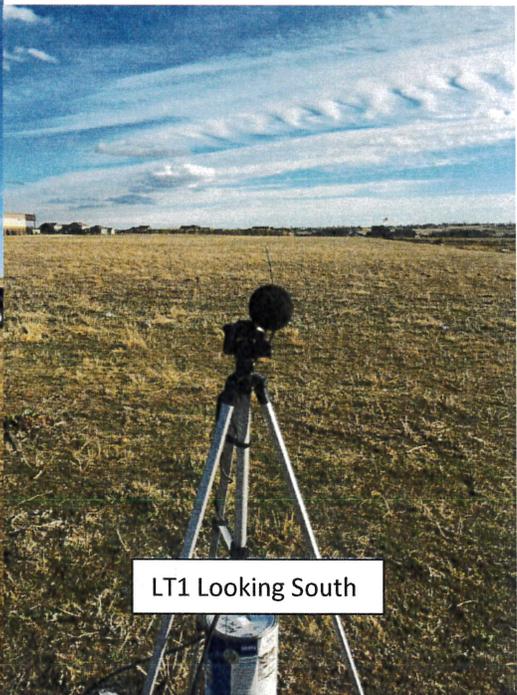
Cc: Thomas Damiana

Attachment A

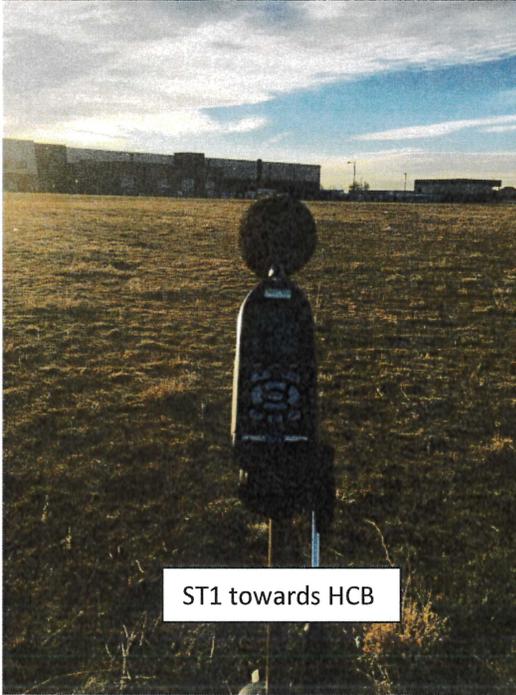
Photo Log



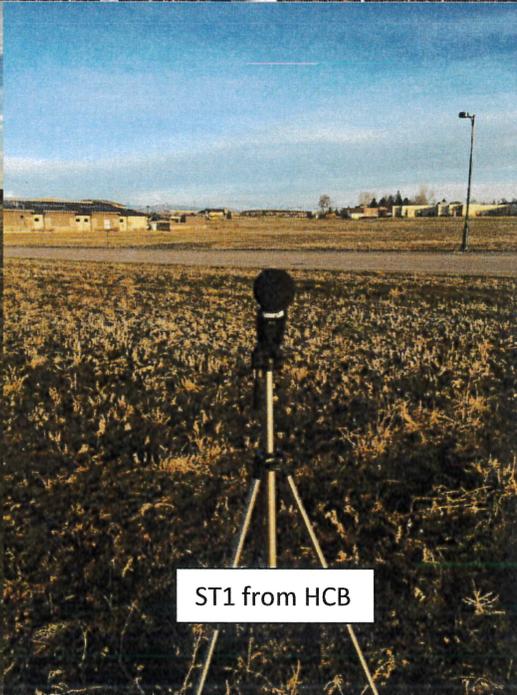
LT1 Looking North



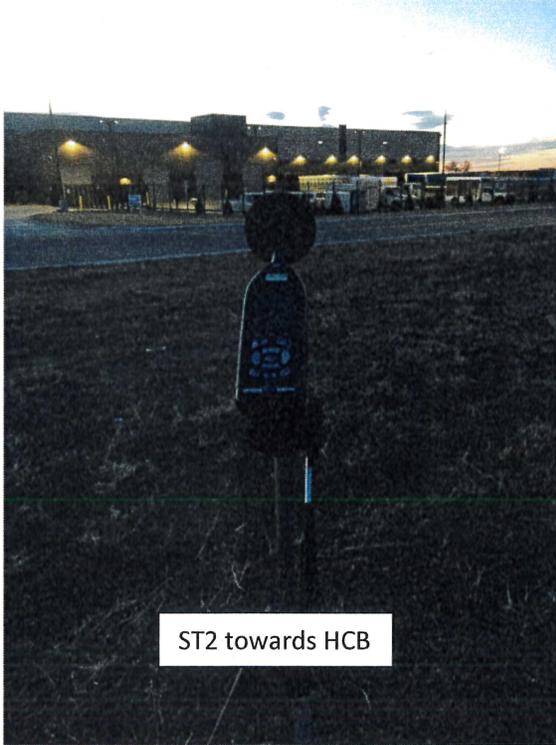
LT1 Looking South



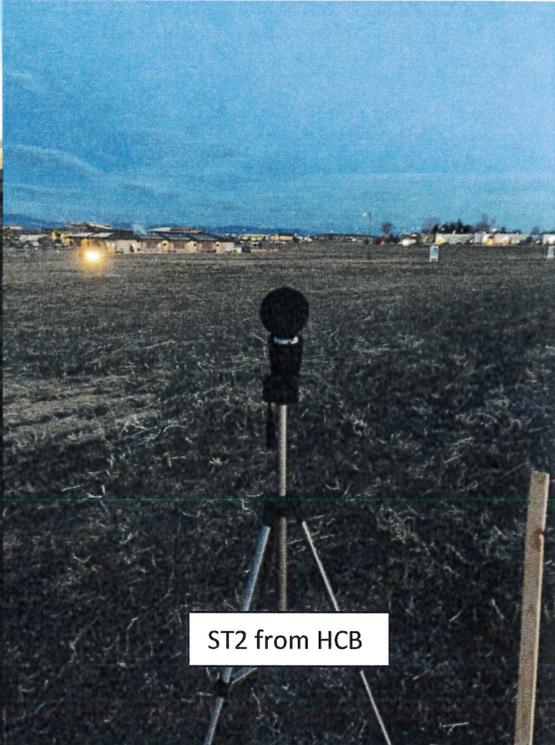
ST1 towards HCB



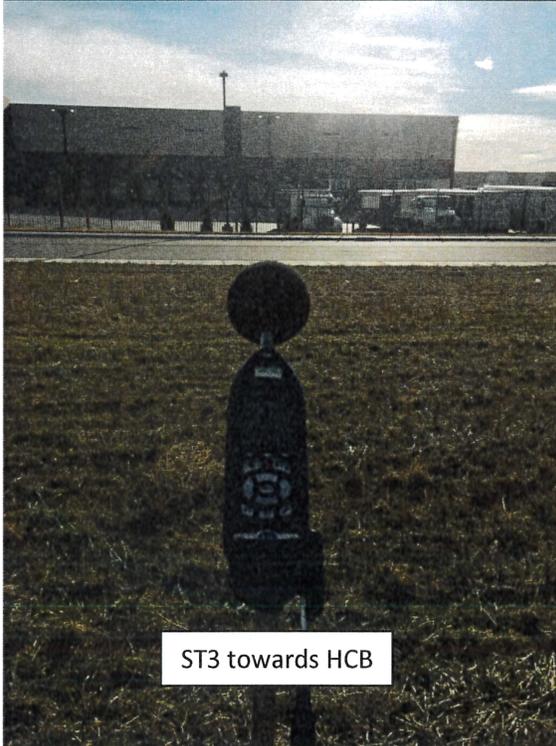
ST1 from HCB



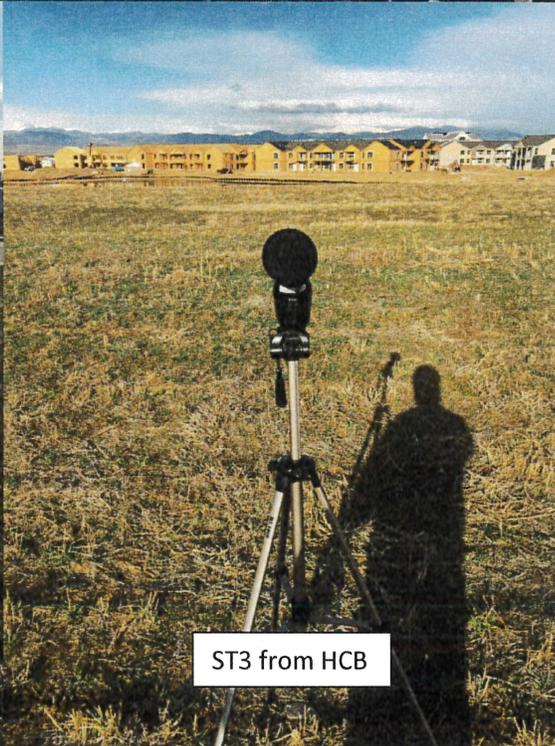
ST2 towards HCB



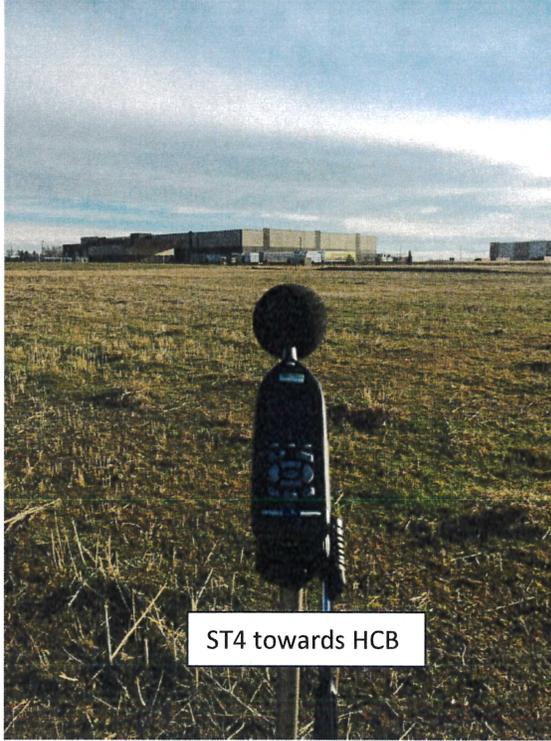
ST2 from HCB



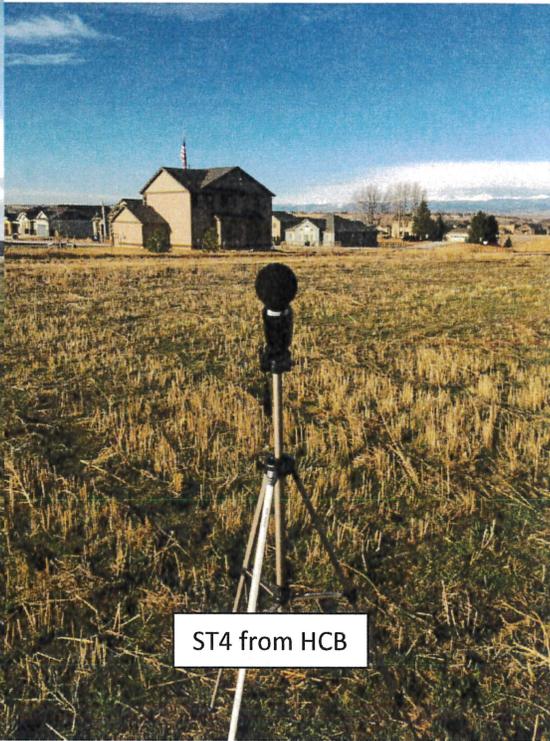
ST3 towards HCB



ST3 from HCB



ST4 towards HCB



ST4 from HCB

Attachment B

SLM Certificates

Calibration Certificate

Certificate Number 2017009706

Customer:

The Modal Shop
3149 East Kemper Road
Cincinnati, OH 45241, United States

Model Number	CAL200	Procedure Number	D0001.8386
Serial Number	14376	Technician	Scott Montgomery
Test Results	Pass	Calibration Date	7 Sep 2017
Initial Condition	As Manufactured	Calibration Due	
Description	Larson Davis CAL200 Acoustic Calibrator	Temperature	23 °C ± 0.3 °C
		Humidity	33 %RH ± 3 %RH
		Static Pressure	101.3 kPa ± 1 kPa

Evaluation Method The data is acquired by the insert voltage calibration method using the reference microphone's open circuit sensitivity. Data reported in dB re 20 µPa.

Compliance Standards Compliant to Manufacturer Specifications per D0001.8190 and the following standards:
IEC 60942:2003 ANSI S1.40-2006

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). It has been calibrated using measurement standards traceable to the SI through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2005. Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2008.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Standards Used			
Description	Cal Date	Cal Due	Cal Standard
Agilent 34401A DMM	09/06/2017	09/06/2018	001021
Larson Davis Model 2900 Real Time Analyzer	04/10/2017	04/10/2018	001051
Microphone Calibration System	08/08/2017	08/08/2018	005446
1/2" Preamplifier	10/06/2016	10/06/2017	006506
Larson Davis 1/2" Preamplifier 7-pin LEMO	08/08/2017	08/08/2018	006507
1/2 inch Microphone - RI - 200V	10/03/2016	10/03/2017	006511
Pressure Transducer	06/01/2017	06/01/2018	007310

Larson Davis, a division of PCB Piezotronics, Inc
1681 West 820 North
Provo, UT 84601, United States
716-684-0001



Output Level

Nominal Level [dB]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
114	101.0	114.00	113.80	114.20	0.13	Pass
94	101.3	93.98	93.80	94.20	0.14	Pass

-- End of measurement results--

Frequency

Nominal Level [dB]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
94	101.3	1,000.33	990.00	1,010.00	0.20	Pass
114	101.0	1,000.31	990.00	1,010.00	0.20	Pass

-- End of measurement results--

Total Harmonic Distortion + Noise (THD+N)

Nominal Level [dB]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
94	101.3	0.40	0.00	2.00	0.25	Pass
114	101.0	0.33	0.00	2.00	0.25	Pass

-- End of measurement results--

Level Change Over Pressure

Tested at: 114 dB, 25 °C, 34 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
101.3	101.2	0.00	-0.30	0.30	0.04 ‡	Pass
108.0	107.5	-0.02	-0.30	0.30	0.04 ‡	Pass
92.0	92.3	0.02	-0.30	0.30	0.04 ‡	Pass
83.0	83.2	0.02	-0.30	0.30	0.04 ‡	Pass
74.0	74.2	-0.01	-0.30	0.30	0.04 ‡	Pass
65.0	65.2	-0.09	-0.30	0.30	0.04 ‡	Pass

-- End of measurement results--

Frequency Change Over Pressure

Tested at: 114 dB, 25 °C, 34 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
108.0	107.5	0.00	-10.00	10.00	0.20 ‡	Pass
101.3	101.2	0.00	-10.00	10.00	0.20 ‡	Pass
92.0	92.3	0.00	-10.00	10.00	0.20 ‡	Pass
74.0	74.2	0.00	-10.00	10.00	0.20 ‡	Pass
83.0	83.2	-0.01	-10.00	10.00	0.20 ‡	Pass
65.0	65.2	-0.01	-10.00	10.00	0.20 ‡	Pass

-- End of measurement results--

Larson Davis, a division of PCB Piezotronics, Inc
 1681 West 820 North
 Provo, UT 84601, United States
 716-684-0001



Total Harmonic Distortion + Noise (THD+N) Over Pressure

Tested at: 114 dB, 25 °C, 34 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
108.0	107.5	0.32	0.00	2.00	0.25 ‡	Pass
101.3	101.2	0.32	0.00	2.00	0.25 ‡	Pass
92.0	92.3	0.33	0.00	2.00	0.25 ‡	Pass
83.0	83.2	0.35	0.00	2.00	0.25 ‡	Pass
74.0	74.2	0.37	0.00	2.00	0.25 ‡	Pass
65.0	65.2	0.42	0.00	2.00	0.25 ‡	Pass

-- End of measurement results--

Signatory: Scott Montgomery

Larson Davis, a division of PCB Piezotronics, Inc
 1681 West 820 North
 Provo, UT 84601, United States
 716-684-0001



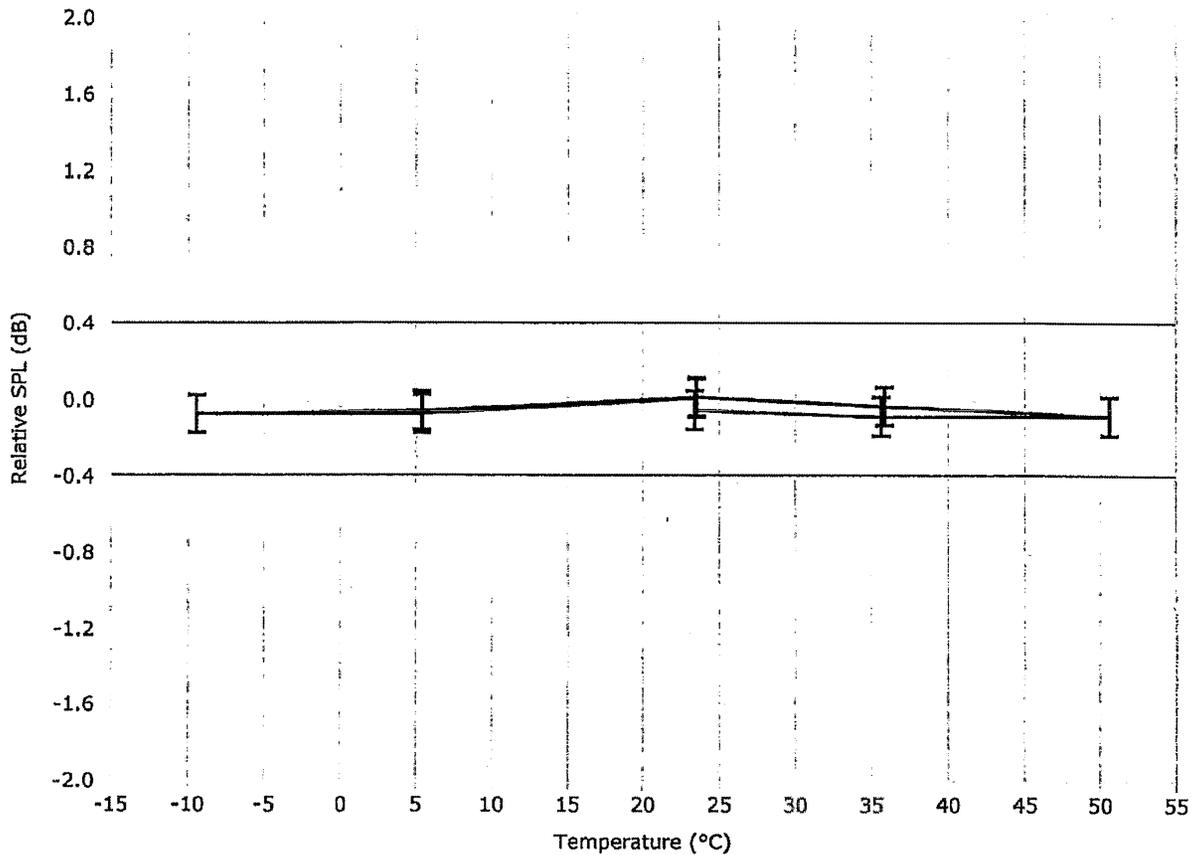


Model CAL200 Relative SPL vs. Temperature

Larson Davis Model CAL200 Serial Number: 14376

Model CAL200 Relative SPL vs. Temperature at 50% RH.
A 2559 Mic (SN: 2908) with a PRM901 Preamp (SN: 0154), station 3 was used to check the levels.

Test Date: 25 Jul 2017 08:38:07



0.1dB expanded uncertainty at ~95% confidence level (k=2)

Sequence File: CAL250w200.SEQ

Test Location: Larson Davis, a division of PCB Piezotronics, Inc.
1681 West 820 North, Provo, Utah 84601
Tel: 716 684-0001 www.LarsonDavis.com

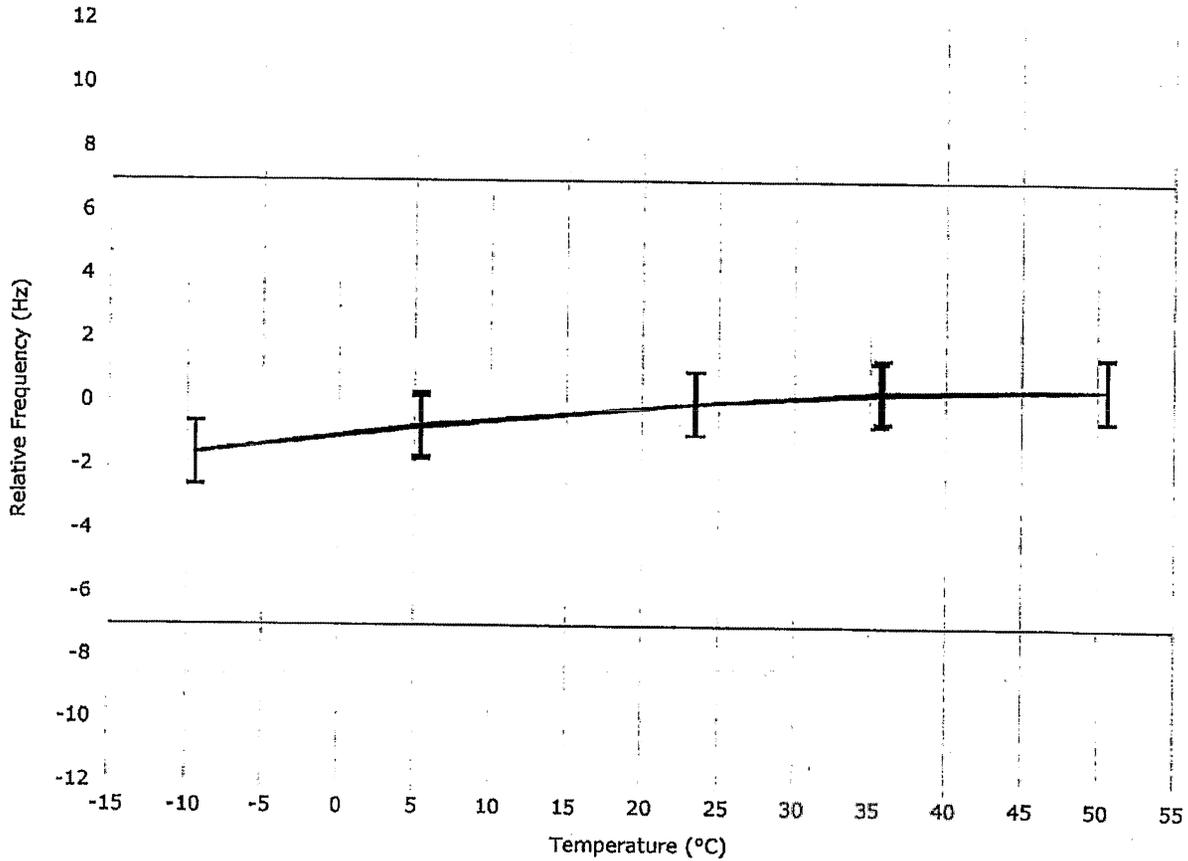


Model CAL200 Relative Frequency vs. Temperature

Larson Davis Model CAL200 Serial Number: 14376

Model CAL200 Relative Frequency vs. Temperature at 50% RH.
A 2559 Mic (SN: 2908) with a PRM901 Preamp (SN: 0154), station 3 was used to check the levels.

Test Date: 25 Jul 2017 08:38:07



1.0 Hz expanded uncertainty at ~95% confidence level (k=2)

Sequence File: CAL250w200.SEQ

Test Location: Larson Davis, a division of PCB Piezotronics, Inc.
1681 West 820 North, Provo, Utah 84601
Tel: 716 684-0001 www.LarsonDavis.com

Calibration Certificate

Certificate Number 2017005416

Customer:

The Modal Shop
3149 East Kemper Road
Cincinnati, OH 45241, United States

Model Number	831	Procedure Number	D0001.8378
Serial Number	0003386	Technician	Ron Harris
Test Results	Pass	Calibration Date	23 May 2017
Initial Condition	Inoperable	Calibration Due	23 May 2018
Description	Larson Davis Model 831 Class 1 Sound Level Meter Firmware Revision: 2.313	Temperature	23.53 °C ± 0.25 °C
		Humidity	50.8 %RH ± 2.0 %RH
		Static Pressure	86.73 kPa ± 0.13 kPa

Evaluation Method Tested electrically using Larson Davis PRM831 S/N 029412 and a 12.0 pF capacitor to simulate microphone capacitance. Data reported in dB re 20 µPa assuming a microphone sensitivity of 50.0 mV/Pa.

Compliance Standards Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8384:

IEC 60651:2001 Type 1	ANSI S1.4-2014 Class 1
IEC 60804:2000 Type 1	ANSI S1.4 (R2006) Type 1
IEC 61252:2002	ANSI S1.11 (R2009) Class 1
IEC 61260:2001 Class 1	ANSI S1.25 (R2007)
IEC 61672:2013 Class 1	ANSI S1.43 (R2007) Type 1

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2005. Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2008.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Correction data from Larson Davis Model 831 Sound Level Meter Manual, I831.01 Rev O, 2016-09-19

Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa; Reference Range: 0 dB gain

Larson Davis, a division of PCB Piezotronics, Inc
1681 West 820 North
Provo, UT 84601, United States
716-684-0001



LARSON DAVIS
A PCB PIEZOTRONICS DIV.

Certificate of Calibration and Conformance

This document certifies that the instrument referenced below meets published specifications per Procedure PRD-P263; ANSI S1.4-1983 (R 2006) Type 1; S1.4A-1985; S1.43-1997 Type 1; S1.11-2004 Octave Band Class 0; S1.25-1991; IEC 61672-2002 Class 1; 60651-2001 Type 1; 60804-2000 Type 1; 61260-2001 Class 0; 61252-2002.

Manufacturer:	<u>Larson Davis</u>	Temperature:	<u>74.9</u> °F
Model Number:	<u>831</u>		<u>23.83</u> °C
Serial Number:	<u>3004</u>	Rel. Humidity:	<u>41.4</u> %
Customer:	<u>TMS Rental</u>	Pressure:	<u>979</u> mbars
Description:	<u>Sound Level Meter</u>		<u>979</u> hPa
Note:	<u>As Found/As Left: In Tolerance</u>		

Upon receipt for testing, this instrument was found to be:

Within the stated tolerance of the manufacturer's specification.

Calibration Date: 5/5/2017

Calibration Due: _____

Calibration Standards Used:

Manufacturer	Model	Serial Number	Cal Due
Stanford Research Systems	DS360	123270	4/25/2018

This Certificate attests that this instrument has been calibrated under the stated conditions with Measurement and Test Equipment (M&TE) Standards traceable to the National Institute of Standards and Technology (NIST). All of the Measurement Standards have been calibrated to their manufacturers' specified accuracy / uncertainty. Evidence of traceability and accuracy is on file at The Modal Shop and/or Larson Davis Corporate Headquarters. An acceptable accuracy ratio between the Standard(s) and the item calibrated has been maintained. This instrument meets or exceeds the manufacturer's published specification unless noted.

The results documented in this certificate relate only to the item(s) calibrated or tested. Calibration interval assignment and adjustment are the responsibility of the end user. This certificate may not be reproduced, except in full, without the written approval of The Modal Shop.

Technician: Adam Magee

Signature: _____



3149 East Kemper Road
Cincinnati, OH. 45241
Phone: (513) 351-9919
(800) 860-4867
www.modalshop.com

~ Certificate of Calibration and Compliance ~

Microphone Model: 377B02

Serial Number: 303877

Manufacturer: PCB

Calibration Environmental Conditions

Environmental test conditions as printed on microphone calibration chart.

Reference Equipment

Manufacturer	Model #	Serial #	PCB Control #	Cal Date	Due Date
National Instruments	PCIE-6351	1896F08	CA1918	10/20/17	10/19/18
Larson Davis	PRM915	146	CA2115	2/15/17	2/15/18
Larson Davis	PRM902	4943	CA1162	11/13/17	11/13/18
Larson Davis	PRM916	104	LD015	2/15/17	2/15/18
Larson Davis	CAL250	5109	CA1496	10/19/17	10/19/18
Larson Davis	2201	140	CA890	5/3/17	5/3/18
Bruel & Kjaer	4192	2954556	CA2323	9/15/17	9/14/18
Larson Davis	GPRM902	3999	CA1090	9/20/17	9/20/18
Newport	iTHX-SD/N	1080002	CA1511	2/14/17	2/14/18
Larson Davis	PRA951-4	241	CA1449	10/26/17	10/26/18
Larson Davis	PRM915	147	CA2179	6/6/17	6/6/18
PCB	68510-02	N/A	CA2672	12/27/17	12/27/18
0	0	0	0	not required	not required
0	0	0	0	not required	not required
0	0	0	0	not required	not required

Frequency sweep performed with B&K UA0033 electrostatic actuator.

Condition of Unit

As Found: n/a

As Left: New Unit, In Tolerance

Notes

1. Calibration of reference equipment is traceable to one or more of the following National Labs; NIST, PTB or DFM.
2. This certificate shall not be reproduced, except in full, without written approval from PCB Piezotronics, Inc.
3. Calibration is performed in compliance with ISO 10012-1, ANSI/NCSS Z540.3 and ISO 17025.
4. See Manufacturer's Specification Sheet for a detailed listing of performance specifications.
5. Open Circuit Sensitivity is measured using the insertion voltage method following procedure AT603-5.
6. Measurement uncertainty (95% confidence level with coverage factor of 2) for sensitivity is +/-0.20 dB.
7. Unit calibrated per ACS-20.

Technician: Leonard Lukasik

Date: January 30, 2018



3425 Walden Avenue, Depew, New York, 14043

TEL: 888-684-0013 FAX: 716-685-3886 www.pcb.com

ID:GAL112-0000183003.922-0

~ Calibration Report ~

Microphone Model: 377B02

Serial Number: 303877

Description: 1/2" Free-Field Microphone

Calibration Data

Open Circuit Sensitivity @ 251.2 Hz: 43.83 mV/Pa
-27.17 dB re 1V/Pa

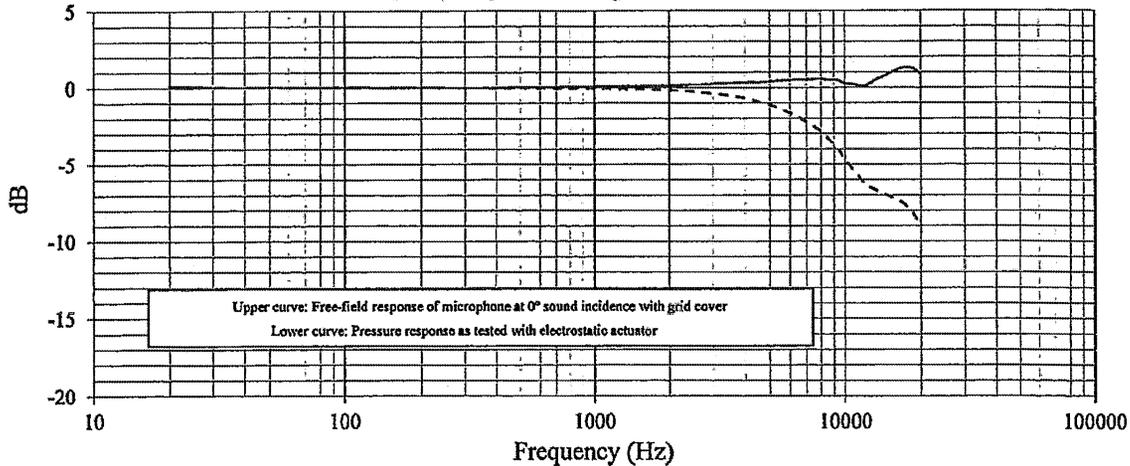
Polarization Voltage, External: 0 V
Capacitance: 12.8 pF

Temperature: 67 °F (19°C)

Ambient Pressure: 996 mbar

Relative Humidity: 24 %

Frequency Response (0 dB @ 251.2 Hz)



Freq (Hz)	Lower (dB)	Upper (dB)	Freq (Hz)	Lower (dB)	Upper (dB)	Freq (Hz)	Lower (dB)	Upper (dB)	Freq (Hz)	Lower (dB)	Upper (dB)
20.0	0.12	0.12	1679	-0.12	0.11	7499	-2.54	0.53	-	-	-
25.1	0.09	0.09	1778	-0.14	0.11	7943	-2.83	0.56	-	-	-
31.6	0.04	0.04	1884	-0.16	0.12	8414	-3.25	0.48	-	-	-
39.8	0.04	0.04	1995	-0.18	0.13	8913	-3.62	0.49	-	-	-
50.1	0.04	0.04	2114	-0.20	0.14	9441	-4.09	0.43	-	-	-
63.1	0.03	0.03	2239	-0.22	0.16	10000	-4.72	0.24	-	-	-
79.4	0.03	0.03	2371	-0.24	0.17	10593	-5.18	0.22	-	-	-
100.0	0.03	0.03	2512	-0.27	0.19	11220	-5.72	0.14	-	-	-
125.9	0.02	0.02	2661	-0.32	0.19	11885	-6.22	0.10	-	-	-
158.5	0.02	0.02	2818	-0.36	0.20	12589	-6.50	0.27	-	-	-
199.5	0.01	0.01	2985	-0.40	0.22	13335	-6.68	0.51	-	-	-
251.2	0.00	0.00	3162	-0.44	0.24	14125	-6.89	0.70	-	-	-
316.2	-0.01	0.00	3350	-0.50	0.24	14962	-7.06	0.91	-	-	-
398.1	-0.02	-0.02	3548	-0.56	0.26	15849	-7.24	1.11	-	-	-
501.2	-0.02	0.02	3758	-0.63	0.28	16788	-7.45	1.27	-	-	-
631.0	-0.03	0.01	3981	-0.71	0.29	17783	-7.81	1.30	-	-	-
794.3	-0.04	0.05	4217	-0.78	0.33	18837	-8.31	1.20	-	-	-
1000.0	-0.06	0.06	4467	-0.93	0.30	19953	-9.04	0.89	-	-	-
1059.3	-0.07	0.06	4732	-1.03	0.34	-	-	-	-	-	-
1122.0	-0.07	0.07	5012	-1.14	0.39	-	-	-	-	-	-
1188.5	-0.08	0.07	5309	-1.29	0.41	-	-	-	-	-	-
1258.9	-0.08	0.08	5623	-1.45	0.44	-	-	-	-	-	-
1333.5	-0.09	0.09	5957	-1.61	0.46	-	-	-	-	-	-
1412.5	-0.11	0.09	6310	-1.80	0.50	-	-	-	-	-	-
1496.2	-0.11	0.09	6683	-2.04	0.48	-	-	-	-	-	-
1584.9	-0.12	0.09	7080	-2.28	0.50	-	-	-	-	-	-

Technician: Leonard Lukasik

Date: January 30, 2018



3425 Walden Avenue, Depew, New York, 14043

TEL: 888-684-0013 FAX: 716-685-3886 www.pcb.com

ID: CAL112-3000183903.82210



~Certificate of Calibration~

3149 East Kemper Rd.
Cincinnati, OH 45241
Ph : 513-351-9919
Fax: 513-458-2172
www.modalshop.com

Manufacturer: PCB
Model Number: 377B02
Serial Number: LW135132
Asset ID:
Description: Free-Field Microphone

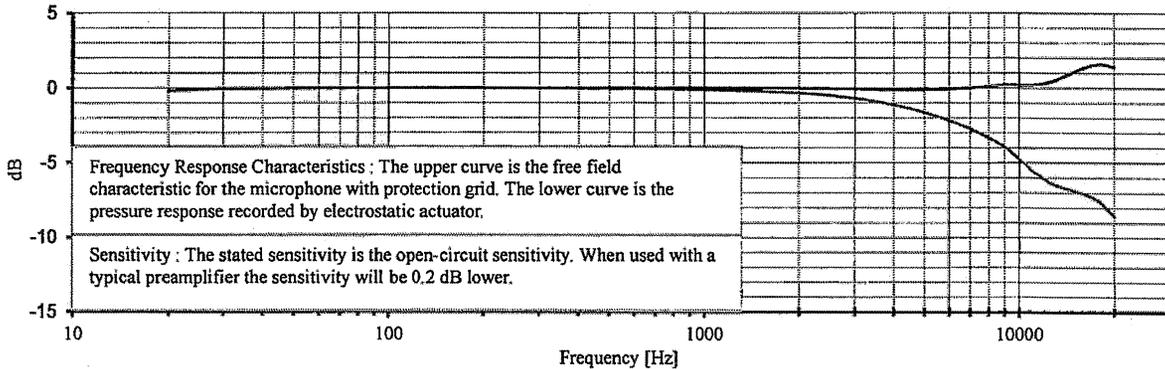
Customer: TMS Rental
Address:
Calibration Date: Jul 27, 2017 11:39:48
Due Date:

Sensitivity: **250 Hz** **1 kHz**
 -25.92 -26.03 dB re. 1V/Pa
 50.57 49.97 mV/Pa

Temperature: 76 (24) °F (°C)
Humidity: 44 %
Ambient Pressure: 992.7 mbar

Cal. Results: In Tolerance

Polarization Voltage: 0 VDC



Traceability: The calibration is traceable through 683/284413-14.
Notes: Calibration results relate only to the items calibrated.
 This certificate may not be reproduced, except in full, without written permission.
 This calibration is performed in compliance with ISO 9001, ISO 17025 and ANSI Z540.
 Measurement uncertainty (250 Hz sensitivity calibration) at 95% confidence level: 0.30 dB.
 Calibrated per procedure PRD-P204.

User Note: As Found / As Left: In Tolerance.

Frequency Response with reference to level at 250 Hz

Frequency (Hz)	Upper (dB)						
20	-0.17	630	-0.01	4500	-0.11		
25	-0.08	800	0.02	5000	-0.09		
31.5	-0.01	1000	0.01	5600	-0.07		
40	-0.03	1120	0.01	6300	-0.03		
50	0.03	1250	0.01	7100	0.03		
63	0.01	1400	0.01	8000	0.14		
80	0.03	1600	-0.01	9000	0.26		
100	0.02	1800	-0.02	10000	0.23		
125	0.02	2000	-0.02	11200	0.23		
160	0.01	2240	-0.03	12500	0.41		
200	0.01	2500	-0.03	14000	0.84		
250	0.00	2800	-0.05	16000	1.36		
315	0.00	3150	-0.06	18000	1.61		
400	0.00	3550	-0.08	20000	1.41		
500	0.01	4000	-0.10				

Technician: Bradly Haarmeyer

Reference Equipment Used:

Approval:

Manuf.	Model	Serial	Cal. Date	Due Date
GRAS	40AG	9542	9/20/2016	9/20/2017



Attachment C

Field Note Data Forms

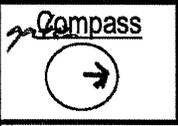
AECOM Acoustics and Noise Control Practice
FIELD NOISE MEASUREMENT DATA FORM

Project Name: Continental 446 Fund LLC Project #: 60569282 Date: 03-21-2018 Page 1 of 1
 Measurement Location: ST3 Analyst: AL

Sound Level Meter Model #: <u>831</u> Serial #: <u>3004</u> Weighting: <input checked="" type="radio"/> C / Flat Response: <input checked="" type="radio"/> Slow / Fast / Impl Windscreen: <input checked="" type="radio"/> Yes No (explain)	Field Calibration 09-07-17 Model #: <u>Ca1206</u> Serial #: <u>14376</u> Calibration Level (dB): <u>94/114</u> Pre-Test <u>93.9</u> dBA Post-Test <u>93.8</u> dBA	Meteorological Data Model #: _____ Time Obs/Meas: <u>0445</u> Serial #: _____ Precipitation: Yes (explain) / <input checked="" type="radio"/> No Wind: Steady / Gusty / <input checked="" type="radio"/> Calm Avg Wind Speed/Direction: <input checked="" type="radio"/> Calm m/s / MPH Temp (°F): <u>31</u> RH (%): <u>78%</u> Bar Psr (Hg): <u>25.04</u> Cloud Cover (%): <u>2</u>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Topo: Flat / Hilly
 Terrain: Hard / Soft / Mixed / Agg / Snow
 GPS Coordinates (at SLM location)
~~40° 24' 51" N 104° 58' 16" W~~
40° 24' 27" N 104° 58' 10" W
 Temp (°F): 31 RH (%): 78%
 Bar Psr (Hg): 25.04 Cloud Cover (%): 2

Loc. ID	Start Time (hh:mm)	Stop Time (hh:mm)	Notes / Events
<u>ST3</u>	<u>0457</u>		<u>Start no activity</u>
	<u>0503</u>		<u>First truck start</u>
	<u>0515</u>		<u>Truck idle</u>
	<u>0518</u>		<u>Truck Horn & back up & pull out</u>
	<u>0520</u>		<u>Gate</u>
	<u>0528</u>		<u>Truck in</u>
	<u>0527</u>		<u>Air brakes Gate alarm</u>
	<u>0530</u>		<u>Truck start & moving</u>
	<u>0532</u>		<u>Air brakes idle door latches</u>
	<u>0533</u>		<u>Gate alarm</u>
	<u>0537</u>		<u>Truck moving trailer door air brakes hitch up</u>
	<u>0538</u>	<u>0539</u>	<u>Back up alarm truck moving air brakes Gate truck pulling out</u>
	<u>0540</u>		<u>Truck passing gate moving & alarm</u>
	<u>0541</u>		<u>Truck pulling out gate alarm</u>
	<u>0542</u>		<u>Truck passing gate closing</u>
	<u>0546</u>		<u>Trailer door backup alarm roll up door pd pallet jack slam</u>
	<u>0549</u>		<u>Slams & Thuds</u>
	<u>0550</u>	<u>0552</u>	<u>Truck pulling out</u>
	<u>0553</u>		<u>Slams & Rumbles</u>
	<u>0558</u>		<u>N Gate & alarm</u>
	<u>0559</u>		<u>Truck start</u>
	<u>0601</u>		<u>Truck pulling in gate</u>
	<u>0604</u>		<u>Trucks moving air brakes 29.1°F 25.05 32% RH</u>
	<u>0606</u>	<u>0610</u>	<u>Trucks idling roll up doors trucks pulling out trucks starting gates</u>
	<u>0611</u>		<u>Stop</u>



Site Diagram:

Photos Taken? Yes / No

Noise Sources (circle all that apply): distant aircraft/roadway traffic/rail ops/landscaping/rustling leaves/children playing/dogs barking/birds vocalizing/insects mechanical
 Additional Notes and Sketches on Reverse or Indicated Separate Sheet(s)

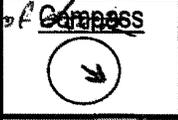
AECOM Acoustics and Noise Control Practice
FIELD NOISE MEASUREMENT DATA FORM

Project Name: Continental 446 Fuel LLC Project #: 60569282 Date: 03 21-2018 Page 1 of 1
 Measurement Location: ST2 ± Analyst: AU

Sound Level Meter	Field Calibration	Meteorological Data
Model #: <u>831</u>	Model #: <u>Cal 200</u>	Model #: _____ Time Obs/Meas: _____
Serial #: <u>3004</u>	Serial #: <u>14376</u>	Serial #: _____ <u>0604</u>
Weighting: <u>A / C / Flat</u>	Calibration Level (dB): <u>94 / 114</u>	Precipitation: Yes (explain) <u>NO</u>
Response: <u>Slow / Fast / Impl</u>	Pre-Test <u>94</u> dBA	Wind: Steady / Gusty <u>Calm</u>
Windscreen: <u>Yes / No (explain)</u>	Post-Test <u>94</u> dBA	Avg Wind Speed/Direction: <u>Calm</u> m/s / MPH

Topo: Flat / Hilly GPS Coordinates (at SLM location) Temp (°F): 29.1 RH (%): 32
 Terrain: Hard / Soft / Mixed / Agg / Snow 40° 24' 9" N 104° 58' 10" W Bar Psr (Hg): 25.05 Cloud Cover (%): 2

Loc. ID	Start Time (hh:mm)	Stop Time (hh:mm)	Notes / Events
<u>572</u>	<u>0614</u>		<u>Start</u>
	<u>0616</u>		<u>Trash dumpster behind me</u>
	<u>0617</u>	<u>0619</u>	<u>Birds Truck pulling out</u> <u>Birds</u>
	<u>0619</u>		<u>Trash truck on RR Blvd</u>
	<u>0620</u>		<u>Trucks start</u>
	<u>0623</u>		<u>Truck pulling out + in</u>
	<u>0624</u>		<u>Truck making U turn truck leaving</u>
	<u>0626</u>		<u>Little trucks backing up + idle</u>
	<u>0627</u>		<u>Truck pulling out</u>
	<u>0633</u>		<u>Truck backing up + pulling out</u>
	<u>0635</u>		<u>Truck pulling out</u>
	<u>0637</u>		<u>Truck pulling out</u>
	<u>0641</u>		<u>Truck pulling out of dock</u> <u>geese</u>
	<u>0643</u>		<u>Truck moving in lot</u>
	<u>0645</u>		<u>Gate & Alarm small truck starting air brakes</u>
	<u>0648</u>		<u>Truck idle Truck moving horn</u>
	<u>0649</u>		<u>Truck backing Horn blasts Gate & Alarm Truck moving in yard</u>
	<u>0651</u>		<u>Truck pulling out of <u>Garage</u> dock</u> <u>Site Diagram:</u>
	<u>0652</u>		<u>Truck leaving</u> <u>Man backing tree in employee lot</u>
	<u>0654</u>		<u>Forklift loading truck</u>
			<u>Truck pulling out</u>
	<u>0655</u>		<u>Truck leaving gates</u>
	<u>0700</u>		<u>Stop</u>



Photos Taken? Yes No

Noise Sources (circle all that apply) distance aircraft/roadway traffic rail ops/landscaping/rustling leaves/children playing/dogs barking birds vocalizing insects mechanical
 Additional Notes and Sketches on Reverse or Indicated Separate Sheet(s)

AECOM Acoustics and Noise Control Practice
FIELD NOISE MEASUREMENT DATA FORM

Project Name: Continental 446 Fund LLC Project #: 60569282 Date: 03-21-2014 Page 1 of 1
 Measurement Location: ST 4 Analyst: AU

Sound Level Meter Model #: <u>831</u> Serial #: <u>3004</u> Weighting: <input checked="" type="radio"/> C / Flat Response: <input checked="" type="radio"/> Slow / Fast / Impl Windscreen: <input checked="" type="radio"/> Yes / No (explain)	Field Calibration Model #: <u>601200</u> Serial #: <u>14376</u> Calibration Level (dB): <u>84</u> / 114 Pre-Test <u>94.0</u> dBA Post-Test <u>94.1</u> dBA	Meteorological Data Model #: _____ Time Obs/Meas: <u>0800</u> Serial #: _____ Precipitation: Yes (explain) <input checked="" type="radio"/> No Wind: Steady / Gusty <input checked="" type="radio"/> Calm Avg Wind Speed/Direction: <u>Calm</u> m/s / MPH Temp (°F): <u>32.8</u> RH (%): <u>53.6</u> Bar Psr (Hg): <u>25.06</u> Cloud Cover (%): <u>30</u>
Topo: <input checked="" type="radio"/> Flat / Hilly Terrain: <input checked="" type="radio"/> Hard / Soft / Mixed / Agg / Snow	GPS Coordinates (at SLM location) <u>40° 24' 12" N 104° 58' 12" W</u>	Temp (°F): <u>32.8</u> RH (%): <u>53.6</u> Bar Psr (Hg): <u>25.06</u> Cloud Cover (%): <u>30</u>

Loc. ID	Start Time (hh:mm)	Stop Time (hh:mm)	Notes / Events
			<u>40° 24' 0" N</u>
<u>ST4</u>	<u>0800</u>		<u>Start Trucks moving in yard Birds Construction Noises</u>
	<u>0802</u>		<u>Horn trucks idling Reel to reel excavator moving</u>
	<u>0804</u>		<u>Truck leaving Hammering</u>
	<u>0806</u>		<u>Train horn</u>
	<u>0810</u>		<u>Truck moving</u>
	<u>0811</u>		<u>Truck leaving</u>
	<u>0815</u>		<u>Jet</u>
	<u>0818</u>		<u>Gate & Alarm</u>
	<u>0820</u>		<u>Jets</u>
	<u>0822</u>		<u>Jet</u>
	<u>0823</u>		<u>Jet loaders moving Horses</u>
	<u>0826</u>		<u>Jet Gate & Alarm Hammering Equipment Noise</u>
	<u>0828</u>		<u>Jet</u>
	<u>0829</u>	<u>0830</u>	<u>Geese</u>
	<u>0838</u>		<u>Stop</u>

	Compass 	
Site Diagram:		

Photos Taken? Yes / No

Noise Sources (circle all that apply): distant aircraft / roadway traffic / rail ops / landscaping / rustling leaves / children playing / dogs barking / birds vocalizing / insects / mechanical

Additional Notes and Sketches on Reverse or Indicated Separate Sheet(s)

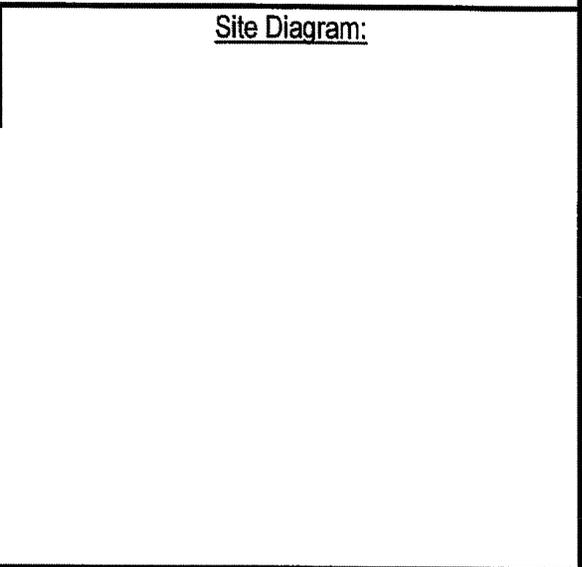
**AECOM Acoustics and Noise Control Practice
FIELD NOISE MEASUREMENT DATA FORM**

Project Name: Continental 446 Fund LLC Project #: 60569782 Date: 03-21-2018 Page 1 of 1
 Measurement Location: ST 3 Analyst: AL

Sound Level Meter	Field Calibration	Meteorological Data
Model #: <u>831</u>	Model #: <u>Cal 200</u>	Model #: _____ Time Obs/Meas: _____
Serial #: <u>3004</u>	Serial #: <u>14376</u>	Serial #: _____ <u>0859</u>
Weighting: <u>(A) C / Flat</u>	Calibration Level (dB): <u>94 / 114</u>	Precipitation: Yes (explain) <u>NO</u>
Response: <u>Slow</u> / Fast / Impl	Pre-Test <u>44.2</u> dBA	Wind: Steady / Gusty <u>(Calm)</u>
Windscreen: <u>(Yes)</u> / No (explain)	Post-Test <u>94.1</u> dBA	Avg Wind Speed/Direction: <u>Calm</u> m/s / MPH

Topo: Flat / Hilly
 Terrain: Hard / Soft / Mixed / Agg / Snow
 GPS Coordinates (at SLM location)
 Temp (°F): 39.26 RH (%): 43
 Bar Psr (Hg): 25.05 Cloud Cover (%): 70

Loc. ID	Start Time (hh:mm)	Stop Time (hh:mm)	Notes / Events
<u>ST 3</u>	<u>0845</u>		<u>Start</u>
	<u>0846</u>		<u>Gate & Alarm</u>
	<u>0848</u>		<u>Jet</u>
	<u>0850</u>		<u>Gate & Alarm</u>
	<u>0853</u>		<u>Gate & Alarm</u>
	<u>0856</u>		<u>Truck coming in</u>
	<u>0859</u>		<u>Truck backing into dock</u>
	<u>0900</u>		<u>Air brakes Klunk of trailer doors</u>
	<u>0901</u>		<u>Truck backing in gated alarm</u>
	<u>0902</u>		<u>Air brakes gate & alarm</u>
	<u>0904</u>		<u>Air releasing Truck leaving trailer</u>
	<u>0905</u>		<u>Truck hooking up to other trailer gate & alarm</u>
	<u>0910</u>		<u>Jet</u>
	<u>0913</u>		<u>Doily coming down stairs</u>
	<u>0919</u>		<u>Prop Plane Truck leaving</u>
	<u>0921</u>		<u>Jet</u>
	<u>0923</u>		<u>Stop</u>

	Compass 	Site Diagram: 
--	------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

Photos Taken? (Yes) / No

Noise Sources (circle all that apply) (distant aircraft) (roadway traffic) (rail ops) (landscaping) (rustling leaves) (children playing) (dogs barking) (birds vocalizing) (insects) (mechanical)

Additional Notes and Sketches on Reverse or Indicated Separate Sheet(s)



Exhibit F
Landscape Buffer



HIGH COUNTRY BEVERAGE



SECTION A-A

NORTH



LANDSCAPE BUFFER PLAN
EXHIBIT F

JOHNSTOWN, CO

CONTINENTAL
PROPERTIES

AGENDA ITEM 9C

**AWARD
OF
CONTRACT
(Low Point Wastewater Treatment Plant
Dewatering Equipment)
(Prime Solution, Inc.)**

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: July 16, 2018

ITEM NUMBER: 9C

SUBJECT: Consider Award of Contract to Prime Solution, Inc. for Low Point Wastewater Treatment Plant Dewatering Equipment

ACTION PROPOSED: Award Contract to Prime Solution, Inc.

PRESENTED BY: Josh Cook, P.E., NOCO Engineering Company, Marty Jones, Water/Wastewater Superintendent and Town Manager

AGENDA ITEM DESCRIPTION: On April 30, 2018 the Town entered into a Professional Services Agreement with Mr. Josh Cook, P.E., of NOCO Engineering Company for services related to the acquisition of dewatering equipment for the Low Point Wastewater Treatment Plant.

Prior to bidding the project, two equipment manufacturers (Prime Solution, Inc., and Fournier Industries) piloted their equipment for several days at the Low Point Plant. Both equipment manufacturers expressed interest in the project during the piloting of their equipment. Following the pilot projects, a Bid request was sent to both manufacturers; however, only Prime Solution, Inc., responded to the Town's solicitation.

Presently, the Town is contracting the hauling of liquid biosolids from the Low Point Treatment Plant to the Central Wastewater Treatment Plant for processing at a cost of approximately \$5,000 per month. The proposed dewatering equipment/Fan Press from Prime Solution, Inc., is projected to eliminate the need for hauling liquid biosolids to Central WWTP for further processing. The dewatering equipment will be able to dewater the biosolids at Low Point WWTP and produce solids that can be placed in a dumpster and sent to the landfill. If the biosolids are sent to the landfill, this will save the Town, at current costs, approximately \$4,300 per month. This is an 87% decrease in biosolids disposal costs. At current flow rates at Low Point WWTP it will take approximately seven (7) years to pay off the equipment, and this number will be less with higher flow rates/additional growth in the Low Point WWTP service area.

Following a review of the Bid submitted by Prime Solution Inc., and comparing it to the bidding documents as well as contacting entities that had recently purchased dewatering equipment from the manufacturer, Mr. Cook is recommending the Contract for Dewatering Equipment for the Low Point Wastewater Treatment Plant be awarded to Prime Solution, Inc., in a Lump Sum amount of \$353,675 (please refer to attached letter for additional information and recommendation). The total does not include the permanent electrical conduit which will be required for the equipment trailer and accessories.

*Mr. Cook will be in attendance to present the agenda item and answer questions.

LEGAL ADVICE: The Town Attorney has reviewed the Contract and Bid Documents.

FINANCIAL ADVICE: According to the Town Treasurer, sufficient funds have been budgeted for the project.

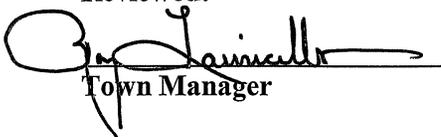
RECOMMENDED ACTION: Award Contract to Prime Solution, Inc.

SUGGESTED MOTIONS:

For Approval: I move to award the Contract for the Low Point Dewatering Equipment to Prime Solution, Inc., in a total amount not to exceed **\$353,675** and authorize the Mayor to sign the Notice of Award and Agreement.

For Denial: I move to deny awarding the contract for the Low Point dewatering equipment to Prime Solution, Inc.

Reviewed:


Town Manager

**NOTICE
OF
AWARD
AND
AGREEMENT**

**AGREEMENT
BETWEEN OWNER AND CONTRACTOR FOR
CONSTRUCTION CONTRACT**

This is an Agreement between **Town of Johnstown** (hereinafter called **OWNER**) and **Prime Solution, Inc.** (hereinafter called **CONTRACTOR**).

Owner and Contractor, in consideration of the mutual covenants set forth herein, agree as follows:

ARTICLE 1 – WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

The scope of services for the project is to provide a fully functional dewatering fan press unit mounted in a trailer that is capable of dewatering MLSS at Low Point WWTP at a minimum rate of 50 gpm with a minimum dewatered solids of 11% and a minimum capture rate of 97% in the filtrate and as specified.

ARTICLE 2 – THE PROJECT

2.01 The Project for which the work under the Contract Documents may be the whole or only a part is generally described as follows: The scope of services for the project is to provide a fully functional dewatering fan press unit mounted in a trailer that is capable of dewatering MLSS at Low Point WWTP at a minimum rate of 50 gpm with a minimum dewatered solids of 11% and a minimum capture rate of 97% in the filtrate and as specified.

ARTICLE 3 – ENGINEER

3.01 The Project has been designed by **NOCO Engineering Co. (NEC)** (Engineer), who is to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

4.01 Time of the Essence

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 Dates for Substantial Completion and Final Payment

A. The Work will be substantially completed on or before November 9, 2018, and completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions on or before November 23, 2018.

4.03 Liquidated Damages

A. Contractor and Owner recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not completed within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if

the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner five hundred dollars (\$500) for each day that expires after the time specified in Paragraph 4.02 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner one hundred dollars (\$100) for each day that expires after the time specified in Paragraph 4.02 for completion and readiness for final payment until the Work is completed and ready for final payment.

ARTICLE 5 - CONTRACT PRICE

5.01 For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in the Bid Form.

As provided in Paragraph 11.03 of the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in Paragraph 9.07 of the General Conditions. Unit prices have been computed as provided in Paragraph 11.03 of the General Conditions.

A. For all Work other than Unit Price Work, a Lump Sum of:

Three hundred fifty three thousand six hundred seventy five dollars zero cents (\$353,675.00)

(words) (numerals)
All specific cash allowances are included in the above price and have been computed in accordance with paragraph 11.02 of the General Conditions.

ARTICLE 6 - PAYMENT PROCEDURES

6.01 Submittal and Processing of Payments

A. Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 Progress Payments; Retainage

A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 30th day of each month during performance of the Work as provided in Paragraphs 6.02.A.1 and 6.02.A.2 below. All such payments will be measured by the schedule of values established as provided in Paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements:

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with Paragraph 14.02 of the General Conditions:

a. Ninety percent (90%) of Work completed (with the balance being retainage) for Agreement amounts less than one hundred fifty thousand dollars (\$150,000). Ninety-five percent (95%) of Work completed (with the balance being retainage) for Agreement amounts greater than or equal to one hundred fifty thousand dollars (\$150,000). For Agreements less than one hundred fifty thousand dollars (\$150,000), Work has been fifty percent (50%) completed as determined by ENGINEER and if the character and

progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of Work completed. In which case, the remaining progress payments before Substantial Completion will be in an amount equal to one hundred percent (100%) of the Work completed.

b. Ninety percent (90%) (with the balance being retainage) of materials and equipment not incorporated in the Work (but delivered, suitably stored, and accompanied by documentation satisfactory to OWNER as provided in paragraph 14.02. of the General Conditions) for Agreement amounts less than one hundred fifty thousand dollars (\$150,000). Ninety-five percent (95%) (with the balance being retainage) of materials and equipment not incorporated in the Work (but delivered, suitably stored, and accompanied by documentation satisfactory to OWNER as provided in paragraph 14.02. of the General Conditions) for Agreement amounts greater than or equal to one hundred fifty thousand dollars (\$150,000). Ninety percent (90%) percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

2. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to Ninety-five percent (95%) percent of the Work completed, less such amounts as Engineer shall determine in accordance with Paragraph 14.02.B.5 of the General Conditions.

6.03 Final Payment

A. Upon final completion and acceptance of the Work in accordance with Paragraph 14.07 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 14.07, subject, however, to compliance with the requirements of Section 38-26-107, Colorado Revised Statutes.

ARTICLE 7 - INTEREST

7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the rate of six (6) percent per annum.

ARTICLE 8 – CONTRACTOR’S REPRESENTATIONS

8.01 In order to induce Owner to enter into this Agreement Contractor makes the following representations:

A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in Paragraph 4.02 of the General Conditions and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site which has been identified in the Supplementary Conditions as provided in Paragraph 4.06 of the General Conditions.

E. Contractor has obtained and carefully studied (or assumes responsibility for doing so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface,

subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents, and safety precautions and programs incident thereto.

F. Contractor does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.

H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 9 - CONTRACT DOCUMENTS

9.01 Contents

A. The Contract Documents consist of the following:

1. This Agreement (pages 00520-1 to 00520-7, inclusive).

2. Performance bond (pages 00610-1 to 00610-2, inclusive).

3. Payment bond (pages 00615A-1 to 00615A-2, inclusive).

4. Other bonds (pages _____ to _____, inclusive).

a. _____ (pages _____ to _____, inclusive).

b. _____ (pages _____ to _____, inclusive).

c. _____ (pages _____ to _____, inclusive).

5. General Conditions (pages 00700-1 to 00700-40, inclusive).

6. Supplementary Conditions (pages 00800-1 to 00800-12, inclusive).

7. Specifications as listed in the table of contents of the Project Manual.

8. Drawings attached to the appendix.

9. Addenda (numbers 0 to 0; inclusive).

10. Exhibits to this Agreement (enumerated as follows):

a. Contractor's Bid (pages 00300-1 to 00300-4, inclusive).

b. Documentation submitted by CONTRACTOR prior to Notice of Award (page 00500-1).

11. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:

a. Notice to Proceed (pages 00670-1, inclusive).

b. Work Change Directives.

c. Change Order(s).

B. (The documents listed in Paragraph 9.01A are attached to this Agreement (except as expressly noted otherwise above).

C. There are no Contract Documents other than those listed above in this Article 9.

D. The Contract Documents may only be amended, modified, or supplemented in writing as provided in Paragraph 3.04 of the General Conditions.

ARTICLE 10 - MISCELLANEOUS

10.01 Terms

A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

10.02 Assignment of Contract

A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 Successors and Assigns

A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 Severability

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement in duplicate. One counterpart each has been delivered to Owner and Contractor. All portions of the Contract Documents have been signed or identified by Owner and Contractor or on their behalf.

This Agreement will be effective on _____, 2018 (which is the Effective Date of the Agreement).

OWNER:

CONTRACTOR:

Town of Johnstown

Prime Solution, Inc.

By: _____

By: _____

Title: _____

Title: _____

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest: _____

Attest: _____

Title: _____

Title: _____

Address for giving notices:

Address for giving notices:

License No.:

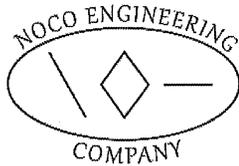
(Where applicable)

Agent for service or process:

(If OWNER is a corporation, attach evidence of authority to sign. If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of OWNER-CONTRACTOR Agreement.)

(If CONTRACTOR is a corporation or a partnership, attach evidence of authority to sign.)

**LETTER
OF
RECOMMENDATION**



11323 Coal Mine Street
Firestone, CO 80504
Phone: 720-324-3625
jcook@nec-engrs.com

July 5, 2018

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

ATTN: Roy Lauricello

RE: Low Point WWTP Dewatering Equipment Bid Results

Dear Roy:

NEC received Bids on behalf of the Town for the dewatering equipment (trailer mounted fan press) on June 29, 2018. NEC was expecting to receive two (2) separate Bids, one from Prime Solution, Inc. and the second one from Fournier Industries. Both of these equipment manufacturers showed interest in the project as they piloted their equipment for several days at Low Point WWTP prior to bidding the project. However, we only received one Bid from Prime Solution, Inc. for a lump sum price of \$353,675.00. The Town's budget for the project was \$400,000 which includes engineering fees.

I had a discussion with Fournier Industries on June 29, 2018 asking why they did not turn in a Bid and their response was they could not meet the delivery times (December 2018) as stated in the bidding documents. My personal opinion is Fournier Industries knew they would have a higher price than Prime Solution for this project and did not want to turn in a high bid. The reason why I believe their equipment was going to be higher in price, is during the pilot testing Fournier Industries had a difficult time processing the biosolids at a flow rate of 13 gallons per minute (gpm) with their 36-inch fan press. Prime Solution was able to process the biosolids at 15 gpm with their 24-inch fan press. When the specifications required a flow rate of 50 gpm to process the biosolids, Fournier Industries would have to supply four (4) 36-inch fan presses to meet the flow requirements whereas Prime Solution could supply one 48-inch fan press to meet the flow requirements.

Prime Solution's Bid was found to be in conformance with the Bidding Documents. They supplied a certified check in the amount of \$17,684.00 in place of the Bid Bond which is allowed in the Bid Documents. They also supplied a list of five different entities who have recently purchased a fan press from Prime Solution.

Reference checks were completed and I was able to talk to Riverstone WWTP who has been operating a fan press for a couple of years in California. The operator has used a belt filter press and centrifuge to dewater biosolids at other facilities and Prime Solution was their first fan press they have used to dewater biosolids. The operator preferred the fan press to dewater biosolids, it has a small footprint, it is easy to operate, clean up at the end of the day was extremely fast, and the fan press produced a consistent cake. They have not had any mechanical issues with the equipment and they recommend Prime Solution's equipment. The

second recommendation came from North Brevard WWTP in Florida, they have a dual 48-inch fan press and they love it. They would not say a bad word about the machine and they recommend getting one as soon as possible. Their comments about Prime Solution's fan press was remarkable, they said it was easy to operate, easy to clean, and during operation it required little attention. The individual I talked to was Mike who was a filling in for the main operator who was on vacation.

I recommend to the Town Council to approve the Bid submitted by Prime Solution, Inc in the amount of \$353,675.00 for the trailer mounted dewatering equipment/fan press. I found the Bid to be consistent with the Bidding Documents and references were outstanding for the equipment and the company.

Sincerely,

A handwritten signature in cursive script that reads "Josh Cook".

Josh Cook, P.E.
President
NOCO Engineering Company

Attachments: Contact Documents

