

***TOWN COUNCIL***

***MEETING***

***PACKET***

**November 4, 2019**



## Town Council

**Agenda**  
**Monday, November 4, 2019**  
**Town Hall, Council Chambers**  
**450 So. Parish Avenue**  
**7:00 PM**



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**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."*

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*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**
  - Proclamation – Veterans' Day
- 5) **PUBLIC COMMENT (three-minute limit per speaker)**

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*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.*

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- 6) **CONSENT AGENDA**
  - A) Town Council Meeting Minutes – October 7, 2019
  - B) Payment of Bills
  - C) Agreement to include Pulliam Water Rights in the Home Supply Water Court Change
- 7) **TOWN MANAGER REPORT**
- 8) **TOWN ATTORNEY REPORT**
- 9) **OLD BUSINESS**
- 10) **NEW BUSINESS**
  - A. **Public Hearing** – Best Pizza LLC DBA MOD Pizza located at 4938 Thompson Parkway
  - B. **Public Hearing** – Lux NailBar Inc. DBA Lux Nail Bar located at 4900 Larimer Parkway
  - C. **Public Hearing** – Presentation of the 2020 Budget
  - D. Consideration of a Coordinated Planning Agreement Between the Town of Johnstown and Weld County
  - E. Consider Resolution 2019-22 Approving Amendments to the Johnstown Area Comprehensive Plan and The Three Mile Plan
  - F. Johnstown Lone Tree Pump Improvement Project
  - G. Central Wastewater Treatment Plant Aeration Project\
  - H. Discussion Only – Camping restrictions
- 11) **EXECUTIVE SESSION**

An executive session with the Town attorney regarding financial matters involving the Glenn A. Jones M.D. Memorial Library pursuant to C.R.S. 24-6-402(4)(b).
- 12) **COUNCIL REPORTS AND COMMENTS**

13) MAYOR'S COMMENTS

14) ADJOURN

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## Work Session

A. Johnstown Plaza Apartment Request



### **NOTICE OF ACCOMODATION**

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

**AGENDA ITEM 4**

**Veteran's Day Proclamation**

# Proclamation

## VETERAN'S DAY

November 11, 2019

WHEREAS, in 1954, President Dwight D. Eisenhower signed the first Veteran's Day Proclamation calling on the citizens of the United States to "pay appropriate homage to the veterans of all its wars who have contributed so much to the preservation of this Nation;" and

WHEREAS, as our Nation has fought and continues to fight battles around the world, the words of the first proclamation still ring true: "let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting and enduring peace so that their efforts shall not have been in vain;" and

WHEREAS, as citizens of this great Nation, we remember with grateful hearts those men and women who served in the United States Armed Forces with distinction and valor as sailors, soldiers, airmen and marines and offer our sincere prayers for the safety of those who continue to defend the principles on which our country was founded; and

WHEREAS, the Town of Johnstown is proud to recognize our Nation's veterans and extend the appreciation of our citizens to those who wear the uniforms of the United States Armed Forces and serve on the front lines preserving freedom and liberty.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT I, Gary L. Lebsack, on behalf of the Town Council of the Town of Johnstown, hereby:**

PROCLAIM November 11, 2019, as VETERANS DAY in the Town of Johnstown; and

ENCOURAGE all citizens of the Town of Johnstown to observe and appreciate the sacrifices and contributions of veterans who have fought for peace and the defense of democracy in the United States and abroad.

PASSED, SIGNED, APPROVED AND ADOPTED this 4th day of November, 2019.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Gary L. Lebsack, Mayor

## **AGENDA ITEM 6A-C**

### **CONSENT**

### **AGENDA**

- **Council Minutes – October 7, 2019**
  - **Payment of Bills**
- **Agreement to include water shares in Home Supply Change Case**

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**TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** November 4, 2019

**ITEM NUMBER:** 6A-C

**SUBJECT:** Consent Agenda

**ACTION PROPOSED:** Approve Consent Agenda

**PRESENTED BY:** Town Clerk

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

- A) Town Council Meeting Minutes – October 7, 2019
- B) Payment of Bills
- C) Agreement to include Pulliam Water rights in the Home Supply Change Case.

\*As we prepare for the water court change case to be filed, we plan to include the DeVries water, often referred to as the Koenig Contract Storage Water or the Pulliam Water with our Home Supply Change Case. This water is a bit more complex versus the Home Supply Water and consequently, we have asked for an agreement that provides the framework of moving this water through the change case with our other water. Because the water is a bit more complex and requires additional time to research, additional funding is being required to move it through the courts. This understanding memorializes the costs and the facts related to the case to be filed by the Town of Johnstown by including this water.

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**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.

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**FINANCIAL ADVICE:** N/A

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**RECOMMENDED ACTION:** Approve Consent Agenda

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**SUGGESTED MOTION:**

**For Approval:** I move to approve the Consent Agenda.

**For Denial:**

# **Council Minutes**

The Town Council of the Town of Johnstown met on Monday, October 7, 2019 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor Lebsack led the Pledge of Allegiance.

Roll Call:

Those present were: Councilmembers Berg, Lemasters, Mellon, Tallent and Young

Those absent were: Councilmember Molinar Jr.

Also present: Avi Rocklin, Town Attorney, Matt LeCerf, Town Manager, Marco Carani, Public Works Director, Mitzi McCoy, Finance Director, Kim Meyers, Planning and Development Director and Brian Phillips, Police Chief.

Agenda Approval

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

Public Comments

Leslie Arnold, Michael Wailes and Sara Hall representatives from the school district shared with Council some of the positives of the Johnstown-Milliken School District Ballot Issues 5A and 5B.

Consent Agenda

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

- September 16, 2019 Council Meeting Minutes
- Payment of Bills
- Resolution 2019-20, A Resolution Authorizing a Mail Ballot Election for the Town of Johnstown's Regular Municipal Election for April 7, 2020
- Order granting a Hotel and Restaurant Liquor License to Café Mexicali- Johnstown
- Order granting a Beer and Wine Liquor License to BM Nail Bar
- Addendum to Water and Sewer Service Agreements – I-25 Gateway Center

Motion carried with a unanimous vote.

New Business

A. Consider Contract for Water Tank Painting – This is a request for the painting of the two water tanks and filter building at the water treatment plant that were vandalized with graffiti. The town solicited quotes from two primary tank painting companies. The amount of \$59,486.60 quoted from National Coating was the lower of the two quotes. The quote includes painting the two water tanks and paint the outside east facing wall of the filter building. A budget amendment, reflecting the expenditure, will be brought to Council before the end of the year. Councilmember Lemasters made a motion seconded by Councilmember Tallent to approve National Coating to paint the two tanks and the filter building in an amount not to exceed \$59,486.60. Motion carried with a unanimous vote.

Johnstown, Colorado

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October 7, 2019

B. Resolution 2019-21, Supporting Johnstown-Milliken School District Ret-J Ballot Issues 5A & 5B on the November 5, 2019 General Election Ballot. Councilmember Mellon made a motion seconded by Councilmember Young to approve Resolution 2019-21. Motion carried with a unanimous vote.

There being no further business to come before Council the meeting adjourned at 7:48 p.m.

Mayor

Town Clerk

# **Payment of Bills**

Town of Johnstown - List of Bills  
October 1, 2019 - October 31, 2019

<u>Vendor</u>	<u>Description</u>	<u>Dept.</u>	<u>Amount</u>
2534 Retail Phase 1, LLC	Tax reimbursement - 2nd Qtr 2019	ADM	60,606.28
4990 Ronald Reagan LLC	Police substation lease	PD	1,519.75
A & E Tire Inc	Retorque wheels & replace tire	PD	178.55
A-1 Chipseal	Slurry seal / crackseal	PW	210,847.15
Ace Hardware	Supplies	PW	627.31
Ace of Blades	Lawn mowing	PW	1,450.00
Advanced Mechanical Services	Parts & labor	PW	10,555.00
All Copy Products	Quarterly service	ADM	889.21
All Purpose Rental & Sales	Equipment	PW	13,633.94
AP Mountain States, LLC	Recreation center	ADM	1,730,232.71
Arrowhead Forensics	Evidence supplies	PD	331.64
Batteries Plus	Batteries	PW	118.75
BHA Design Incorporated	Highway 60	PW	1,777.50
Brandon Copeland	Professional services	ADM	282.84
Brenner Builders LLC	Drainage service	PW	18,210.00
Browns Hill Engineering & Cont, LLC	Sewer service work	PW	4,024.30
Card Services	Utility bills/supplies/training	ADM	8,800.28
Caselle, Inc	Software maintenance/support	ADM	1,502.00
CDW Government	Panasonic Toughbooks	PD	10,168.72
Central Weld County Water District	Water	PW	650.02
CenturyLink	Telephone	ALL	347.55
CH Diagnostic & Consulting	Analysis	PW	420.00
Cintas	Mat service	ALL	724.32
Cirsa	Insurance	ALL	51,427.32
Colmenero, Ruben	Refund of duplicate payment	ADM	258.93
Colorado Analytical Labs	Lab testing	PW	1,445.00
Colorado Department of Revenue	OJW processing fees	PD	270.00
Consolidated Home Supply Ditch &	Trace fees	ADM	600.00
Core & Main	Hydrant supplies	PW	610.00
Coren Printing, Inc	Letterhead	ADM	119.00
Coulson Excavating Co Inc	Supplies	PW	521.36
DBC Irrigation Supply	Supplies	PW	1,681.47
DPC Industries Inc	Chemicals	PW	54,545.02
Drug Testing Services, Inc.	Drug test	PD	412.50
Ennis-Flint, Inc.	Drainage supplies	PW	1,778.92
Entenmann-Rovin Co.	Badges	PD	413.00
Ergomed	New hire screen	ADM	200.00
Felsburg Holt & Ullevig	Professional services	ADM	10,960.52
First Class Security Systems	Fire system monitoring	ALL	78.90
First National Bank	Banking services	ADM	1,550.01
Fort Collins Dodge Chrysler Jeep	Vehicle repairs	PD	1,170.53
Front Range Raynor	Shop door	PW	222.00
Gamez, Shirley Newsom	Mileage	ADM	65.00
Gerrard Family Limited Partnership	Reimbursement of improvements	ADM	54,961.52
Glenn A. Jones Library	Library support	ADM	39,375.00
Gould, Travis	Boot reimbursement	PW	50.00

Town of Johnstown - List of Bills  
October 1, 2019 - October 31, 2019

<u>Vendor</u>	<u>Description</u>	<u>Dept.</u>	<u>Amount</u>
Grainger, Inc.	Maintenance supplies	PW	964.41
Greeley Electric Repair Inc.	Supplies	PW	704.45
Greystone Technology Group	Monthly support	ALL	1,200.00
Ground Engineering Consultants	YMCA construction	ADM	3,753.75
Hach Company	Supplies & chemicals	PW	6,273.78
Harrington Industrial Plastics	Tubing	PW	217.21
Hays Market	Kitchen supplies	ALL	197.97
Helton & Williamsen, P.C.	Bill Back - Engineering Services	ADM	6,531.26
Heritage Title Co. (Greeley)	Title guarantee - water	ADM	4,840.00
Hill & Robbins, PC	Legal services	ADM	1,426.00
Home Depot Pro	Cleaning supplies	ALL	436.59
IMEG Corp	Engineering services	ADM	2,626.96
IMEG Corp	Billbacks - Engineering Services	ADM	14,610.00
Insight North America, LLC	Investment services	ALL	2,683.87
InVision GIS	Professional services	ADM	1,983.75
J&S Contractors Supply Co.	Grader blade	PW	708.00
Jacob Blackburn	Uniform allowance	PD	450.00
John Deere Financial	Parts	PW	13.69
Johnstown-Milliken	Chamber dues	ADM	3,000.00
Kehr, Bailey	K9 supplies	PD	87.52
Kelly Supply Co	Supplies	PW	299.23
Kinetic Energy Services, LLC	Service	PW	1,320.00
La Salle Oil Company	Fuel	PW	461.07
LaCouture, Inc.	Recreation center	ADM	13,248.00
Larimer County Sales Tax Admin.	Use Tax - Reimbursement	ADM	6,369.95
Law Office of Avi Rocklin LLC	Legal services	ADM	6,207.00
Law Office of Avi Rocklin LLC	Bill Back - Legal Services	ADM	7,374.50
Lazar, Michael	Municipal Court Judge	ADM	1,312.50
LeCerf, Matthew	Travel reimbursement	ADM	69.51
Lee's Towing	Towed vehicle	PW	167.00
Life Stories Child & Family Advocacy	3rd Quarter Fees	PD	156.00
Lockard Development Group Inc.	Waterlines	PW	5,250.00
Lowe's	Supplies	PW	46.52
Mac Equipment	Equipment	PW	514.20
Macdonald Equipment Co	Parts	PW	365.74
Mariposa	Plant maintenance	ADM	85.00
Milliken Johnstown Electric	Water plant service	PW	2,922.25
My Office Etc.	Office supplies	ADM	88.41
Nalco Company LLC	Chemicals	PW	5,992.68
Napa Auto Parts, Inc	Vehicle parts	ALL	1,190.16
NASRO	SRO Class Officer Kelley	PD	495.00
Newco Inc	Supplies	PW	146.65
Newman	Street signs	PW	94.04
North Colorado Medical Center	SANE Exam	PD	621.00
Northern Safety Co Inc	Supplies	PW	421.30
O.J. Watson Company Inc	Coupler & supplies	PW	588.22

Town of Johnstown - List of Bills  
October 1, 2019 - October 31, 2019

<u>Vendor</u>	<u>Description</u>	<u>Dept.</u>	<u>Amount</u>
Office Depot Business Credit	Supplies	ALL	1,395.06
Perkins+Will, Inc.	Professional Services -Rec Ctr	ADM	17,127.84
Phillips, Hunter	Reimburse for CDL license	PW	442.01
Pioneer	Mulch	PW	1,801.22
Pitney Bowes Global	Postage meter	ADM	98.55
PLS Corporation	Professional Services	PW	1,587.50
Poudre Valley REA	Utilities	ALL	12,154.52
Pribble, Maurice	Training	PW	150.00
ProCode Inc.	Inspection services	ADM	10,500.00
Purchase Power	Postage meter	ADM	301.50
Quill	Office supplies	ADM	76.44
Reif & Hunsaker PC	Billback - Legal Services	ADM	269.50
RESTOR Colorado	Refund of permit fees	ADM	358.91
Rhinehart Oil Co., Inc.	Fuel	ALL	12,108.53
Rodney Brown	Uniform Allowance	PD	450.00
Royal-T	Sewer jetting	PW	698.00
Sam's Club MC/SYNCB	Supplies	ADM	29.99
Security Central, Inc	Wastewater Security	PW	213.00
Southwest Direct, Inc.	Utility bill printing	ADM	2,966.11
Spanos Corporation	Refund TCO fee	ADM	500.00
TDS	Internet Services	ALL	602.21
The Home Depot/GECF	Supplies	PW	1,073.52
The Reporter Herald	Subscription	ADM	104.00
Thompson Ranch Development	Tax Reimbursement - 2nd Qtr 2019	ADM	16,771.61
Trugreen Chemlawn	Lawn service	PW	1,050.00
Twin Silos, LLC	Reimbursement	ADM	8,000.00
UE Compression	Service/material	PW	653.13
United Power	Utilities	ALL	798.60
Utility Notification Center	Transmissions	PW	668.82
Various Customers	Utility refunds	ADM	1,656.74
Various Customers	Community center deposit refunds	ADM	1,710.00
Various Customers	Hydrant deposit refunds	PW	3,000.00
Veris Environmental, LLC	Sewer supplies	PW	4,330.16
Verizon Wireless	Cell phones	ALL	2,394.24
Waste Management	Trash service	PW	60,023.97
Weld County	Travel & training	ADM	15.00
Western Fire Extinguisher	Annual inspection - fire extinguishers	ALL	621.00
Windstream	Phone services	ALL	1,908.86
Winters, Hellerich & Hughes, L	Prosecuting attorney services	ADM	7,447.50
Wireless Advanced	Supplies	PD	374.00
WR Investment, LLC	Reimbursement Agreement	ADM	253,000.00
Xcel Energy	Utilities	ALL	56,442.95
Yost Cleaning	Monthly cleaning	ALL	2,219.00
	Total:		2,897,222.95

# **Agreement**

## REQUEST TO INCLUDE WATER RIGHT IN CHANGE CASE

I\_Acre Farms LLLP ("Water Right Owner") hereby request that my 47 acre-feet of Koenig Contract Storage Water ("Water Right") be included in the next case the Town of Johnstown ("Town") files in Water Court to change the purpose of use of various water rights and shares in ditch companies to include municipal uses within the Town of Johnstown ("Change Case").

1. A copy of the decree or other evidence of the Water Right is attached.
2. Water Right Owner agrees to cooperate with the Town by providing all documents regarding past use of the Water Right and, if requested, provide an affidavit stating the past use of the Water Right, to the best of Water Right Owner's knowledge and will take such other reasonable actions the Town deems necessary to prosecute the Change Case.
3. Water Right Owner acknowledges and agrees that it is in the Town's sole discretion as to when the Change Case may be filed.
4. Water Right Owner acknowledges and agrees that the Town will be the sole entity to make any decisions before, during or after the Change Case as to any strategy, compromise or settlement that may include the Water Right.
5. Water Right Owner acknowledges and agrees that the Town does not warrant or promise any specific outcome for the Change Case and Water Right Owner will have no remedy against the Town and the Town will have no liability to Water Right Owner based on the inclusion of the Water Right in the Change Case or the final outcome of the Change Case and the final decree, if any.
6. As a payment for the costs to be incurred by the Town in prosecuting the Change Case, Water Right Owner must make a deposit payment to the Town in the amount of \$10,000.00.
7. At any time prior to the entry of a final decree, Water Right Owner may request, in writing to the Town, that the Water Right be withdrawn from the Change Case. Water Right Owner accepts any and all risks in making such withdrawal. If Water Right Owner makes such a withdrawal, the Town may retain the payment required by paragraph 6, above.
8. At any time prior to the entry of a final decree, the Town, in its sole discretion, may withdraw the Water Right from the Change Case. If the Town does so, it must refund the cost payment of \$10,000 to Water Right Owner, less any direct costs attributed to matters and research of this Water Right. If the Town deducts any such direct costs and there are corresponding documents, the Town agrees to provide copies of such documents to the Water Right Owner.
9. If the Water Right of the Water Right Owner is changed through the Change Case, Water Right Owner will pay to the Town the cost directly attributed to matters and research of the Water Right plus the percentage cost of the Change Case measured between the total acre-feet

changed in the Change Case and the acre-feet of the Water Right changed, less the deposit payment of \$10,000.

10. Water Right Owner acknowledges and agrees that this request and the Town's consent does not create a principal-agent relationship between Water Right Owner and the Town.

11. Water Right Owner acknowledges and agrees that this request and the Town's consent does not create an attorney-client relationship with the Town's attorneys, as they are now or may change in the future, and further that if a dispute arises between Water Right Owner and the Town, Water Right Owner cannot object to the continued representation of the Town in any matter by its present or future attorneys.

12. Notices. All notices, demands, or other documents required or desired to be given, made or sent to either Party under this Agreement shall be made in writing, shall be deemed effective upon receipt and shall be personally delivered or mailed postage prepaid, certified mail, return receipt requested, as follows:

TO WATER RIGHT OWNER:

Acre Farms LLLP  
Garrett De Vries DVM  
29532 WCR 64  
Gill, Co. 80624

TO THE TOWN:

Town of Johnstown  
c/o Town Clerk  
450 S. Parish Ave.  
Johnstown, CO 80534

WITH A COPY TO  
THE TOWN ATTORNEYS:

Avi Rocklin, Esq.  
Johnstown Town Attorney  
1437 N. Denver Avenue, #330  
Loveland, CO 80538

Peter J. Ampe  
Hill & Robbins, P.C.  
1660 Lincoln St., Suite 2720  
Denver, CO 80264

The addresses for notices may be changed by written notice given to the other Party in the manner provided above.

13. Amendment or modification. No amendment or modification of this Agreement shall be of any force or effect unless in writing and executed by the Parties hereto with the same formality as this Agreement.

14. Attorney's fees and costs. If any judicial proceedings may hereafter be brought to enforce any of the provisions hereof, including an action for specific performance and/or damages, the Town, if the prevailing party, shall be entitled to recover the costs of such proceedings, including reasonable attorney's fees and reasonable expert witness fees.
15. Waiver. The waiver of any breach of any of the provisions of this Agreement by either Party shall not constitute a continuing waiver of any subsequent breach by said Party, concerning either the same or any other provision of this Agreement.
16. The Parties, with each having the opportunity to seek the advice of legal counsel and each having an equal opportunity to contribute to its content, drafted this Agreement jointly.
17. Non severability. Each paragraph of this Agreement is intertwined with the others and is not severable unless by mutual consent of the Parties hereto.
18. Choice of laws. This Agreement and the rights and obligations of the Parties hereto shall be governed by the laws of the State of Colorado. Venue for any claim, proceeding or action shall be in Larimer or Weld County, State of Colorado.
19. Entire agreement and Authorization. This Agreement constitutes the entire agreement between the Parties related to the subject matter hereof and any prior agreements pertaining thereto whether oral or written have been merged or integrated into this Agreement. Each of the undersigned represents to the others that he/she is authorized by his/her respective entity to execute this Agreement on behalf of that entity.

[Signatures follow on separate page]



**AGENDA ITEM 7**

**Town Manager Report**



# TOWN OF JOHNSTOWN

## MEMORANDUM

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TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: November 4, 2019

CC: Town Staff  
Local Media

SUBJECT: Departmental Report

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Upcoming Town Council Work Sessions – If there are topics that the Council would like staff to schedule for discussion, please let me know. The following topics are recommended for Council discussion (all meetings will be held in the Town Council Chambers unless otherwise indicated):

- 11/04/2019 – Regular Town Council Meeting
  - 11/11/2019 – Offices closed in observance of Veteran’s Day
  - 11/18/2019 – Regular Town Council Meeting
  - 12/02/2019 – Regular Town Council Meeting
  - 12/12/2019 – Special Called Meeting – FY 2020 Budget Adoption
  - 12/16/2019 – Regular Town Council Meeting
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### **Administration, Finance, & Planning**

- *Employee Benefits Meeting* – An employee’s benefits meeting has been scheduled for November 6 at 10:00 a.m. A representative from CEBT will be present to review the new health insurance options and to assist in the employee enrollment.
- *Liquor License Renewal* – The Fermented Malt Beverage License for 7-Eleven located at 50 Telep Avenue was submitted to the State Liquor for renewal.
- *Thompson River Ranch Walk Through* – A walk-through was conducted in early October with a representative from Oakwood, the Metro District, and the landscape company. Things appear to be moving in the right direction – new seed has been installed, 33 new trees planted and they are completing the sidewalk with concrete that was planned for an equestrian trail. Overall, things seem to be moving in the right direction. One issue we did discuss is that in certain areas native grass is called for in various areas of the open space, which generally is going to need to grow higher to squeeze out the weeds and to keep from burning off as it isn’t as resilient as turf is. Accordingly, I will be working with our code team to see how we can create a balance of letting the native grass grow higher as it is intended to help control the weed growth.

**The Community That Cares**

- *CDOT Meetings* – Staff is meeting with CDOT to discuss opportunities to install sleeves to cross various areas of I-25 while construction is currently in progress. This will help reduce overall costs for infrastructure installation needs in the future. They are very receptive to this proactive approach now instead of later. Staff is also working on bridge spans at overpasses (CR 46, 14, 16) to ensure adequate space for buildout and expansion of the Town’s vehicular and ped/bike transportation network into the future.
- *PVREA* – Town Staff met with Poudre Valley Rural Election Association about the renewal of the existing franchise agreement. The current agreement expires at the end of the calendar year. There is a possibility based on document massaging and public notification requirements that we may need to extend the existing contract administratively for 60 days. If the contract does need to be extended it will not impact the revenues provided by the franchisee.
- *Emergency Management* – The Police Chief, Public Works Director, and Town Manager met with a representative from the Larimer County Office of Emergency Management to discuss coordinated efforts of emergency planning and how we can and should be working together for emergency preparedness. Larimer will be updating their plan next year and we plan to participate in this process considering our jurisdictional boundary interests.
- *Phone Systems* – Our offices just transferred to a new VOIP phone system. This allows us to have more than 4 lines in Town Hall and more versatility in reaching us while in the field for work needs.
- *GIS* – Planning staff has been actively working with our consultants to move the GIS program forward. A large format printer and scanner have been ordered to begin producing updated maps once final tweaks to the mapping and formatting are complete in the next couple of months. The system will aggregate information from the assessor and 2019 aerials from both counties; data from schools, special districts, and utilities; updated FEMA mapping; and other relevant data.
- *2534* – Staff is coordinating with the property management for several owner associations in the 2534 area to discuss planned updated landscaping and maintenance along the main streets, coordinate on development reviews and site inspections, discuss maintenance issues, and provide general support to the area.

## **Police Department**

### ***Training:***

- *Building Search Training* – Both Red and Blue platoons completed Building/Room clearing training.
- *Field Training Officer (FTO) certification* – Officer Cygan has completed a 40-hour Field Training Officer (FTO) class to learn the latest techniques in adult education to effectively train new officers.
- *K9 Decoy Training* – Officer Perry and Officer Zoss completed a K9 Decoy class for proper training on how to assist Officer Kehr during her K9 academy.
- *K9 Academy* – Officer Kehr started her 16 week K9 academy in Loveland with her K9 partner Vasco.

### ***Community Policing, Outreach & Miscellaneous Items:***

- *Community education* – Lieutenant Oglesby taught Civilian Response to Active Shooter Events (CRASE) to Stepping Stones Preschool teachers.

- *Assist with other agency* – Commander Sanchez is assisting the Severance Police Department with the management and oversight of their police department while they search for a new police chief.

## **Public Works Department**

### ***Streets, Stormwater, & Parks***

- *Parks* – Sprinkler systems have been blown out and the year-end final clean-up of parks has been completed.
- *Pavement markings* – Crews have been placing thermo plastic around Town. Stop bars and crosswalks have been completed in Rolling Hills, N. 2<sup>nd</sup> and Greeley and Johnstown Farms area. A 4-way stop was installed at Greeley and 2<sup>nd</sup> St. due to concerns about Student safety. Staff met with the Police Chief and the decision to install was agreed upon.
- *Fleet* – Five police cruisers had regular maintenance, as well as 3 pickups in the last 30 days.
- *Streets* – Regular road grading was completed on approximately 26 miles of gravel roads. Mag chloride was also applied on LCR 3 and 20C. Street patching was done on North and South Estes, Alder Ave., and Ruddy St. Crews applied approximately 14 tons of hot mix and 175 pounds of cold patch to repair pot holes around Town.
- *Plowing* – Crews were out early on October 27<sup>th</sup> plowing snow and are prepping for another storm on the 29<sup>th</sup> into the 30<sup>th</sup>.

### ***Water & Wastewater***

- *Water plant* – Tank painting is underway. The latest cold weather has delayed the completion of the tanks. All tanks have been primed and should be completed within 2 weeks. Two small holes were found on one of the ribs of the Tank during painting. Divers were hired to look at the inside of the tanks in order to make sure no other damage was present or other repairs were needed. We brought in a welder to grind and weld the locations of the leak.
- *Central plant* – Final preparation and design has been finished and staff is getting contracts in place to start project. The project will eliminate the use of pond #1 and most of the flow will go through the head works building and a small portion will go into Pond #2. This will help with Ammonia and Nitrogen compliance – an issue we have had with compliance. A chemical polymer feed will be added to the DAF to help with TSS (Total Suspended Solids) compliance. We will also be sending a letter to the State explaining current project and future plans for compliance.
- *Cemetery* – Final clean-up of cemetery is underway. Staff has been mowing and picking up leaves.
- *Staff* – I would like to congratulate Maurice Pribble for passing his Class C water treatment certification and Saul Herrera for passing his Collection and Distribution 1 certifications.

**AGENDA ITEM 10A**

**Public Hearing**

**(Best Pizza LLC DBA MOD Pizza  
Beer and Wine License)**

\*NEW LIQUOR LICENSE PUBLIC HEARING PROCEDURE – Best Pizza LLC  
DBA MOD Pizza

1. Open public hearing.
2. Receive information from staff.
3. Receive information from applicant.
4. Receive information from “parties in interest.” Parties in interest may also cross-examine the applicant.

(Parties in interest include adult residents of the designated neighborhood, the owner or manager of any business located within the designated neighborhood and the representative of any school within 500 feet of the proposed license. The representative of any organized neighborhood group within the designated neighborhood may present evidence, but may not cross-examine witnesses.)

5. Discretionary: Receive information from “others.” *(Only if the testimony would aid Council in considering the application.)*
6. Additional questions from Council, if any.
6. Close the public hearing. *(No more questions from Council.)*
7. Discussion and deliberation among Council.
8. Make a decision and/or motion from Council.

SUGGESTED MOTIONS

For Approval: I move to approve the Application for a Beer and Wine License for Best Pizza LLC.

For Denial: I move to deny approval of the Application for a Beer and Wine License for Best Pizza LLC.

**TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** November 4, 2019

**ITEM NUMBER:** 10A

**SUBJECT: \*Public Hearing** – Best Pizza LLC DBA MOD Pizza - New Beer and Wine License

**ACTION PROPOSED:** Consider Issuance of a New Beer and Wine License

**PRESENTED BY:** Town Clerk, Town Attorney

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**AGENDA ITEM DESCRIPTION:** This item is a public hearing to receive comments regarding the proposed new Beer and Wine License for Best Pizza, LLC DBA MOD Pizza, located at 4938 Thompson Parkway, Johnstown. When approving or denying an application, the Council acts as the local licensing authority and must consider if the reasonable requirements of the defined neighborhood are not presently being met by existing establishments, the desires of the adult inhabitants, and the number, type and availability of other similar liquor establishments located in or near the petitioned neighborhood as well as the moral character of the applicants.

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

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

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**RECOMMENDED ACTION:** Consider issuance of a new Beer and Wine License for Best Pizza, LLC.

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**SUGGESTED MOTION:**

**For Approval:** I move to approve the issuance of a new Beer and Wine License for Best Pizza, LLC.

**For Denial:** I move to deny the issuance of a new Beer and Wine License for Best Pizza, LLC.

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**Reviewed:**

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**Town Manager**

# **Liquor License Application**

# Colorado Liquor Retail License Application

New License   
  New-Concurrent   
  Transfer of Ownership   
  State Property Only

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor)

1. Applicant is applying as a/an   
 Individual   
 Limited Liability Company   
 Association or Other  
 Corporation   
 Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation  
 Best Pizza, LLC FEIN Number  
46-5474507

2a. Trade Name of Establishment (DBA) State Sales Tax Number  
 MOD Pizza 30384599-0016 Business Telephone  
208-806-0730

3. Address of Premises (specify exact location of premises, include suite/unit numbers)  
 4938 Thompson Parkway

City Johnstown	County Larimer	State CO	ZIP Code 80534
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4. Mailing Address (Number and Street) P.O. Box 2438	City or Town Ketchum	State ID	ZIP Code 83340
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5. Email Address  
 kembree@emhllc.com

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA) N/A	Present State License Number N/A	Present Class of License N/A	Present Expiration Date N/A
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Section A Nonrefundable Application Fees	Section B (Cont.) Liquor License Fees
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<input type="checkbox"/> Application Fee for New License .....\$550.00 <input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review .....\$650.00 <input type="checkbox"/> Application Fee for Transfer .....\$550.00	<input type="checkbox"/> Lodging & Entertainment - L&E (County) .....\$500.00 <input type="checkbox"/> Manager Registration - H & R .....\$75.00 <input type="checkbox"/> Manager Registration - Tavern .....\$75.00
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Section B Liquor License Fees	Liquor License Fees
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<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex\$75.00 X _____ Total _____ <input type="checkbox"/> Add Sidewalk Service Area.....\$75.00 <input type="checkbox"/> Arts License (City) .....\$308.75 <input type="checkbox"/> Arts License (County) .....\$308.75 <input checked="" type="checkbox"/> Beer and Wine License (City).....\$351.25 <input type="checkbox"/> Beer and Wine License (County).....\$436.25 <input type="checkbox"/> Brew Pub License (City) .....\$750.00 <input type="checkbox"/> Brew Pub License (County).....\$750.00 <input type="checkbox"/> Campus Liquor Complex (City).....\$500.00 <input type="checkbox"/> Campus Liquor Complex (County).....\$500.00 <input type="checkbox"/> Campus Liquor Complex (State).....\$500.00 <input type="checkbox"/> Club License (City).....\$308.75 <input type="checkbox"/> Club License (County) .....\$308.75 <input type="checkbox"/> Distillery Pub License (City).....\$750.00 <input type="checkbox"/> Distillery Pub License (County).....\$750.00 <input type="checkbox"/> Hotel and Restaurant License (City).....\$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) .....\$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) .....\$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County).....\$600.00 <input type="checkbox"/> Liquor-Licensed Drugstore (City) .....\$227.50 <input type="checkbox"/> Liquor-Licensed Drugstore (County) .....\$312.50 <input type="checkbox"/> Lodging & Entertainment - L&E (City) .....\$500.00	<input type="checkbox"/> Manager Registration - Lodging & Entertainment.....\$75.00 <input type="checkbox"/> Manager Registration - Campus Liquor Complex .....\$75.00 <input checked="" type="checkbox"/> Master File Location Fee .....\$25.00 X _____ Total _____ <input type="checkbox"/> Master File Background .....\$250.00 X _____ Total _____ <input type="checkbox"/> Optional Premises License (City).....\$500.00 <input type="checkbox"/> Optional Premises License (County).....\$500.00 <input type="checkbox"/> Racetrack License (City).....\$500.00 <input type="checkbox"/> Racetrack License (County).....\$500.00 <input type="checkbox"/> Resort Complex License (City).....\$500.00 <input type="checkbox"/> Resort Complex License (County).....\$500.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (City).....\$160.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (County).....\$160.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (State).....\$160.00 <input type="checkbox"/> Retail Gaming Tavern License (City) .....\$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00 <input type="checkbox"/> Retail Liquor Store License--Additional (City).....\$227.50 <input type="checkbox"/> Retail Liquor Store License--Additional (County).....\$312.50 <input type="checkbox"/> Retail Liquor Store (City).....\$227.50 <input type="checkbox"/> Retail Liquor Store (County) .....\$312.50 <input type="checkbox"/> Tavern License (City) .....\$500.00 <input type="checkbox"/> Tavern License (County) .....\$500.00 <input type="checkbox"/> Vintners Restaurant License (City) .....\$750.00 <input type="checkbox"/> Vintners Restaurant License (County).....\$750.00
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**Questions? Visit: [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor) for more information**

**Do not write in this space - For Department of Revenue use only**

Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Name Best Pizza, LLC	Type of License Beer & Wine (City)	Account Number		
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):				
(a) Been denied an alcohol beverage license?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
(b) Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
		or		
Waiver by local ordinance?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
Other: _____				
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? <b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
		N/A		
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? <b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
		N/A		
13a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?		N/A <input type="checkbox"/> <input checked="" type="checkbox"/>		
13b. Are you a Colorado resident?		N/A <input type="checkbox"/> <input checked="" type="checkbox"/>		
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		<input checked="" type="checkbox"/> <input type="checkbox"/>		
		Please See Attached		
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?		<input checked="" type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, <b>exactly</b> as they appear on the lease:				
Landlord Drake Johnstown Partners LLC	Tenant Best Pizza, LLC	Expires 6/2033		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.		<input checked="" type="checkbox"/> <input type="checkbox"/>		
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name MOD Super Fast Pizza Franchising, LLC	First Name N/A	Date of Birth N/A	FEIN or SSN N/A	Interest/Percentage 5% Gross
Last Name N/A	First Name N/A	Date of Birth N/A	FEIN or SSN N/A	Interest/Percentage N/A
<b>Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.</b>				
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:				
Has a local ordinance or resolution authorizing optional premises been adopted?		N/A	<input type="checkbox"/> <input checked="" type="checkbox"/>	
Number of additional Optional Premise areas requested. (See license fee chart)				
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.				
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following:				
(a) Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?		N/A	<input type="checkbox"/> <input checked="" type="checkbox"/>	
If "yes" a copy of license must be attached.				

Name <b>Best Pizza, LLC</b>	Type of License <b>Beer &amp; Wine (City)</b>	Account Number		
20. Club Liquor License applicants answer the following: <b>Attach a copy of applicable documentation</b>		N/A		
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
(c) How long has the club been incorporated?		<input type="checkbox"/>		
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:		N/A		
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		<input type="checkbox"/> <input checked="" type="checkbox"/>		
22. Campus Liquor Complex applicants answer the following:		N/A		
(a) Is the applicant an institution of higher education?		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>		
(b) Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
23. For all on-premises applicants. a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details. b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager <b>Schooler</b>	First Name of Manager <b>Scott</b>			
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
25. Related Facility - Campus Liquor Complex applicants answer the following:		N/A		
a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>		
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager <b>N/A</b>	First Name of Manager <b>N/A</b>			
26. Tax Distraint Information. Does the applicant or any other person listed on this application including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all <b>Officers, Directors, General Partners, and Managing Members</b> . In addition, applicant must list any stockholders, partners, or members with <b>ownership of 10% or more in the applicant</b> . All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name <b>Merbree Holdings, LLC</b>	Home Address, City & State <b>P.O. Box 2438, Ketchum, ID 83340</b>	DOB <b>N/A</b>	Position <b>Parent CO</b>	%Owned <b>100%</b>
Name <b>Kevin Embree</b>	Home Address, City & State <b>12444 Highway 75, Ketchum, ID 83340</b>	DOB	Position <b>Manager</b>	%Owned <b>0%</b>
Name <b>Robert Merullo</b>	Home Address, City & State <b>916 Dakota Dr., Castle Rock, CO 80108</b>	DOB	Position <b>Manager</b>	%Owned <b>0%</b>
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: <input checked="" type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.				

Name Best Pizza, LLC	Type of License Beer & Wine (City)	Account Number								
<b>Oath Of Applicant</b>										
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.										
Authorized Signature 	Printed Name and Title Kevin Embree	Date 9/4/19								
<b>Report and Approval of Local Licensing Authority (City/County)</b>										
Date application filed with local authority <i>Sept. 6, 2019</i>	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)									
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:										
<input type="checkbox"/> Fingerprinted <input type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants										
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license										
(Check One)										
<input type="checkbox"/> Date of inspection or anticipated date _____ <input checked="" type="checkbox"/> Will conduct inspection upon approval of state licensing authority										
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?  <input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?  <b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.  <input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?		<table style="width:100%; border:none;"> <tr> <td style="border:none;">Yes</td> <td style="border:none;">No</td> </tr> <tr> <td style="border:none;"><input type="checkbox"/></td> <td style="border:none;"><input type="checkbox"/></td> </tr> <tr> <td style="border:none;"><input type="checkbox"/></td> <td style="border:none;"><input type="checkbox"/></td> </tr> <tr> <td style="border:none;"><input type="checkbox"/></td> <td style="border:none;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>					
Yes	No									
<input type="checkbox"/>	<input type="checkbox"/>									
<input type="checkbox"/>	<input type="checkbox"/>									
<input type="checkbox"/>	<input type="checkbox"/>									
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. <b>Therefore, this application is approved.</b>										
Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County								
Signature	Print	Title	Date							
Signature	Print	Title	Date							

**ATTACHMENT: COLORADO LICENSES  
BEST PIZZA, LLC**

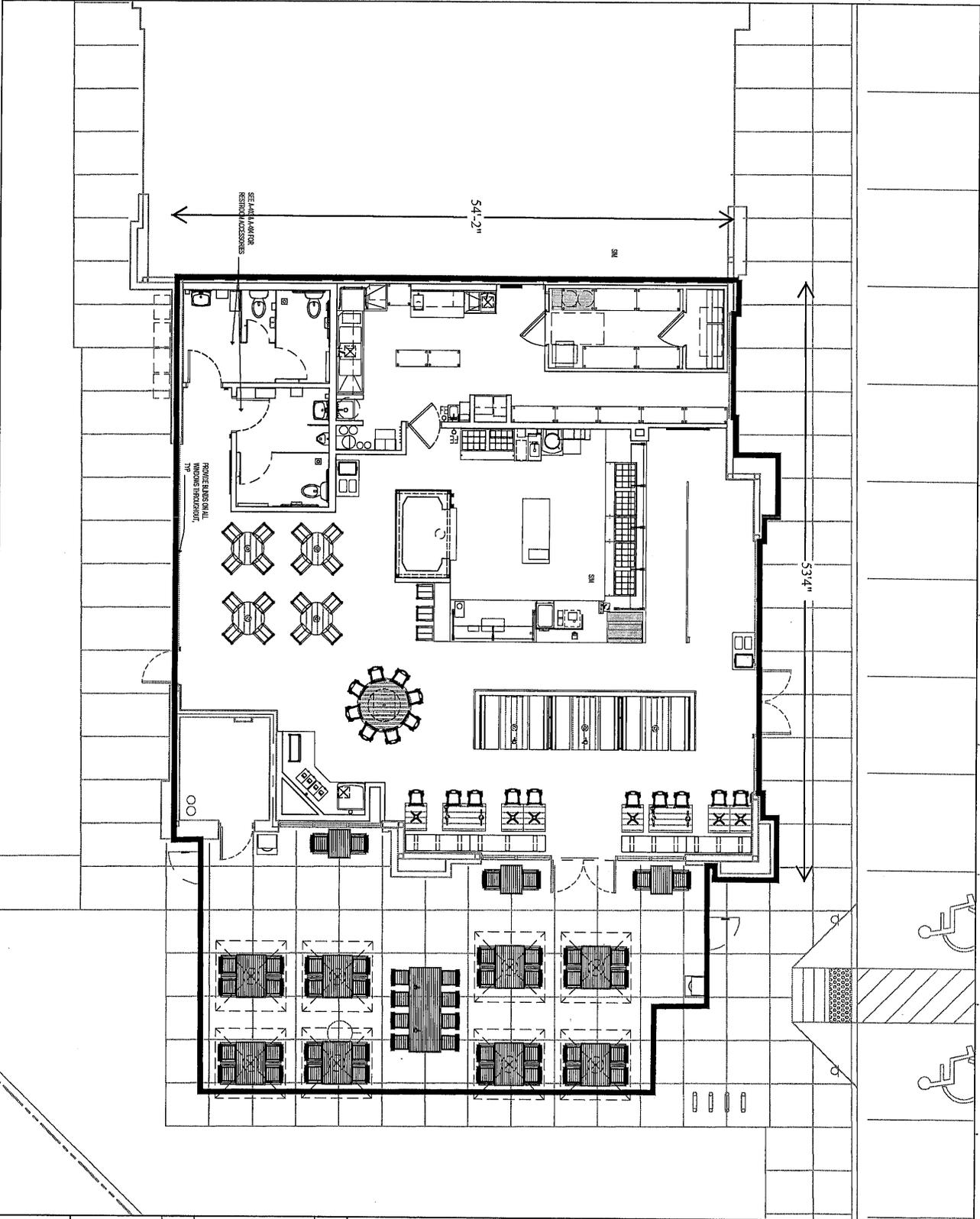
Best Pizza, LLC currently holds the following licenses in the State of Colorado:

<b>Licensed Premises</b>	<b>State Sales Tax Number</b>	<b>State Liquor License Number</b>
Best Pizza, LLC dba MOD Pizza 4465 Venetucci Blvd, Suite 130 Colorado Springs, CO 80906	30384599-0008	03-07667
Best Pizza, LLC dba MOD Pizza 123890 E Smoky Hill Rd, Ste 10 Aurora, CO 80015	30384599-0006	03-06914
Best Pizza, LLC dba MOD Pizza 1013 Centre Avenue Fort Collins, CO 80526	30384599-0005	03-06537
Best Pizza, LLC dba MOD Pizza 3622 E Highlands Ranch Pkwy, Ste 101 Highlands Ranch, CO 80126	30384599-0004	03-06245
Best Pizza, LLC dba MOD Pizza 994 W Dillon Road, Ste 600 Louisville, CO 80027	30384599-0003	03-06329
Best Pizza, LLC dba MOD Pizza 4989 Factory Shops Blvd, Unit 240 Castle Rock, CO 80104	30384599-0002	03-05275
Best Pizza, LLC dba MOD Pizza 7447 N Academy Blvd Colorado Springs, CO 80902	30384599-0001	03-04512
Best Pizza, LLC dba MOD Pizza 8225 South Chester, Unit 103 Centennial, CO 80122	30384599-0000	03-03355
Best Pizza, LLC dba MOD Pizza 6415 West 104 <sup>th</sup> Avenue, Suite 400 Westminster, CO 80020	30384599-0007	03-07625
Best Pizza, LLC dba MOD Pizza 5925 Dublin Boulevard Colorado Springs, CO 80923	30384599-0009	03-08595
Best Pizza, LLC dba MOD Pizza 4365 Centerplace Avenue, Suite 300, Greeley, CO 80634	30384599-0012	03-08910
Best Pizza, LLC dba MOD Pizza 13461 Bass Pro Drive, #100 Colorado Springs, CO 80921	30384599-0010	03-08845
Best Pizza, LLC dba MOD Pizza 9135 East Northfield Blvd, Suites 140-150, Denver, CO 80238	30384599-0013	03-08804
Best Pizza, LLC dba MOD Pizza 1137 Diamond Circle, #400 Lafayette, CO 80026	30384599-0011	03-08621
Best Pizza, LLC dba MOD Pizza 9515 Ralston Road, Suite 100 Arvada, CO 80002	30384599-0015	03-10383

Best Pizza, LLC dba MOD Pizza  
18300 Cottonwood Dr., Suite 111  
Parker, CO 80138

30384599-0014

03-10573



**SHEET NOTES**

1. REFER TO SHEET MAIN REVISION SCHEDULE FOR SCHEDULE COMPLETION.
2. REFER TO MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS FOR ADDITIONAL SPECIFICATIONS POWER, LIGHTING, AND COMMUNICATIONS AND TELEVISION REQUIREMENTS.
3. COORDINATE WITH ARCHITECTURE REGARDING LOCATION OF VENTILATION, EXHAUSTION AND REFRIGERATION.
4. COORDINATE WITH OWNER REGARDING FURNITURE, APPLIANCES AND SERIES. SEE ELECTRICAL DRAWINGS FOR ADDITIONAL POWER AND DATA REQUIREMENTS.
5. COORDINATE AND VERIFY ALL FINISHES AND FINISHING QUANTITIES AND SPECIFY INSTALLATION REQUIREMENTS WITH FINISHING TRADES AND OTHER CONTRACTORS.
6. LOCATE FINISHES AND FURNITURE TO MAINTAIN 3/4" CLEARANCES FROM ALL WALLS AND CEILING. VERIFY ALL FINISHES AND FURNITURE WITH FINISHING TRADES AND OTHER CONTRACTORS.
7. REFER TO SHEET MAIN FOR STEERING QUANTITIES AT WORK LINE.
8. ALL ITEMS CONTAINED WITHIN THESE CONFLICT DOCUMENTS ARE TO BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR UNLESS OTHERWISE NOTED.
9. REFER TO SHEETS 3 AND 4 AND 1.1 AND 1.1.1 FOR DESIGN OWNER REVISION ASSIGNMENT AND RESPONSIBILITIES.
10. ITEMS INDICATED TO BE FINISHED AND/OR INSTALLED BY THE OWNER'S CONTRACTOR ARE TO BE INSTALLED WITHIN THE OWNER'S CONTRACTOR'S INSTALLATION.
11. MAINTAIN CLEARANCE FOR NETWORK WIRE BACKS TO BE 3/4" O.C. DIA.

**TABLE FINISH LEGEND**

	WALL FINISH SEE SHEET MAIN REVISION SCHEDULE
	WALL FINISH SEE SHEET MAIN REVISION SCHEDULE
	WALL FINISH SEE SHEET MAIN REVISION SCHEDULE
	WALL FINISH SEE SHEET MAIN REVISION SCHEDULE
	WALL FINISH SEE SHEET MAIN REVISION SCHEDULE

**SHEET SYMBOLS**

	DOOR FINISH SEE SHEET MAIN
	EQUIPMENT TAG SEE SHEET 1.1.1
	FURNITURE TAG SEE SHEET 1.1.1
	MISCELLANEOUS TAG SEE SHEET 1.1.1



2025 SDR CTR  
SHEET 100  
REVISED 11/11/2024



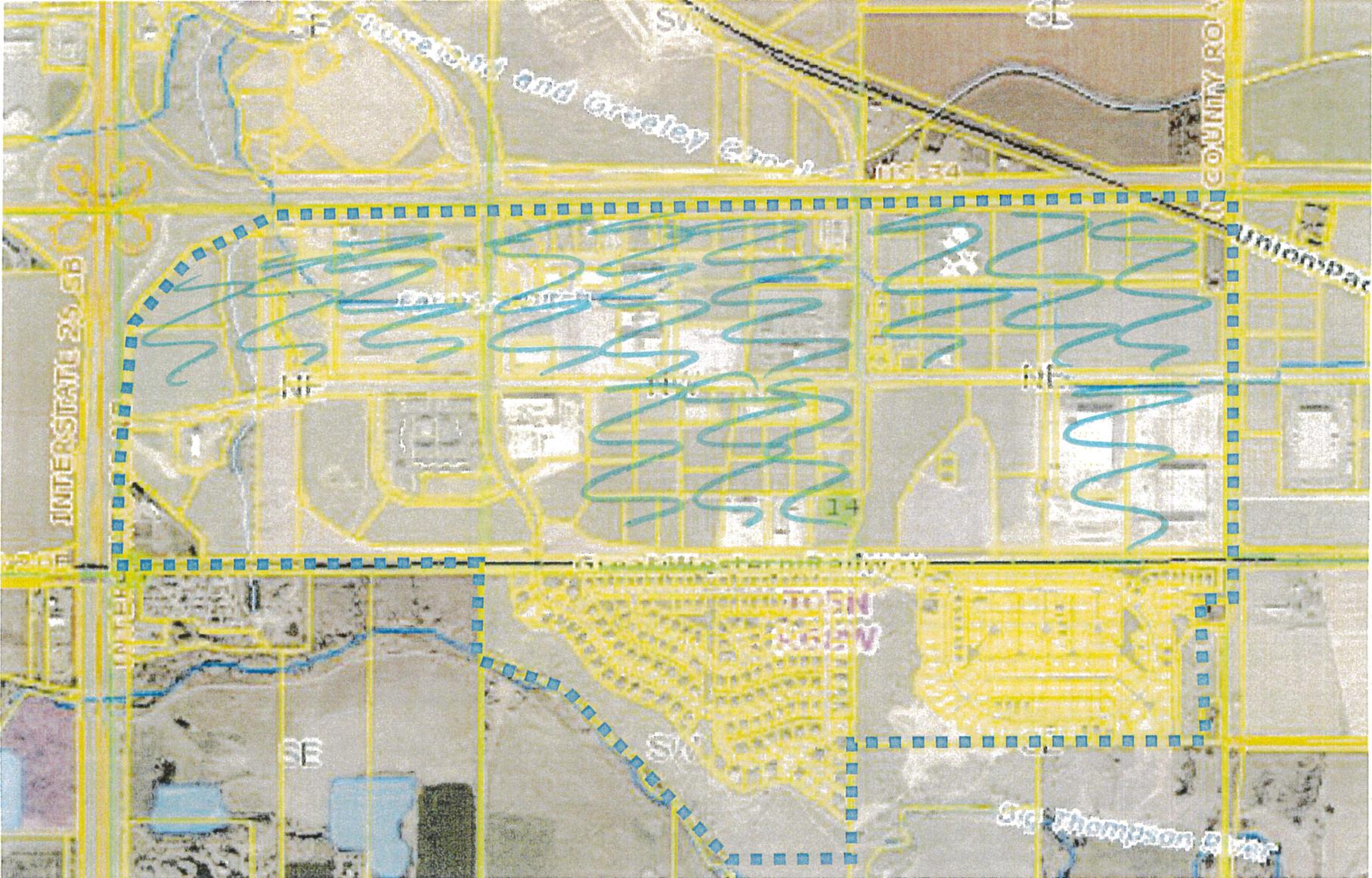
Graphite Design Group, LLC  
1000 South Main Road  
Denver, CO 80202

**JOHNSTOWN**  
4938 THOMPSON PARKWAY  
JOHNSTOWN, CO 80534

EQUIPMENT AND FURNITURE PLAN  
A-113



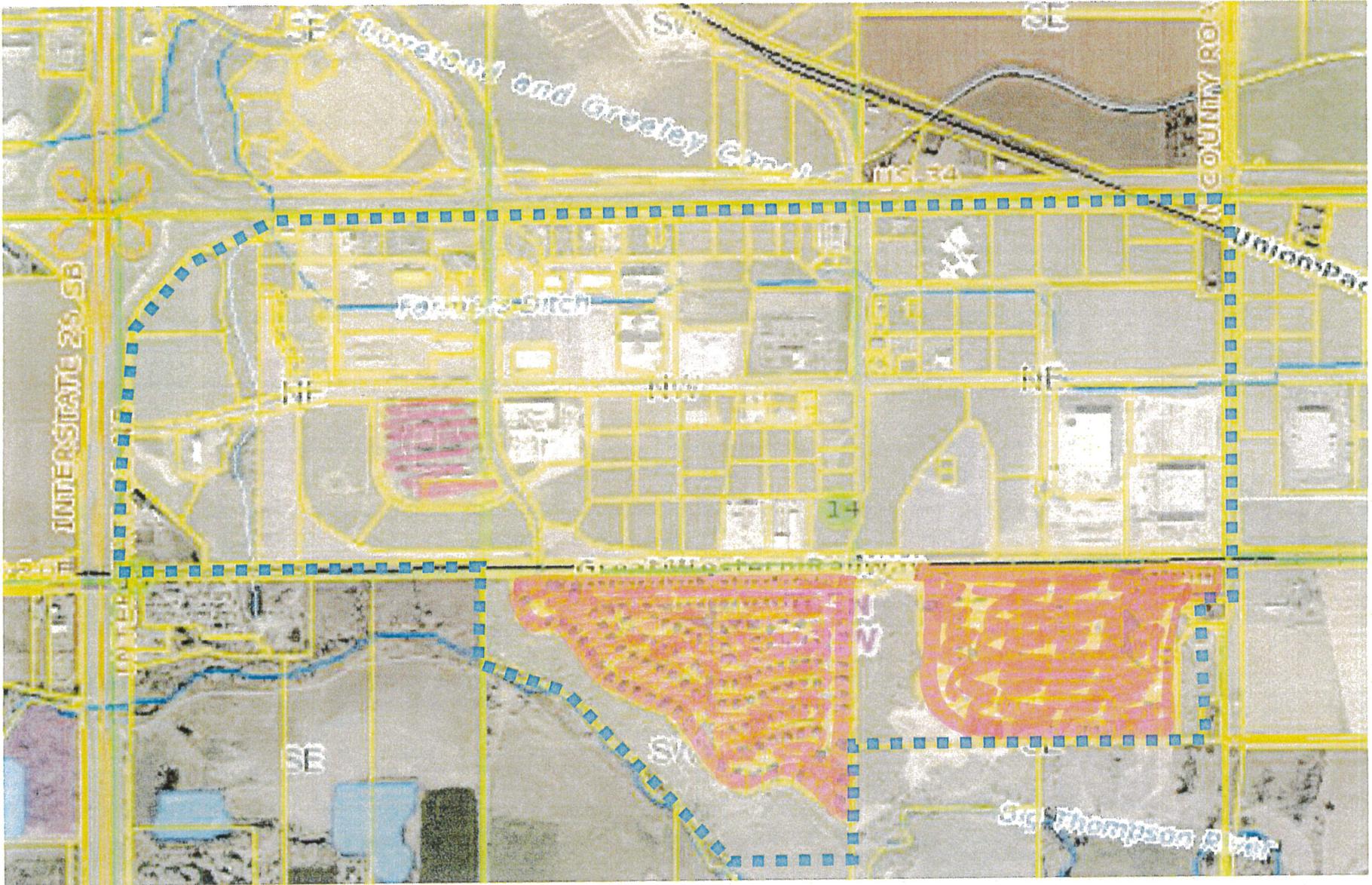
## **Map of area petitioned**



# BUSINESS PETITIONS

**MOD PIZZA - Neighborhood**

# RESIDENTIAL PETITIONS



**MOD PIZZA - Neighborhood**

# **Results of the Liquor Licensing Survey**

*Oedipus, Inc.*<sup>TM</sup>  
*Empirical Data Services*

***MOD***  
***Pizza***

4938 Thompson Parkway  
Johnstown, CO 80534

**Beer & Wine  
Liquor License**

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**PETITION/OPINION POLL RESULTS**

1.	<u>Total Doorknocks:</u>		
	Not-at-Homes and/or Business Owners/Managers Not Available		281
	Not Qualified to Sign		10
	Preferred to Not Participate		23
	Parties in Interest that Participated		187
	Deleted Signatures		<u>5</u>
	<b>Total Base Figure</b>		<b>506</b>
2.	<u>Qualified Contacts:</u>		
	A. <u>Signatures</u>		
	Signatures Favoring Issuance		179
	Businesses	36	
	Residences	143	
	Signatures Opposing Issuance		8
	Businesses	1	
	Residences	7	
	<b>Total Contacts</b>		<b>187</b>
	B. <u>Breakdown of Reasons of Signatures in Opposition:</u>		
	No Need	3	
	Abhorrence of Alcohol	2	
	Religious Objections	0	
	Usage Objections	0	
	Miscellaneous Reasons	0	
	No Reason Given	<u>2</u>	
	<b>Total Signatures</b>	<b>7</b>	

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C. Breakdown of Signatures Favoring and Opposing:

Favoring Issuance (Based on Needs/Desires)	179	=	95.71%
Opposing Issuance (Based on Needs/Desires)	3	=	1.61%
Abhorrence of Alcohol	3	=	1.61%
Religious Objections	0	=	0.00%
Usage Objections (Commercial, Traffic, Parking, Crime)	0	=	0.00%
Other Miscellaneous Reasons	0	=	0.00%
No Reason Given	<u>2</u>	=	<u>1.07%</u>
<b>Total Base Figure</b>	<b>187</b>	=	<b>100.00%</b>

3. Needs and Desires Signatures:

Signatures Favoring Issuance (Based on Needs/Desires)	179	=	98.35%
Signatures Opposing Issuance (Based on Needs/Desires)	<u>3</u>	=	<u>1.65%</u>
<b>Total Base Figure</b>	<b>182</b>	=	<b>100.00%</b>

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The petition packets are presented as follows: Cover map, petitions, and affidavit.

#1 & #2 / Mark Steffek / Businesses & Residences

# **Police Report**

**TOWN OF JOHNSTOWN POLICE DEPARTMENT**

**Information 3.2% Beer or Liquor Application**

- Name and address of Applicant} Best Pizza LLC  
PO Box 2438  
Ketchum, ID 83340
1. Trade Name and Address} MOD Pizza  
4938 Thompson Parkway  
Johnstown, CO 80534
2. Date of Application: 09/06/2019
3. Type of Application: Beer and Wine License
4. Documents Accompanying Application
- A. Local and State License Fees} Submitted with application
  - B. Evidence of Correct Zoning} CBD
  - C. Building Plans and or Sketch of Interior} N/A
  - D. Distance from School as per State} N/A
  - E. Deed or Lease or Assignment of Lease or Ownership} Lease
5. Evidence of Public Notice
- A. Posting of Premises} Posted October 24, 2019
6. Legal Publication } Johnstown Breeze October 17, 2019
7. Investigation: Police Department Case#}
- A. Applicant has made application for a new Beer and Wine License.
  - B. Background Investigation: – Master File with Colorado Liquor Enforcement Division – all background checks are in their files. There is nothing in the background that would prohibit issuance of the liquor license
8. Findings of fact:
- A. The required fees were submitted.
  - B. It is my recommendation the Beer and Wine License be approved.

  
\_\_\_\_\_  
CHIEF OF POLICE

  
\_\_\_\_\_  
DATE

**AGENDA ITEM 10B**

**Public Hearing**

**(LUX Nailbar Inc. DBA LUX Nailbar  
Beer and Wine License)**

\*NEW LIQUOR LICENSE PUBLIC HEARING PROCEDURE – LUX Nailbar, Inc.  
DBA LUX Nailbar

1. Open public hearing.
2. Receive information from staff.
3. Receive information from applicant.
4. Receive information from “parties in interest.” Parties in interest may also cross-examine the applicant.

(Parties in interest include adult residents of the designated neighborhood, the owner or manager of any business located within the designated neighborhood and the representative of any school within 500 feet of the proposed license. The representative of any organized neighborhood group within the designated neighborhood may present evidence, but may not cross-examine witnesses.)

5. Discretionary: Receive information from “others.” *(Only if the testimony would aid Council in considering the application.)*
6. Additional questions from Council, if any.
6. Close the public hearing. *(No more questions from Council.)*
7. Discussion and deliberation among Council.
8. Make a decision and/or motion from Council.

SUGGESTED MOTIONS

For Approval: I move to approve the Application for a Beer and Wine License for LUX Nailbar, INC.

For Denial: I move to deny approval of the Application for a Beer and Wine License for LUX Nailbar, INC.

# **Liquor License Application**

# Colorado Liquor Retail License Application

New License  
  New-Concurrent  
  Transfer of Ownership  
  State Property Only

• All answers must be printed in black ink or typewritten  
 • Applicant must check the appropriate box(es)  
 • Applicant should obtain a copy of the Colorado Liquor and Beer Code: [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor)

1. Applicant is applying as a/an

Individual  
  Limited Liability Company  
  Association or Other  
 Corporation  
  Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation

LUX NAILBAR INC FEIN Number  
82-5267466

2a. Trade Name of Establishment (DBA)

LUX NAILBAR State Sales Tax Number  
91694999

Business Telephone  
970-660-8533

3. Address of Premises (specify exact location of premises, include suite/unit numbers)

4924 THOMPSON PARKWAY 8533

City: JOHNSTOWN      County: WELD      State: CO      ZIP Code: 80534

4. Mailing Address (Number and Street)      City or Town      State      ZIP Code

4924 THOMPSON PARKWAY, JOHNSTOWN, CO 80534

5. Email Address

N/A

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date

Section A Nonrefundable Application Fees	Section B (Cont.) Liquor License Fees
<input checked="" type="checkbox"/> Application Fee for New License.....\$550.00	<input type="checkbox"/> Lodging & Entertainment - L&E (County) .....\$500.00
<input type="checkbox"/> Application Fee for New License w/Concurrent Review .....\$650.00	<input type="checkbox"/> Manager Registration - H & R .....\$75.00
<input type="checkbox"/> Application Fee for Transfer .....\$550.00	<input type="checkbox"/> Manager Registration - Tavern .....\$75.00
<b>Section B Liquor License Fees</b>	<input type="checkbox"/> Manager Registration - Lodging & Entertainment .....\$75.00
<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total _____	<input type="checkbox"/> Manager Registration - Campus Liquor Complex .....\$75.00
<input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X _____ Total _____	<input type="checkbox"/> Master File Location Fee .....\$25.00 X _____ Total _____
<input type="checkbox"/> Add Sidewalk Service Area.....\$75.00	<input type="checkbox"/> Master File Background .....\$250.00 X _____ Total _____
<input type="checkbox"/> Arts License (City) .....\$308.75	<input type="checkbox"/> Optional Premises License (City).....\$500.00
<input type="checkbox"/> Arts License (County) .....\$308.75	<input type="checkbox"/> Optional Premises License (County) .....\$500.00
<input checked="" type="checkbox"/> Beer and Wine License (City).....\$351.25	<input type="checkbox"/> Racetrack License (City).....\$500.00
<input type="checkbox"/> Beer and Wine License (County).....\$436.25	<input type="checkbox"/> Racetrack License (County).....\$500.00
<input type="checkbox"/> Brew Pub License (City) .....\$750.00	<input type="checkbox"/> Resort Complex License (City).....\$500.00
<input type="checkbox"/> Brew Pub License (County).....\$750.00	<input type="checkbox"/> Resort Complex License (County).....\$500.00
<input type="checkbox"/> Campus Liquor Complex (City).....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (City).....\$160.00
<input type="checkbox"/> Campus Liquor Complex (County) .....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (County) .....\$160.00
<input type="checkbox"/> Campus Liquor Complex (State).....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (State).....\$160.00
<input type="checkbox"/> Club License (City).....\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (City) .....\$500.00
<input type="checkbox"/> Club License (County) .....\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00
<input type="checkbox"/> Distillery Pub License (City).....\$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (City).....\$227.50
<input type="checkbox"/> Distillery Pub License (County) .....\$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (County).....\$312.50
<input type="checkbox"/> Hotel and Restaurant License (City).....\$500.00	<input type="checkbox"/> Retail Liquor Store (City).....\$227.50
<input type="checkbox"/> Hotel and Restaurant License (County) .....\$500.00	<input type="checkbox"/> Retail Liquor Store (County).....\$312.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) .....\$600.00	<input type="checkbox"/> Tavern License (City).....\$500.00
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County).....\$600.00	<input type="checkbox"/> Tavern License (County).....\$500.00
<input type="checkbox"/> Liquor-Licensed Drugstore (City) .....\$227.50	<input type="checkbox"/> Vintners Restaurant License (City) .....\$750.00
<input type="checkbox"/> Liquor-Licensed Drugstore (County) .....\$312.50	<input type="checkbox"/> Vintners Restaurant License (County).....\$750.00
<input type="checkbox"/> Lodging & Entertainment - L&E (City) .....\$500.00	

**Questions? Visit: [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor) for more information**

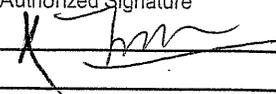
**Do not write in this space - For Department of Revenue use only**

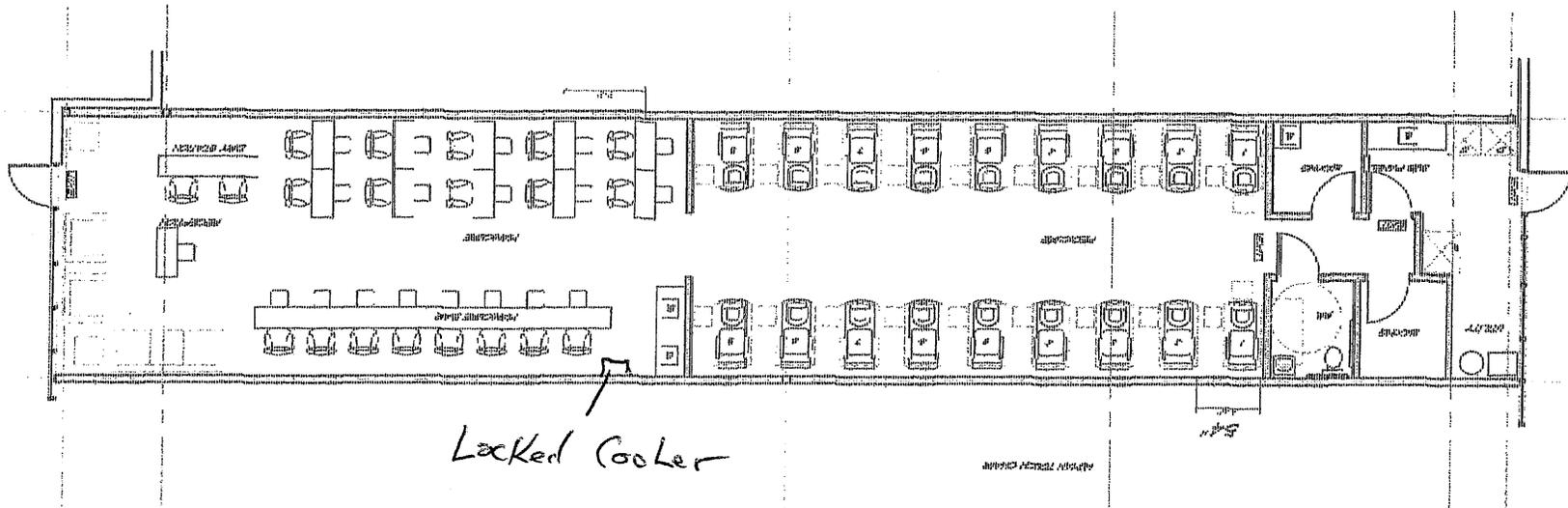
Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Name <b>LUX NAILBAR TNC</b>		Type of License <b>BEER &amp; WINE</b>	Account Number			
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?				Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):						
(a) Been denied an alcohol beverage license?				<input type="checkbox"/>		
(b) Had an alcohol beverage license suspended or revoked?				<input checked="" type="checkbox"/>		
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?				<input checked="" type="checkbox"/>		
If you answered yes to 8a, b or c, explain in detail on a separate sheet.						
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.				<input type="checkbox"/> <input checked="" type="checkbox"/>		
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?				<input type="checkbox"/> <input checked="" type="checkbox"/>		
Waiver by local ordinance? <input type="checkbox"/>				<input checked="" type="checkbox"/>		
Other: _____						
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? <b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.				<input type="checkbox"/> <input checked="" type="checkbox"/>		
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? <b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.				<input type="checkbox"/> <input checked="" type="checkbox"/>		
13a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?				<input type="checkbox"/> <input checked="" type="checkbox"/>		
13b. Are you a Colorado resident?				<input checked="" type="checkbox"/> <input type="checkbox"/>		
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.				<input type="checkbox"/> <input checked="" type="checkbox"/>		
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?				<input checked="" type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____ a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:						
Landlord <b>JOHNSTOWN PLAZA LLC</b>		Tenant <b>LUX NAILBAR TNC</b>		Expires <b>02/01/27</b>		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.				<input type="checkbox"/> <input checked="" type="checkbox"/>		
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".						
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.						
Last Name		First Name		Date of Birth	FEIN or SSN	Interest/Percentage
Last Name		First Name		Date of Birth	FEIN or SSN	Interest/Percentage
<b>Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.</b>						
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?				<input type="checkbox"/> <input checked="" type="checkbox"/>		
Number of additional Optional Premise areas requested. (See license fee chart)				<input type="checkbox"/>		
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.						
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: (a) Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? If "yes" a copy of license must be attached.				<input type="checkbox"/> <input checked="" type="checkbox"/>		

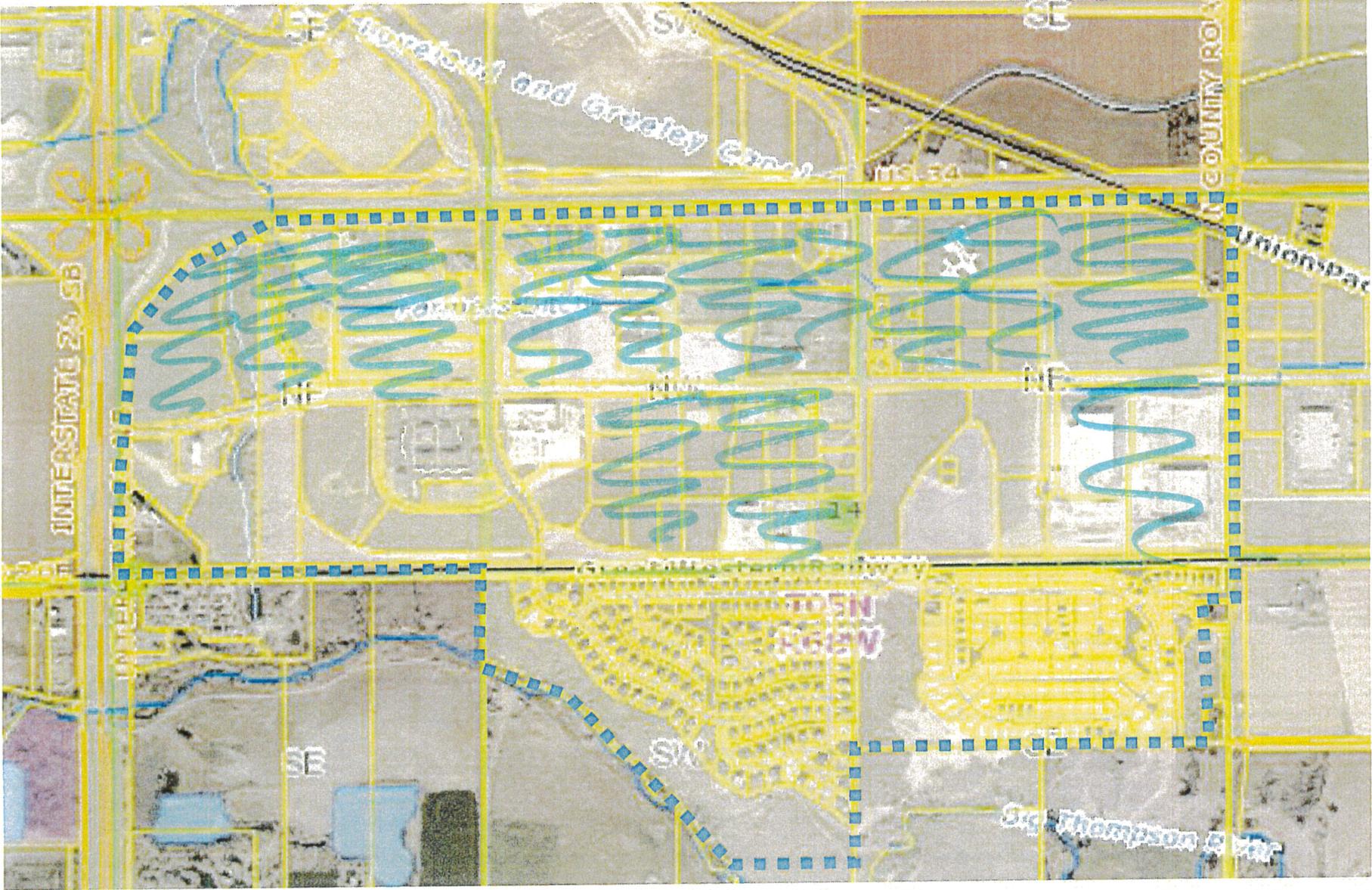
Name <b>LUX NAILBAR INC</b>	Type of License <b>BEER &amp; WINE</b>	Account Number		
<b>20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation</b>				
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(c) How long has the club been incorporated?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:</b>				
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>22. Campus Liquor Complex applicants answer the following:</b>				
(a) Is the applicant an institution of higher education?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
(b) Is the applicant a person who contracts with the institution of higher education to provide food services? if "yes" please provide a copy of the contract with the institution of higher education to provide food services.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>23. For all on-premises applicants.</b> a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details. b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager		First Name of Manager		
<b>24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.</b>				
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>25. Related Facility - Campus Liquor Complex applicants answer the following:</b>				
a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager		First Name of Manager		
<b>26. Tax Distraint Information. Does the applicant or any other person listed on this application including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.</b>				
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.</b>				
Name	Home Address, City & State	DOB	Position	%Owned
<b>HIEN NGUYEN</b>	<b>2041 Meadow Dr Longmont, CO</b>		<b>Manager</b>	<b>90%</b>
<b>PHUONG NGUYEN</b>	<b>1622 Cedarwood Dr "</b>		<b>Stockholder</b>	<b>90%</b>
<b>THANH NGUYEN</b>	<b>719 American Rd "</b>		<b>Stockholder</b>	<b>20%</b>
<b>NGA NGUYEN</b>	<b>1233 Cedarwood Dr "</b>		<b>Stockholder</b>	<b>10%</b>
<b>PHUOC NGUYEN</b>	<b>711 Picket Lane Thornton, CO</b>		<b>Stockholder</b>	<b>10%</b>
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: <input type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.				

Name <b>LUX NAILBAR INC</b>		Type of License <b>BEER &amp; WINE</b>	Account Number	
<b>Oath Of Applicant</b>				
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.				
Authorized Signature 		Printed Name and Title <b>HIEN NGUYEN, Manager, President</b>		Date <b>08/20/19</b>
<b>Report and Approval of Local Licensing Authority (City/County)</b>				
Date application filed with local authority <b>Sept. 17, 2019</b>		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)		
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:				
<input type="checkbox"/> Fingerprinted <input type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants				
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license				
(Check One)				
<input type="checkbox"/> Date of inspection or anticipated date _____ <input type="checkbox"/> Will conduct inspection upon approval of state licensing authority				
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?				Yes No <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?				<input type="checkbox"/> <input type="checkbox"/>
<b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.				
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?				<input type="checkbox"/> <input type="checkbox"/>
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S. and Liquor Rules. <b>Therefore, this application is approved.</b>				
Local Licensing Authority for:		Telephone Number:		<input type="checkbox"/> Town, City <input type="checkbox"/> County
Signature	Print	Title	Date	
Signature	Print	Title	Date	



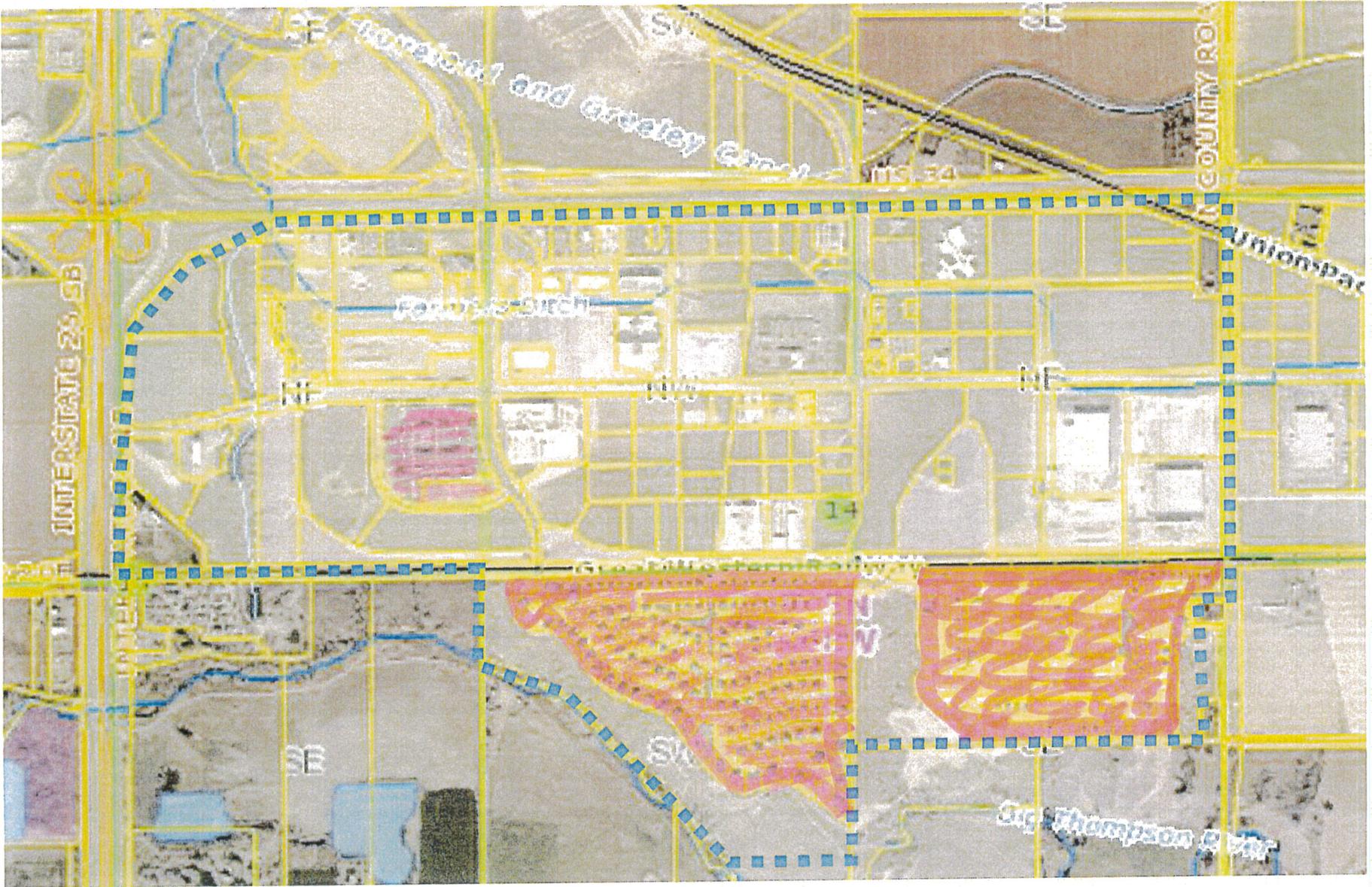
Locked Cooler

## **Map of area petitioned**



**LUX NAILBAR - Neighborhood**

**BUSINESS PETITIONS**



**LUX NAILBAR - Neighborhood**

**RESIDENTIAL PETITIONS**

# **Results of the Liquor Licensing Survey**

# *Oedipus, Inc.*<sup>TM</sup>

*Empirical Data Services*

## ***LUX Nailbar***

4924 Thompson Parkway  
Johnstown, CO 80534

**Beer & Wine  
Liquor License**

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**PETITION/OPINION POLL RESULTS**

1.	<u>Total Doorknocks:</u>		
	Not-at-Homes and/or Business Owners/Managers Not Available		281
	Not Qualified to Sign		10
	Preferred to Not Participate		23
	Parties in Interest that Participated		187
	Deleted Signatures		<u>4</u>
	<b>Total Base Figure</b>		<b>505</b>
2.	<u>Qualified Contacts:</u>		
	A. <u>Signatures</u>		
	Signatures Favoring Issuance		172
	Businesses	36	
	Residences	136	
	Signatures Opposing Issuance		15
	Businesses	1	
	Residences	14	
	<b>Total Contacts</b>		<b>187</b>
	B. <u>Breakdown of Reasons of Signatures in Opposition:</u>		
	No Need	5	
	Abhorrence of Alcohol	5	
	Religious Objections	1	
	Usage Objections	1	
	Miscellaneous Reasons	0	
	No Reason Given	<u>3</u>	
	<b>Total Signatures</b>	<b>15</b>	

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C. Breakdown of Signatures Favoring and Opposing:

Favoring Issuance (Based on Needs/Desires)	172	=	91.98%
Opposing Issuance (Based on Needs/Desires)	5	=	2.67%
Abhorrence of Alcohol	5	=	2.67%
Religious Objections	1	=	0.54%
Usage Objections (Commercial, Traffic, Parking, Crime)	1	=	0.54%
Other Miscellaneous Reasons	0	=	0.00%
No Reason Given	<u>3</u>	=	<u>1.60%</u>
<b>Total Base Figure</b>	<b>187</b>	=	<b>100.00%</b>

3. Needs and Desires Signatures:

Signatures Favoring Issuance (Based on Needs/Desires)	172	=	98.18%
Signatures Opposing Issuance (Based on Needs/Desires)	<u>5</u>	=	<u>2.82%</u>
<b>Total Base Figure</b>	<b>177</b>	=	<b>100.00%</b>

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The petition packets are presented as follows: Cover map, petitions, and affidavit.

#1 & #2 / Mark Steffek / Businesses & Residences

# **Police Report**

**TOWN OF JOHNSTOWN POLICE DEPARTMENT**

**Information 3.2% Beer or Liquor Application**

- Name and address of Applicant} Hien Nguyen  
2041 Meadow Drive  
Longmont, CO 80501
1. Trade Name and Address} Lux Nail Bar  
4900 Larimer Parkway  
Johnstown, CO 80534
2. Date of Application: 09/17/2019
3. Type of Application: Beer and Wine License
4. Documents Accompanying Application
- A. Local and State License Fees} Submitted with application
  - B. Evidence of Correct Zoning} CBD
  - C. Building Plans and or Sketch of Interior} N/A
  - D. Distance from School as per State} N/A
  - E. Deed or Lease or Assignment of Lease or Ownership} Lease
5. Evidence of Public Notice
- A. Posting of Premises} Posted October 24, 2019
6. Legal Publication } Johnstown Breeze October 17, 2019
7. Investigation: Police Department Case#}
- A. Applicant has made application for a new Beer and Wine License.
  - B. Background Investigation: – CBI and FBI have processed the background investigation  
There is nothing in the background that would prohibit issuance of the liquor license
8. Findings of fact:
- A. The required fees were submitted.
  - B. It is my recommendation the Beer and Wine License be approved.

  
\_\_\_\_\_  
CHIEF OF POLICE

  
\_\_\_\_\_  
DATE

**AGENDA ITEM 10C**

**Public Hearing 2020 Budget**

PUBLIC HEARING PROCEDURE – 2020 Proposed Budget

1. Open public hearing
2. Receive information from staff
3. Ask to hear from anyone who supports the budget
4. Ask to hear from anyone who opposes the budget
5. Close the public hearing
6. Ask for discussion

## **TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** November 4, 2019

**ITEM NUMBER:** 10C

**SUBJECT:** 2020 Budget Public Hearing

**ACTION PROPOSED:** No action – This is public hearing

**ATTACHMENTS:** 1. Amended 2020 Proposed Budget  
2. Exhibit A

**PRESENTED BY:** Mitzi McCoy, Finance Director

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### **AGENDA ITEM DESCRIPTION:**

The Town of Johnstown Home Rule Charter, Section 12.5, and Colorado Revised Statutes 29-1-108(1) require that a public hearing be held at a regular meeting of the Town Council to give interested citizens an opportunity to file or register objections or suggestions thereto at any time prior to the adoption of the 2020 Budget.

The proposed 2020 Budget for the Town of Johnstown, Colorado was originally presented to the Council at meetings held on September 9, 2019 and September 23, 2019 at which time Council reviewed the budget document and gave additional direction to staff. Changes that were discussed during those meetings as well as project carryovers from the 2019 budget to the 2020 budget have been incorporated into the amended 2020 Proposed Budget document which has been included for your review. Additionally, all changes that have been made to the original 2020 Proposed Budget have been detailed in Exhibit A. (It is important to note that any project carryovers from 2019 to 2020 result in a net change to the 2020 Ending Fund Balance of zero.) Copies of the amended proposed budget have been made available for public inspection on the Town of Johnstown website and at Town Hall.

While all of the changes that have been made are detailed in the attachments, there is one change that is far more notable and requires more discussion. Based on a detailed review of the abstract reports from Larimer County for the property tax valuations, there appears to be some abnormalities in the oil and gas classification. In 2018, the assessed valuation for oil and gas was \$13,480,069. In 2019, the assessed valuation is shown at \$115,088,917. That is an increase of \$101,608,848 or 753%. Given what we know, that increase is highly suspect and may be problematic for the county when it is reviewed by the state auditors. Based on this evaluation, and the likelihood of future adjustments to this valuation or the possibility of collecting it and then having to repay it, the projected property tax revenues for Larimer County have been lowered by \$2,326,637, from \$5,806,721 to a more reasonable \$3,480,084, which still represents approximately a 25% increase from last year for all classifications. The new projections are based on a mill levy of 23.947 mills for the Town, 3.3 of which are dedicated to the library.

The amended 2020 Proposed Budget includes a number of important features including the continuation of core services provided by the Town, including police services, planning services, water, sewer, and storm utility services, parks and open space maintenance, cemetery maintenance, municipal courts, transportation networks, infrastructure, building and construction oversight, and various administrative duties including human resources, finance and administration.

In addition to the core services, a number of capital items that will produce significant outcomes for the community are also addressed in the budget. These improvements are a result of the Council goals and objectives and implementation of the various plans that have been developed with the Council, Staff and most importantly, the Community. Some of the more notable items that have been included in the budget are as follows:

- General Fund
  - o Implementation of Trak-It Community Development software
  - o HVAC Repairs for Senior Center
  - o Parking lot sealing at Town Hall and the public lot downtown
- Street and Alley Fund
  - o Reconstruction of Estes between N. 1<sup>st</sup> and N 2<sup>nd</sup>
  - o Purchase of backhoe
  - o Purchase of a street sweeper
  - o Paving a section of WCR 50
  - o Partnering with CDOT on I-25 improvements
- Conservation Trust Fund
  - o Pour in place for Parish Park
- Water Fund
  - o Media replacement at water plant
  - o South water tower project
  - o SCADA installation
  - o New motors for the pump house
  - o Fence for Lonetree
- Storm Water Fund
  - o Curb and gutter work at Estes and N. 1<sup>st</sup>
  - o Trickle channel at Aragon Park
  - o Storm drains – Greeley area
- Sewer Fund
  - o Design and installation of a gravity line to Central
  - o Manhole rehabilitation
  - o Replace chemical lines
  - o New mixing pumps at Low Point
  - o New sludge pad and wet well
  - o Chemical tank insulation and recirculate fans
- Parks and Open Space Fund
  - o Trails – Little Thompson
  - o Trails – Design work and construction on Big Thompson
  - o Trail – Hays Park
  - o Cemetery – Construction of a columbarium

- Installation of a new pump at the lake pump house
- Recreation Center Fund
  - Construction completion of the Recreation Center

When service delivery is either maintained at a consistent level or improved, we expect expenditures to increase when measured across all funds. Managing this increase is only possible when revenues and existing fund balance exceed the project expenditures. Should revenues not come in as expected, it is possible that these expenditures could change and be decreased. As always, we will monitor these on a continuous basis for any abnormalities.

The budget parallels the methods of accounting used for the Town's funds. Modified accrual basis is used for all governmental fund operations. Proprietary and fiduciary funds use full accrual basis. Under the modified accrual basis of accounting, revenues are recognized as soon as they are both measurable and available and expenditures are recorded when a liability is incurred except for debt service and compensated absences. Under the full accrual basis of accounting, revenues are recorded when earned and that expenditures are recorded when a liability is incurred without consideration of the timing of related cash flows. The basis of accounting used in the budget is the same basis of accounting used in the financial statements. The figures presented in the budget represent the estimated cash balances for the budget year 2020.

**LEGAL ADVICE:**

A public hearing is required per state and local law.

**FINANCIAL ADVICE:**

This public hearing will maintain our compliance with both state and local regulations.

**RECOMMENDED ACTION:**

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No action necessary this is a public hearing

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**TOWN OF JOHNSTOWN  
ANNUAL BUDGET  
FY 2020**

**GENERAL FUND EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Impact Outlay	Debt Service	Total
Council	25,800	168,000	30,000	754,400	978,200	---	---	---	978,200
Town Manager	348,650	162,300	23,000	158,800	692,750	30,000	---	---	722,750
Town Clerk	225,800	81,300	12,800	8,950	328,850	10,000	---	---	338,850
Finance	170,200	45,800	9,250	5,700	230,950	---	---	---	230,950
Planning	290,750	306,000	11,300	3,100	611,150	151,450	---	---	762,600
Bldg Inspections	72,950	159,600	2,750	900	236,200	---	---	---	236,200
Police	2,801,450	216,700	216,530	87,100	3,321,780	68,700	131,600	---	3,522,080
Public Works	77,200	24,650	17,000	7,300	126,150	7,500	---	---	133,650
Buildings	0	136,200	16,500	18,500	171,200	39,000	---	---	210,200
<b>Totals</b>	<b>\$4,012,800</b>	<b>\$1,300,550</b>	<b>\$339,130</b>	<b>\$1,044,750</b>	<b>\$6,697,230</b>	<b>\$306,650</b>	<b>\$131,600</b>	<b>\$0</b>	<b>\$7,135,480</b>

Total Cash Available \$ 37,228,247

Ending Fund Balance 30,092,767

% of Total Budget 56.24% 18.23% 4.75% 14.64% 93.86% 4.30% 1.84% 0.00% 100.00%

2019 Budget 10,787,849

2019 Estimates 10,781,399

2018 Actuals 8,232,326

		<u>2020</u>
		<u>Proposed</u>
		<u>Budget</u>
<b>GENERAL FUND REVENUES</b>		
<b>ADVALOREM TAXES</b>		
10.01.3110.00	PROPERTY TAXES - WELD	3,941,021
10.01.3112.00	PROPERTY TAXES - LARIMER	3,480,084
	<b>SUBTOTAL</b>	<u>7,421,105</u>
<b>SALES TAX</b>		
10.01.3120.00	SALES TAX - STATE	4,500,000
	<b>SUBTOTAL</b>	<u>4,500,000</u>
<b>EXCISE TAX</b>		
10.01.3130.00	LODGING TAX	115,000
10.01.3150.00	TOBACCO TAX	21,835
10.01.3160.00	SEVERANCE TAX	148,000
	<b>SUBTOTAL</b>	<u>284,835</u>
<b>FRANCHISE TAX</b>		
10.01.3180.00	FRANCHISE TAX-CABLE	24,200
10.01.3184.00	FRANCHISE TAX - ELECTRIC & GAS	400,940
	<b>SUBTOTAL</b>	<u>425,140</u>
<b>LICENSES, PERMITS, &amp; SERVICE CHARGES</b>		
10.01.3210.00	BUSINESS LICENSES	22,000
10.01.3215.00	CONTRACTORS LICENSES	2,000
10.01.3220.00	DOG LICENSE/FEEES	1,750
10.01.3225.00	FISHING LICENSE	1,200
10.01.3230.00	LIQUOR LICENSE	3,500
10.01.3530.00	BUILDING PERMITS	500,000
10.01.3548.00	ZONING/SUBDIVISION FEES	20,000
10.01.3565.00	FACILITY RENTAL FEES	5,000
10.01.3760.00	PUBLIC FACILITITES IMPACT FEES	184,625
10.01.3750.00	POLICE FACILITIES DEVELOPMENT FEES	82,125
	<b>SUBTOTAL</b>	<u>822,200</u>
<b>FINES, FORFEITURES, &amp; PD FEES</b>		
10.01.3310.00	COURT REVENUES	150,000
10.01.3320.00	COURT SURCHARGE	21,000
	<b>SUBTOTAL</b>	<u>171,000</u>
<b>OTHER REVENUES</b>		
10.01.3960.00	INTEREST INCOME	288,000
10.01.3970.00	MISC REVENUE	11,000
10.01.3985.00	REFUND OF EXPENDITURES	183,000
10.01.3990.00	RENT INCOME	7,200
	<b>SUBTOTAL</b>	<u>489,200</u>
<b>REVENUE FROM OTHER AGENCIES</b>		
10.01.3420.00	STATE GRANTS	15,000
10.01.3440.00	ROYALTIES	15,000

		<u>2020</u>
		<u>Proposed</u>
		<u>Budget</u>
<b><u>GENERAL FUND REVENUES</u></b>		
	<b>SUBTOTAL</b>	<u>30,000</u>
<b>EVENTS &amp; COMMUNITY ACTIVITIES</b>		
10.01.3953.00	DONATIONS/COMMUNITY ACTIVITIES	6,000
	<b>SUBTOTAL</b>	<u>6,000</u>
<b>TOTAL FUND REVENUES</b>		<b>14,149,480</b>
<b>INTRAGOVERNMENTAL REVENUES</b>		
10.01.3999.00	TO LIBRARY	(1,022,660)
10.01.3999.00	TO SEWER FUND	(10,000,000)
10.01.3999.00	TO REC CENTER	(600,000)
10.01.3999.00	TO STREETS	(2,000,000)
10.01.3999.00	TO TAX FUND	(475,000)
	<b>SUBTOTAL</b>	<u>(14,097,660)</u>
<b>TOTAL FUND REVENUES W/TRANSERS</b>		<u>51,820</u>
<b><u>Beginning Balance:</u></b>		
	RESTRICTED FOR IMPACT - POLICE	1,389,166
	RESTRICTED FOR IMPACT - CAPITAL FACILITIES	3,143,246
	UNRESTRICTED CASH BALANCE FORWARD	32,644,015
<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>		<u>37,228,247</u>

**TOWN COUNCIL**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Personnel Services</u></b>	
10.10.4001.00	Salaries	22,800
10.10.4002.00	Overtime	-
10.10.4010.00	Payroll Taxes	1,800
10.10.4020.00	Unemployment Taxes	-
10.10.4025.00	Workers Compensation	1,200
10.10.4030.00	Group Insurance	-
10.10.4035.00	Retirement Contribution	-
	<b>Total Personnel Services</b>	\$ 25,800
	<b><u>Contractual Services</u></b>	
10.10.4100.00	Audit	15,000
10.10.4135.00	Other Contractual Services	30,000
10.10.4145.00	Printing & Advertising	16,000
10.10.4150.00	Professional Services	91,500
10.10.4180.00	Travel & Training	15,500
	<b>Total Contractual Services</b>	\$ 168,000
	<b><u>Commodities</u></b>	
10.10.4310.00	Computers & Software	22,500
10.10.4385.00	Supplies - General	7,500
	<b>Total Commodities</b>	\$ 30,000
	<b><u>Other Charges</u></b>	
10.10.4530.00	Election Expenses	22,200
10.10.4540.00	Insurance	57,300
10.10.4560.00	Memberships & Subscriptions	38,400
10.10.4570.00	Miscellaneous	636,500
	<b>Total Other Charges</b>	\$ 754,400
	<b>Total Budget Request</b>	\$ <b>978,200</b>

**TOWN MANAGER**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Personnel Services</u></b>	
10.20.4001.00	Salaries	112,600
10.20.4002.00	Overtime	0
10.20.4010.00	Payroll Taxes	8,100
10.20.4020.00	Unemployment Taxes	1,000
10.20.4025.00	Workers Compensation	1,800
10.20.4030.00	Group Insurance	20,600
10.20.4035.00	Retirement Contribution	6,900
10.20.4040.00	Automobile Allowance	6,000
10.20.4045.00	Cell Phone Allowance	600
	<b>Total Personnel Services</b>	\$ 157,600
	<b><u>New Personnel</u></b>	
10.20.4001.00	Salaries	130,000
10.20.4010.00	Payroll Taxes	9,950
10.20.4020.00	Unemployment Taxes	1,150
10.20.4025.00	Workers Compensation	1,200
10.20.4030.00	Group Insurance	43,200
10.20.4035.00	Retirement Contribution	5,550
	<b>Total New Personnel</b>	\$ 191,050
	<b><u>Contractual Services</u></b>	
10.20.4135.00	Other Contractual Services	69,500
10.20.4140.00	Postage	1,500
10.20.4145.00	Printing & Advertising	14,000
10.20.4150.00	Professional Services	60,000
10.20.4170.00	Telephone	2,300
10.20.4180.00	Travel & Training	15,000
	<b>Total Contractual Services</b>	\$ 162,300
	<b><u>Commodities</u></b>	
10.20.4310.00	Computers & Software	10,000
10.20.4330.00	Fuel & Lubricants	1,000
10.20.4385.00	Supplies - General	10,500
10.20.4400.00	Supplies - Office	1,500
	<b>Total Commodities</b>	\$ 23,000
	<b><u>Other Charges</u></b>	
10.20.4540.00	Insurance	1,000
10.20.4560.00	Memberships & Subscriptions	6,300
10.20.4570.00	Miscellaneous	151,500
	<b>Total Other Charges</b>	\$ 158,800
	<b><u>Capital - \$5,000/item min.</u></b>	
10.20.4830.00	Equipment	30,000
	<b>Total Capital</b>	\$ 30,000
	<b>Total Budget Request</b>	\$ <b>722,750</b>

**TOWN CLERK**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
	<b><u>Personnel Services</u></b>	
10.30.4001.00	Salaries	153,800
10.30.4002.00	Overtime	-
10.30.4010.00	Payroll Taxes	11,900
10.30.4020.00	Unemployment Taxes	2,000
10.30.4025.00	Workers Compensation	1,800
10.30.4030.00	Group Insurance	29,450
10.30.4035.00	Retirement Contribution	10,700
	<b>Total Personnel Services</b>	<b>\$ 209,650</b>
	<b><u>New Personnel</u></b>	
10.30.4001.00	Salaries	9,000
10.30.4002.00	Overtime	-
10.30.4010.00	Payroll Taxes	700
10.30.4020.00	Unemployment Taxes	150
10.30.4025.00	Workers Compensation	500
10.30.4030.00	Group Insurance	5,400
10.30.4035.00	Retirement Contribution	400
	<b>Total New Personnel</b>	<b>\$ 16,150</b>
	<b><u>Contractual Services</u></b>	
10.30.4135.00	Other Contractual Services	15,300
10.30.4140.00	Postage	2,400
10.30.4145.00	Printing & Advertising	1,500
10.30.4150.00	Professional Services	52,500
10.30.4170.00	Telephone	2,300
10.30.4160.00	Rents	4,200
10.30.4180.00	Travel & Training	3,100
	<b>Total Contractual Services</b>	<b>\$ 81,300</b>
	<b><u>Commodities</u></b>	
10.30.4310.00	Computers & Software	7,000
10.30.4330.00	Fuel & Lubricants	2,300
10.30.4400.00	Supplies - Office	3,500
	<b>Total Commodities</b>	<b>\$ 12,800</b>
	<b><u>Other Charges</u></b>	
10.30.4540.00	Insurance	4,250
10.30.4560.00	Memberships & Subscriptions	1,000
10.30.4570.00	Miscellaneous	3,700
	<b>Total Other Charges</b>	<b>\$ 8,950</b>
	<b><u>Capital - \$5,000/item min.</u></b>	
10.30.4830.00	Equipment	10,000
	<b>Total Capital</b>	<b>\$ 10,000</b>
	<b>Total Budget Request</b>	<b>\$ 338,850</b>

**FINANCE**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Personnel Services</u></b>	
10.40.4001.00	Salaries	53,200
10.40.4002.00	Overtime	500
10.40.4010.00	Payroll Taxes	4,100
10.40.4020.00	Unemployment Taxes	500
10.40.4025.00	Workers Compensation	1,800
10.40.4030.00	Group Insurance	9,700
10.40.4035.00	Retirement Contribution	4,800
	<b>Total Personnel Services</b>	<b>\$ 74,600</b>
	<b><u>New Personnel</u></b>	
10.40.4001.00	Salaries	65,000
10.40.4002.00	Overtime	-
10.40.4010.00	Payroll Taxes	5,000
10.40.4020.00	Unemployment Taxes	600
10.40.4025.00	Workers Compensation	600
10.40.4030.00	Group Insurance	21,600
10.40.4035.00	Retirement Contribution	2,800
	<b>Total New Personnel</b>	<b>\$ 95,600</b>
	<b><u>Contractual Services</u></b>	
10.40.4120.00	Employee Education	-
10.40.4135.00	Other Contractual Services	34,450
10.40.4140.00	Postage	450
10.40.4145.00	Printing & Advertising	3,200
10.40.4170.00	Telephone	1,700
10.40.4180.00	Travel & Training	6,000
	<b>Total Contractual Services</b>	<b>\$ 45,800</b>
	<b><u>Commodities</u></b>	
10.40.4310.00	Computers & Software	6,050
10.40.4400.00	Supplies - Office	3,200
	<b>Total Commodities</b>	<b>\$ 9,250</b>
	<b><u>Other Charges</u></b>	
10.40.4540.00	Insurance	600
10.40.4560.00	Memberships & Subscriptions	600
10.40.4570.00	Miscellaneous	4,500
	<b>Total Other Charges</b>	<b>\$ 5,700</b>
	<b>Total Budget Request</b>	<b>\$ 230,950</b>

**PLANNING**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
	<b><u>Personnel Services</u></b>	
10.50.4001.00	Salaries	153,300
10.50.4002.00	Overtime	-
10.50.4010.00	Payroll Taxes	11,700
10.50.4020.00	Unemployment Taxes	1,350
10.50.4025.00	Workers Compensation	1,800
10.50.4030.00	Group Insurance	30,700
10.50.4035.00	Retirement Contribution	11,000
	<b>Total Personnel Services</b>	<b>\$ 209,850</b>
	<b><u>New Personnel</u></b>	
10.50.4001.00	Salaries	52,000
10.50.4002.00	Overtime	-
10.50.4010.00	Payroll Taxes	4,000
10.50.4020.00	Unemployment Taxes	450
10.50.4025.00	Workers Compensation	600
10.50.4030.00	Group Insurance	21,600
10.50.4035.00	Retirement Contribution	2,250
	<b>Total New Personnel</b>	<b>\$ 80,900</b>
	<b><u>Contractual Services</u></b>	
10.50.4135.00	Other Contractual Services	153,600
10.50.4137.00	Contractual - Restricted Bill Back	120,000
10.50.4140.00	Postage	500
10.50.4145.00	Printing & Advertising	2,500
10.50.4150.00	Professional Services	21,600
10.50.4170.00	Telephone	2,300
10.50.4180.00	Travel & Training	5,500
	<b>Total Contractual Services</b>	<b>\$ 306,000</b>
	<b><u>Commodities</u></b>	
10.50.4310.00	Computers & Software	3,400
10.50.4400.00	Supplies - Office	7,800
10.50.4420.00	Supplies - Safety	100
	<b>Total Commodities</b>	<b>\$ 11,300</b>
	<b><u>Other Charges</u></b>	
10.50.4540.00	Insurance	1,500
10.50.4560.00	Memberships & Subscriptions	1,600
	<b>Total Other Charges</b>	<b>\$ 3,100</b>
	<b><u>Capital - \$5,000/item min.</u></b>	
10.50.4830.00	Equipment	6,450
10.50.4890.00	Other Improvements	\$ 145,000
	<b>Total Capital</b>	<b>\$ 151,450</b>
	<b>Total Budget Request</b>	<b>\$ 762,600</b>

**BUILDING INSPECTIONS**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Personnel Services</u></b>	
10.60.4001.00	Salaries	54,850
10.60.4002.00	Overtime	500
10.60.4010.00	Payroll Taxes	4,200
10.60.4020.00	Unemployment Taxes	500
10.60.4025.00	Workers Compensation	600
10.60.4030.00	Group Insurance	9,950
10.60.4035.00	Retirement Contribution	2,350
	<b>Total Personnel Services</b>	<b>\$ 72,950</b>
	<b><u>Contractual Services</u></b>	
10.60.4135.00	Other Contractual Services	156,600
10.60.4140.00	Postage	700
10.60.4145.00	Printing & Advertising	1,200
10.60.4150.00	Professional Services	-
10.60.4170.00	Telephone	600
10.60.4180.00	Travel & Training	500
	<b>Total Contractual Services</b>	<b>\$ 159,600</b>
	<b><u>Commodities</u></b>	
10.60.4310.00	Computers & Software	2,000
10.60.4400.00	Supplies - Office	750
	<b>Total Commodities</b>	<b>\$ 2,750</b>
	<b><u>Other Charges</u></b>	
10.60.4540.00	Insurance	600
10.60.4560.00	Memberships & Subscriptions	300
	<b>Total Other Charges</b>	<b>\$ 900</b>
	<b>Total Budget Request</b>	<b>\$ 236,200</b>

**POLICE**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Personnel Services</u></b>	
10.70.4001.00	Salaries	1,833,500
10.70.4002.00	Overtime	35,000
10.70.4003.00	Off-Duty Work	30,000
10.70.4010.00	Payroll Taxes	138,500
10.70.4020.00	Unemployment Taxes	15,500
10.70.4025.00	Workers Compensation	135,000
10.70.4030.00	Group Insurance	319,500
10.70.4035.00	Retirement Contribution	97,650
	<b>Total Personnel Services</b>	<b>\$ 2,604,650</b>
	<b><u>New Personnel</u></b>	
10.70.4001.00	Salaries	126,000
10.70.4002.00	Overtime	4,000
10.70.4010.00	Payroll Taxes	9,650
10.70.4020.00	Unemployment Taxes	1,100
10.70.4025.00	Workers Compensation	7,500
10.70.4030.00	Group Insurance	43,200
10.70.4035.00	Retirement Contribution	5,350
	<b>Total New Personnel</b>	<b>\$ 196,800</b>
	<b><u>Contractual Services</u></b>	
10.70.4120.00	Employee Education	12,000
10.70.4122.00	Maintenance - Buildings	4,500
10.70.4125.00	Maintenance - Equipment	2,000
10.70.4130.00	Maintenance - Vehicles	17,500
10.70.4135.00	Other Contractual Services	75,500
10.70.4140.00	Postage	5,000
10.70.4145.00	Printing & Advertising	1,000
10.70.4150.00	Professional Services	37,500
10.70.4170.00	Telephone	37,700
10.70.4180.00	Travel & Training	24,000
	<b>Total Contractual Services</b>	<b>\$ 216,700</b>
	<b><u>Commodities</u></b>	
10.70.4310.00	Computers & Software	30,540
10.70.4330.00	Fuel & Lubricants	52,000
10.70.4385.00	Supplies - General	106,040
10.70.4395.00	Supplies - Lab	3,500
10.70.4400.00	Supplies - Office	9,500
10.70.4460.00	Uniforms	14,950
	<b>Total Commodities</b>	<b>\$ 216,530</b>
	<b><u>Other Charges</u></b>	
10.70.4520.00	Donations - Community Programs	9,000
10.70.4540.00	Insurance	76,600
10.70.4560.00	Memberships & Subscriptions	1,500
	<b>Total Other Charges</b>	<b>\$ 87,100</b>

**POLICE**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Capital - \$5,000/item min.</u></b>	
10.70.4830.00	Equipment	8,700
10.70.4860.00	Vehicles	60,000
	<b>Total Capital</b>	\$ 68,700
<b><u>Impact</u></b>		
	<b><u>Commodities</u></b>	
10.70.4385.00	Supplies - General	46,600
	<b>Total Commodities</b>	\$ 46,600
	<b><u>Contractual Services</u></b>	
10.70.4135.00	Other Contractual Services	\$ 18,300
	<b>Total Contractual Services</b>	\$ 18,300
	<b><u>Capital - \$5,000/item min.</u></b>	
10.70.4830.00	Equipment	\$ 6,700
10.70.4860.00	Vehicles	\$ 60,000
	<b>Total Capital</b>	\$ 66,700
	<b>Total Budget Request</b>	<b>\$ 3,522,080</b>

**PUBLIC WORKS**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Personnel Services</u></b>	
10.80.4001.00	Salaries	57,300
10.80.4002.00	Overtime	0
10.80.4010.00	Payroll Taxes	4,400
10.80.4020.00	Unemployment Taxes	500
10.80.4025.00	Workers Compensation	3,000
10.80.4030.00	Group Insurance	7,900
10.80.4035.00	Retirement Contribution	4,100
	<b>Total Personnel Services</b>	<b>\$ 77,200</b>
	<b><u>Contractual Services</u></b>	
10.80.4122.00	Maintenance - Buildings	1,200
10.80.4125.00	Maintenance - Equipment	7,000
10.80.4130.00	Maintenance - Vehicles	750
10.80.4135.00	Other Contractual Services	7,900
10.80.4140.00	Postage	200
10.80.4145.00	Printing & Advertising	200
10.80.4160.00	Rents	2,500
10.80.4170.00	Telephone	3,400
10.80.4180.00	Travel & Training	1,500
	<b>Total Contractual Services</b>	<b>\$ 24,650</b>
	<b><u>Commodities</u></b>	
10.80.4310.00	Computers & Software	3,000
10.80.4330.00	Fuel & Lubricants	2,500
10.80.4385.00	Supplies - General	4,000
10.80.4390.00	Supplies - Janitorial	4,000
10.80.4400.00	Supplies - Office	500
10.80.4410.00	Supplies - Operational	3,000
	<b>Total Commodities</b>	<b>\$ 17,000</b>
	<b><u>Other Charges</u></b>	
10.80.4540.00	Insurance	7,000
10.80.4560.00	Memberships & Subscriptions	300
	<b>Total Other Charges</b>	<b>\$ 7,300</b>
	<b><u>Capital - \$5,000/item min.</u></b>	
10.80.4810.00	Buildings	7,500
	<b>Total Capital</b>	<b>\$ 7,500</b>
	<b>Total Budget Request</b>	<b>\$ 133,650</b>

**BUILDINGS**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Contractual Services</u></b>	
10.82.4122.00	Maintenance - Buildings	26,000
10.82.4125.00	Maintenance - Equipment	8,000
10.82.4127.00	Maintenance - Infrastructure	8,000
10.82.4135.00	Other Contractual Services	56,700
10.82.4150.00	Professional Services	4,000
10.82.4160.00	Rents	4,500
10.82.4190.00	Utilities	29,000
	<b>Total Contractual Services</b>	<b>\$ 136,200</b>
	<b><u>Commodities</u></b>	
10.82.4390.00	Supplies - Janitorial	8,500
10.82.4410.00	Supplies - Operational	8,000
	<b>Total Commodities</b>	<b>\$ 16,500</b>
	<b><u>Other Charges</u></b>	
10.82.4540.00	Insurance	18,500
	<b>Total Other Charges</b>	<b>\$ 18,500</b>
	<b><u>Capital - \$5,000/item min.</u></b>	
10.82.4810.00	Buildings	39,000
	<b>Total Capital</b>	<b>\$ 39,000</b>
	<b>Total Budget Request</b>	<b>\$ 210,200</b>

**TOWN OF JOHNSTOWN  
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**CONSERVATION TRUST FUND EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Conservation Trust	0	0	0	0	0	75,000	---	75,000
Totals	\$0	\$0	\$0	\$0	0	\$75,000	\$0	\$75,000

Total Cash Available \$ 84,900

Ending Fund Balance 9,900

% of Total Budget 0.00% 0.00% 0.00% 0.00% 0.00% 100.00% 0.00% 100.00%

2019 Budget 0

2018 Actuals 0

		<u>2020</u>
		<u>Proposed</u>
		<u>Budget</u>
<b><u>CONSERVATION TRUST FUND REVENUES</u></b>		
30.01.3450.00	LOTTERY FUNDS	84,800
30.01.3960.00	INTEREST INCOME	100
	<b>TOTAL FUND REVENUES</b>	<u>84,900</u>
	<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>	0
	<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>	<u>\$ 84,900</u>

**Conservation Trust Fund**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Capital - \$5,000/item min.</u></b>	
30.90.4840.00	Infrastructure	\$ 75,000
	<b>Total Capital</b>	<b>\$ 75,000</b>
	<b>Total Budget Request</b>	<b>\$ 75,000</b>

**TOWN OF JOHNSTOWN  
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**PARKS AND OPEN SPACE FUND EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Impact Outlay	Debt Service	Total
Parks Fund	296,750	107,300	53,000	1,700	458,750	713,000	15,000	---	1,186,750
Totals	\$296,750	\$107,300	\$53,000	\$1,700	458,750	\$713,000	\$15,000	\$0	\$1,186,750

Total Cash Available \$ 6,440,133

Ending Fund Balance 5,253,383

% of Total Budget	25.01%	9.04%	4.47%	0.14%	38.66%	60.08%	1.26%	0.00%	100.00%
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2019 Budget	85,000
2019 Estimates	85,000
2018 Actuals	168,095

		<u>2020</u>
		<u>Proposed</u>
		<u>Budget</u>
<b><u>PARKS AND OPEN SPACE FUND REVENUES</u></b>		
34.01.3420.00	GRANTS	250,000
34.01.3470.00	LARIMER COUNTY OPEN SPACE	144,000
34.01.3550.00	CEMETERY CARE FEES	5,117
34.01.3567.00	PARK RESERVATION FEES	200
34.01.3532.00	PARK FEES - BUILDING PERMITS	62,500
34.01.3740.00	PARK IMPACT FEES	148,000
34.01.3940.00	CEMETERY LOT PURCHASE	17,000
34.01.3960.00	INTEREST INCOME	47,700
34.01.3985.00	REIMBURSED EXPENSES	1,000
34.01.3970.00	MISCELLANEOUS	-
		<u>675,517</u>
34.01.3999.00	FROM WATER FUND	100,000
34.01.3999.00	FROM SEWER FUND	100,000
34.01.3999.00	FROM DRAINAGE	20,000
34.01.3999.00	TRANSFERS IN	<u>220,000</u>
<b>TOTAL FUND REVENUES</b>		<u>895,517</u>
<b>RESTRICTED FOR IMPACT ONLY</b>		3,712,955
<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>		1,831,661
<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>		<u>6,440,133</u>

**Parks and Open Space Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed</u>
	<b><u>Personnel Services</u></b>	
34.90.4001.00	Salaries	\$ 178,900
34.90.4002.00	Overtime	\$ 4,100
34.90.4010.00	Payroll Taxes	\$ 14,100
34.90.4020.00	Unemployment Taxes	\$ 1,600
34.90.4025.00	Workers Compensation	\$ 21,000
34.90.4030.00	Group Insurance	\$ 35,600
34.90.4035.00	Retirement Contribution	\$ 7,900
	<b>Total Personnel Services</b>	\$ 263,200
	<b><u>New Personnel Services</u></b>	
34.90.4001.00	Salaries	\$ 22,000
34.90.4002.00	Overtime	\$ 1,000
34.90.4010.00	Payroll Taxes	\$ 1,800
34.90.4020.00	Unemployment Taxes	\$ 100
34.90.4025.00	Workers Compensation	\$ 300
34.90.4030.00	Group Insurance	\$ 7,350
34.90.4035.00	Retirement Contribution	\$ 1,000
	<b>Total Personnel Services</b>	\$ 33,550
	<b><u>Contractual Services</u></b>	
34.90.4120.00	Employee Education	
34.90.4122.00	Maintenance - Buildings	\$ 9,000
34.90.4125.00	Maintenance - Equipment	\$ 10,000
34.90.4127.00	Maintenance - Infrastructure	\$ 28,000
34.90.4130.00	Maintenance - Vehicles	\$ 2,000
34.90.4135.00	Other Contractual Services	\$33,800
34.90.4140.00	Postage	\$ 500
34.90.4150.00	Professional Services	\$ 18,000
34.90.4180.00	Travel & Training	\$ 2,000
34.90.4190.00	Utilities	\$ 4,000
	<b>Total Contractual Services</b>	\$ 107,300
	<b><u>Commodities</u></b>	
34.90.4300.00	Chemicals	\$ 17,000
34.90.4330.00	Fuel & Lubricants	\$ 5,000
34.90.4385.00	Supplies - General	\$ 3,000
34.90.4410.00	Supplies - Operational	\$ 20,000
34.90.4420.00	Supplies - Safety	\$ 2,500
34.90.4430.00	Supplies - Training	\$ 2,500
34.90.4440.00	Supplies - Vehicles	\$ 2,000
34.90.4460.00	Uniforms	\$ 1,000
	<b>Total Commodities</b>	\$ 53,000
	<b><u>Other Charges</u></b>	
34.90.4540.00	Insurance	\$ 1,700
	<b>Total Other Charges</b>	\$ 1,700

**Parks and Open Space Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed</u>
<b>Impact</b>		
	<b>Capital - \$5,000/item min.</b>	
34.90.4830.00	Equipment	\$ 15,000
	<b>Total Capital</b>	\$ 15,000
<b>Capital</b>		
	<b>Capital - \$5,000/item min.</b>	
34.90.4830.00	Equipment	\$ 63,000
34.90.4840.00	Infrastructure	\$ 650,000
	<b>Total Capital</b>	\$ 713,000
	<b>Total Budget Request</b>	<b>\$ 1,186,750</b>

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**STREET AND ALLEY FUND EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Impact Outlay	Debt Service	Total
Streets Fund	372,900	1,581,450	130,500	5,200	2,090,050	24,500	8,854,000	---	10,968,550
Totals	\$372,900	\$1,581,450	\$130,500	\$5,200	2,090,050	\$24,500	\$8,854,000	\$0	\$10,968,550

Total Cash Available \$ 14,168,786

Ending Fund Balance 3,200,236

% of Total Budget	3.40%	14.42%	1.19%	0.05%	19.05%	0.22%	80.72%	0.00%	100.00%
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2019 Budget	851,839
2019 Estimates	851,839
2018 Actuals	426,068

		<u>2020</u>
		<u>Proposed</u>
		<u>Budget</u>
<b><u>STREET AND ALLEY FUND REVENUES</u></b>		
36.01.3176.00	HIGHWAY USERS TAXES	488,000
36.01.3430.00	ROAD & BRIDGE - WELD	45,000
36.01.3435.00	ROAD & BRIDGE - LARIMER	40,000
36.01.3585.00	STREET MAINTENANCE FEE	348,000
36.01.3590.00	TRASH COLLECTION FEES	676,000
36.01.3140.00	SALES & USE TAXES - VEHICLES	300,000
36.01.3580.00	VEHICLE REGISTRATION FEES	50,000
36.01.3790.00	TRANSPORTATION FACILITY DEVELOPMENT FEE - IMPACT	300,000
36.01.3792.00	TRAFFIC SIGNAL IMPACT FEE	5,000
36.01.3420.00	GRANTS	1,426,650
36.01.3960.00	INTEREST	27,000
36.01.3999.00	TRANSFER IN	2,000,000
	<b>SUBTOTAL</b>	<u>5,705,650</u>
	<b>TOTAL FUND REVENUES</b>	<u>5,705,650</u>
	<b>RESTRICTED FOR IMPACT ONLY - STREETS</b>	7,962,159
	<b>RESTRICTED FOR IMPACT ONLY - SIGNALS</b>	231,652
	<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>	269,325
	<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>	<u>14,168,786</u>

**Street & Alley Fund**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Personnel Services</u></b>	
36.90.4001.00	Salaries	\$ 219,900
36.90.4002.00	Overtime	\$ 4,500
36.90.4010.00	Payroll Taxes	\$ 17,200
36.90.4020.00	Unemployment Taxes	\$ 1,950
36.90.4025.00	Workers Compensation	\$ 14,000
36.90.4030.00	Group Insurance	\$ 48,700
36.90.4035.00	Retirement Contribution	\$ 10,800
	<b>Total Personnel Services</b>	<b>\$ 317,050</b>
	<b><u>New Personnel</u></b>	
36.90.4001.00	Salaries	\$ 28,500
36.90.4002.00	Overtime	\$ 5,000
36.90.4010.00	Payroll Taxes	\$ 2,200
36.90.4020.00	Unemployment Taxes	\$ 200
36.90.4025.00	Workers Compensation	\$ 2,500
36.90.4030.00	Group Insurance	\$ 16,200
36.90.4035.00	Retirement Contribution	\$ 1,250
	<b>Total New Personnel</b>	<b>\$ 55,850</b>
	<b><u>Contractual Services</u></b>	
36.90.4120.00	Employee Education	\$ 3,000
36.90.4125.00	Maintenance - Equipment	\$ 20,000
36.90.4127.00	Maintenance - Infrastructure	\$ 428,000
36.90.4130.00	Maintenance - Vehicles	\$ 12,000
36.90.4135.00	Other Contractual Services	\$ 867,150
36.90.4140.00	Postage	\$ 600
36.90.4145.00	Printing & Advertising	\$ 3,200
36.90.4150.00	Professional Services	\$ 2,000
36.90.4160.00	Rents	\$ 5,000
36.90.4170.00	Telephone	\$ 5,000
36.90.4180.00	Travel & Training	\$ 10,500
36.90.4190.00	Utilities	\$ 225,000
	<b>Total Contractual Services</b>	<b>\$ 1,581,450</b>
	<b><u>Commodities</u></b>	
36.90.4300.00	Chemicals	\$ 48,500
36.90.4310.00	Computers & Software	\$ 7,000
36.90.4330.00	Fuel & Lubricants	\$ 20,000
36.90.4385.00	Supplies - General	\$ 12,000
36.90.4400.00	Supplies - Office	\$ 500
36.90.4410.00	Supplies - Operational	\$ 15,000
36.90.4420.00	Supplies - Safety	\$ 10,000
36.90.4430.00	Supplies - Training	\$ 500
36.90.4440.00	Supplies - Vehicles	\$ 15,000
36.90.4460.00	Uniforms	\$ 2,000
	<b>Total Commodities</b>	<b>\$ 130,500</b>

**Street & Alley Fund**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Other Charges</u></b>	
36.90.4540.00	Insurance	\$ 2,200
36.90.4560.00	Memberships & Subscriptions	\$ 1,000
36.90.4570.00	Miscellaneous	\$ 2,000
	<b>Total Other Charges</b>	<b>\$ 5,200</b>
<b><u>Impact</u></b>		
	<b><u>Contractual Services</u></b>	
36.90.4135.00	Other Contractual Services	\$ 144,000
36.90.4150.00	Professional Services	\$ 50,000
	<b>Total Contractual Services</b>	<b>\$ 194,000</b>
	<b><u>Capital - \$5,000/item min.</u></b>	
36.90.4830.00	Equipment	\$ 85,000
36.90.4860.00	Vehicles	\$ 275,000
36.90.4890.00	Other Improvements	\$ 8,300,000
	<b>Total Capital</b>	<b>\$ 8,660,000</b>
<b><u>Capital</u></b>		
	<b><u>Capital - \$5,000/item min.</u></b>	
36.90.4830.00	Equipment	\$ 24,500
	<b>Total Capital</b>	<b>\$ 24,500</b>
	<b>Total Budget Request</b>	<b>\$ 10,968,550</b>

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**CAPITAL PROJECTS FUND EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Capital Projects	0	9,700	0	470,000	479,700	2,000,000	---	2,479,700
Totals	\$0	\$9,700	\$0	\$470,000	479,700	\$2,000,000	\$0	\$2,479,700

Total Cash Available \$ 11,508,106

Ending Fund Balance 9,028,406

% of Total Budget 0.00% 0.39% 0.00% 18.95% 19.35% 80.65% 0.00% 100.00%

2019 Budget 1,973,500  
2019 Estimates 1,973,500  
2018 Actuals 767,774

		<u>2020</u>
		<u>Proposed</u>
		<u>Budget</u>
<b><u>CAPITAL PROJECT FUND REVENUES</u></b>		
38.01.3122.00	USE TAX REVENUES - BUILDINGS	450,000
38.01.3124.00	USE TAX REVENUES - VEHICLES	-
38.01.3960.00	INTEREST	79,000
38.01.3985.00	REIMBURSED EXPENSES	-
38.01.3999.00	TRANSFERS TO TAX FUND	(15,000)
	CAPITAL LEASE/PROCEEDS	
	<b>SUBTOTAL</b>	<u>514,000</u>
	<b>TOTAL FUND REVENUES</b>	<u>514,000</u>
	<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>	10,994,106
	<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>	<u>11,508,106</u>

**Capital Projects Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
	<b><u>Contractual Services</u></b>	
38.90.4135.00	Other Contractual Services	\$ 9,700
	<b>Total Contractual Services</b>	<b>\$ 9,700</b>
	<b><u>Other Charges</u></b>	
38.90.4570.00	Miscellaneous	\$ 470,000
	<b>Total Other Charges</b>	<b>\$ 470,000</b>
	<b><u>Capital - \$5,000/item min.</u></b>	
38.90.4840.00	Infrastructure	\$ 2,000,000
	<b>Total Capital</b>	<b>\$ 2,000,000</b>
	<b>Total Budget Request</b>	<b>\$ 2,479,700</b>

**TOWN OF JOHNSTOWN  
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**TAX ALLOCATION EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Tax Allocation	0	0	0	490,000	490,000	---	---	490,000
Totals	\$0	\$0	\$0	\$490,000	490,000	---	\$0	\$490,000

Total Cash Available \$ 495,655

Ending Fund Balance \$5,655

% of Total Budget	0.00%	0.00%	0.00%	100.00%	100.00%	0.00%	0.00%	100.00%
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2019 Budget	144,300
2019 Estimates	144,300
2018 Actuals	114,900

		<u>2020</u>
		<u>Proposed</u>
		<u>Budget</u>
<b><u>TAX ALLOCATION FUND REVENUES</u></b>		
TRANSFERS IN:		
60.01.3120.00	2534 TAX SHARING	265,000
60.01.3120.00	JOHNSONS CORNER TAX SHARING	150,000
60.01.3120.00	THOMPSONS RANCH	75,000
60.01.3960.00	INTEREST	100
		<hr/>
		490,100
<b>TOTAL FUND REVENUES</b>		<hr/>
		490,100
<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>		5,555
<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>		<hr/>
		495,655

Tax Allocation Fund

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
	<b>Other Charges</b>	
60.90.4570.00	Miscellaneous	\$ 490,000
	<b>Total Other Charges</b>	\$ 490,000
	<b>Total Budget Request</b>	<b>\$ 490,000</b>

**TOWN OF JOHNSTOWN  
ANNUAL BUDGET  
FY 2020**

**WATER FUND EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Water Fund	664,870	1,111,100	338,800	650,700	2,765,470	6,853,000	---	9,618,470
Totals	\$664,870	\$1,111,100	\$338,800	\$650,700	2,765,470	6,853,000	\$0	\$9,618,470

Total Cash Available \$ 23,746,942

Ending Fund Balance \$14,128,472

% of Total Budget	6.91%	11.55%	3.52%	6.77%	28.75%	71.25%	0.00%	100.00%
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2019 Budget	8,639,726
2019 Estimates	8,537,726
2018 Actuals	3,037,793

		<u>2020</u>
		<u>Proposed</u>
		<u>Budget</u>
<u>WATER FUND REVENUES</u>		
70.01.3830.00	CONNECTION CHARGES	2,500
70.01.3840.00	HYDRANT/BULK WATER	18,000
70.01.3815.00	POTABLE WATER SALES	2,500,000
70.01.3845.00	WATER LEASE	1,500
70.01.3850.00	WATER SHARE FEES	1,000,000
70.01.3820.00	WATER TAP FEE	804,625
70.01.3852.00	WATER METER FEE	15,000
70.01.3825.00	RAW WATER DEVELOPMENT FEE	100,000
70.01.3960.00	INTEREST INCOME	126,000
70.01.3970.00	MISCELLANEOUS	125,000
70.01.	GRANTS	1,000,000
	<b>SUBTOTAL</b>	<u>5,692,625</u>
	<b>TOTAL FUND REVENUES</b>	<u>5,692,625</u>
	<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>	18,054,317
	<b>CARRY FORWARD PROJECTS FROM FY 2014</b>	
	<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>	<u>\$ 23,746,942</u>

**Water Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
<b>Administrative Costs</b>		
<b>Personnel Services</b>		
70.12.4001.00	Salaries	\$ 96,300
70.12.4002.00	Overtime	\$ 500
70.12.4010.00	Payroll Taxes	\$ 7,400
70.12.4020.00	Unemployment Taxes	\$ 1,000
70.12.4025.00	Workers Compensation	\$ 2,000
70.12.4030.00	Group Insurance	\$ 16,600
70.12.4035.00	Retirement Contribution	\$ 7,100
	<b>Total Personnel Services</b>	<b>\$ 130,900</b>
<b>New Personnel</b>		
70.12.4001.00	Salaries	9,000
70.12.4002.00	Overtime	-
70.12.4010.00	Payroll Taxes	700
70.12.4020.00	Unemployment Taxes	150
70.12.4025.00	Workers Compensation	500
70.12.4030.00	Group Insurance	5,400
70.12.4035.00	Retirement Contribution	400
	<b>Total New Personnel</b>	<b>\$ 16,150</b>
<b>Contractual Services</b>		
70.12.4110.00	Billing & Administrative	\$ 100,000
70.12.4135.00	Other Contractual Services	\$ 19,900
70.12.4140.00	Postage	\$ 1,200
70.12.4145.00	Printing & Advertising	\$ 22,000
70.12.4150.00	Professional Services	\$2,400
	<b>Total Contractual Services</b>	<b>\$ 145,500</b>
<b>Other Charges</b>		
70.12.4570.00	Miscellaneous	\$ 230,000
	<b>Total Other Charges</b>	<b>\$ 230,000</b>
<b>Operational Costs</b>		
<b>Personnel Services</b>		
70.90.4001.00	Salaries	\$ 318,000
70.90.4002.00	Overtime	\$ 8,500
70.90.4005.00	Compensated Absences	\$ 6,000
70.90.4010.00	Payroll Taxes	\$ 25,000
70.90.4020.00	Unemployment Taxes	\$ 2,800
70.90.4025.00	Workers Compensation	\$ 15,000
70.90.4030.00	Group Insurance	\$ 94,500
70.90.4035.00	Retirement Contribution	\$ 13,650
	<b>Total Personnel Services</b>	<b>\$ 483,450</b>
<b>New Personnel</b>		
70.90.4001.00	Salaries	\$ 21,000
70.90.4002.00	Overtime	\$ 1,500

**Water Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
70.90.4010.00	Payroll Taxes	\$ 1,600
70.90.4020.00	Unemployment Taxes	\$ 170
70.90.4025.00	Workers Compensation	\$ 2,000
70.90.4030.00	Group Insurance	\$ 7,200
70.90.4035.00	Retirement Contribution	\$ 900
	<b>Total Personnel Services</b>	<b>\$ 34,370</b>
	<b><u>Contractual Services</u></b>	
70.90.4122.00	Maintenance - Buildings	\$ 15,000
70.90.4125.00	Maintenance - Equipment	\$ 70,000
70.90.4127.00	Maintenance - Infrastructure	\$ 95,000
70.90.4130.00	Maintenance - Vehicles	\$ 5,000
70.90.4135.00	Other Contractual Services	\$ 163,000
70.90.4150.00	Professional Services	\$ 160,000
70.90.4170.00	Telephone	\$ 600
70.90.4180.00	Travel & Training	\$ 10,000
70.90.4190.00	Utilities	\$ 218,000
70.90.4195.00	Water Assessments	\$ 229,000
	<b>Total Contractual Services</b>	<b>\$ 965,600</b>
	<b><u>Commodities</u></b>	
70.90.4310.00	Computers & Software	\$ 3,000
70.90.4330.00	Fuel & Lubricants	\$ 12,000
70.90.4340.00	Hydrants	\$ 15,000
70.90.4385.00	Supplies - General	\$ 10,000
70.90.4390.00	Supplies - Janitorial	\$ 1,300
70.90.4395.00	Supplies - Lab	\$ 12,000
70.90.4410.00	Supplies - Operational	\$ 170,000
70.90.4420.00	Supplies - Safety	\$ 3,000
70.90.4430.00	Supplies - Training	\$ 2,500
70.90.4440.00	Supplies - Vehicles	\$ 2,500
70.90.4460.00	Uniforms	\$ 2,500
70.90.4480.00	Water Meters	\$ 105,000
	<b>Total Commodities</b>	<b>\$ 338,800</b>
	<b><u>Other Charges</u></b>	
70.90.4515.00	Depreciation	\$ 355,000
70.90.4540.00	Insurance	\$ 44,700
70.90.4570.00	Miscellaneous	\$ 20,000
70.90.	Memberships& Subscriptions	\$ 1,000
	<b>Total Other Charges</b>	<b>\$ 420,700</b>
	<b><u>Capital</u></b>	
	<b>Capital - \$5,000/item min.</b>	
70.90.4840.00	Infrastructure	\$ 6,068,000
70.90.4860.00	Vehicles	\$ 35,000
70.90.4880.00	Water Shares	\$ 750,000
	<b>Total Capital</b>	<b>\$ 6,853,000</b>
	<b>Total Budget Request</b>	<b>\$ 9,618,470</b>

**TOWN OF JOHNSTOWN  
ANNUAL BUDGET  
FY 2020**

**SEWER FUND EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Sewer Fund	592,670	1,283,100	234,000	301,600	2,411,370	10,874,000	---	13,285,370
Totals	\$592,670	\$1,283,100	\$234,000	\$301,600	2,411,370	\$10,874,000	\$0	\$13,285,370

Total Cash Available \$ 22,085,987

Ending Fund Balance 8,800,617

% of Total Budget	4.46%	9.66%	1.76%	2.27%	18.15%	81.85%	0.00%	100.00%
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2019 Budget	5,479,174
2019 Estimates	4,785,174
2018 Actuals	1,635,717

		<u>2020</u>
		<u>Proposed</u>
		<u>Budget</u>
<b><u>SEWER FUND REVENUES</u></b>		
72.01.3870.00	SEWER CHARGES	1,950,000
72.01.3880.00	SEWER TAP FEES	660,000
72.01.3410.00	GRANT	1,000,000
72.01.3960.00	INTEREST	81,000
72.01.3970.00	MISCELLANEOUS	1,000
72.01.3999.00	TRANSFERS IN	10,000,000
	<b>SUBTOTAL</b>	<u>13,692,000</u>
	<b>TOTAL FUND REVENUES</b>	<u>13,692,000</u>
	<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>	8,393,987
	<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>	<u>22,085,987</u>

**Sewer Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
<b>Administrative Costs</b>		
<b>Personnel Services</b>		
72.12.4001.00	Salaries	\$ 93,850
72.12.4002.00	Overtime	\$ 500
72.12.4010.00	Payroll Taxes	\$ 7,200
72.12.4020.00	Unemployment Taxes	\$ 800
72.12.4025.00	Workers Compensation	\$ 2,000
72.12.4030.00	Group Insurance	\$ 16,100
72.12.4035.00	Retirement Contribution	\$ 7,000
	<b>Total Personnel Services</b>	<b>\$ 127,450</b>
<b>New Personnel</b>		
72.12.4001.00	Salaries	9,000
72.12.4002.00	Overtime	-
72.12.4010.00	Payroll Taxes	700
72.12.4020.00	Unemployment Taxes	150
72.12.4025.00	Workers Compensation	500
72.12.4030.00	Group Insurance	5,400
72.12.4035.00	Retirement Contribution	400
	<b>Total New Personnel</b>	<b>\$ 16,150</b>
<b>Contractual Services</b>		
72.12.4110.00	Billing & Administrative	\$ 100,000
72.12.4135.00	Other Contractual Services	\$ 10,800
72.12.4140.00	Postage	\$ 1,100
72.12.4145.00	Printing & Advertising	\$ 13,000
	<b>Total Contractual Services</b>	<b>\$ 124,900</b>
<b>Other Charges</b>		
72.12.4570.00	Miscellaneous	\$ 42,000
	<b>Total Other Charges</b>	<b>\$ 42,000</b>
<b>Operational Costs</b>		
<b>Personnel Services</b>		
72.90.4001.00	Salaries	\$ 275,900
72.90.4002.00	Overtime	\$ 8,500
72.90.4005.00	Compensated Absences	\$ 6,000
72.90.4010.00	Payroll Taxes	\$ 21,200
72.90.4020.00	Unemployment Taxes	\$ 2,400
72.90.4025.00	Workers Compensation	\$ 15,000
72.90.4030.00	Group Insurance	\$ 74,200
72.90.4035.00	Retirement Contribution	\$ 11,500
	<b>Total Personnel Services</b>	<b>\$ 414,700</b>
<b>New Personnel</b>		
72.90.4001.00	Salaries	\$ 21,000
72.90.4002.00	Overtime	\$ 1,500
72.90.4010.00	Payroll Taxes	\$ 1,600

**Sewer Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
72.90.4020.00	Unemployment Taxes	\$ 170
72.90.4025.00	Workers Compensation	\$ 2,000
72.90.4030.00	Group Insurance	\$ 7,200
72.90.4035.00	Retirement Contribution	\$ 900
	<b>Total New Personnel</b>	<b>\$ 34,370</b>
	<b><u>Contractual Services</u></b>	
72.90.4122.00	Maintenance - Buildings	\$ 20,000
72.90.4125.00	Maintenance - Equipment	\$ 85,000
72.90.4127.00	Maintenance - Infrastructure	\$ 75,000
72.90.4130.00	Maintenance - Vehicles	\$ 3,500
72.90.4135.00	Other Contractual Services	\$ 180,000
72.90.4140.00	Postage	\$ 200
72.90.4145.00	Printing & Advertising	\$ 200
72.90.4150.00	Professional Services	\$ 555,000
72.90.4160.00	Rents	\$ 5,000
72.90.4170.00	Telephone	\$ 6,800
72.90.4180.00	Travel & Training	\$ 7,500
72.90.4190.00	Utilities	\$ 220,000
	<b>Total Contractual Services</b>	<b>\$ 1,158,200</b>
	<b><u>Commodities</u></b>	
72.90.4300.00	Chemicals	\$ 140,000
72.90.4310.00	Computers & Software	\$ 2,000
72.90.4330.00	Fuel & Lubricants	\$ 9,500
72.90.4380.00	Supplies - Buildings	\$ 3,500
72.90.7385.00	Supplies - General	\$ 5,000
72.90.4390.00	Supplies - Janitorial	\$ 1,500
72.90.4395.00	Supplies - Lab	\$ 9,000
72.90.4400.00	Supplies - Office	\$ 500
72.90.4410.00	Supplies - Operational	\$ 50,000
72.90.4420.00	Supplies - Safety	\$ 6,000
72.90.4430.00	Supplies - Training	\$ 2,500
72.90.4440.00	Supplies - Vehicles	\$ 2,500
72.90.4460.00	Uniforms	\$ 2,000
	<b>Total Commodities</b>	<b>\$ 234,000</b>
	<b><u>Other Charges</u></b>	
72.90.4515.00	Depreciation	\$ 205,000
72.90.4540.00	Insurance	\$ 44,100
72.90.4560.00	Memberships & Subscriptions	\$ 500
72.90.4570.00	Miscellaneous	\$ 10,000
	<b>Total Other Charges</b>	<b>\$ 259,600</b>

**Sewer Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
<b>Capital</b>		
	<b>Capital - \$5,000/item min.</b>	
72.90.4810.00	Buildings	\$ 30,000
72.90.4830.00	Equipment	\$ 55,000
72.90.4840.00	Infrastructure	\$ 10,754,000
72.90.4860.00	Vehicles	\$ 35,000
	<b>Total Capital</b>	\$ 10,874,000
	<b>Total Budget Request</b>	<b>\$ 13,285,370</b>

**TOWN OF JOHNSTOWN  
ANNUAL BUDGET  
FY 2020**

**DRAINAGE FUND EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Drainage Fund	286,800	177,350	14,750	10,100	489,000	515,000	---	1,004,000
Totals	\$286,800	\$177,350	\$14,750	\$10,100	489,000	\$515,000	\$0	\$1,004,000

Total Cash Available \$ 3,852,274

Ending Fund Balance 2,848,274

% of Total Budget 28.57% 17.66% 1.47% 1.01% 48.71% 51.29% 0.00% 100.00%

2019 Budget 350,500  
2019 Estimates 285,500  
2018 Actuals 178,499

		<u>2020</u>
		<u>Proposed</u>
		<u>Budget</u>
<b><u>DRAINAGE FUND REVENUES</u></b>		
74.01.3860.00	DRAINAGE CHARGES	435,000
74.01.3720.00	DRAINAGE IMPACT FEE	50,000
74.01.3960.00	INTEREST	25,200
74.01.3970.00	MISCELLANEOUS	-
74.01.3985.00	REFUND OF EXPENDITURES	-
	<b>SUBTOTAL</b>	<u>510,200</u>
	<b>TOTAL FUND REVENUES</b>	<u>510,200</u>
	<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>	3,342,074
	<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>	<u>3,852,274</u>

**Drainage Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
<b>Administrative Costs</b>		
<b>Personnel Services</b>		
74.12.4001.00	Salaries	\$ 69,500
74.12.4002.00	Overtime	\$ 500
74.12.4010.00	Payroll Taxes	\$ 5,350
74.12.4020.00	Unemployment Taxes	\$ 600
74.12.4025.00	Workers Compensation	\$ 2,000
74.12.4030.00	Group Insurance	\$ 11,900
74.12.4035.00	Retirement Contribution	\$ 5,200
	<b>Total Personnel Services</b>	\$ 95,050
<b>New Personnel</b>		
74.12.4001.00	Salaries	9,000
74.12.4002.00	Overtime	-
74.12.4010.00	Payroll Taxes	700
74.12.4020.00	Unemployment Taxes	150
74.12.4025.00	Workers Compensation	500
74.12.4030.00	Group Insurance	5,400
74.12.4035.00	Retirement Contribution	400
	<b>Total New Personnel</b>	\$ 16,150
<b>Contractual Services</b>		
74.12.4110.00	Billing & Administrative	\$ 20,000
74.12.4135.00	Other Contractual Services	\$ 3,000
74.12.4140.00	Postage	\$ 500
74.12.4145.00	Printing & Advertising	\$ 8,400
	<b>Total Contractual Services</b>	\$ 31,900
<b>Operational Costs</b>		
<b>Personnel Services</b>		
74.90.4001.00	Salaries	\$ 97,200
74.90.4002.00	Overtime	\$ 3,000
74.12.4005.00	Compensated Absences	\$ 6,000
74.90.4010.00	Payroll Taxes	\$ 7,600
74.90.4020.00	Unemployment Taxes	\$ 850
74.90.4025.00	Workers Compensation	\$ 15,000
74.90.4030.00	Group Insurance	\$ 21,000
74.90.4035.00	Retirement Contribution	\$ 5,050
	<b>Total Personnel Services</b>	\$ 155,700
<b>New Personnel</b>		
74.90.4001.00	Salaries	\$ 9,500
74.90.4002.00	Overtime	\$ 1,500
74.90.4010.00	Payroll Taxes	\$ 850
74.90.4020.00	Unemployment Taxes	\$ 100
74.90.4025.00	Workers Compensation	\$ 2,000
74.90.4030.00	Group Insurance	\$ 5,450

**Drainage Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
74.90.4035.00	Retirement Contribution	\$ 500
	<b>Total New Personnel</b>	\$ 19,900
	<b>Contractual Services</b>	
74.90.4125.00	Maintenance - Equipment	\$ 2,500
74.90.4127.00	Maintenance - Infrastructure	\$ 95,000
74.90.4130.00	Maintenance - Vehicles	\$ 1,500
74.90.4140.00	Postage	\$ 200
74.90.4145.00	Printing & Advertising	\$ 250
74.90.4150.00	Professional Services	\$ 40,000
74.90.4160.00	Rents	\$ 2,500
74.90.4170.00	Telephone	\$ 1,000
74.90.4180.00	Travel & Training	\$ 2,500
	<b>Total Contractual Services</b>	\$ 145,450
	<b>Commodities</b>	
74.90.4310.00	Computers & Software	
74.90.4330.00	Fuel & Lubricants	\$ 1,000
74.90.4385.00	Supplies - General	\$ 2,000
74.90.4410.00	Supplies - Operational	\$ 6,500
74.90.4420.00	Supplies - Safety	\$ 3,500
74.90.4430.00	Supplies - Training	\$ 500
74.90.4440.00	Supplies - Vehicles	\$ 750
74.90.4460.00	Uniforms	\$ 500
	<b>Total Commodities</b>	\$ 14,750
	<b>Other Charges</b>	
74.90.4515.00	Depreciation	\$ 7,000
74.90.4540.00	Insurance	\$ 1,600
74.90.4560.00	Memberships & Subscriptions	\$ 500
74.90.4570.00	Miscellaneous	\$ 1,000
	<b>Total Other Charges</b>	\$ 10,100
<b>Capital</b>		
	<b>Capital - \$5,000/item min.</b>	
74.90.4840.00	Infrastructure	\$ 515,000
	<b>Total Capital</b>	\$ 515,000
	<b>Total Budget Request</b>	<b>\$ 1,004,000</b>

**TOWN OF JOHNSTOWN  
ANNUAL BUDGET  
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**CEMETERY PERPETUAL EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Cemetery Fund	0	0	0	0	0	---	---	0
Totals	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0

Total Cash Available \$ 126,198

Ending Fund Balance 126,198

% of Total Budget 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00%

2019 Budget 4,300  
2019 Estimates 4,300  
2018 Actuals 0

		<u>2020</u> <u>Proposed</u> <u>Budget</u>
<b><u>CEMETERY PERPETUAL FUND REVENUES</u></b>		
80.01.3940.00	CEMETERY LOT PURCHASE	903
80.01.3960.00	INTEREST INCOME	100
	<b>SUBTOTAL</b>	<u>1,003</u>
	<b>TOTAL FUND REVENUES</b>	<u>1,003</u>
	<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>	125,195
	<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>	<u>126,198</u>

**Cemetery Perpetual Fund**

<b><u>Acct. No.</u></b>	<b><u>Account Title</u></b>	<b><u>2020 Proposed Budget</u></b>
	<b><u>Contractual Services</u></b>	
80.90.4150.00	Professional Services	
	<b>Total Contractual Services</b>	\$ -
	<b><u>Other Charges</u></b>	
80.90.4570.00	Miscellaneous	
	<b>Total Other Charges</b>	\$ -
	<b><u>Transfers</u></b>	
80.90.4999.00	Transfers Out	
	<b>Total Trasfers Out</b>	\$ -
	<b><u>Capital - \$5,000/item min.</u></b>	
80.90.4840.00	Infrastructure	
	<b>Total Capital</b>	\$ -
	<b>Total Budget Request</b>	<b>\$ -</b>

**TOWN OF JOHNSTOWN  
ANNUAL BUDGET  
FY 2020**

**LIBRARY FUND EXPENSE SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Library Fund	425,000	482,500	129,000	553,415	1,589,915	---	---	1,589,915
Totals	\$425,000	\$482,500	\$129,000	\$553,415	1,589,915	\$0	\$0	\$1,589,915

Total Cash Available \$ 5,371,243

Ending Fund Balance 3,781,328

% of Total Budget 0.00%    0.00%    0.00%    0.00%    0.00%    0.00%    0.00%    0.00%

2019 Budget    465,000  
2019 Estimates    465,000  
2018 Actuals    594,787

<u>LIBRARY FUND</u>		<u>2020</u> <u>Proposed</u> <u>Budget</u>
92.01.3730.00	LIBRARY FACILITIES FEE	20,000
92.01.3953.00	DONATION	3,500
92.01.3960.00	INTEREST INCOME	1,500
92.01.3970.00	MISCELLANEOUS	7,500
92.01.3985.00	WELD LIBRARY DIST.	824,716
92.01.3999.00	TRANSFERS IN - TOJ	1,022,660
	<b>SUBTOTAL</b>	<u>1,879,876</u>
	<b>TOTAL FUND REVENUES</b>	<u>1,879,876</u>
	<b>RESTRICTED FOR IMPACT ONLY (Held by Town)</b>	1,013,763
	<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>	2,477,604
	<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>	<u>\$ 5,371,243</u>

**Library Fund**

<b>Acct. No.</b>	<b>Account Title</b>	<b>2020 Proposed Budget</b>
	<b>Personnel Services</b>	
92.90.4001.00	Salaries	425,000
92.90.4002.00	Overtime	
92.90.4010.00	Payroll Taxes	
92.90.4020.00	Unemployment Taxes	
92.90.4025.00	Workers Compensation	
92.90.4030.00	Group Insurance	
92.90.4035.00	Retirement Contribution	
92.90.4040.00	Automobile Allowance	
	<b>Total Personnel Services</b>	<b>\$ 425,000</b>
	<b>Contractual Services</b>	
92.90.4122.00	Maintenance - Buildings	300,000
92.90.4127.00	Maintenance - Infrastructure	100,000
92.90.4145.00	Printing & Advertising	20,000
92.90.4150.00	Professional Services	10,000
92.90.4170.00	Telephone	7,500
92.90.4180.00	Travel & Training	5,000
92.90.4190.00	Utilities	40,000
	<b>Total Contractual Services</b>	<b>\$ 482,500</b>
	<b>Commodities</b>	
92.90.4310.00	Computers & Software	15,000
92.90.4385.00	Supplies - General	3,000
92.90.4390.00	Supplies - Janitorial	2,000
92.90.4400.00	Supplies - Office	35,000
92.90.4410.00	Supplies - Operational	74,000
	<b>Total Commodities</b>	<b>\$ 129,000</b>
	<b>Other Charges</b>	
92.90.4540.00	Insurance	5,000
92.90.4560.00	Memberships & Subscriptions	2,500
92.90.4570.00	Miscellaneous	545,915
	<b>Total Other Charges</b>	<b>\$ 553,415</b>
	<b>Total Budget Request</b>	<b>\$ 1,589,915</b>

**TOWN OF JOHNSTOWN  
ANNUAL BUDGET  
FY 2020**

**RECREATION CENTER FUND SUMMARY**

	Personnel Services	Contract Services	Commodity	Other Charges	Total Operating Costs	Capital Outlay	Debt Service	Total
Rec Center Fund	0	500,000	0	0	500,000	12,000,000	---	12,500,000
Totals	\$0	\$500,000	\$0	\$0	500,000	\$12,000,000	\$0	\$12,500,000

Total Cash Available \$ 12,600,000

Ending Fund Balance 100,000

% of Total Budget 0.00% 4.00% 0.00% 0.00% 4.00% 96.00% 0.00% 100.00%

2019 Budget 32,150,000  
2019 Estimates 20,150,000  
2018 Actuals 0

		<u>2020</u> <u>Proposed</u> <u>Budget</u>
<b><u>RECREATION CENTER FUND REVENUES</u></b>		
96.01.3999.00	TRANSFER IN	600,000
	<b>SUBTOTAL</b>	<u>600,000</u>
	<b>TOTAL FUND REVENUES</b>	<u>600,000</u>
	<b>UNRESTRICTED CASH BALANCE FORWARD (BEG. FUND BAL.)</b>	12,000,000
	<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>	<u>12,600,000</u>

**Recreation Center Fund**

<u>Acct. No.</u>	<u>Account Title</u>	<u>2020 Proposed Budget</u>
	<b><u>Contractual Services</u></b>	
96.90.4135.00	Other Contractual Services	\$ 500,000
		\$ 500,000
	<b><u>Capital - \$5,000/item min.</u></b>	
96.90.4810.00	Buildings	\$ 12,000,000
		\$ 12,000,000
	<b>Total Budget Request</b>	<b>\$ 12,500,000</b>

Exhibit A

<u>General Fund</u>	
<u>Revenues:</u>	
Larimer Co. Property Tax	-2,326,637
Library Transfers	-289,961
Tax Fund Transfers	250,000
JHA Insurance	6,000
	<hr/>
	-2,360,598
<u>Expenditures:</u>	
Personnel costs	68,000
JHA Insurance	6,000
Upstate Dues	4,000
Downtown façade	25,000
Annexation	30,000
Furniture	7,000
Fire Extinguishers (Bldgs)	2,000
Insurance (All Depts)	3,550
	<hr/>
	145,550
Net Change to Fund Bal.	<hr/>
	-2,506,148
<u>Carryovers from 2019 to 2020:</u>	
GIS Development	6,450

<u>Parks &amp; Open Space Fund</u>	
<u>Revenues:</u>	
No Change	0
	<hr/>
	0
<u>Expenditures:</u>	
Columbarium	75,000
Bike racks	5,000
Hays trail	30,000
Insurance costs	200
	<hr/>
	110,200
Net Change to Fund Bal.	<hr/>
	-110,200

<u>Street &amp; Alley Fund</u>	
<u>Revenues:</u>	
Use Taxes - Vehicles	300,000
Grants - IGA's	-133,350
	<hr/>
	166,650
<u>Expenditures:</u>	
Insurance	400
	<hr/>
	400
Net Change to Fund Bal.	<hr/>
	166,250

Exhibit A

<u>Water Fund</u>	
<u>Revenues:</u>	
No Change	0
	0
<u>Expenditures:</u>	
Water capacity	25,000
Insurance	4,200
	29,200
Net Change to Fund Bal.	-29,200
<u>Carryovers from 2019 to 2020:</u>	
Lonetree Improvements	102,000

<u>Sewer Fund</u>	
<u>Revenues:</u>	
No Change	0
	0
<u>Expenditures:</u>	
Low Pt Basin 1MGD	250,000
Manhole rehab	20,000
Insurance	500
	270,500
Net Change to Fund Bal.	-270,500
<u>Carryovers from 2019 to 2020:</u>	
Aeration Project	249,000
Sewer Expansion Design	445,000

<u>Drainage Fund</u>	
<u>Revenues:</u>	
Drainage Impact	50,000
	50,000
<u>Expenditures:</u>	
Insurance	200
	200
Net Change to Fund Bal.	49,800
<u>Carryovers from 2019 to 2020:</u>	
Hwy 60 Improvements	65,000

Exhibit A

<u>Tax Allocation Fund</u>		<u>Capital Projects Fund</u>		<u>Library Fund</u>	
<u>Revenues:</u>		<u>Revenues:</u>		<u>Revenues:</u>	
Taxes transferred in	-235,000	Calculation correction	750,000	All sources	1,146,677
		Use Tax - Vehicle	-300,000	Beg. Fund Balance	-731,900
		Use Tax - Buildings	-300,000		
		Transfer of Use Tax	-15,000		
	<hr/>		<hr/>		<hr/>
	-235,000		135,000		414,777
<u>Expenditures:</u>		<u>Expenditures:</u>		<u>Expenditures:</u>	
Taxes paid out	-235,000	No Changes		All expenses	1,589,915
	<hr/>		<hr/>		<hr/>
	-235,000		0		1,589,915
	<hr/>		<hr/>		<hr/>
Net Change to Fund Bal.	0	Net Change to Fund Bal.	135,000	Net Change to Fund Bal.	-1,175,138

No changes:

Conservation Trust Fund  
 Cemetery Perpetual  
 Recreation Center

**AGENDA ITEM 10D**

**Coordinated Planning Agreement**

## **TOWN COUNCIL AGENDA COMMUNICATION**

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<b>AGENDA DATE:</b>	November 4, 2019
<b>ITEM NUMBER:</b>	10D
<b>SUBJECT:</b>	Consideration of a Coordinated Planning Agreement Between The Town of Johnstown, Colorado, and Weld County, Colorado
<b>ACTION PROPOSED:</b>	Approve the Coordinated Planning Agreement as Presented
<b>ATTACHMENTS:</b>	Coordinated Planning Agreement
<b>PRESENTED BY:</b>	Matt LeCerf, Town Manager

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### **AGENDA ITEM DESCRIPTION:**

Enclosed for your review and consideration is an agreement between the governments of Johnstown and Weld County to establish a Coordinated Planning Agreement (CPA). Most of the local governments in Weld County have adopted this template, subject to minimal changes with Weld County. The agreement is focused and designed to allow the Town to have local control on development within its 3 mile area (Growth Management Area - GMA) as adopted annually. Weld County will begin the adoption process at the County level which requires 3 separate readings of this item prior to adoption.

Some of the notable items in the agreement include:

- A requirement that any unincorporated areas in the Town's GMA will be referred by the County to the Town. At this point we will have the ability to discuss annexing into Town and have the future development of the subject property come through the Town's planning process. If we are unable to get the property owner to annex, they will have the ability to go back to the County to complete their development as planned through the County.
- The Town commits to refer any development to the County for review and recommendation when within 500 feet of unincorporated jurisdiction.
- The two planning departments shall work together to create common development standards that will be required within the Town's GMA under the circumstances that the property develops and continues to exist as unincorporated. These regulations will be adopted within 1 year's time.
- While each jurisdiction will have the ability to provide for a review and recommendation of any development to the other jurisdiction, both entities acknowledge that the final determination and decision lies within the local government with jurisdiction on the property.

### **LEGAL ADVICE:**

The Town Attorney has reviewed the document.

### **FINANCIAL ADVICE:**

Not Applicable

**RECOMMENDED ACTION:** Approve the CPA as presented.

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**SUGGESTED MOTIONS:**

**For Approval:**

I move to approve the Coordinated Planning Agreement Between the Town of Johnstown, Colorado, and Weld County, Colorado as presented.

**For Denial:**

I move that we deny Coordinated Planning Agreement Between the Town of Johnstown, Colorado, and Weld County, Colorado as presented.

**Reviewed and Approved for Presentation:**

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Town Manager

# **Agreement**

**COORDINATED PLANNING AGREEMENT  
BETWEEN THE TOWN OF JOHNSTOWN, COLORADO, AND WELD COUNTY, COLORADO**

This Coordinated Planning Agreement (“CPA”) is made and entered into effective as of the \_\_\_\_ day of \_\_\_\_\_, 2019, A.D., between the Board of County Commissioners of the County of Weld, State of Colorado, whose address is 1150 O Street, Greeley, CO 80631, hereinafter called the “COUNTY,” and the Town of JOHNSTOWN, a Colorado municipal corporation, whose address is 450 S. Parish Ave., Johnstown, CO 80534, hereinafter called the “MUNICIPALITY.” The COUNTY and MUNICIPALITY are hereinafter sometimes referred to individually as “party” and collectively as “the parties.”

**RECITALS**

A. COUNTY exercises governmental authority regulating land use, growth and development within the unincorporated areas of Weld County, Colorado, which areas include lands surrounding MUNICIPALITY; and

B. MUNICIPALITY exercises governmental authority with respect to land use, growth, and development within its municipal boundaries and regarding its annexations, and has demonstrated the capability of providing municipal services and facilities (including water and sewer services based on the municipality’s code and/or other municipal service policies) within the THREE (3) MILE AREA, as defined herein; and

C. Title 29, Article 20 of the Colorado Revised Statutes, grants broad authority to local governments to plan for and regulate development and the use of land within their respective jurisdictions, accomplishing such activities through public processes that respect, protect, and promote private property rights; and

D. Title 29, Article 20 of the Colorado Revised Statutes, authorizes and encourages local governments to cooperate and contract with each other for the purpose of planning and regulating the development of land by the joint and coordinated exercise of planning, zoning, subdivisions, building, and related regulatory powers; and

E. Pressures for growth and development in MUNICIPALITY and COUNTY indicate that the joint and coordinated exercise by COUNTY and MUNICIPALITY of their respective planning, zoning, subdivision, building and related regulatory powers in such areas will best promote the objectives stated in this CPA; and

F. This CPA adheres to the objectives and Policies of the Weld County Comprehensive Plan, set forth in Section 22-2-40 of the Weld County Code and, in particular, UD.Goal 2., which encourages the establishment of intergovernmental agreements concerning growth areas with each municipality in Weld County.

G. This CPA adheres to the objectives and policies of the Town of Johnstown’s Comprehensive Plan. In particular, Goal CF 5 seeking collaboration with neighboring jurisdictions regarding land use, transportation, natural resources, and development quality.

**NOW THEREFORE**, for and in consideration of the mutual promises and undertakings herein set forth, the parties agree as follows:

1. **PURPOSES AND OBJECTIVES.** The purpose of this CPA is to establish procedures and standards pursuant to which the parties will move toward greater coordination in

the exercise of their land use and related regulatory powers within unincorporated areas surrounding MUNICIPALITY. The objectives of such efforts are to accomplish the type of development in such areas which best protects the health, safety, prosperity, and general welfare of the inhabitants of the parties and to achieve maximum efficiency and economy in the process of development and delivery of services. However, any action taken pursuant to this CPA that pertains to any land within MUNICIPALITY, for incorporated areas, and within COUNTY, for unincorporated areas, is subject to exclusive final approval by the governing body of MUNICIPALITY or COUNTY, respectively.

2. **DEFINITIONS.** For the purposes of this CPA the following terms shall be defined as set forth herein:

2.1 **DEVELOPMENT.** Any land use requiring regulatory approval by the elected governing body of the applicable party in the THREE (3) MILE AREA, except for an amendment to a plat or a down-zoning, neither of which creates any additional lots, and except for a Recorded Exemption or Subdivision Exemption. Existing agricultural uses, which are lawful uses, either as uses-by-right under the Weld County Code, or as legally existing non-conforming uses, are also exempt from the definition of "DEVELOPMENT."

2.2. **THREE (3) MILE AREA.** *The area as defined by Colorado Revised Statutes, C.R.S. 31-12-105.1.E.*

3. **PLANNING COORDINATION.** This CPA is intended to be a Comprehensive Development Plan adopted and implemented pursuant to C.R.S. § 29-20-105(2). Following the execution of this CPA by both parties, applications to COUNTY for DEVELOPMENT within the THREE (3) MILE AREA shall be processed and determined in accordance with the following:

3.1 **Referral.** COUNTY shall refer all proposals for DEVELOPMENT within the THREE (3) MILE AREA to MUNICIPALITY for its review and recommendation. Such referral shall include at least a copy of the written DEVELOPMENT proposal and preliminary COUNTY staff summary of the case. COUNTY shall allow not less than twenty-one (21) days for MUNICIPALITY to review the referral and furnish its recommendations to COUNTY staff prior to formulation of the COUNTY staff recommendation. If the MUNICIPALITY does not respond within such time, COUNTY staff may proceed with its recommendation, but any comment or recommendation from MUNICIPALITY received on or before the Thursday immediately preceding the meeting of the Board of County Commissioners or Planning Commission when the matter shall be considered shall be transmitted to the Board or Commission. If the MUNICIPALITY submits no comment or recommendation, COUNTY may assume it has no objection to the proposal. If MUNICIPALITY submits recommendations, COUNTY shall either include within its written decision the reasons for any action taken contrary to the same or furnish such reasons to MUNICIPALITY by a separate writing. MUNICIPALITY shall be given notice of, and may appear and be heard at any hearing or other proceeding at which COUNTY shall consider a DEVELOPMENT subject to the foregoing referral process.

3.2 **Development Within THREE (3) MILE AREA.** Upon receipt of any proposal for DEVELOPMENT within the THREE (3) MILE AREA then currently eligible for voluntary annexation to MUNICIPALITY, COUNTY shall, in writing, at time of a pre-application with the Department of Planning Services, notify the proponent of the opportunity for annexation. The Director of Planning Services shall, in writing, notify MUNICIPALITY's mayor and his or her designee of the proposal. MUNICIPALITY shall

have twenty-one (21) days following contact by the proponent, which shall be documented in writing (with a copy of COUNTY), to notify COUNTY in writing that MUNICIPALITY and the applicant have agreed to the terms of a pre-annexation agreement. COUNTY shall not process any application until the completion of said twenty-one (21) days, or until COUNTY receives notification from the MUNICIPALITY that a pre-annexation agreement between MUNICIPALITY and the applicant will not be pursued, whichever occurs sooner. If no such notification is received by COUNTY during said twenty-one (21) days, processing of the application shall continue by COUNTY to completion. The time period may be extended upon written consent from both parties. Notwithstanding the provisions of this CPA, a property owner shall retain the right to seek annexation into the MUNICIPALITY pursuant to the Municipal Annexation Act of 1965, C.R.S. §§ 31-12-101 *et seq.*, and the MUNICIPALITY shall retain the right, in its lawful discretion, to annex the property that is the subject of the DEVELOPMENT.

**3.3 Mutuality of Impact Consideration.** The parties recognize that decisions by one party regarding development may impact property outside of its jurisdiction. The parties agree that jurisdictional boundaries shall not be the basis for giving any greater or lesser weight to those impacts during the course of deliberations.

**3.4 Referrals to County.** MUNICIPALITY shall refer proposals for DEVELOPMENT which lie within 500 feet of any property in unincorporated Weld County to COUNTY for its review and recommendation. Such referral shall include at least a copy of the written DEVELOPMENT proposal. MUNICIPALITY shall allow not less than twenty-one (21) days for COUNTY to review same and furnish its recommendations to MUNICIPALITY. If COUNTY submits no comment or recommendation MUNICIPALITY may assume it has no objection to the proposal. If COUNTY submits recommendations, MUNICIPALITY shall either include within its written decision the reasons for any action taken contrary to the same or furnish such reasons to COUNTY by a separate writing. Where the DEVELOPMENT is proposed as part of an annexation of more than 10 acres, the provisions of this section shall be deemed satisfied by compliance by MUNICIPALITY with the notice and impact report provisions of the most current version of the Municipal Annexation Act then in effect. COUNTY shall be given notice of, and may appear and be heard at any hearing or other proceeding at which MUNICIPALITY shall consider a DEVELOPMENT subject to the foregoing referral process.

**4. IMPLEMENTATION OF CPA.** Following the mutual execution of this CPA, each party shall promptly enact and implement such amendments to its existing regulations as may be necessary to give effect to the provisions of Section 3. Each party shall have sole and exclusive discretion to determine such measures and any new ones enabling it to perform this CPA. Each party's land use regulations as referred to herein are ordinances whose amendment requires certain formalities, including notice and public hearings. The mutual covenants in this section and elsewhere to implement this CPA promptly are given and received with mutual recognition and understanding of the legislative processes involved, and such covenants shall be liberally construed in light thereof.

**5. ESTABLISHMENT OF COMMON DEVELOPMENT STANDARDS.** MUNICIPALITY and COUNTY shall, within one (1) year of the effective date of this CPA, attempt to agree to establish common development standards within designated areas, which may include areas within MUNICIPALITY's boundaries and/or within the THREE (3) MILE AREA. Common development standards should include, but not be limited to, roadways (types, widths, horizontal design, access and spacing) and drainage (on-site, off-site, discharge, easements, and regional facilities).

6. **MISCELLANEOUS PROVISIONS.**

6.1 **Severability.** Should any one or more sections or paragraphs of this CPA be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this CPA, the intention being that the various sections and paragraphs are severable; provided, however, that the parties shall then review the remaining provisions to determine if the CPA should continue, as modified, or if the CPA should be terminated.

6.2 **Termination.** This CPA shall continue in effect for a period of one year from the date first written above, and shall be renewed automatically thereafter for successive one (1) year periods. Notwithstanding the foregoing, however, either party may terminate this CPA by giving at least twelve (12) months' written notice thereof to the other party.

6.3 **Amendment.** This CPA may be amended only by a writing executed by the parties and adopted according to the same procedures as the original adoption (requiring the written consent of the amendment by both parties and compliance with the procedures detailed in Sections 6.4 and 6.5 of this CPA).

6.4 **Adoption by MUNICIPALITY.** MUNICIPALITY shall at public hearing(s) consider this CPA for adoption upon published notification. MUNICIPALITY shall provide a complete record of such public hearing(s) to COUNTY for review prior to the start of COUNTY's adoption process detailed in Section 6.5, below.

6.5 **Adoption by COUNTY.** COUNTY shall, upon published notification consider this CPA for adoption and amendment to Chapter 19 of the Weld County Code. In the course of such adoption process, COUNTY shall review the complete record of the public hearing(s) held by MUNICIPALITY wherein it considered this CPA for adoption. The effective date of this CPA shall be its effective date of amendment to the Weld County Code.

6.6 **Reserved Rights.** Nothing herein shall be construed to limit any procedural or substantive rights afforded a party under law respecting the matters that are the subject of this CPA, including without limitation any rights of referral, participation or judicial review related to any land use or development procedure or approval of the other party, which rights are hereby reserved to each party.

6.7 **Enforcement.** Either party may enforce this CPA by an action for specific performance, declaratory and/or injunctive relief, or other equitable relief. The parties agree the remedies for enforcement hereof are limited to non-monetary relief, and each party hereby waives any right to seek damages for any violation of this CPA. No other person or entity shall have any right to enforce the provisions of this CPA.

**IN WITNESS WHEREOF**, the parties have executed this CPA effective as of the date first above written.

ATTEST:

CLERK OF THE BOARD  
Donald Warden

BOARD OF COUNTY  
COMMISSIONERS OF  
WELD COUNTY, COLORADO

\_\_\_\_\_  
Deputy Clerk to the Board

\_\_\_\_\_, Chairman

ATTEST:

MUNICIPALITY  
TOWN OF JOHNSTOWN

\_\_\_\_\_  
Diana Seele, Town Clerk

\_\_\_\_\_  
Gary Lebsack, Mayor

**AGENDA ITEM 10E**

**Amendments to the Johnstown Area  
Comprehensive Plan and the Three Mile Plan  
(Resolution 2019-22)**

## **TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** November 4, 2019

**ITEM NUMBER:** 10E.

**SUBJECT:** Resolution 2019-22, Approving Amendments to the Johnstown Area Comprehensive Plan and the Three Mile Plan

**ACTION PROPOSED:** Consider adoption of Resolution 2019-22

**PRESENTED BY:** Kim Meyer, Planning & Development Director

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**AGENDA ITEM DESCRIPTION:**

The Town of Johnstown is proposing an amendment to the Comprehensive Plan as it relates to the Growth Management Area (GMA) and Land Use Framework Plan. With this proposed amendment comes a sister item to amend the Three Mile Plan accordingly. The amendment would serve to:

- Resolve a single 81.5-acre parcel that is currently split between the County and the Town’s GMA, and include it in the Johnstown GMA to be annexed in the future; and
- Modify the Land Use Framework Plan to reflect a total of 402 acres (including the 81.5 ac) to “Residential Mixed Use” from a current designation of “Conservation Ag / Large Lot Residential” to better respond to the long range expectations of development and transportation in this area, including higher intensity development anticipated in the areas to the west, developing in Berthoud.

Staff comments and recommendations are found in a memo addressed to the Planning & Zoning Commission dated October 23, 2019 (copy attached), summarized as follows:

1. The proposed amendment to the GMA is a logical extension of the boundary, resolves a known and potentially challenging issue across a property, and appears to be in keeping with the Comprehensive Plan goals and objectives.
2. The proposed land use classification change would provide a more flexible future land use to adjacent land uses and the transportation network in the immediate area.
3. No known adverse impacts are anticipated from the proposed amendment.
4. Staff recommended approval of the proposed amendment; as well as allowing this amendment to serve as the Town’s updated Three Mile Plan.

A public hearing on this project was held on October 23, 2019, by Planning & Zoning Commission – no public input was given. As dictated by state law and the municipal code, the Commission approved the Amendment and adopted a resolution (attached). The Town Council was involved in adoption of the 2006 Comprehensive Plan, and therefore is also asked to approve the amendment, followed by adoption of a resolution.

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**LEGAL ADVICE:** The Town Attorney drafted Resolution 2019-22 and has reviewed the proposed amendment to the Comprehensive Plan.

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**FINANCIAL ADVICE:** No impact anticipated.

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**RECOMMENDED ACTION:** Adopt Resolution 2019-22, Approving Amendments to the Johnstown Area Comprehensive Plan and the Three Mile Plan.

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**SUGGESTED MOTIONS:**

**Approval:** I move that we adopt Resolution 2019-22, approving amendments to the Johnstown Area Comprehensive Plan and the Three Mile Plan.

**Denial:** I move that we deny adoption of Resolution 2019-22.

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**Reviewed:**

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**Town Manager**

**Resolution  
No. 2019-22**

**TOWN OF JOHNSTOWN, COLORADO  
RESOLUTION NO. 2019-22**

**APPROVING AMENDMENTS TO THE  
JOHNSTOWN AREA COMPREHENSIVE  
PLAN AND THE THREE MILE PLAN**

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

**WHEREAS**, pursuant to Section 2-187 of the Johnstown Municipal Code, the Town’s Planning and Zoning Commission is authorized to review and approve a master plan for the physical development of the Town; and

**WHEREAS**, based on a request from Podtburg Dairy Limited Partnership, LLLP, a Colorado limited liability limited partnership, to annex approximately 363 acres of land generally located at the southeast corner of Weld County Road 44 and Weld County Road 11 (“Property”) into the Town and then develop the Property, or a portion thereof, as a residential mixed-use development, on October 23, 2019, the Planning and Zoning Commission held a public hearing to consider amendments to the Johnstown Area Comprehensive Plan to include an additional 81.5 acres, generally located west of Weld County Road 13 and south of Weld County Road 44, into the Town’s growth management area, and to revise the Land Use Framework Plan contained in the Johnstown Area Comprehensive Plan to designate approximately 402 acres in this same area as “Residential Mixed Use;” and

**WHEREAS**, based on the evidence presented at the public hearing, the Planning and Zoning Commission approved the amendments and, pursuant to C.R.S. § 31-23-208, adopted the Resolution Approving an Amendment to the Johnstown Area Comprehensive Plan, in the form attached hereto and incorporated herein by reference as Exhibit 1; and

**WHEREAS**, the Town Council desires to affirm the findings and conclusions of the Planning and Zoning Commission and approve the amendments to the Johnstown Area Comprehensive Plan as set forth in Exhibit 1; and

**WHEREAS**, the Town Council also desires to affirm that the Town’s three-mile plan, as contemplated by C.R.S. § 31-12-105(1)(e), shall be modified and shall include the provisions of the amended Johnstown Area Comprehensive Plan, including the expanded growth management area and revised Land Use Framework Plan.

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

Section 1. The Planning and Zoning Commission’s findings and conclusions, as set forth in Resolution 2019-01 attached as Exhibit 1, are hereby approved and adopted. The Johnstown Area Comprehensive Plan is hereby amended to expand the Town’s growth management area by approximately 81.5 acres, as shown on Attachment A to Exhibit 1, and to modify the Land Use Framework Plan to designate approximately 402 acres as “Residential Mixed Use,” as shown on Attachment B to Exhibit 1.

Section 2. Pursuant to C.R.S. § 31-12-105(1)(e), the Town of Johnstown three-mile plan is hereby modified to include the provisions of the amended Johnstown Area Comprehensive Plan, including the expanded growth management area and revised Land Use Framework Plan.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS \_\_\_\_ day of November, 2019.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

**TOWN OF JOHNSTOWN, COLORADO  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 2019-01**

**APPROVING AN AMENDMENT TO THE  
TOWN OF JOHNSTOWN COMPREHENSIVE PLAN**

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

**WHEREAS**, the Town's Planning and Zoning Commission is duly authorized to review and approve a master plan for the physical development of the Town; and

**WHEREAS**, in 2006, the Town adopted the Johnstown Area Comprehensive Plan ("Comprehensive Plan"); and

**WHEREAS**, the Comprehensive Plan includes, among other matters, the designation of the Town's Growth Management Area ("GMA") and a Land Use Framework Plan, as shown and defined therein; and

**WHEREAS**, Podtburg Dairy Limited Partnership, LLLP, a Colorado limited liability limited partnership ("Owner"), is the owner of approximately 363 acres of land generally located at the southeast corner of Weld County Road 44 and Weld County Road 11 ("Property"); and

**WHEREAS**, the Owner seeks to annex the Property into the Town for the purposes of future development of the Property, or a portion thereof, as a mixed-use residential development; and

**WHEREAS**, except for approximately 81.5 acres, the Property is within the Town's GMA; and

**WHEREAS**, the portion of the Property that is not within the Town's GMA is generally located west of Weld County Road 13 and south of Weld County Road 44, as shown and depicted on the map attached hereto and incorporated herein as Attachment A; and

**WHEREAS**, pursuant to the current Land Use Framework Plan, the Property is designated as "Conservation-Oriented Agricultural/Large-Lot Residential" and "Low Density Residential;" and

**WHEREAS**, to better fit with the context of the area and to accommodate the Owner's plan to develop the Property, Town Staff recommends that the Town's GMA be expanded to include the 81.5 acres shown on Attachment A, and that the Land Use Framework Plan be modified to designate approximately 402 acres located generally between Weld County Roads 42 and 44 and Weld County Roads 11 and 13, which includes the Property, as "Residential Mixed Use," as shown on Attachment B attached hereto and incorporated herein by reference; and

**WHEREAS**, on October 23, 2019, after due notice, the Planning and Zoning Commission held a public hearing to consider an amendment to the Comprehensive Plan to expand the GMA and modify the designations in the Land Use Framework Plan as described herein; and

**WHEREAS**, based upon the evidence presented at the public hearing, the Planning and Zoning Commission desires to amend the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:**

The Johnstown Area Comprehensive Plan is hereby amended to expand the GMA by approximately 81.5 acres, as shown on Attachment A, and to modify the Land Use Framework Plan to designate approximately 402 acres, including the Property, as "Residential Mixed Use," as shown on Attachment B, subject to approval of Town Council of the Town of Johnstown.

PASSED, SIGNED, APPROVED, AND ADOPTED this 23 day of October, 2019.

**TOWN OF JOHNSTOWN, PLANNING  
AND ZONING COMMISSION**

**ATTEST:**

By: Kim Meyer  
Kim Meyer, Secretary

By: Lila Montez  
Lila Montez, Chair

# Current GMA

# ATTACHMENT A

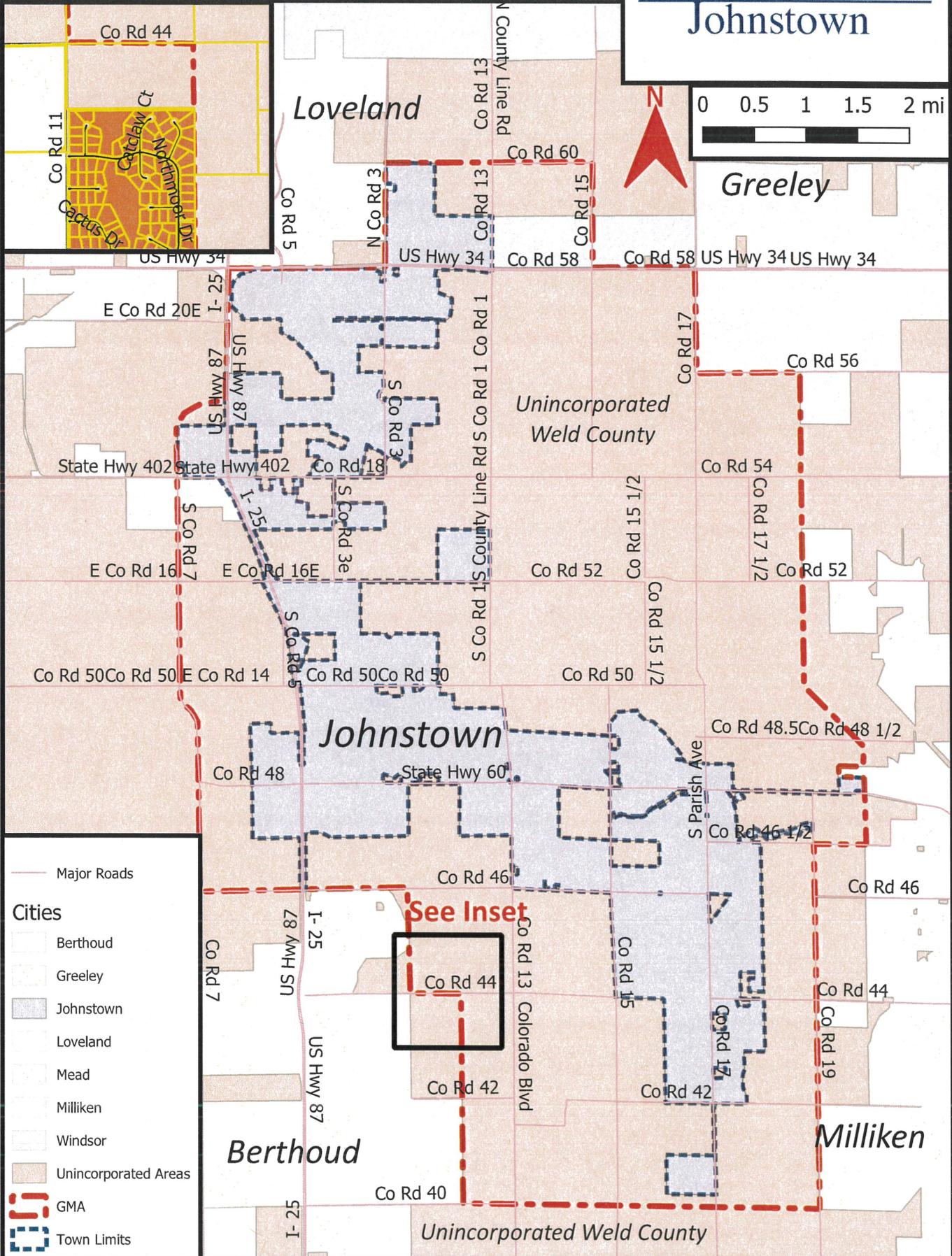
Town of

## Johnstown

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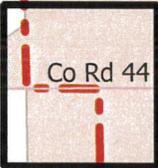


Greeley

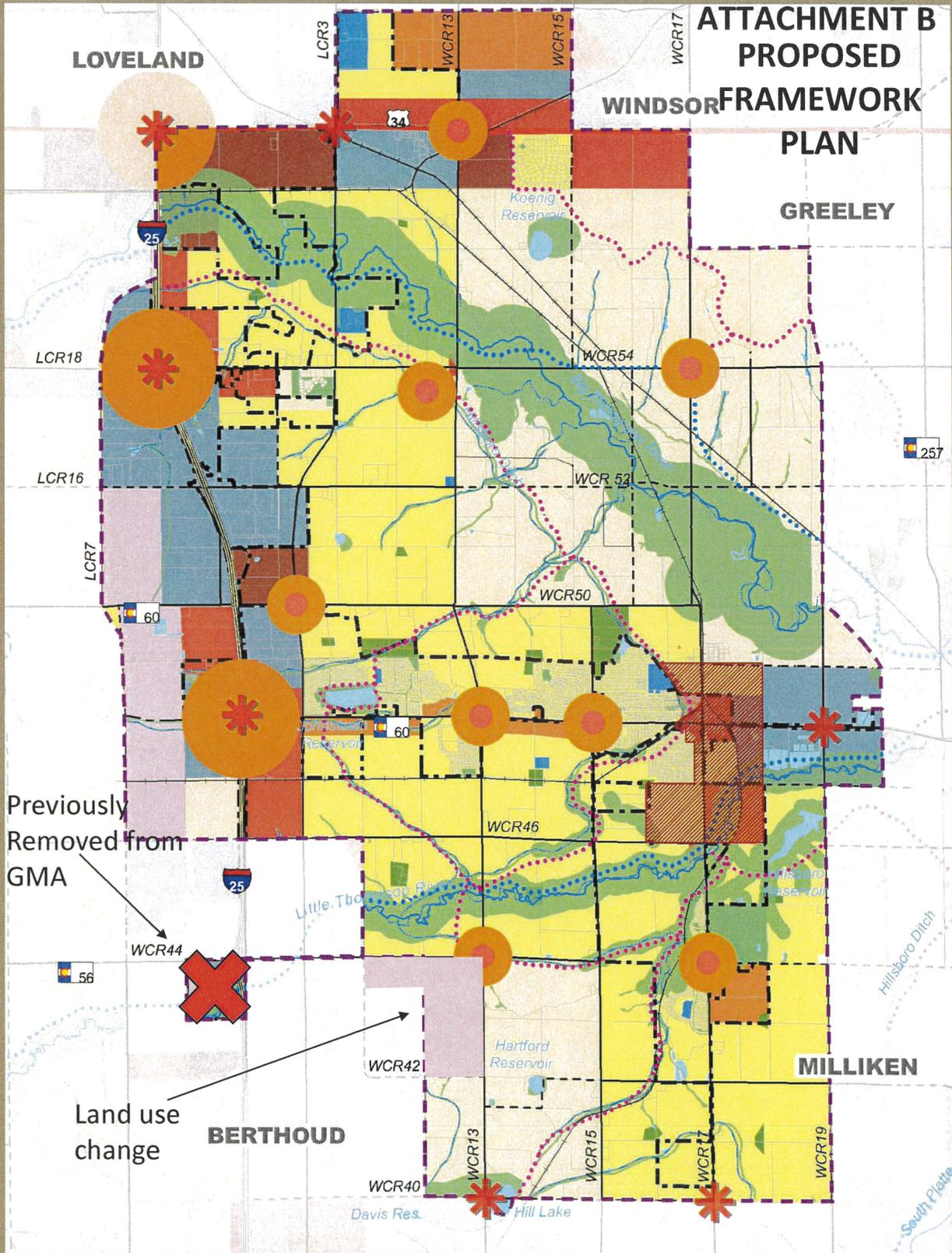


- Major Roads
- Cities
  - Berthoud
  - Greeley
  - Johnstown
  - Loveland
  - Mead
  - Milliken
  - Windsor
- Unincorporated Areas
- GMA
- Town Limits

See Inset



# ATTACHMENT B PROPOSED FRAMEWORK 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



# **Planning and Zoning Information**

**PLANNING & ZONING COMMISSION  
AGENDA MEMORANDUM**

**ITEM:** Comprehensive Plan Amendment & Three Mile Plan Amendment

**PROJECT:** Amend the Johnstown Comprehensive Plan (2006) – GMA & Land Use Framework Plan & Three Mile Plan

**LOCATION:** GMA Expansion: Southeast of WCR 44 and WCR 11 (approx. 81.5 acres)  
Land Use Framework Plan Amendment: 402 acres between WCR 11 & WCR 13, south of WCR 44

**APPLICANT:** Town of Johnstown

**STAFF:** Kim Meyer, Planning & Development Director  
Darryll Wolnik, Planner II

**HEARING DATE:** October 23, 2019

---

**PLANNING & ZONING COMMISSION FUNCTION:**

*Johnstown Municipal Code, Section 2-187. Preparation and purpose of master plan and regulations.*

- (a) It shall be the duty of the Planning and Zoning Commission to prepare a master plan. In the preparation of a master plan, the Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town with due regard to its relations to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and its environs, which will, in accordance with present and future needs, best promote health, safety morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

**EXECUTIVE SUMMARY**

The Town of Johnstown is proposing an amendment to the Comprehensive Plan as it relates to the Growth Management Area (GMA) and Land Use Framework Plan. With this proposed amendment comes a sister item to amend the Three Mile Plan accordingly.

**PROPERTY DATA**

**Location:** SE Corner of WCR 44 and WCR11

**Property Size:** approx. 81.5 Acres (full parcel is 162.07 ac.)

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

**Surrounding Zoning/Land Uses:** North: Weld County – A (Agriculture)  
 South: Weld County – “A S 74,167” Large lot single-family  
 East: Weld County – A (Agriculture)  
 West: Town of Berthoud – A (Agriculture)

**Comprehensive Plan Designation:** N/A

**BACKGROUND**

The Podtburg Dairy Limited Partnership, LLLP, is the owner of ±363 acres in this quarter-section of land, in multiple parcels. The subject parcel is 162.07 acres, of which this ±81.5-acre piece of ground is a part. The 281.5 acres east of the subject parcel are located with the Town of Johnstown Growth Management Area and classified on the Land Use Framework Plan as “Conservation Ag/ Large Lot Residential.” The western portion (~81.5 ac) of this parcel was not included in either Johnstown’s GMA or that of the Town of Berthoud, but is contiguous to both GMA’s.

Per the existing Intergovernmental Agreement (IGA) with the Town of Berthoud on planning matters of interest to both parties, Town Staff approached Berthoud with a notification and request to include it in the Johnstown GMA. This request was approved by Berthoud’s Board of Trustees on August 27, 2019.

<b>COMPREHENSIVE PLAN HISTORY</b>	
<b>Date</b>	<b>Summary</b>
April, 2001	Johnstown Urban Growth Area (UGA) established via 2001 Comprehensive Plan
December, 2006	Johnstown GMA updated via 2006 Comprehensive Plan update
2013	Johnstown GMA updated via amendment, 2013

The GMA for Johnstown was created by the 2001 Comprehensive Plan, and was originally known as the Johnstown Urban Growth Area. This growth area established boundaries within which the town has a vested interest in improvements and development. The 2001 Comprehensive Plan also created the Johnstown Planning Area, which, according to the document, was the area within which properties were eligible for annexation. These are parts of the Three-Mile Plan, a required document by the State of Colorado which outlines those areas within three miles of current municipal boundaries that are eligible for annexation.

In 2006, the Comprehensive Plan was updated. This update included an amendment to the Johnstown GMA. It is unclear at what point the nomenclature changed, but it appears the previous planning areas from the 2001 plan were either scrapped or consolidated into what is now known as

the GMA. The 2006 update removed portions of the previous boundaries, including the subject property. It is unknown why this property was removed. The plan was further amended in 2013, however that amendment did not affect this property.

### **NOTIFICATION & COMMUNITY RESPONSE**

This public hearing was noticed in the Johnstown Breeze on Thursday, October 10, 2019. Emails were sent to the planning directors / managers of Berthoud, Milliken, Loveland, Greeley, Windsor, Weld County and Larimer County, as adjacent municipalities and interested parties. All communication received from the local jurisdictions to date has indicated “no concern.” Staff has not received any additional comments or concerns related to the notification.

### **PROJECT DETAILS & IMPACTS**

**Project:** Town staff initiated this request upon discussions with the land owner, and discovery that the single parcel of land was split between the Johnstown and Berthoud GMAs. The request proposes to include this additional 81.5 acres in the Johnstown GMA, with the classification of “Residential Mixed Use,” as well as amend the designation for the remaining 320± acres to “Residential Mixed Use.”

This request to expand the GMA, if approved, would permit the 81.5 acres to be included in an anticipated request for annexation with the adjacent parcels, and included in long term development plans for the property.

**Impacts:** Staff anticipates no adverse impacts to the area with this update. Sanitary sewer services would be provided by the Berthoud Wastewater Treatment Plant located along WCR 44, west of the I-25 interchange. The Town of Johnstown and Berthoud have an existing IGA that permits access to Johnstown for a given number of “SFE’s” (single family equivalents) in that plant. Potable water would be supplied by the Town of Johnstown. A new water tower and water line looping are proposed south of WCR 44, west of WCR 17, to improve the water pressure for existing neighborhoods and the entire southern portion of the Town’s GMA.

The transportation network in the area is being planned and designed for ultimate build out of WCR 44 and Colorado Boulevard as major 4-lane arterials, which would accommodate this level of development. Expansion of roads is typically done by incoming development, as new projects develop along the adjacent road frontages.

This area is not in any known floodplain. There is an existing drainageway through the existing dairy farm, which will likely be cleaned up and incorporated into the master planned neighborhood as development in the area occurs.

## STAFF ANALYSIS

### GMA

Staff believes the amendment to the GMA to expand and include this portion of this parcel is logical both from a land use standpoint, and when considering the ability of a single ownership entity to develop all of the property owned in the area within a single jurisdiction. The remainder of this quarter-section is developed as an existing large lot single family neighborhood in Weld County, and is not also currently included in either Berthoud's nor Johnstown's GMA, though may be eligible to annex into either town in the future, as they may desire (i.e., to receive sanitary sewer service or other town services).

### Land Use Framework Plan

The most current Land Use Framework Plan shows the property to the east designated as "Conservation-Oriented Agricultural / Large-Lot Residential." The 2006 *Johnstown Comprehensive Plan* does not define this land-use specifically. However, the plan details large-lot zoning as,

"estate neighborhoods, large-lot estates, horse properties, and cluster development, averaging between 0 to 2 dwelling units per acre (du/ac). Clustered development patterns, or smaller lot sizes offset by a contiguous open space network within the development, are encouraged in estate neighborhoods... Complementary uses include parks, agriculture and open space uses."

Property to the north is designated on the framework plan as Low Density Residential (Ave. 3 du/ac), with low density neighborhoods further defined as:

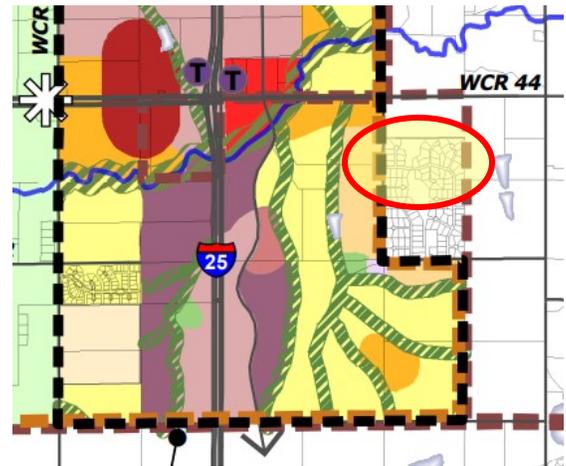
"the predominant form of new neighborhoods and will include single-family detached homes, single-family attached homes, patio homes, and accessory dwelling units. Gross density should average 3-4 du/ac."

The *Johnstown Transportation Plan (2007)* indicates that CR 44 is intended as a Regionally Significant Corridor – Major Arterial, connecting further east. That plan anticipates the need for a four-lane arterial in this area to better connect Northern Colorado towns avoiding the interstate system.

Staff recommends modifying the proposed land uses in this area to "Residential Mixed Use" to include the full 402± acres within this quarter-section which would be in the GMA, to be more responsive to the shifting dynamic of development pressures and the higher-intensity transportation network of major arterials proposed along both WCR 44 and Colorado Boulevard (WCR 13). The designation of Residential Mixed Use seems an appropriate option to allow for a range of housing types and densities, allowing the ability to buffer the existing county neighborhood in the southeast of this quarter-section while embracing the emerging WCR 44 corridor. Given the proposed ultimate build out of WCR 44, proximity to the Hwy 56 interchange, and intersection at Colorado Boulevard, expanding the existing, adjacent designation of conservation-oriented ag/large-lot neighborhood could be difficult to achieve, and incompatible with the future character of the area. The Framework Plan does currently indicate a "Village Center" activity node at the WCR 13 & WCR 44 intersection to the east, which Staff believes complements the Residential Mix Use classification proposed and may offer further options for additional land uses in the area as it develops.

Berthoud’s Comprehensive Plan, Preferred Land Use Plan, indicates the area adjacent to this for a mix of residential densities, with higher densities at WCR 44, then feathering back in density to the south - see the red-circled area on figure to the right, from Berthoud Preferred Land Use Plan. These designations complement the proposed land uses with this Framework Plan amendment.

**Berthoud Comprehensive Plan (2014):  
Snip of Preferred Land Use Plan**



Three Mile Plan

The *Johnstown Comprehensive Plan* also serves as “the primary guiding plan for land use issues” for the state-required *Three Mile Plan*, which is updated annually. Staff requests that the Commission include an approval and affirmation statement of the Three Mile Plan, including the *Johnstown Comprehensive Plan*, as may be amended per this request, as part of any motion for approval.

**RECOMMENDED PLANNING COMMISSION FINDINGS AND MOTIONS**

*Based on the preceding analysis, the Planning & Zoning Commission finds that the proposed request for an amendment to the Johnstown Comprehensive Plan – Land Use Framework Plan, including expansion of the Growth Management Area, and designation of ±402 acres as Residential Mixed Use are logical, desirable, and in keeping with the overall guiding principles of the Comprehensive Plan. With this approval, the Commission also approves and affirms an amendment to the 2019 Three-Mile Plan, such that this amended Comprehensive Plan serves as the primary guiding plan for land use issues.*

**ALTERNATE MOTIONS**

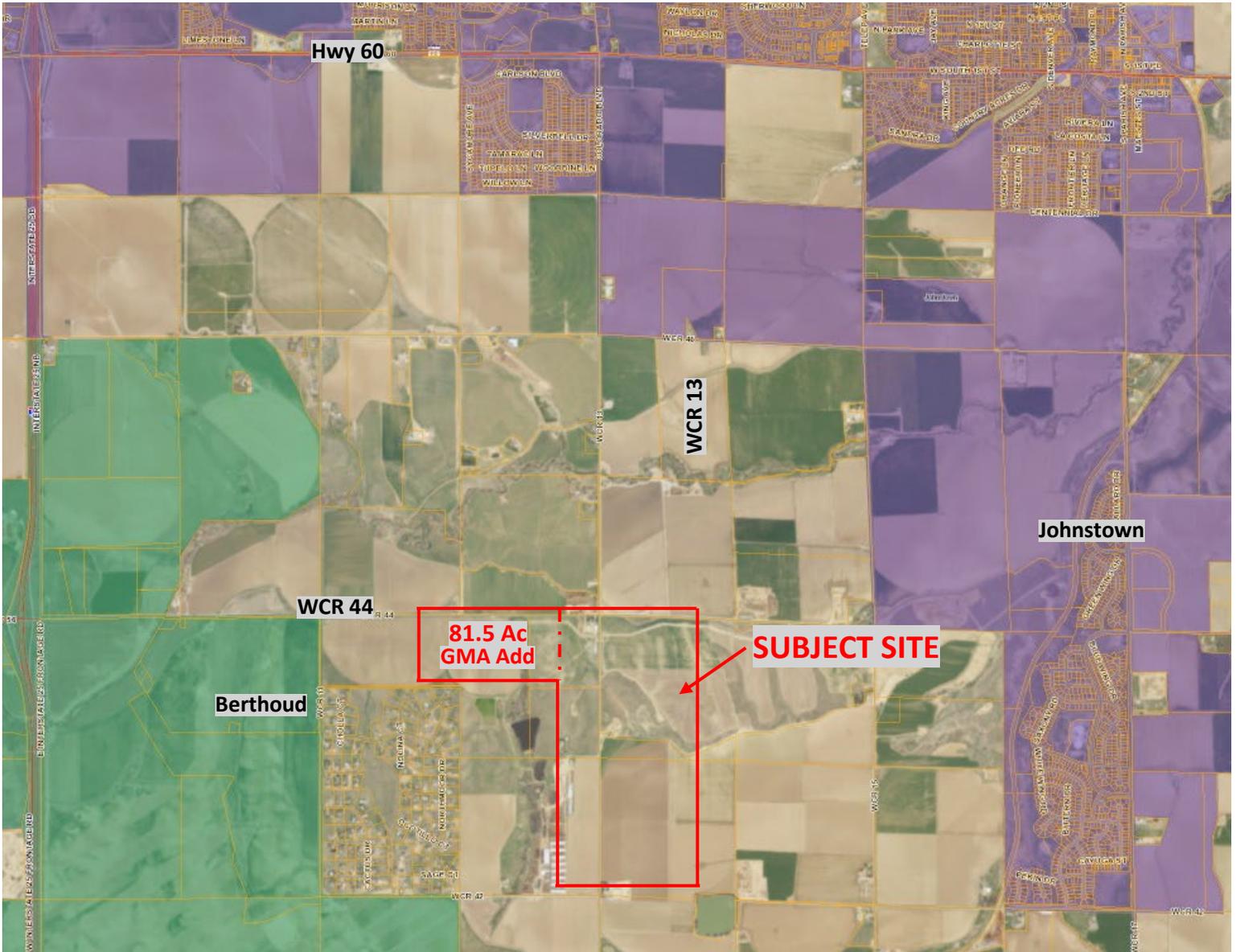
- A. Motion to Deny: *“I move that the Commission deny the request to amend the Comprehensive Plan, for the following reasons...”*
- B. Motion to Table: *“I move that the Commission table this request to provide Town Staff time to update the following items...”*

**ATTACHMENTS**

Pg #		
6	A	Vicinity Map
7	B	Current GMA Exhibit
8	C	Proposed Land Use Framework Plan

VICINITY MAP  
COMPREHENSIVE PLAN AMENDMENT  
GMA & LAND USE

Map generated from Weld County Assessor – [www.weldgov.com](http://www.weldgov.com)





# Area to be Added to GMA

Town of  
**Johnstown**

- Parcels
- TOJ roads
- Subdivisions
- Cities
  - Berthoud
  - Unincorporated Areas
- GMA



0 500 1000 ft

Area to be added to GMA

Co Rd 44

**Potdburg Dairy Farm**  
66.1 Acres

Potdburg Dairy Farm  
66.1 Acres

Potdburg Dairy Farm  
66.1 Acres

Co Rd 11

Berthoud

Cholla Ct

Catclaw Ct

Staghorn Ct

Nolina Ct

Northmoor Dr

Brittlebush Ct

**Northmoor Acres Subdivision**

Mesquite Ct

Ocotillo Ct

Saguaro Ct

Cactus Dr

Yucca Ct

Thistle Grove Ln

Sage Ct

Co Rd 42

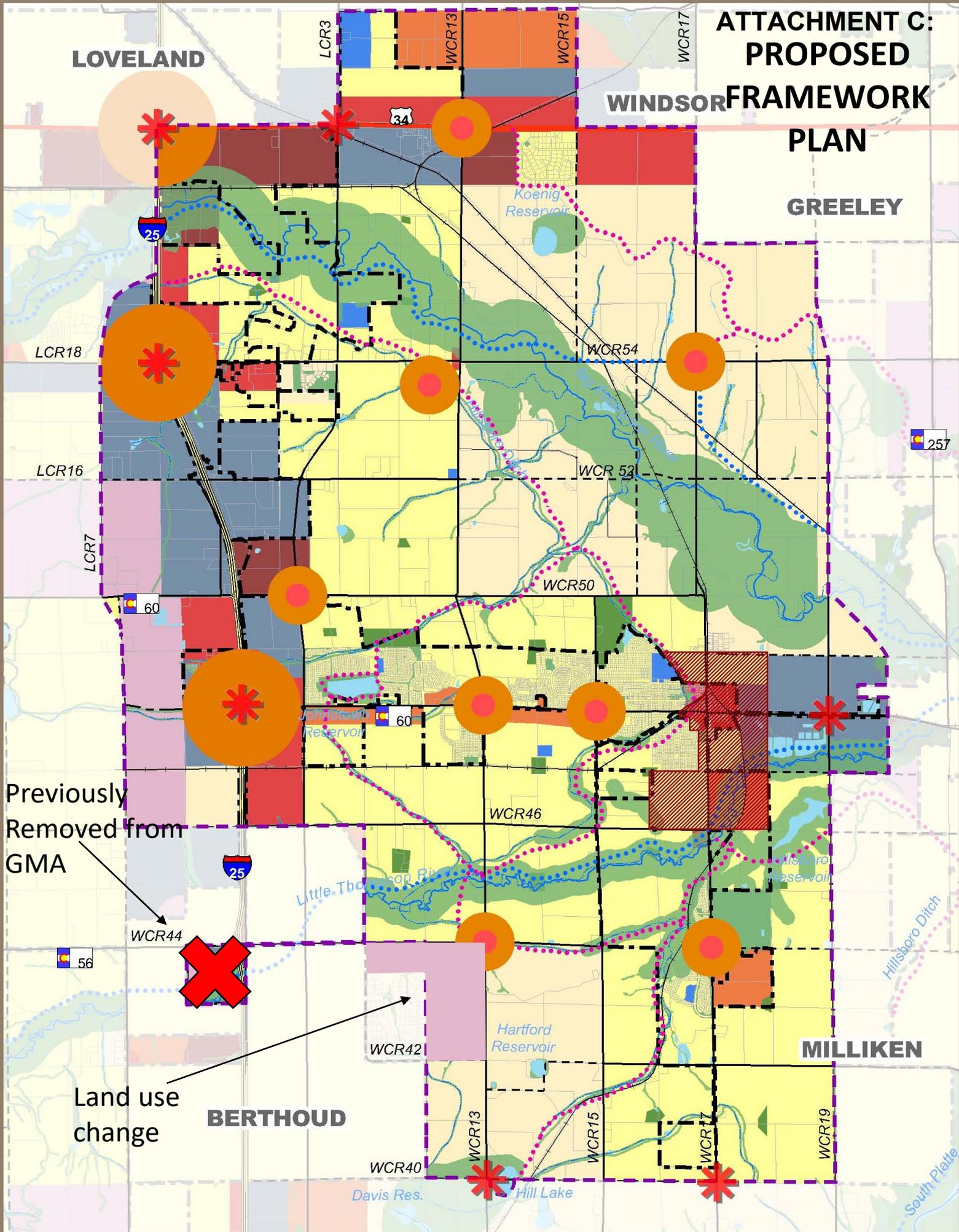
Windsor

Green

**Johnstown**

Berthoud

# ATTACHMENT C: PROPOSED FRAMEWORK PLAN



<p><b>CENTERS</b></p> <ul style="list-style-type: none"> <li> Village Center</li> <li> Johnstown Gateway</li> <li> Gateway Center</li> </ul> <p><b>DOWNTOWN</b></p> <ul style="list-style-type: none"> <li> Downtown (See downtown framework plan)</li> </ul> <p><b>DISTRICTS</b></p> <ul style="list-style-type: none"> <li> Employment</li> <li> Commercial</li> <li> Commercial Mixed Use</li> </ul>	<p><b>NEIGHBORHOOD(S)</b></p> <ul style="list-style-type: none"> <li> Conservation-oriented Agricultural/Large Lot Residential</li> <li> Residential Mixed-Use</li> <li> Low Density Residential (avg. 3 du/ac)</li> <li> Medium Density Residential (avg. 6-8 du/ac)</li> <li> Public/Institutional</li> </ul> <p><b>PARKS &amp; GREENWAYS</b></p> <ul style="list-style-type: none"> <li> Greenways</li> <li> Park/Cemetery</li> </ul>	<p><b>MULTI-MODAL CORRIDORS</b></p> <ul style="list-style-type: none"> <li> Freeway</li> <li> Expressway</li> <li> Major Arterial</li> <li> Minor Arterial</li> <li> Local Roads</li> <li> Railroad</li> <li> Community Trail</li> <li> Primary Greenway</li> </ul>	<p><b>Land Use Framework Plan</b></p> <p>0 0.25 0.5 1 1.5 2 Miles</p> <ul style="list-style-type: none"> <li> Johnstown GMA Boundary</li> <li> Town of Johnstown</li> </ul> <p>Source: Town of Johnstown, EDAW</p>
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**AGENDA ITEM 10F**

**Lone Tree Pump Station Improvements  
(Single Source Purchase)**

## **TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** November 4, 2019

**ITEM NUMBER:** 10F

**SUBJECT:** Town of Johnstown Lone Tree Pump Station Improvements

**ACTION PROPOSED:** Approve Single Source Purchase

**ATTACHMENTS:**

1. Engineer quote
2. Pump quotes (2)
3. Panel quote

**PRESENTED BY:** Marco Carani, Director of Public Works

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### **AGENDA ITEM DESCRIPTION:**

Enclosed for your review and consideration is a request to allow Single Source Purchase for a portion of the Lone Tree Pump Station improvements.

Also attached is the new budget number for the project a portion of which is proposed for fiscal year 2020. The quote provided includes the \$366,700.00 from the funds budgeted in fiscal year 2019. We plan on using those funds to purchase parts and equipment in preparation for bidding out the construction work in 2020.

The 2019 budget has \$366,700.00 allocated to do pump improvements at the Lone Tree Pump Station. These improvements include the removal of all electrical from the underground vault and install an above ground electrical panel. Also, as part of this project three (3) 75 HP Pumps will be replaced with 100 HP submersible pumps. Staff contacted J&T Consultants to manage this project. After a thorough review of the scope of work it was determined there are not enough funds budgeted in the 2019 budget to complete the project. Accordingly, additional funds to complete the project to meet the current and future needs of the Town was requested in the 2020 budget. With the funds that exist in FY 2019, staff is requesting to use the money budgeted to purchase the pumps and materials for this project which will be completed next year, if approved in the budget. Staff believes that by purchasing this equipment now we will realize a cost savings and start the project in early 2020.

Staff solicited two bids directly from vendors for the 3 – 100 HP submersible pumps. The low bid for this equipment is DXP at a price of \$56,304.48 (\$168,913.44 total). The second part of this project that can be addressed now is the building of the panel, and wiring to run our SCADA equipment, plus integration with the Variable Frequency Drives (VFD) for the pumps. We are recommending to use the same VFD's that we have at the water treatment plant (WTP). Keeping the same brand of VFD eliminates multiple manufacturers and creates comfort with staff when working or repairing the units. We are proposing to use a single source on this work, contracting with Browns Hill. They are the SCADA professionals we use on all of our equipment for both water and wastewater connectivity. We believe this is a better way to coordinate this project so there are no issues when we go to startup the new pumps/motors in 2020 after construction. The cost for this material is \$75,876.00.

As we all know, water and electricity do not play well together. In our current condition, if we have a flood in the vault due to a pipe leak or some sort of flooding, our raw water supply would be at a standstill. To increase the HP of the pumps and add SCADA and better VFD pump controls the need to increase the transformer is crucial. Currently the existing transformer is a 225 KVA and will need to be

upsized to a minimum of a 500 KVA to handle new loads and to build for future demand as we improve raw water capacity. We are waiting on PVREA to confirm the transformer sizing.

Staff feels that the pumps we have selected are the best available for our needs and the VFD's are the same we have at our WTP. Staff also feel that by purchasing these pumps directly from the vendor saves any markup that are applied when working through a contractor. In order to follow the towns purchasing policy we are requesting single source purchase for parts and equipment. Money not spent this year will be requested to be carried over into the 2020 fiscal year.

Town purchasing policy states:

*d. Waiver of Bidding Process. Notwithstanding the provisions of this Policy, the Town may forego the bidding process altogether in certain specific instances that would be in the best interests of the Town provided that there is sufficient information and documentation to demonstrate that a waiver of the procedure would benefit the Town. Any deviations from the bidding process must have Town Manager approval, who shall then generate a report to the Town Council for the next Town Council meeting explaining the reasons for the waiver. It is intended that this process should be used infrequently and only when there is supporting information to demonstrate that the waiver would be in the best interests of the Town and not in any fashion compromise the integrity of the overall bidding policy of the Town.*

**LEGAL ADVICE:**

N/A

**FINANCIAL ADVICE:**

There is a total of \$366,700.00 available in 2019 for this purchase and the remaining balance of the funds will be carried over into 2020 to complete the project

**RECOMMENDED ACTION:** Approve the purchases for the project as presented

---

**SUGGESTED MOTIONS:**

**For Approval:**

I move to approve the single source purchasing for the improvements to the Lone Tree Pump Station in an amount not to exceed \$366,700.00.

**For Denial:**

I move that we deny approval of single source purchase and go out to a formal competitive bid.

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**Reviewed and Approved for Presentation:**

\_\_\_\_\_  
Town Manager

# **Engineer Quote**



**Opinion of Probable Costs - Pump Station Rehab**

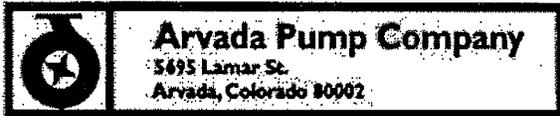
© 2019 J&T Consulting, Inc.

Item Number	Description	Quantity	Unit	Unit Price	Total Price
1	3 100 Hp Pumps and Submersible Motors and Column Pipe - Change Discharge Connection to Pump Can	3	Ea	\$70,000	\$210,000
2	Divers - Remove Existing Screen and Plug Intake for Pump Change Out - Re-Install Existing Screen and remove plug/blind	6	Days	\$7,500	\$45,000
3	By-Pass Pumps - Stand By Rate - Assume 2 weeks Stand by Rate	15	Days	\$1,000	\$15,000
4	By-Pass Pumps - Active Pumping - Assume 2 weeks Active Pumping Rate	15	Days	\$4,000	\$60,000
5	Electrical Transformer Change Out to 300 Kva or 500 Kva (Existing Transformer to small at 225 Kva)	1	LS	\$60,000	\$60,000
6	Electrical Construction (Conduit/Wiring, Disconnect, VFDs or Soft Starts, Panel)	1	LS	\$150,000	\$150,000
7	Instrumentation and Controls (Update PLC, SCADA Controls)	1	LS	\$50,000	\$50,000
8	Contractor Mobilization and General Conditions	1	LS	\$60,000	\$60,000
<b>Subtotal</b>					<b>\$650,000</b>

<b>Construction Contingency at 5%</b>	<b>\$32,500</b>
<b>Construction Cost Total</b>	<b>\$682,500</b>
<b>Design Engineering</b>	<b>\$61,030</b>
<b>Construction Engineering at 4% of Construction Cost</b>	<b>\$27,300</b>
<b>Construction and Engineering Total</b>	<b>\$743,530</b>

# **Pump Quotes**





PHONE: (303) 424-2664

FAX: (303) 424-4058

**TO:** J.C. YORK  
**COMPANY:** J&T CONSULTING  
**FROM:** RYAN MONROE **DATE:** SEPTEMBER 4, 2019  
**SUBJECT:** JOHNSTOWN – LONE TREE PUMP STATION PUMPS

Mr. York,

Arvada Pump Company is pleased to provide a quotation to furnish the following pumping equipment to replace an Ingersoll-Dresser model 12H135 3 stage turbine pump. The end goal is to use a submersible type pump to eliminate concerns with motor flooding.

- Pump End
  - Flowserve model 12EHM, 3 stage submersible bowl (current name of 12H135 bowl)
  - Rated for 1,250 GPM at 190 feet total dynamic head at 1750 RPM
  - Cast iron bronze fitted bowls
  - Exterior coated with 10 mils of Themec N140 epoxy
- Motor
  - Byron Jackson factory remanufactured unit
  - 75 HP, 1800 RPM
  - 460 volt 3 phase
  - Includes 35 foot factory leads to extend past pump head
  - PVC flow shroud for required water velocity past motor
- Column
  - 8" diameter threaded column sections not exceeding 10 feet in length
  - 358" total pump length from base of head flange to bottom of motor
  - 10 mils of Themec N140 epoxy inside and outside
- Head
  - Fabricated steel above base discharge with wiring junction box
  - 8" 150# flange to match location of existing point of connection
  - 24" 150# base flange to mate to existing pump can
  - Lifting lugs
  - 10 mils Themec N140 inside and outside
- Hardware
  - 304 stainless steel throughout pump
- Pump shipped assembled in 1 piece
- Startup of pumps after installation and wiring by others
- \$314,899.00 for quantity 3 pumps including shipment to site
- Installation is available, but a site inspection must be made prior to quotation
- 8-10 week lead time after approval

**Exclusions:**

- Pump testing
- Accessories such as additional plumbing, anchor bolts, nuts, fittings, air lines, control devices, pressure gauges, air and vacuum release valves, monitoring systems, grease or water lubrication systems, lubricants and coolants, tools, seismic analysis, and test equipment are not included.
- Warranty in excess of 12 months from the date of startup or 18 months from shipment

- Unloading or installation (available at additional cost)
- Special insurance including WRAP, OCIP, etc. compliance
- Permits and inspections
- Liquidated damages
- Expedited shipping

Any order resulting from this proposal will be subject to our Standard Terms and Conditions, a copy of which is attached to this proposal. Equipment is quoted FOB factory. Shipping and handling charges, plus applicable sales taxes will be added to the prices quoted above unless specifically included. If your order is tax exempt copies of certificates must be provided at the time of order entry. If you have any questions, please do not hesitate to contact the undersigned. We appreciate the opportunity to provide this proposal and look forward to hearing from you.

Sincerely,

***Ryan Monroe***

[RMonroe@ArvadaPump.com](mailto:RMonroe@ArvadaPump.com)

## **Panel Quote**



8119 Shaffer Parkway, Unit C  
Littleton, CO 80127  
PHONE: 720-344-7771  
FAX: 720-344-7460

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## Project Bid

Project: Johnstown - Lone Tree PS VFD's  
Engineer: Browns Hill Engineering & Controls

Browns Hill Job #: 19-892  
Date: October 30, 2019

Bid Date: NA

Bid Time: NA

Subject: Browns Hill Engineering & Controls, LLC herein proposes to furnish instrumentation, control systems and electrical specifically listed in the following "Scope of Work".  
In compliance with plan drawings and specifications sections listed:

### Scope of Work:

#### **Enclosures and Equipment**

Provide the following in accordance with the requirements of the contract documents:

- 1200A Nema 3R Power Distribution Panel
- (3) 200A, 600V Nema 3R Non Fused Disconnects - **Pumps #1, 2 & 3**
- Fully Assembled & Wired Nema 3R VFD Enclosure including - VFD's, Harmonic Filters Swing out Panel, CPT, Pilot Devices, Thermostat, Fan Kit, Breakers, Terminal Blocks Wire Duct, Relay's, Disconnect Handle
- I&C Testing Startup and Training

#### **Programmable Logic Controller**

Provide PLC Hardware in accordance with the requirements of the contract documents.

- Install & Wire New PLC Cards

#### **System Programming**

Provide a completed, tested system, including software and hardware per the contract documents for the PLCs and Operator displays

- Program Existing PLC & HMI for control of New VFD's

#### **Field Instrumentation**

Provide the listed instrumentation:

- Magnetic Flow Meter: FE/FIT-100
- Water on Floor: LSH-100
- Hatch Switch w/ Lever: ZS-100

This proposal includes all submittals, drawings, factory tests, field inspections, field testing, operator/maintenance training and startup services as required in the contract documents.

Only items listed on this scope of work are included in this pricing.

Exclusions: The following items are specifically excluded from this scope of work. These items are noted for clarification purposes. This list is not intended to include all items on the project that are excluded.

- All costs for onsite storage, handling and equipment protection.
- Installation of in-line devices
- All warranties will be FOB the equipment manufacturers repair facility
- All field wire/cable installation and field terminations
- All costs associated with field installation of equipment and devices
- All costs associated with cutting, patching and painting
- No local taxes or federal taxes have been included in this proposal.
- No bonding costs have been included in this proposal.

Addendums included:

Browns Hill Engineering & Controls, LLC agrees to perform all work described per this proposal for the following lump sum price.

Proposal lump sum cost  
\$101,894 and no/100 dollars

**Cost Breakdown**

\$75,876 **Equipment**  
\$26,018 **Labor**

This proposal is valid for 30 days and subject to revision after that time.

We are now accepting all major credit cards.

We appreciate the opportunity to provide this proposal and should you have any questions please contact the undersigned at 720-344-7771.

Sincerely,

Jesse Martin - Estimator [jmartin@brownshilleng.com](mailto:jmartin@brownshilleng.com)  
Browns Hill Engineering & Controls, LLC

**AGENDA ITEM 10G**

**Central Wastewater  
Treatment Plant  
Aeration Project**

## **TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** November 4, 2019

**ITEM NUMBER:** 10G

**SUBJECT:** Town of Johnstown CWWTP Aeration Project

**ACTION PROPOSED:** Approve Aerator purchase

**ATTACHMENTS:** 1. Bid quotes

**PRESENTED BY:** Marco Carani, Director of Public Works

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### **AGENDA ITEM DESCRIPTION:**

Enclosed for your review and consideration is a request to purchase aerators for the Central Wastewater Treatment Plant Aeration Project.

The 2019 CWWTP has \$464,000 budgeted for 2019 to do help meet compliance with Ammonia/Nitrogen and Total Suspended Solids. We brought in the Engineering firm of J&T Consultants out of Fort Lupton to manage this project. After a few months of discussion we have agreed that installing 4 aerators and diverting the majority of flows directly to the MBBR by passing pond #1 and the remaining flows going to Pond #2 gives us the best option to stay in compliance with the State, for Ammonia/Nitrogen. By adding a Polymer feed at the DAF we can reduce our Total Suspended Solids (TSS). Our current treatment process has not been able to control the state allowable limits for Ammonia, Nitrogen and TSS.

Staff along with our contract engineer have been soliciting numbers for aerators and have come to a conclusion that the DO2E Aerators are the best option for our needs. The aerators will be purchased directly from the vendor. By purchasing these we avoid a 10% - 20% markup through the contractor. The aerators we are proposing to purchase provide better mixing and rotation of pond water compared to all the other aerators we reviewed. The added benefit of these aerators is they have a reuse value allowing us to incorporate them into our new WWTP or at any of our reservoirs in the future when the lagoons are abandoned.

We are hopeful to get this project completed this year. Staff will bring to Council a request to award a bid to an electrical contractor at our next meeting on November 18th. In a worst case scenario, the project will be completed in 2020.

The bids received for the aerators are as follows:

DO2E \$191,032.00

Aerator Solutions. \$175,000.00

### **LEGAL ADVICE:**

N/A

**FINANCIAL ADVICE:**

\$464,000 for 2019 was budgeted for this project.

**RECOMMENDED ACTION:** Approve the purchase of the aerators as presented.

---

**SUGGESTED MOTIONS:**

**For Approval:**

I move to approve the Purchase of the DO2E aerators in the amount not to exceed \$191,032.00.

**For Denial:**

I move that we deny approval of purchase of the DO2E aerators.

---

**Reviewed and Approved for Presentation:**

\_\_\_\_\_  
Town Manager

# **Aerator Quotes**

**DO2E Waste Water Treatment LLC**

36220 Hwy 59  
Stapleton, AL 36578  
251.937.8200  
850.698.6805  
[sheila@do2e.com](mailto:sheila@do2e.com)  
[www.do2e.com](http://www.do2e.com)



# Estimate

**ADDRESS**  
J&T Consulting

**SHIP TO**  
Johnstown, CO

**DATE**  
10/18/2019

**ESTIMATE #**  
5866

**REP**  
JC York

**SHIP VIA**

**PROJECT NAME**  
Jonstown Lagoon

**TERMS**  
See Below

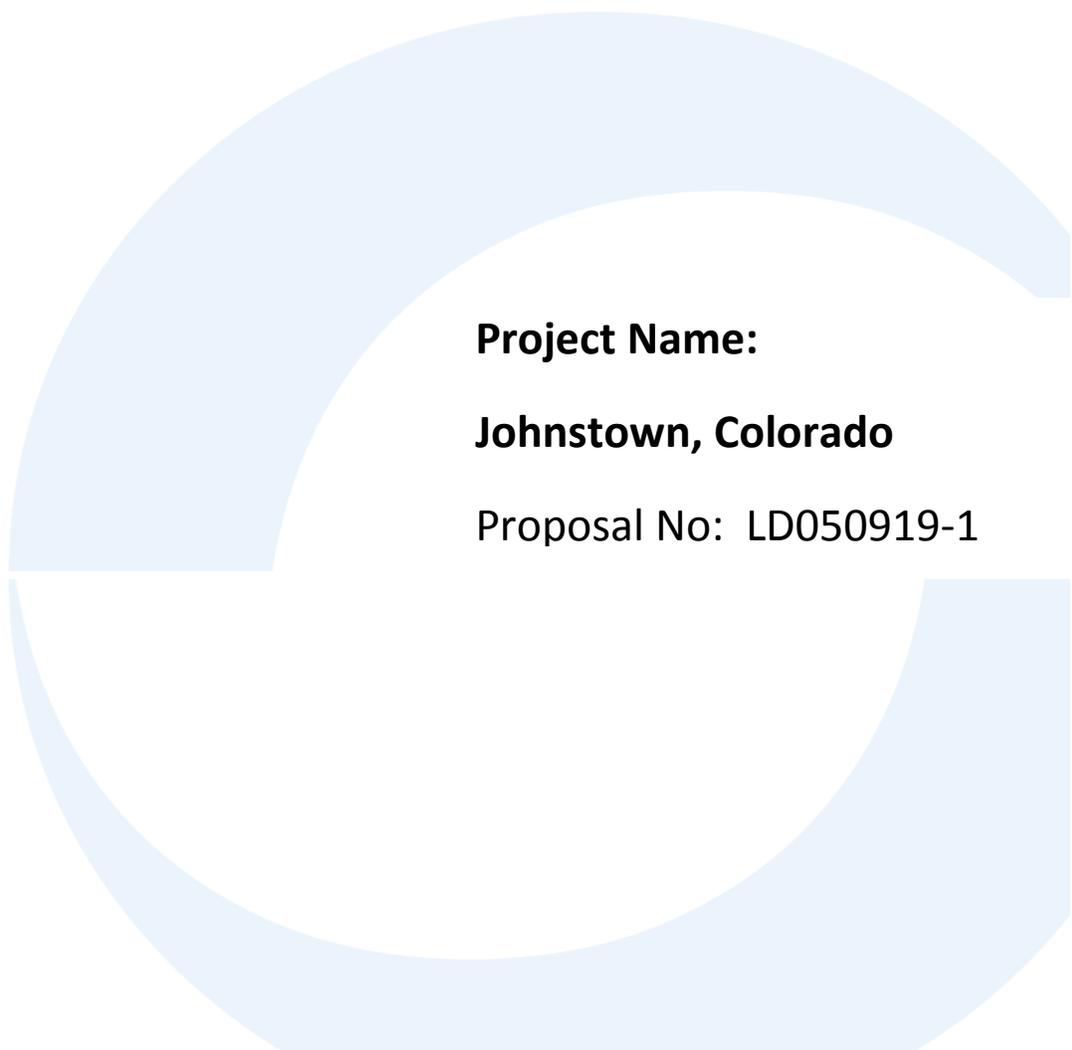
ITEM	DESCRIPTION	QTY	RATE	TOTAL
20HP Double Flow Aerator	Custom High Volume 20 HP Double Flow Floating Aerator Prewired Three Phase Factory Pre-Set Pressure Relief Valve Motor Starter 75' Industrial Grade Extreme Temperature 4" Hose Includes Stainless Steel Cam-Lock Fittings Heavy Duty Lockable Blower Enclosure (K11-MS Blower)	4	48,995.00	195,980.00
10% Discount	**10% Discount reflects prepay agreement**		-10.00%	-19,598.00
Shipping			14,650.00	14,650.00
PAYMENT TERMS: 50% Deposit plus freight. Balance Due upon proof of shipment.				
<b>TOTAL</b>				\$191,032.00

All DO2E Units are FOB Robertsdale, Alabama.  
Customer is responsible for: Taxes, Tarrifs, Duties, Handling Fees, Certifications & Freight Costs.

# AeratorSolutions

For the World's Wastewater™

## EcoJet™ Aerators



**Project Name:**

**Johnstown, Colorado**

Proposal No: LD050919-1

Contact: Lenka Dixon, [LDixon@AeratorSolutions.com](mailto:LDixon@AeratorSolutions.com)  
PH: 815-623-5111, FAX: 815-623-7111

May 9, 2019

QUOTATION NUMBER: LD050919-1

**PROJECT: Johnstown, Colorado**

Attn: J.C. York, P.E., J&T Consulting, Inc., [jcyork@j-tconsulting.com](mailto:jcyork@j-tconsulting.com)  
305 Denver Avenue, Suite D, Fort Lupton, CO 80621  
Office: (303) 857-6222, Mobile: (970) 222-9530

Representative: Jason Morgan, email: [jmorgan@chcwater.com](mailto:jmorgan@chcwater.com)  
Coombs-Hopkins [www.chcwater.com](http://www.chcwater.com)  
Phone: (303) 477-1970, Cell: (801) 691-4000

Aerator Solutions is pleased to submit the following proposal for the equipment described in the following pages, subject to the terms and conditions stated herein, acceptance within 90 days from the above date, and shipment within 6 months.

**1<sup>st</sup> Cell: Six (6) 30 HP EcoJet™ Aerators**  
**2<sup>nd</sup> Cell: Four (4) 15 HP EcoJet™ Aerators**

**30 HP EcoJet™ aerator characteristics:**

- Impingement zone (diameter of spray pattern): 32 ft diameter
- Zone of complete mix: 93 ft
- Diameter of complete oxygen dispersion: 310 ft
- Minimum water level with Anti-Erosion Assembly 5.0 ft

**15 HP EcoJet™ aerator characteristics:**

- Impingement zone (diameter of spray pattern): 25 ft diameter
- Zone of complete mix: 64 ft
- Diameter of complete oxygen dispersion: 214 ft
- Minimum water level without Anti-Erosion Assembly 7.0 ft

**I. Six (6) - Model A31-SSS-AE EcoJet™ Aerators, 30 HP, 460/3/60, with the following materials of construction:**

- Motor – 30 HP, 460 Volt /3/60, 1200 RPM
- Motor Shaft – One-piece 17-4PH stainless steel
- Discharge cone – 304 stainless steel, monolithic casting
- Intake Cone/Anti-Erosion Assembly – 304L stainless steel
- Propeller – stainless steel, dynamically balanced
- Float – 14-gauge, 304L stainless steel shell, filled with closed-cell polyurethane foam

**II. Four (4) - Model A15-SSS EcoJet™ Aerators, 15 HP, 460/3/60, with the following materials of construction:**

- Motor – 15 HP, 460 Volt /3/60, 1800 RPM
- Motor Shaft – One-piece 17-4PH stainless steel
- Discharge cone – 304 stainless steel, monolithic casting
- Intake Cone – 304L stainless steel
- Propeller – stainless steel, dynamically balanced
- Float – 14-gauge, 304L stainless steel shell, filled with closed-cell polyurethane foam

**ACCESSORIES for ten (10) EcoJet™ Aerators:**

- 7,000 FT: 3/16 inch stainless steel mooring cable
- 70 EA – stainless steel thimbles
- 70 EA – stainless steel clips
- 10 EA – stainless steel snap hooks
- 1,000 FT: #10/4 electrical power cable for 15 HP Aerators
- 1,500 FT: #6/4 electrical power cable for 30 HP Aerators
- 200 EA – aerial cable ties
- 10 EA – motor compression fittings
- 10 EA – motor reducer bushings

**Pricing for ten (10) EcoJet™ aerators with accessories: \$175,000.00**

**AGENDA ITEM 10H**

**Discussion Only  
(Camping Restrictions)**

## **TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** November 4, 2019

**ITEM NUMBER:** 10H

**SUBJECT:** Camping restrictions

**ACTION PROPOSED:** **DISCUSSION ONLY:** General Direction Needed for overnight camping public right of ways/ private property.

**ATTACHMENTS:**

**PRESENTED BY:** Chief Phillips and Town Manager Matt LeCerf

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### **AGENDA ITEM DESCRIPTION:**

The Johnstown Police Department (JPD) has received multiple complaints in the past few months from residents about people camping on either the street in front of residences or in trailers on residential properties within the Town.

One location in particular had three (3) initial calls for service and eleven (11) follow up calls for service for an RV parked on a residential street with water and power connected to the RV from the residence of family members. The owner of the RV was cited on three (3) separate occasions for encroachment (having electric cords and hoses crossing the public sidewalk) and once for parking more than 12 inches from the curb. JPD was not able to stop the owners from camping in the street.

JPD has responded to calls of people living in travel trailers parked in back yards of residences, we have responded to people using vehicles and campers as residences in truck stop parking lots, and more recently to camps being set up behind private businesses in the 2534 commercial area.

These types of complaints are becoming more frequent but are difficult for the responding officers to mitigate due to the lack of an ordinance that addresses this type of issue. To more effectively mitigate these issues Town Council may desire to enact new and/or additional regulations for JPD to enforce. Accordingly, ordinances from multiple jurisdictions within Colorado are listed below for your review:

### **Avon CO**

#### 9.20.060 - Camping on public ways.

It is unlawful for any person to sleep, spend the night, cook or establish a place of abode in any vehicle, trailer or camper on any public street, way, sidewalk or place within the Town.

### 9.20.070 - Camping restricted.

It is unlawful for any person to reside temporarily on any parcel in the Town not specifically designated therefor, for a period longer than two (2) nights in any tent, shelter, mobile home, recreational vehicle, trailer or any other temporary or movable shelter that has not been permanently attached to the land and/or received appropriate approvals from the Town.

### **Boulder CO**

#### 5-6-3. - Unlawful Use of Vehicles as Residence.

No person shall occupy a vehicle upon any city street or streets or other public property if any of the purposes for such occupation is to use the vehicle as a permanent or temporary residence. Sleeping overnight upon any city street once in any seven-day period does not constitute use of the vehicle as a temporary residence.

### **Fort Lupton CO**

#### Sec. 10-147. - Vehicles as dwellings.

It shall be unlawful for any person to use or for any owner or lessee of real property to permit upon that property the use of any vehicle as a dwelling within the City. The word vehicle as used herein shall mean any truck, bus, automobile, motor home, mobile home or trailer, but does not include mobile homes used as dwellings in the areas of the City zoned for that purpose. Persons may, however, obtain temporary permits from the City under such restrictions as may be set by the City for temporary occupancy for construction purposes and vacation travelers.

### **Steamboat Springs CO**

#### Sec. 10-102. - Use of vehicle as residence when parked in public place.

No person shall occupy a vehicle upon any public way or place, if any of the purposes for such occupation is the use of the vehicle as a permanent or temporary residence. Sleeping overnight in a vehicle during one 24-hour period when such vehicle is parked shall not constitute use of the vehicle as a temporary residence.

### **Grand Junction CO**

#### 12.04.080 Camping on public property without authorization prohibited.

No person may camp in or upon any public property, nor any property owned by other governmental entities that have posted notice prohibiting camping, unless:

- (a) The person has the authorization of the owner of the property to camp at that location; or

- (b) An overnight use is specifically authorized by the issuance of a use permit in accordance with Parks Department regulations; or
- (c) Camping is otherwise specifically authorized by GJMC; or
- (d) The camper(s) is(are) on public property other than a sidewalk, street, parking strip, alleyway, lane, breezeway or public right-of-way, and there is no available overnight shelter; or
- (e) Camping is necessary after the formal declaration of an emergency in accordance with City Charter or a declaration of the Governor.

12.04.090 Removal of unlawful encampment(s)

Upon discovery of an encampment(s) on public property, removal of the encampment by the City and/or its authorized agent(s) may occur if:

- (a) After reasonable notice, the person(s) fails or refuses to remove his/her personal property from the location of the encampment(s); and
- (b) Personal property appears to be abandoned; or there is reasonable suspicion for law enforcement officers to believe that illegal activity(ies) other than camping are occurring at the encampment; or
- (c) There is imminent danger to human life, health or safety, including, but not limited to, possible contamination of private or public property by unsanitary and/or hazardous conditions and/or materials.

**Constitutionality of proposed camping ordinance/Ban**

The 9th Circuit Court of Appeals in the case of Martin vs. Boise, Idaho, in which the court held that it may constitute an Eighth Amendment violation if a municipality prosecutes people for camping when there is no reasonable alternative for those people to go someplace and get shelter. This case was the only case found that could potentially have application to a proposed ordinance. JPD would suggest that the Town Attorney research case law more fully prior to adoption of an ordinance.

Staff is asking for direction from Council before proceeding with the drafting of an ordinance.

**Reviewed and Approved for Presentation:**

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Town Manager

# **WORK SESSION**

## **TOWN COUNCIL WORK SESSION AGENDA COMMUNICATION**

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**AGENDA DATE:** November 4, 2019

**ITEM NUMBER:** Work Session

**SUBJECT:** Johnstown Plaza Apartment Request

**ACTION PROPOSED:** **DISCUSSION ONLY:** General Direction Needed this Topic as Directed by Council

**ATTACHMENTS:**

1. Letter – Johnstown Plaza Apartment Request
2. Agenda Items from April 19, 2019 Johnstown Plaza Design Guidelines Change
3. Water Agreement – Town & Johnstown Plaza (JP)

**PRESENTED BY:** Matt LeCerf, Town Manager

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### **AGENDA ITEM DESCRIPTION:**

The Town is in receipt of a letter from Johnstown Plaza regarding requests for consideration of matters related to both sewer and water infrastructure items for a pending development request (see attachment #1). Enclosed for your review is the letter and additional background, information and issues to consider are provided in this memorandum below.

#### **Sewer Upsizing Request**

In April, 2019, Council approved a request for a change to the design guidelines for Johnstown Plaza. As part of the changes, the request most notably included the ability for a portion of the property owned by Johnstown Plaza to have as a permitted use for an apartment/multi-family development. In the review and consideration of this application by the Council, the Town Engineer provided comments in the Council Packet that contemplated the potential for the sanitary sewer collection system to reach capacity based on this and what is now known to be other potential land use changes versus what was initially proposed. Accordingly, the Town Engineer recommended that either an existing 15” pipe be replaced with an 18” or, in recent conversations, as an alternate, that installation of a parallel 15” pipe would be suitable as well (see attachment #2). The reason other line sections do not have similar issues is because of the grade of the pipe and flows can move much faster in the system versus this line segment which runs underneath the Big Thompson at a more shallow slope/grade.

As part of the resolution that was approved by Council and in consideration of the land use changes, Johnstown Plaza was to “address and resolve the sanitary sewer interceptor [in this section of the line] .....prior to final design approval” (see attachment #2). In the letter, JP represents that the development currently does not put an undue burden on the system as it exists today based on the existing development. While they are correct, the system design also didn’t contemplate the additional multi-family units proposed in this development and in another multi-

family development that may be working its way through the development process. Regardless, the issue related to the sanitary sewer interceptor is more than likely an issue of “not if, but when”. In its letter, JP has proposed options on how the resolution and its requirements approved by Council can be satisfied, but they do not run in line directly with the resolution.

Staff would like feedback, thoughts and general direction on how they would like to address this matter as we look forward proactively.

### **Water Shares Request**

The Town, as part of the support for the commercial development of the Johnstown Plaza Development, where, upon completion, JP will create roughly 550,000 square feet of retail, supported JP’s development objectives by providing them with a water incentive. In the most recently approved request/agreement for the incentive, the Town, provided JP with a First Amendment to the Water Sewer Service Agreement. Generally this agreement mimicked the previous agreement with the exception of the volume of water allocated. In the initial agreement, 4.5 shares of home supply were provided for the shopping center development. In the amendment, this volume was reduced to 2.5 shares because the water use was less than anticipated. Since the adoption of the first amendment, the Town has audited the water use of the existing facilities in place and additional allocations have been provided to new retail. This has resulted in a remaining balance of 8.63 AF of water or 1.07875 shares. Currently, it is believed that this volume of water will be able to handle the remaining development of the shopping center component of the development.

The water incentive in the water and sewer service agreements was expressly predicated on the commercial benefits. The initial WSSA provides: “to facilitate the development of the Shopping Center ... [and] based on the anticipated economic benefits, the additional employment opportunities and the extraordinary opportunity presented by the location of the Shopping Center in the Town, the Town Council desires to accommodate the Developer’s request and finds that this Agreement is in the best interests of the citizens of the Town.”

As part of JP’s request for water shares enclosed, they are requesting consideration by the Town to provide water for the apartment development as an incentive. The apartment complex consists of 252 units, generating 148 SFE’s of potable water demand. Currently, based on the most recent water demand analysis, the property will need either 9.3 shares of changed or 11.6 shares of unchanged home supply water (74.01 acre feet). It has been assumed in the analysis that the non-potable (irrigation) water, 11.80 acre-feet, will be purchased from the 2534 Water Bank.

Historically, Town policy has been not to provide water for residential applications. This change from our current policy would more than likely open up the Town for additional requests from other developers to provide similar benefits. If the Town Council were to consider this request and provide it, I believe two policies would need to be clearly identified:

1. Under what circumstances and conditions would the Town consider continuing this policy? More specifically, under what types of development would the Town Council permit this opportunity – residential, commercial, and industrial or a combination of all of these or

some of these land use types? Would the Town require that commercial successes be realized in advance prior to providing this benefit moving forward?

2. At what rate should the Town charge for cash-in-lieu as an option, assuming Council wants to pursue this option? The Town has provided the incentive of water at a reduced rate, compared to the market rate in part because of the fact that the development associated with it generates significant sales tax. With these aspects in mind, if the Council desired to change its policy to provide a cash-in-lieu rate for residential; at what rate should that be set? Currently, shares are being purchased for about \$300,000 and I have even heard of shares (unknown if one or a block) selling for as high as \$360,000.

**Reviewed and Approved for Presentation:**

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Town Manager



## JOHNSTOWN PLAZA

October 8, 2019

VIA E-MAIL

mlecerf@townofjohnstown.com

Re: *Johnstown Plaza Apartments Request*

Dear Mr. LeCerf,

Please allow this letter to stand as a formal request to be taken to Town Council regarding the items mentioned below.

### SEWER UPSIZING

First, as has been communicated through conversations and emails, the sewer upsizing discussion is one where Johnstown Plaza Apartments, LLC ("JPA") misunderstood the status with the ongoing discussions the Town and TCMD were having, and was under the impression that issue had been resolved in the settlement and/or agreement that was reached between the two. When JPA decided to move forward with the apartment project, it did not budget an upsizing of the sewer as it thought this was resolved. It is now becoming a requirement to be resolved and that cost is new, high and is an issue for JPA. There are a few issues surrounding the upsizing: 1) the timing of a permit as it relates to this issue being resolved; 2) the timing of when these improvements need made; 3) the installer of the improvements; 4) the overall burden of cost related to the improvements.

As has been mentioned, JPA does not believe this is an issue for today as the upsizing is not a current problem, nor may it ever be a problem in the future. A lot of factors are still yet to be determined that would require an upsizing and to go ahead and upsize the sewer now could inevitably be a cost that could have been avoided. Consideration needs given to the necessity of this upsizing and whether this should be shifted to another point in time. The upsizing can occur post construction and post residents moving in, the same as it could be installed today. There will be no hindrance to putting this upsized sewer in when the necessity actually exists. Postponing this requirement should be considered as upsizing the sewer when capacity issues actually present themselves, allows all parties to have hindsight on when the sewer needs upsized rather than attempting to predict whether there will be an issue.

In any event, we are requesting this be a CO issue instead of a permit issuance issue. It has been mentioned that the Town's attorney is working on a letter to advise or give input on the same. We request that however the upsizing issue gets resolved/postponed, we be allowed to commence work with a permit and make the sewer issue a CO/TCO requirement prior to issuance.

Regarding which entity installs the sewer upsizing, JPA would like the option of deciding whether it wishes to handle the install or whether the Town should perform the install. Timing of the work and cost of the

work are factors at play. If we believe we can construct the upsizing cheaper and/or quicker, JPA having that option is being requested.

Regarding the overall costs related to the upsizing, JPA was informed there were other zoning/use changes for 2534 property that created residential use. If any property's use has been changed that puts additional stress on the sewer system, the costs associated with the upsizing, if it is required, should be spread to those that changed their use. Additionally, if future changes of use are sought and approved, that additional sewer stress should be proportionately spread.

### WATER SHARES

Additionally, communicated through conversations and emails, JPA desires to purchase the necessary water shares for the apartment project from the Town as opposed to the open market. JPA fully appreciates this is a new type of request for Town Council, but with the possibility of a very costly, large upsizing issue looming, the budget for this project is even more critical. If JPA is forced to purchase these shares on the open market, it will further jeopardize this project. We are looking to the Town for help. It was mentioned in an email that the Town has financial concerns with the sewer system in general and it would seem that an influx of funds for currently unused water shares would assist. There are a few factors that weigh in favor of granting this request and JPA is asking for the Town's assistance is what has been an extremely productive collaboration thus far.

If you have any questions, feel free to contact me at the information above. If additional input is needed from any of our experts, we are happy to provide whatever is needed to further the discussions on our requests above. Thank you.

Sincerely,



Michel Schlup

b. Sanitary Sewer Collection System Considerations:

**Internal 2534 Sewers:** The proposed multi-family development (238 apartments) is projected to generate approximately 63 - 79 gpm more peak flow than was master planned for development under the current commercial zoning. The TCMD/Galloway 5/22/17 Sewer Capacity Exhibit indicates the internal 2534 sewer system should have adequate capacity to accommodate the increased flow.

**Sanitary Interceptor Sewer Between 2534 Area and LPWWTP:** The sanitary sewer system downstream of the 2534 development area contains a section of 15" diameter sewer main laid at 0.18% slope. This approximately 2074-foot-long section is the capacity limiting section of main between the 2534 development area and the LPWWTP. The 3/31/16 capacity analysis (which included the Schlup parcel developed at the commercial zoning) indicated that at the master planned buildout this bottleneck section of sewer essentially would be maxed out and would not have sufficient capacity to accommodate the increase in flow from the Schlup parcel with the proposed multi-family development. A potential resolution would be to eliminate this bottleneck by replacing the section of 15" main at 0.18% section of main with a new 18" main (which at the same 0.18% slope would increase the peak capacity from 2750 gpm +/- flowing at 50% full to 3250 gpm +/- flowing totally full.

**NOTE:** The sewer capacity projections/limitations discussed above are based on projected master planned sewer demand at buildout of parcels tributary to the subject sewer line. The average daily flow to the LPWWTP currently is around 175 - 200 gpm (daily average). Thus, at the current time, the sewer bottleneck location has sufficient capacity to accommodate the proposed rezoned Schlup parcel with the 238 apartments. Depending upon timing of development and buildout of the tributary property, and how that property develops (e.g. at lessor or greater use density than projected in the master plan, and with greater or lessor infiltration/inflow than included in the master planning projections), it could be many years into the future before the actual flows exceed the current bottleneck location capacity.

**4. Stormwater:**

The site drainage was planned for under the 2534 master drainage planning to drain ultimately to the 2534 Regional Water Quality-Stormwater Detention Pond 2000. The site falls within Basin 221 of the 2534 area and was master planned at 85% imperviousness. Whether the site is developed under the current commercial zoning, or the proposed Multi-Family rezoning, as long as the overall site imperviousness is 85% or less, the site's developed storm water runoff should be within the master planned allowances.

**5. Site Access:**

a. At this point in planning, location of proposed site access locations is not fixed. However, the conceptual layout included in the 10-24-18 Application Letter suggests two drive connections to Ronald Reagan Drive (to the north) and one drive connection to Exposition Drive (to the east). Comments from the Town's Transportation/Traffic Engineer (Charles Buck, FHU) may be warranted.



**TOWN OF JOHNSTOWN, COLORADO**

**RESOLUTION NO. 2019-15**

**APPROVING AN AMENDMENT TO THE JOHNSTOWN PLAZA DESIGN HANDBOOK LAND USE PLAN TO DESIGNATE LOT 1, 2534 SUBDIVISION FILING NO. 16, AS “AREA B.2” TO ALLOW MULTI-FAMILY RESIDENTIAL DEVELOPMENT, AND TO REQUIRE THAT THE DESIGN STANDARDS SET FORTH IN THE 2534 DESIGN GUIDELINES APPLY TO THE MULTI-FAMILY RESIDENTIAL DEVELOPMENT**

**WHEREAS**, on or about February 21, 2018, the Town Council of the Town of Johnstown (“Town”) approved and adopted the Johnstown Plaza Design Handbook (“Design Handbook”); and

**WHEREAS**, on or about October 16, 2018, the property owner, Johnstown Plaza, LLC, a Kansas limited liability company, filed an application for an amendment to the Land Use Plan contained in the Design Handbook to designate Lot 1, 2534 Subdivision, Filing No. 16, from an Area B.1 designation (Office, Flex and Retail) to an Area B.2 designation (Office, Flex, Retail and Multi Family Residential), to allow, in addition to the current uses, multi-family residential development; and

**WHEREAS**, Section 1.3.5 of the Design Handbook provides that a change in land use constitutes a major change and shall require action by the Planning and Zoning Commission and final approval by the Town Council; and

**WHEREAS**, on February 13, 2019, the Planning and Zoning Commission held a public hearing, and voted to recommend approval of the proposed land use change on the conditions that:

1. The applicant revise the site plan to comply with Town’s Traffic Engineer’s requirements, including those presented in a letter to John Franklin dated November 20, 2018, which include:
  - a. reduce the number of vehicular ingress/egress points on Ronald Reagan Boulevard to one and align it “with the Ridgeview Office Park access;” and
  - b. move the first vehicular ingress/egress point south of Ronald Reagan Boulevard along the west side of Exposition Drive further south to meet the “minimum 175 foot spacing” requirement;
2. The applicant prepare and provide the Town Engineer with a water system modeling report for the proposed development;
3. The applicant comply with the Town’s standards and with Loveland Fire and Rescue Authority’s standards for all improvements; and
4. The applicant address and resolve the “sanitary interceptor sewer” issue downstream of the 2534 development, but upstream of the Low Point Wastewater Treatment Plant, as identified by the Town Engineer, to the Town’s satisfaction prior to final design approval.

**WHEREAS**, on April 15, 2019, the Town Council held a public hearing to consider the application and heard evidence presented by, among others, a representative of the applicant; and

**WHEREAS**, based upon all the evidence received, the Town Council finds that proposed land use change is appropriate and in the best interests of the Town, subject to the following conditions.

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

Section 1. The Land Use Plan contained in the Johnstown Plaza Design Handbook, as approved on February 21, 2018, shall be amended to designate Lot 1, 2534 Subdivision Filing No. 16 as “Area B.2” subject to the following conditions:

1. The Planning and Zoning Commission’s conditions of approval shall be satisfied;
2. Multi-family residential development in Area B.2 shall be subject to the design standards for multi-family residential development set forth in the 2534 Design Guidelines; and
3. The Johnstown Plaza Design Handbook shall be amended to reflect that the 2534 Design Guidelines applies to multi-family residential development in Area B.2.

Section 2. This Resolution shall be in full force and effect from and after the date of its passage and approval.

PASSED, SIGNED, APPROVED, AND ADOPTED this \_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

**TOWN OF JOHNSTOWN, COLORADO**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

**FIRST AMENDMENT TO  
WATER AND SEWER SERVICE AGREEMENT**

THIS FIRST AMENDMENT TO WATER AND SEWER SERVICE AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between JOHNSTOWN PLAZA, LLC, a Kansas limited liability company (“Developer”), and THE TOWN OF JOHNSTOWN, a Colorado municipal corporation, (“Town”), collectively sometimes referred to as “the Parties.”

**RECITALS:**

**WHEREAS**, on or about June 6, 2016, the Parties entered into a Water and Sewer Service Agreement (“WSSA”) for Property being developed as a Shopping Center in the Town; and

**WHEREAS**, based on the economic benefits, the additional employment and the extraordinary opportunity presented by the location of the Shopping Center in the Town, the Town agreed to allow the Developer to pay cash-in lieu of water dedication for the in-building and outdoor water fountain needs of the Shopping Center; and

**WHEREAS**, to effectuate the foregoing, the Town set aside four and one-half (4.5) shares of the Consolidated Home Supply Ditch and Reservoir Company (“Home Supply”) from the shares owned by the Town and created the Johnstown Plaza Water Bank; and

**WHEREAS**, the WSSA provided that the Johnstown Plaza Water Bank would terminate on December 31, 2018 and that the water that had not been used by the Developer would revert back to the Town; and

**WHEREAS**, on December 12, 2018, the Developer requested that the Town extend the Johnstown Plaza Water Bank for an two additional years, to and including December 31, 2020, to satisfy the in-building water needs of future tenants in the Shopping Center; and

**WHEREAS**, the Developer suggested that the Town reduce the amount of Home Supply water that is set aside for the Shopping Center because, among other reasons, water is not being used for outdoor fountains; and

**WHEREAS**, given the substantial value that has accrued to the Town by virtue of the Shopping Center, the Town desires to accommodate the Developer’s request and extend the Johnstown Plaza Water Bank to December 31, 2020.

**NOW, THEREFORE**, in consideration of the mutual promises hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. **Recitals and Terms.** The Recitals are incorporated into the Agreement as if fully set forth herein. Capitalized terms used but not defined herein shall have the meaning set forth in the WSSA.

2. **Paragraph 2 of the WSSA.** Paragraph 2 of the WSSA shall be amended in full to read as follows:

To facilitate the development of the Shopping Center, Town agrees to allow Developer to use up to two and one-half (2.5) shares of the Consolidated Home Supply Ditch and Reservoir Company (up to 20 acre-feet feet per year) from the shares owned by the Town pursuant to the terms of this Agreement for the in-building water needs of the Shopping Center. The water may not be used for any other purpose. Upon the execution of this Agreement, the water shares shall be set aside and placed into a water bank ("Johnstown Plaza Water Bank"). The Town's Water Engineer shall manage the Johnstown Plaza Water Bank, and maintain an accurate accounting of the water that is used and the water that is still available for use by Developer.

The Johnstown Plaza Water Bank shall terminate on December 31, 2020. Water that has not been allocated to the use of Developer pursuant to the terms of this Agreement by December 31, 2020, shall revert back to the Town, shall be available for any and all uses deemed appropriate by the Town and shall not be available for any use by the Developer absent a written amendment to this Agreement signed by the Parties.

Notwithstanding anything contained herein, the Developer shall not be obligated to purchase the right to use water from the Johnstown Plaza Water Bank.

3. **Validity of WSSA.** Except as expressly modified herein, the WSSA shall remain in full force and effect

[The remainder of the page intentionally left blank.]

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

JOHNSTOWN PLAZA, LLC

By: Allen Schlup  
Allen Schlup, Managing Member

STATE OF KANSAS )  
 ) ss.  
COUNTY OF JOHNSON )

SUBSCRIBED AND SWORN to before me this 14 day of January, 2019,  
by Allen Schlup, as the authorized member of Johnstown Plaza, LLC.

WITNESS my hand and official seal.



A. Carroll  
Notary Public

My commission expires: 5-16-21

137 NW 1501 Rd Urich, MO 64788  
Address

ATTEST:

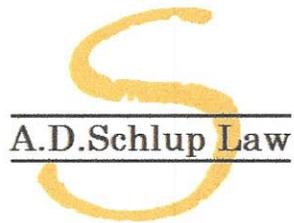
**TOWN OF JOHNSTOWN, COLORADO**  
**a municipal corporation**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Avi S. Rocklin  
Town Attorney



6917 W. 135<sup>th</sup> Street, Suite B-29 Overland Park, KS 66223  
Phone: 913-948-8300  
Fax: 913-499-1913

Allen Schlup\*\*  
\*\*-Licensed in Kansas, Missouri and Colorado

December 12, 2018

VIA E-MAIL

avi@rocklinlaw.com

Re: *Johnstown Plaza – Water Sewer Service Agreement Renewal*

Dear Avi,

The Water Sewer Service Agreement (“WSSA”) between Johnstown Plaza and the Town of Johnstown (the “Town”) dated June 6, 2016 is set to expire December 31, 2018. From the information provided below and with this correspondence, Johnstown Plaza proposes to the Town to extend the WSSA by amendment for a period of time the Town deems reasonable to source in-building water for the remaining unfinished and unoccupied buildings at Johnstown Plaza.

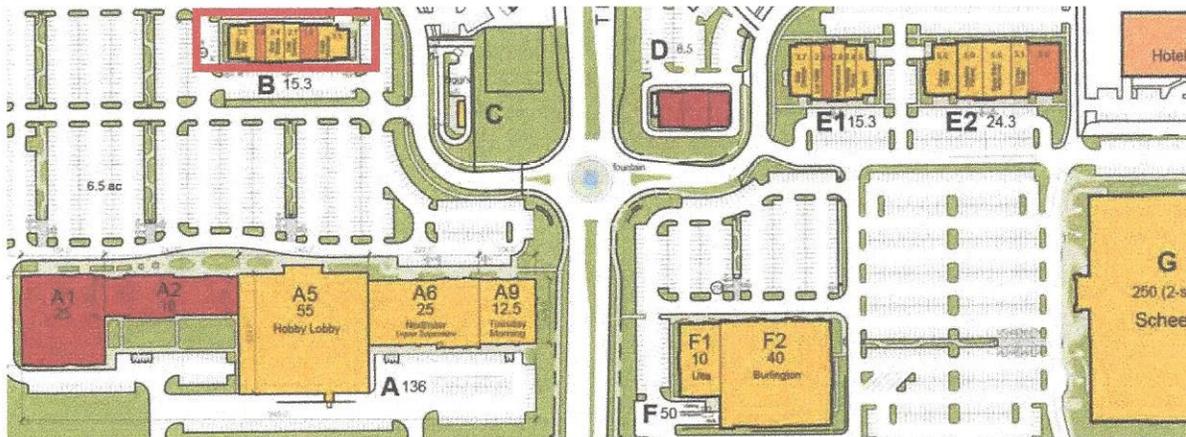
To date, Johnstown Plaza has built, or is currently building, seven of its eight planned buildings, including Scheels. The current developed and under-construction buildings total 400,000 square feet.



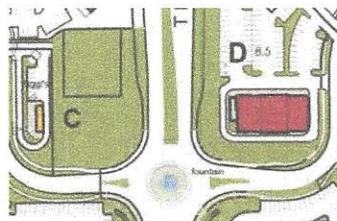
Johnstown Plaza has an additional 55,000 square foot tenant, Hobby Lobby, which will start building construction in the first quarter of 2019 (Shown as building A5 below).



Johnstown Plaza has other smaller tenants finishing their building's interior finish to open early next year, two of which are within the B building (Shown below with the red box).



There is a new building next to the roundabout that had its shell recently enclosed and tenants are showing interest in occupying that 8,000+ square foot building (Shown as the D building below).



Lastly, we have interest in our remaining A building that will occupy an estimated 40,000+ square feet (Shown as buildings A1 and A2).



These upcoming openings and future openings will need access to water similar to the tenants that have opened to date. The Town's partnership with the initial WSSA was vital to our success and we believe it is a necessity to continue the rapid growth and openings at Johnstown Plaza.

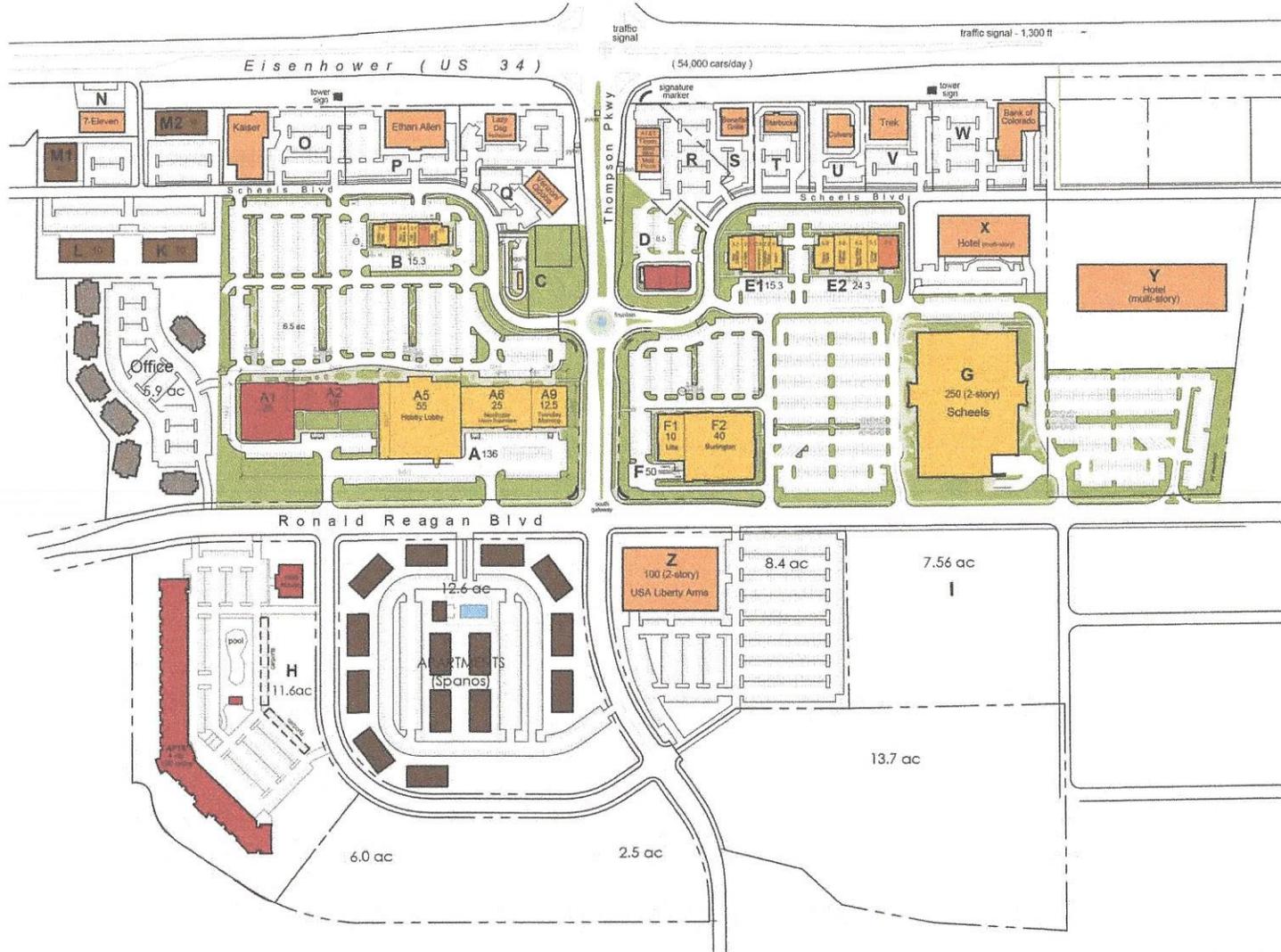
Johnstown Plaza is requesting that the WSSA be amended to extend for two years (until December 31, 2020). We believe the construction and leasing will be completed prior to then, but as a safe outside date, this should allow us to finish construction and leasing without needing another amendment. The original WSSA also called for water to service fountains within the shopping center, this reservation and the allocable water that was to be dedicated to the fountains, could be removed in this amendment. The purpose of removing this water would be to reduce the size of the Water Bank in order to avoid a large surplus that will never be used in Johnstown Plaza. We could also have the Town engineer review the current water use and project a new Water Bank allocation so as to accurately set aside the appropriate amount of water shares. We originally banked 4.5 water shares, but after finishing the majority of the project, we could update this figure to trim down the water shares needed to finish the project.

Johnstown Plaza is open to additional revisions and input from the Town regarding this request. If you have any questions, feel free to contact me at the information above. Thank you.

Sincerely,

Allen D. Schlup

Allen.Schlup@adschluplaw.com



# JOHNSTOWN PLAZA

SEC of I-25 & US 34, Johnstown, Colorado

Site Plan  
Marketing Plan - December 8, 2018



Carson Development, Inc

DeGasperi & Associates Architecture / Point Consulting