

***TOWN COUNCIL***

***MEETING***

***PACKET***

**February 19, 2020**



## Town Council

**Agenda**  
**Wednesday, February 19, 2020**  
**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, PROCLAMATIONS AND PRESENTATIONS**
- 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 – February 3, 2020
    - B) January Financial Statements
    - C) 2<sup>nd</sup> Reading – Ordinance Number 2020-170, an Ordinance Amending Article IV of Chapter 10 of the Johnstown Municipal Code to Include Section 10-76 Concerning Unlawful Dwelling in Vehicles, Recreational Vehicles, Trailers or Campers
    - D) 2<sup>nd</sup> Reading – Ordinance Number 2020-171, an Ordinance for the Regulation of Traffic by Town of Johnstown, Colorado; Adopting by Reference the 2020 Edition of the Model Traffic Codes; Providing For Certain Additions and Modifications to Such Code; Repealing All Ordinances in Conflict Therewith; and Providing Penalties for Violation Thereof.
  - 7) **TOWN MANAGER REPORT**
  - 8) **TOWN ATTORNEY REPORT**
  - 9) **OLD BUSINESS**
  - 10) **NEW BUSINESS**
    - A. Johnstown Downtown Development Association Financial Request
  - 11) **EXECUTIVE SESSION**
    - A. For the purpose of developing strategy for negotiations, and/or instruction negotiators, under C.R.S. Section 24-6-402(4)(e)- regarding Economic Development
    - B. For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) regarding Town Manager
  - 12) **COUNCIL REPORTS AND COMMENTS**
  - 13) **MAYOR’S COMMENTS**
  - 14) **ADJOURN**
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**NOTICE OF ACCOMODATION**

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

## **AGENDA ITEM 6A-D**

### **CONSENT**

### **AGENDA**

- **Council Minutes – February 3, 2020**
  - **January Financial Statements**
- **2<sup>nd</sup> Reading – Ordinance Number 2020-170**
- **2<sup>nd</sup> Reading – Ordinance Number 2020-171**

**TOWN COUNCIL AGENDA COMMUNICATION**

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**AGENDA DATE:** February 19, 2020

**ITEM NUMBER:** 6A-C

**SUBJECT:** Consent Agenda

**ACTION PROPOSED:** Approve Consent Agenda

**PRESENTED BY:** Town Clerk, Town Manager

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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 Minutes – February 3, 2020
- B) January Financial Statements
- C) 2<sup>nd</sup> Reading Ordinance Number 2020-170
- D) 2<sup>nd</sup> Reading Ordinance Number 2020-171

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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, February 3, 2020 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, Mellon, Molinar Jr., Tallent and Young

Those absent were: Councilmember Lemasters

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

#### Agenda Approval

Councilmember Tallent made a motion seconded by Councilmember Young to amend the Agenda to remove presentation by Thompson School District and add the Proclamation *In Support of HGTV's Home Town Takeover* under Recognitions, Proclamations and Presentations. Motion carried with a unanimous vote.

#### Proclamations and Presentations

Mayor Lebsack read the proclamation honoring and recognizing the League of Women Voters 100<sup>th</sup> Anniversary.

Mayor Lebsack read the proclamation supporting the businesses of Historic Downtown Johnstown to submit an application to *Home Town Takeover*.

Mayor Lebsack thanked Terry Eady and presented him with a plaque for 15 years of service on the Planning and Zoning Commission.

#### Consent Agenda

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

- January 22, 2020 Council Meeting Minutes
- Payment of Bills
- Oil and Gas Agreement – Extraction Oil and Gas Inc.

Motion carried with a unanimous vote.

#### New Business

A. Public Hearing – 1<sup>st</sup> Reading Ordinance Number 2020-170, an Ordinance Amending Article IV of Chapter 10 of the Johnstown Municipal Code to Include Section 10-76 Concerning Unlawful Dwelling in Vehicles, Recreation Vehicles, Trailers or Campers – This ordinance addresses concerns of vehicles being used for dwelling purposes on property within the Town's jurisdiction.

Mayor Lebsack opened the Public Hearing at 7:17 p.m. and having no public comment closed the hearing at 7:19 p.m. Councilmember Mellon made a motion seconded by Councilmember Young to approve Ordinance 2020-170. Motion carried with a unanimous vote.

B. Public Hearing – 1<sup>st</sup> Reading Ordinance Number 2020-171, an Ordinance for the Regulation of Traffic by the Town of Johnstown, Colorado; Adopting by Reference the 2020 Edition of the Model Traffic Codes; Providing for Certain Additions and Modifications to Such Code; Repealing All Ordinances in Conflict Therewith; and Providing Penalties for Violation Thereof – This ordinance adopts the 2020 Model Traffic Code.

Mayor Lebsack opened the Public Hearing at 7:21 p.m. and having no public comment closed the hearing at 7:23p.m. Councilmember Berg made a motion seconded by Councilmember Mellon to approve Ordinance 2020-171. Motion carried with a unanimous vote.

C. Approve Design Engineer – Johnstown South Water Tank and Distribution System Design – This is a request to award a contract to J-U-B Engineers for the South Water Tank and Distribution System Design. Councilmember Young made a motion seconded by Councilmember Molinar Jr. to approve the South Tank Design and Distribution System proposal to J-U-B Engineering in the amount not to exceed 642,902. Motion carried with a unanimous vote.

D. Award the CMaR (Construction Manager at Risk Services) The Construction Manager at Risk is a delivery method which entails a commitment by the Construction Manager to deliver the project within a Guaranteed Maximum Price which is based on the construction documents and specifications. The Construction Manager can provide input to minimize change orders and control costs for the construction phase. RFP invitations were sent to 9 firms with 4 proposals being returned. After review, staff felt the best proposal was from Connell Resources Inc. Councilmember Berg made a motion seconded by Councilmember Young to award Connell Resources, Inc. as the CMaR Contractor for the Central Phase One Sanitary Sewer Project and authorize the Town Manager to sign the CMaR Services Contract with Connell Resources, Inc. and to utilize existing funds allocated with this contract not to exceed \$92,375 to cover the Pre-Construction Phase CMaR Contractor Services. Motion carried with a unanimous vote.

E. Award Contract to Central Square (Superion LLC) for Planning and Development Tracking Software – This software will assist staff in tracking development projects, permitting/inspections, code enforcement, and licensing. Councilmember Berg made a motion seconded by Molinar Jr. to approve the contract award to the CentralSquare (Superion LLC) for the Planning & Development project tracking software project in an amount not to exceed \$145,000.00. Motion carried with a unanimous vote.

Executive Session

Councilmember Mellon made a motion seconded by Councilmember Young to recess into Executive Session at 7:54 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)e. The Mayor reopened the meeting at 8:11 p.m. and stated no decisions were made.

There being no further business to come before Council the meeting adjourned at 8:16 p.m.

Mayor

Town Clerk

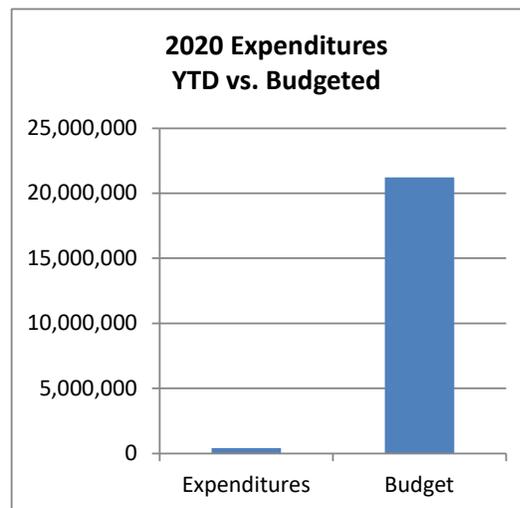
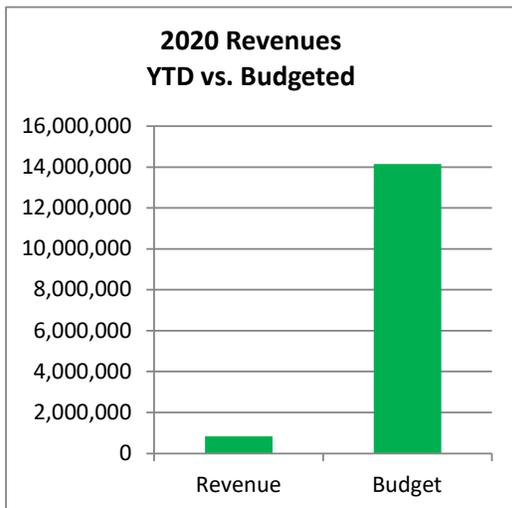
# **January Financial Statements**

Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - General Fund  
Period Ending January 31, 2020  
Unaudited

| <b>General Fund</b>  | 2020<br>Actuals<br>Jan | 2020<br>Adopted<br>Budget | %        |
|--|------------------------|---------------------------|----------|
|  |                        |                           | Complete |
| Beginning Fund Balance   | 37,228,247             | 37,228,247                |          |
| <b>Revenues:</b>   |                        |                           |          |
| Taxes & Fees   | 208,513                | 12,631,080                | 1.7%     |
| Licenses & Permits   | 665,628                | 828,200                   | 80.4%    |
| Fines & Forfeitures  | 13,507                 | 171,000                   | 7.9%     |
| Intergovernmental  | -                      | 15,000                    | 0.0%     |
| Earnings on Investment   | 32,065                 | 288,000                   | 11.1%    |
| Miscellaneous Revenue  | -                      | 216,200                   | 0.0%     |
| <i>Transfers In</i>  | -                      | -                         |          |
| Total Operating Revenues   | 919,712                | 14,149,480                | 6.5%     |
| <b>Expenditures:</b>   |                        |                           |          |
| Legislative  | 17,036                 | 978,200                   | 1.7%     |
| Town Manager   | 10,811                 | 722,750                   | 1.5%     |
| Town Clerk   | 21,687                 | 338,850                   | 6.4%     |
| Finance  | 8,951                  | 230,950                   | 3.9%     |
| Planning   | 18,134                 | 762,600                   | 2.4%     |
| Building Inspections   | 4,720                  | 236,200                   | 2.0%     |
| Police   | 199,145                | 3,522,080                 | 5.7%     |
| Public Works   | 10,191                 | 133,650                   | 7.6%     |
| Buildings  | 23,497                 | 210,200                   | 11.2%    |
| <i>Transfers Out</i>   | 85,222                 | 14,097,660                | 0.6%     |
| Total Expenditures   | 399,396                | 21,233,140                | 1.9%     |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <b>520,316</b>         | <b>(7,083,660)</b>        |          |
| Prior Period Adjustment  |                        |                           |          |
| <b>Ending Fund Balance*</b>  | <b>37,748,563</b>      | <b>30,144,587</b>         |          |

\* - Unaudited

8% of the fiscal year has elapsed

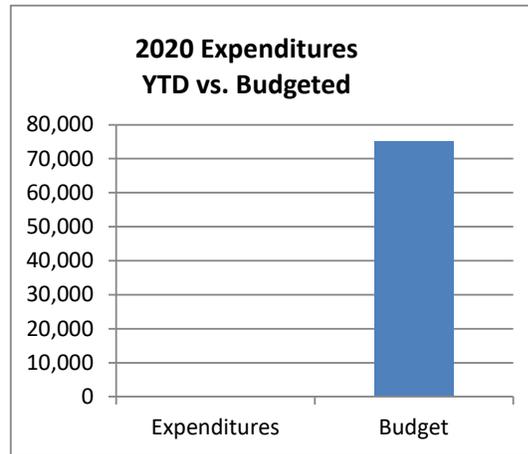
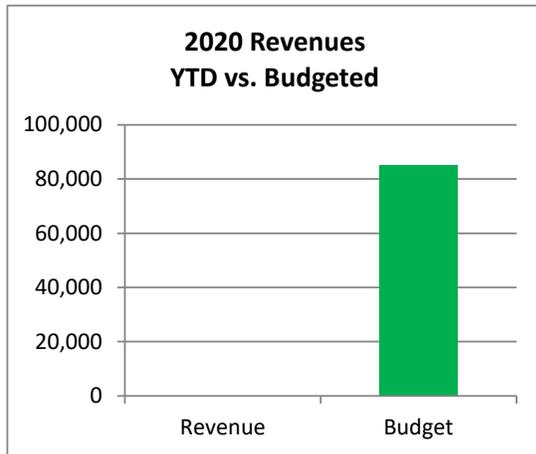


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Conservation Trust Fund  
Period Ending January 31, 2020  
Unaudited

| Conservation Trust Fund  | 2020<br>Actuals<br>Jan | 2020<br>Adopted<br>Budget | %        |
|--|------------------------|---------------------------|----------|
|  |                        |                           | Complete |
| Beginning Fund Balance   | 0                      | 0                         |          |
| <b>Revenues:</b>   |                        |                           |          |
| Intergovernmental  | -                      | 84,800                    | 0.0%     |
| Earnings on Investment   | -                      | 100                       | 0.0%     |
| Total Operating Revenues   | -                      | 84,900                    | 0.0%     |
| <b>Expenditures:</b>   |                        |                           |          |
| Operations   | -                      | -                         |          |
| Capital Outlay   | -                      | 75,000                    | 0.0%     |
| Total Expenditures   | -                      | 75,000                    | 0.0%     |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | -                      | <b>9,900</b>              |          |
| <b>Ending Fund Balance*</b>  | <b>0</b>               | <b>9,900</b>              |          |

\* - Unaudited

8% of the fiscal year has elapsed

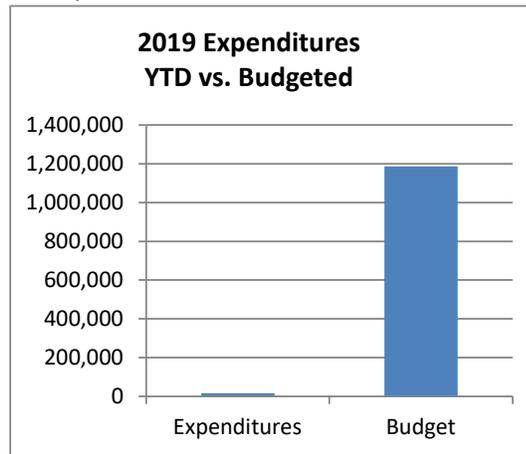
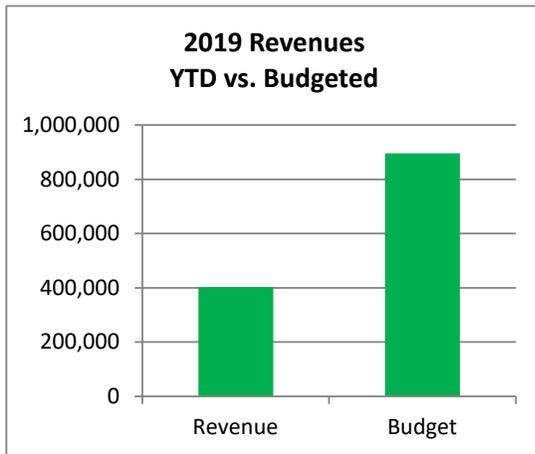


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Parks and Open Space Fund  
Period Ending January 31, 2020  
Unaudited

|  | 2020<br>Actuals<br>Jan  | 2020<br>Adopted<br>Budget | %        |
|--|-------------------------|---------------------------|----------|
| <b>Parks and Open Space Fund</b>   |                         |                           | Complete |
| Beginning Fund Balance   | 5,544,616               | 5,544,616                 |          |
| <b>Revenues:</b>   |                         |                           |          |
| Taxes & Fees   | 394,710                 | 359,817                   | 109.7%   |
| Miscellaneous Revenue  | 2,355                   | 315,700                   | 0.7%     |
| Transfers In   | 0                       | 220,000                   | 0.0%     |
| Total Operating Revenues   | <u>401,801</u>          | <u>895,517</u>            | 44.9%    |
| <b>Expenditures:</b>   |                         |                           |          |
| Operations   | 15,878                  | 458,750                   | 3.5%     |
| Capital Outlay   | -                       | 728,000                   | 0.0%     |
| Transfers Out  | -                       | -                         |          |
| Total Expenditures   | <u>15,878</u>           | <u>1,186,750</u>          | 1.3%     |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <u>385,922</u>          | <u>(291,233)</u>          |          |
| <b>Ending Fund Balance*</b>  | <u><u>5,930,538</u></u> | <u><u>5,253,383</u></u>   |          |

\* - Unaudited

8% of the fiscal year has elapsed

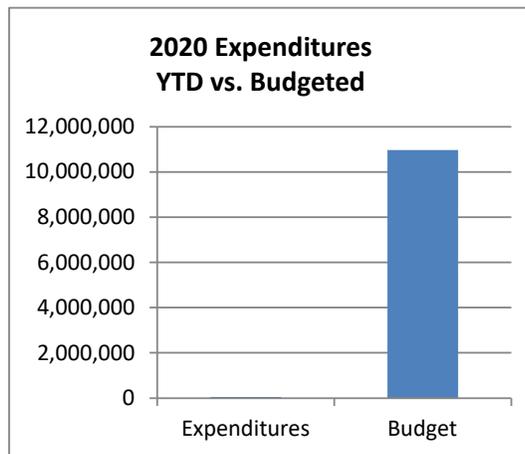
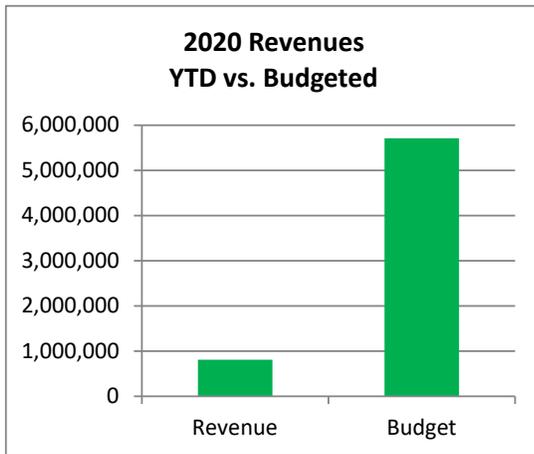


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Street and Alley Fund  
Period Ending January 31, 2020  
Unaudited

| <b>Street and Alley Fund</b>   | 2020<br>Actuals<br>Jan | 2020<br>Adopted<br>Budget | %            |
|--|------------------------|---------------------------|--------------|
|  |                        |                           | Complete     |
| Beginning Fund Balance   | 8,463,136              | 8,463,136                 |              |
| <b>Revenues:</b>   |                        |                           |              |
| Taxes & Fees   | 39,956                 | 838,000                   | 4.8%         |
| Intergovernmental  | -                      | 1,511,650                 | 0.0%         |
| Charges for Services   | 89,644                 | 1,024,000                 | 8.8%         |
| Capital Investment Fees  | 668,020                | 305,000                   | 219.0%       |
| Earnings on Investment   | 11,762                 | 27,000                    | 43.6%        |
| Transfers In   | -                      | 2,000,000                 | 0.0%         |
| <b>Total Operating Revenues</b>  | <b>809,383</b>         | <b>5,705,650</b>          | <b>14.2%</b> |
| <b>Expenditures:</b>   |                        |                           |              |
| Operations & Maintenance   | 34,505                 | 2,284,050                 | 1.5%         |
| Capital  | 8,200                  | 8,684,500                 | 0.1%         |
| <b>Total Expenditures</b>  | <b>42,705</b>          | <b>10,968,550</b>         | <b>0.4%</b>  |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <b>766,678</b>         | <b>(5,262,900)</b>        |              |
| <b>Ending Fund Balance*</b>  | <b>9,229,814</b>       | <b>3,200,236</b>          |              |

\* - Unaudited

8% of the fiscal year has elapsed

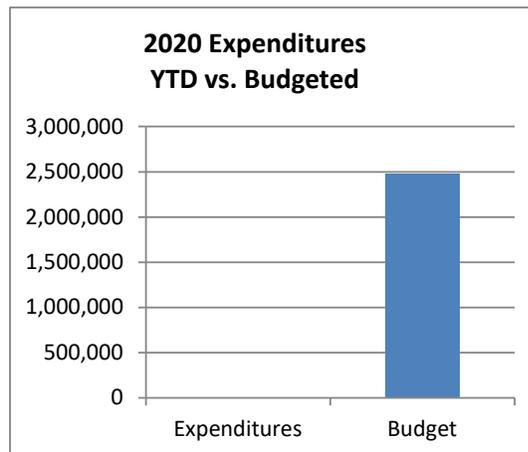
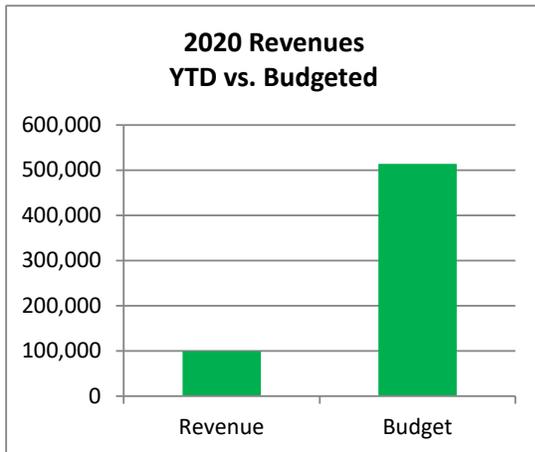


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Capital Projects Fund  
Period Ending January 31, 2020  
Unaudited

| <b>Capital Projects Fund</b>   | 2020<br>Actuals<br>Jan   | 2020<br>Adopted<br>Budget | %        |
|--|--------------------------|---------------------------|----------|
|  |                          |                           | Complete |
| Beginning Fund Balance   | 10,994,106               | 10,994,106                |          |
| <b>Revenues:</b>   |                          |                           |          |
| Taxes and Fees   | 83,675                   | 450,000                   | 18.6%    |
| Miscellaneous Revenue  | -                        | -                         |          |
| Interest   | 15,763                   | 79,000                    | 20.0%    |
| <i>Transfers In</i>  | -                        | (15,000)                  |          |
| Total Operating Revenues   | <u>99,438</u>            | <u>514,000</u>            | 19.3%    |
| <b>Expenditures:</b>   |                          |                           |          |
| Capital Outlay   | -                        | 2,479,700                 | 0.0%     |
| <i>Transfers Out</i>   | -                        | -                         | 0.0%     |
| Total Expenditures   | <u>-</u>                 | <u>2,479,700</u>          | 0.0%     |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <u><b>99,438</b></u>     | <u><b>(1,965,700)</b></u> |          |
| <b>Ending Fund Balance*</b>  | <u><b>11,093,544</b></u> | <u><b>9,028,406</b></u>   |          |

\* - Unaudited

8% of the fiscal year has elapsed

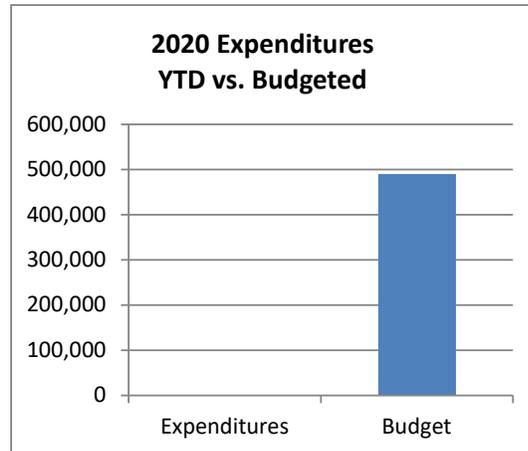
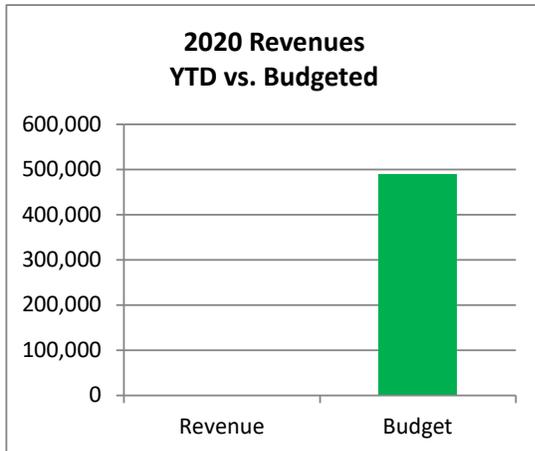


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Tax Allocation Fund  
Period Ending January 31, 2020  
Unaudited

| Tax Allocation Fund  | 2020<br>Actuals<br>Jan | 2020<br>Adopted<br>Budget | %        |
|--|------------------------|---------------------------|----------|
|  |                        |                           | Complete |
| Beginning Fund Balance   | 5,555                  | 5,555                     |          |
| <b>Revenues:</b>   |                        |                           |          |
| Taxes & Fees   | -                      | 490,000                   | 0.0%     |
| Earnings on Investment   | -                      | 100                       | 0.0%     |
| Total Operating Revenues   | -                      | 490,100                   | 0.0%     |
| <b>Expenditures:</b>   |                        |                           |          |
| Miscellaneous  | -                      | 490,000                   | 0.0%     |
| Total Expenditures   | -                      | 490,000                   | 0.0%     |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | -                      | <b>100</b>                |          |
| <b>Ending Fund Balance*</b>  | <b>5,555</b>           | <b>5,655</b>              |          |

\* - Unaudited

8% of the fiscal year has elapsed

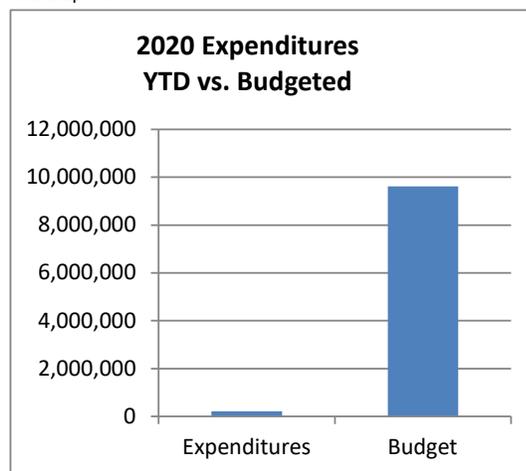
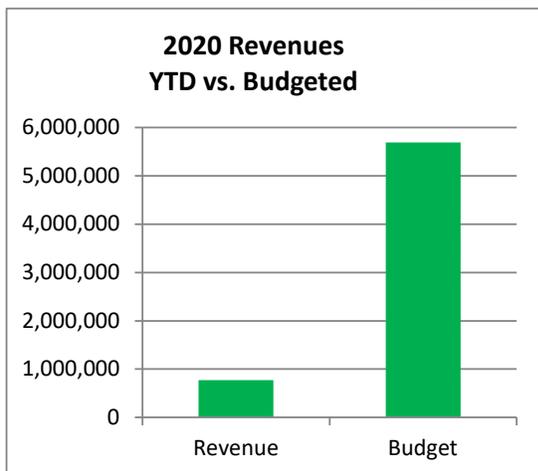


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Water Fund  
Period Ending January 31, 2020  
Unaudited

| <b>Water Fund</b>  | 2020<br>Actuals<br>Jan   | 2020<br>Adopted<br>Budget | %        |
|--|--------------------------|---------------------------|----------|
|  |                          |                           | Complete |
| Beginning Cash Balance   | 18,054,317               | 18,054,317                |          |
| <b>Revenues:</b>   |                          |                           |          |
| Charges for Services   | <u>145,332</u>           | <u>2,518,000</u>          | 5.8%     |
| Total Operating Revenues   | <u>145,332</u>           | <u>2,518,000</u>          | 5.8%     |
| <b>Expenses:</b>   |                          |                           |          |
| Administration   | 10,438                   | 522,550                   | 2.0%     |
| Operations   | 175,185                  | 1,887,920                 | 9.3%     |
| Capital Outlay   | -                        | 6,853,000                 | 0.0%     |
| Depreciation   | 27,005                   | 355,000                   | 7.6%     |
| Transfers Out  | <u>-</u>                 | <u>-</u>                  |          |
| Total Operating Expenses   | <u>212,628</u>           | <u>9,618,470</u>          | 2.2%     |
| Operating Income (Loss)  | <u>(67,296)</u>          | <u>(7,100,470)</u>        |          |
| <b>Non-Operating Revenues (Expenses)</b>                                   |                          |                           |          |
| Tap Fees   | 260,706                  | 804,625                   | 32.4%    |
| Capital Investment Fees  | 243,800                  | 100,000                   | 243.8%   |
| Misc. Revenues   | 102,059                  | 2,144,000                 | 4.8%     |
| Interest Expense   | <u>22,486</u>            | <u>126,000</u>            | 17.8%    |
| Total Non-Operating Revenues (Expenses)                                    | <u>629,051</u>           | <u>3,174,625</u>          | 19.8%    |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenses</b> | <b><u>561,756</u></b>    | <b><u>(3,925,845)</u></b> |          |
| <b>Ending Cash Balance*</b>  | <b><u>18,616,073</u></b> | <b><u>14,128,472</u></b>  |          |

\* - Unaudited

8% of the fiscal year has elapsed

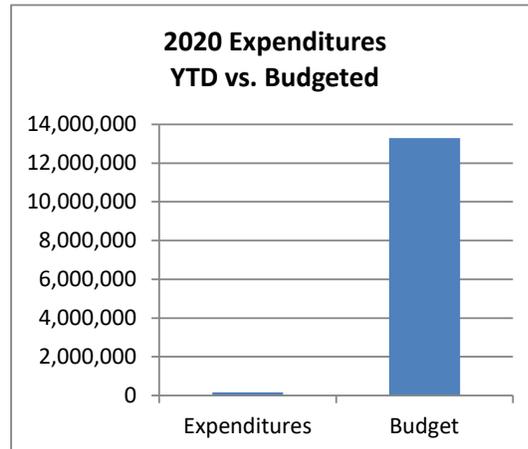
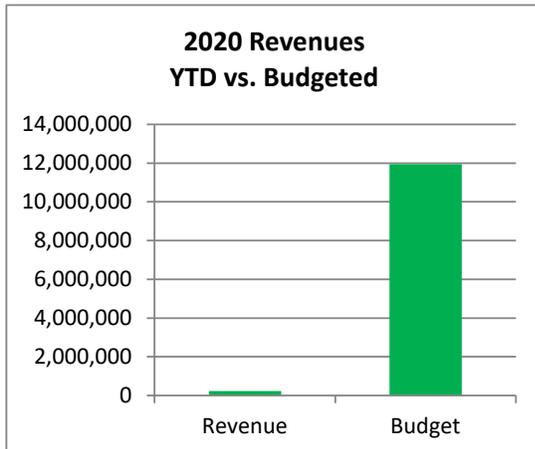


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Sewer Fund  
Period Ending January 31, 2020  
Unaudited

| <b>Sewer Fund</b>  | 2020<br>Actuals<br>Jan  | 2020<br>Adopted<br>Budget | %        |
|--|-------------------------|---------------------------|----------|
|  |                         |                           | Complete |
| Beginning Cash Balance   | 8,393,987               | 8,393,987                 |          |
| <b>Revenues:</b>   |                         |                           |          |
| Charges for Services   | <u>175,902</u>          | <u>195,000</u>            | 90.2%    |
| Total Operating Revenues   | <u>175,902</u>          | <u>195,000</u>            | 90.2%    |
| <b>Expenses:</b>   |                         |                           |          |
| Administration   | 9,285                   | 310,500                   | 3.0%     |
| Operations   | 53,076                  | 1,895,870                 | 2.8%     |
| Capital Outlay   | 88,191                  | 10,874,000                | 0.8%     |
| Depreciation   | <u>16,083</u>           | <u>205,000</u>            | 7.8%     |
| Total Operating Expenses   | <u>166,636</u>          | <u>13,285,370</u>         | 1.3%     |
| Operating Income (Loss)  | <u>9,266</u>            | <u>(13,090,370)</u>       |          |
| <b>Non-Operating Revenues (Expenses)</b>                                   |                         |                           |          |
| Capital Improvement Fees   | 49,720                  | 660,000                   | 7.5%     |
| Misc. Revenues   | 1,400                   | 1,001,000                 | 0.1%     |
| Interest Expense   | 3,415                   | 81,000                    | 4.2%     |
| Transfers  | <u>-</u>                | <u>10,000,000</u>         | 0.0%     |
| Total Non-Operating Revenues (Expenses)                                    | <u>54,535</u>           | <u>11,742,000</u>         | 0.5%     |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenses</b> | <b><u>63,800</u></b>    | <b><u>(1,348,370)</u></b> |          |
| <b>Ending Cash Balance*</b>  | <b><u>8,457,787</u></b> | <b><u>7,045,617</u></b>   |          |

\* - Unaudited

8% of the fiscal year has elapsed

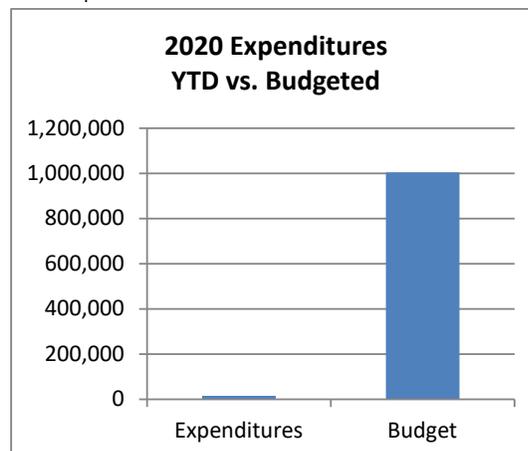
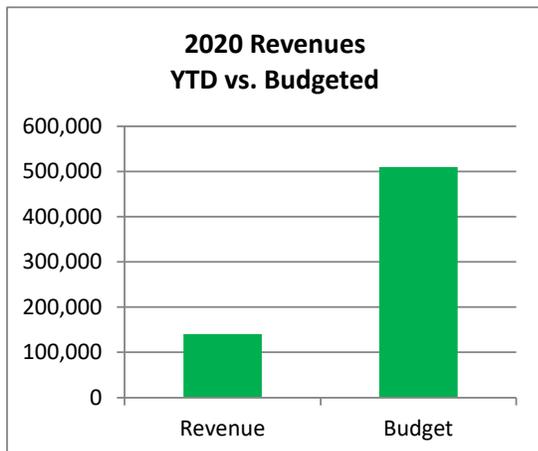


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Drainage Fund  
Period Ending January 31, 2020  
Unaudited

| <b>Drainage Fund</b>   | 2020<br>Actuals<br>Jan | 2020<br>Adopted<br>Budget | %        |
|--|------------------------|---------------------------|----------|
|  |                        |                           | Complete |
| Beginning Cash Balance   | 3,342,074              | 3,342,074                 |          |
| <b>Revenues:</b>   |                        |                           |          |
| Charges for Services   | 37,949                 | 435,000                   | 8.7%     |
| Total Operating Revenues   | 37,949                 | 435,000                   | 8.7%     |
| <b>Expenses:</b>   |                        |                           |          |
| Administration   | 6,686                  | 143,100                   | 4.7%     |
| Operations   | 8,960                  | 345,900                   | 2.6%     |
| Capital Improvements   | -                      | 515,000                   | 0.0%     |
| Transfer Out   | -                      | -                         |          |
| Total Operating Expenses   | 15,646                 | 1,004,000                 | 1.6%     |
| Operating Income (Loss)  | 22,303                 | (569,000)                 |          |
| <b>Non-Operating Revenues (Expenses)</b>                                   |                        |                           |          |
| Capital Revenues   | 99,619                 | 50,000                    | 199.2%   |
| Misc. Revenues   | -                      | -                         |          |
| Interest Expense   | 2,654                  | 25,200                    | 10.5%    |
| Total Non-Operating Revenues (Expenses)                                    | 102,274                | 75,200                    | 136.0%   |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenses</b> | <b>124,577</b>         | <b>(493,800)</b>          |          |
| <b>Ending Cash Balance*</b>  | <b>3,466,651</b>       | <b>2,848,274</b>          |          |

\* - Unaudited

8% of the fiscal year has elapsed

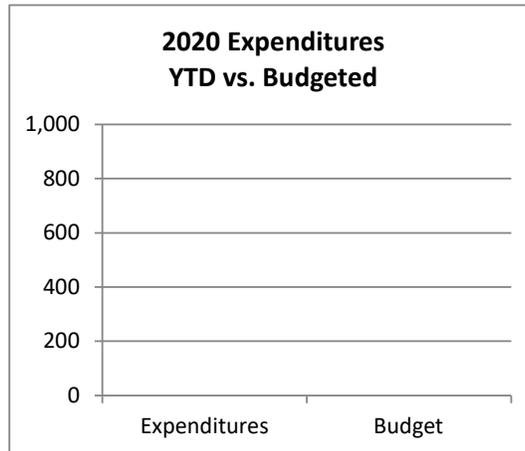
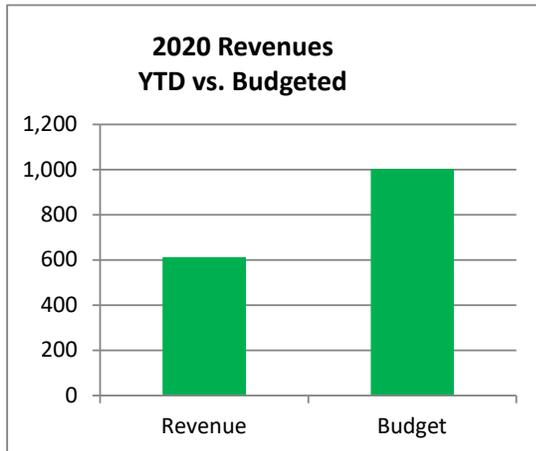


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Cemetery Perpetual Fund  
Period Ending January 31, 2020  
Unaudited

| Cemetery Perpetual Fund  | 2020<br>Actuals<br>Jan | 2020<br>Adopted<br>Budget | %        |
|--|------------------------|---------------------------|----------|
|  |                        |                           | Complete |
| Beginning Fund Balance*  | 125,195                | 125,195                   |          |
| <b>Revenues:</b>   |                        |                           |          |
| Miscellaneous Revenue  | 416                    | 903                       | 46.0%    |
| Earnings on Investment   | 197                    | 100                       | 196.8%   |
| Total Operating Revenues   | <u>612</u>             | <u>1,003</u>              | 61.0%    |
| <b>Expenditures:</b>   |                        |                           |          |
| Operations & Maintenance   | -                      | -                         |          |
| Capital Outlay   | -                      | -                         |          |
| Transfers Out  | -                      | -                         |          |
| Total Expenditures   | <u>-</u>               | <u>-</u>                  |          |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <u><b>612</b></u>      | <u><b>1,003</b></u>       |          |
| <b>Ending Fund Balance*</b>  | <u><b>125,807</b></u>  | <u><b>126,198</b></u>     |          |

\* - Unaudited

8% of the fiscal year has elapsed

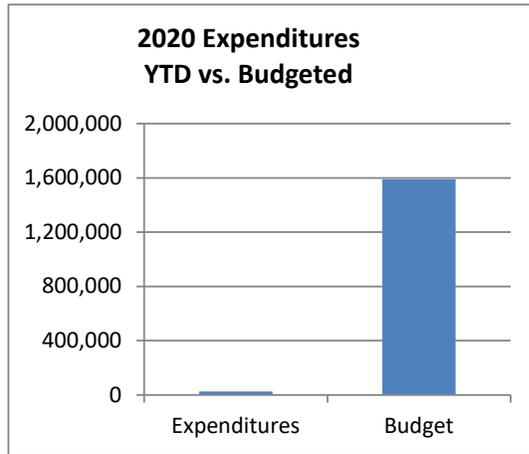
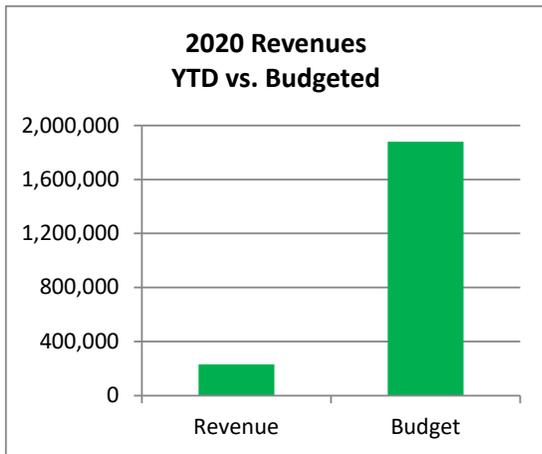


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Library Fund  
Period Ending January 31, 2020  
Unaudited

| <b>Library Fund</b>  | 2020<br>Actuals<br>Jan  | 2020<br>Adopted<br>Budget | %        |
|--|-------------------------|---------------------------|----------|
|  |                         |                           | Complete |
| Beginning Fund Balance   | 3,491,367               | 3,491,367                 |          |
| <b>Revenues:</b>   |                         |                           |          |
| Intergovernmental  | -                       | 824,716                   | 0.0%     |
| Miscellaneous Revenue  | -                       | 11,000                    | 0.0%     |
| Capital Investment Fees  | 230,344                 | 20,000                    | 1151.7%  |
| Interest   | 494                     | 1,500                     | 33.0%    |
| <i>Transfers In</i>  | -                       | 1,022,660                 | 0.0%     |
| Total Operating Revenues   | <u>230,838</u>          | <u>1,879,876</u>          | 12.3%    |
| <b>Expenditures:</b>   |                         |                           |          |
| Operations   | 24,737                  | 1,589,915                 | 1.6%     |
| Capital Outlay   | -                       | -                         | 0.0%     |
| Total Expenditures   | <u>24,737</u>           | <u>1,589,915</u>          | 1.6%     |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <u><b>206,102</b></u>   | <u><b>289,961</b></u>     |          |
| <b>Ending Fund Balance*</b>  | <u><b>3,697,469</b></u> | <u><b>3,781,328</b></u>   |          |

\* - Unaudited

8% of the fiscal year has elapsed

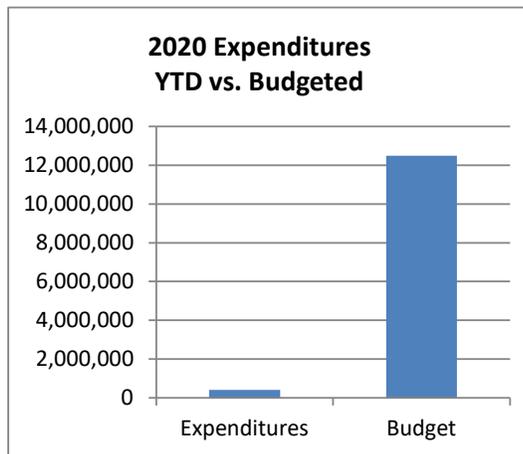
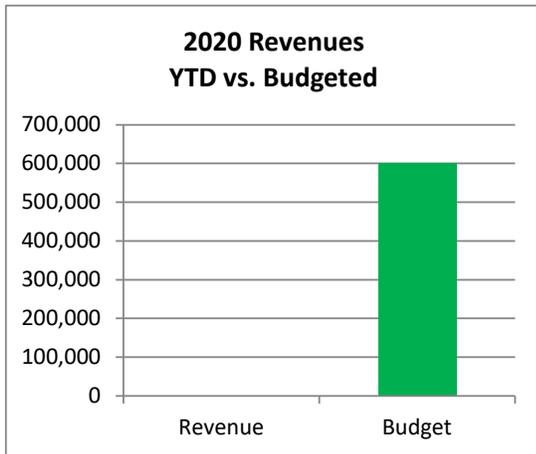


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Recreation Center Fund  
Period Ending January 31, 2020  
Unaudited

| Recreation Center Fund   | 2020<br>Actuals<br>Jan          | 2020<br>Adopted<br>Budget    | %        |
|--|---------------------------------|------------------------------|----------|
|  |                                 |                              | Complete |
| Beginning Fund Balance*  | 12,000,000                      | 12,000,000                   |          |
| <b>Revenues:</b>   |                                 |                              |          |
| Transfers In   | -                               | 600,000                      | 0.0%     |
| Earnings on Investment   | -                               | -                            |          |
| Total Operating Revenues   | <u>-</u>                        | <u>600,000</u>               | 0.0%     |
| <b>Expenditures:</b>   |                                 |                              |          |
| Operations & Maintenance   | -                               | 500,000                      | 0.0%     |
| Capital Outlay   | 404,724                         | 12,000,000                   | 3.4%     |
| Total Expenditures   | <u>404,724</u>                  | <u>12,500,000</u>            | 3.2%     |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <b><u>(404,724)</u></b>         | <b><u>(11,900,000)</u></b>   |          |
| <b>Ending Fund Balance*</b>  | <b><u><u>11,595,276</u></u></b> | <b><u><u>100,000</u></u></b> |          |

\* - Unaudited

8% of the fiscal year has elapsed



# **Ordinance 2020-170**

**TOWN OF JOHNSTOWN, COLORADO**

**ORDINANCE NO. 2020-170**

**AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 10 OF THE JOHNSTOWN MUNICIPAL CODE TO INCLUDE SECTION 10-76 CONCERNING UNLAWFUL DWELLING IN VEHICLES, RECREATIONAL VEHICLES, TRAILERS OR CAMPERS**

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

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, Article IV of Chapter 10 of the Johnstown Municipal Code regulates offenses against property; and

**WHEREAS**, the Johnstown Police Department has received numerous complaints and calls for service regarding persons using vehicles for dwelling purposes on property within the Town; and

**WHEREAS**, recognizing that the occupancy of vehicles, recreational vehicles, trailers or campers for dwelling purposes may be a hazard and endanger the public health, safety and welfare of the citizens, due to, among other reasons, sewage disposal and temporary electrical connections, the Johnstown Police Department recommends that the Town adopt an ordinance to regulate such use; and

**WHEREAS**, based upon such recommendation, the Town Council desires to adopt regulations restricting the use of vehicles for dwelling purposes on the condition that, based upon policies and procedures adopted by the Johnstown Police Department, persons shall be entitled to obtain a permit allowing the temporary occupancy of a vehicle, recreational vehicle, trailer or camper for dwelling purposes on private property to accommodate vacation travelers on the condition that, in no event, shall a person be permitted to temporary dwell on property within the Town for more than seven nights in a thirty day period; and

**WHEREAS**, the Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property, that this Ordinance is necessary for the protection of public convenience and welfare and that this Ordinance is in the best interests of the citizens of the Town.

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

**Section 1.** Section 10-76. Article IV of Chapter 10 of the Johnstown Municipal Code is hereby amended to include Section 10-76, which shall read as follows:

**Sec. 10-76. Unlawful dwelling.**

- (1) No person shall use a vehicle, recreational vehicle, trailer or camper for dwelling purposes, including, but not limited to, sleeping, spending the night or cooking, on any public street, sidewalk, park or other public place within the Town.
- (2) No person shall use a vehicle, recreational vehicle, trailer or camper for dwelling purposes, including, but not limited to, sleeping, spending the night or cooking, on any private property in the Town, and no private property owner or lessee shall allow a person to use a vehicle, recreational vehicle, trailer or camper for dwelling purposes on such property, for more than two nights in a thirty day period.
- (3) Notwithstanding Subsection (2) above, the Town may issue permits allowing the temporary occupancy of a vehicle, recreational vehicle, trailer or camper for dwelling purposes on private property to accommodate vacation travelers on the condition that, in no event, shall a person be permitted to temporary dwell on property within the Town for more than seven nights in a thirty day period.

**Section 2. Policies and procedures.** The Johnstown Police Department is hereby directed to adopt policies and procedures regarding the issuance of a permit to allow the temporary occupancy of a vehicle, recreational vehicle, trailer or camper for dwelling purposes to accommodate vacation travelers.

**Section 3. Code changes.** Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

**Section 4. Repeal.** Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

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

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this 3rd day of February, 2020.

**TOWN OF JOHNSTOWN, COLORADO**



By: Diana Seele  
Diana Seele, Town Clerk

By: Gary Lebsack  
Gary Lebsack, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

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

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

# **Ordinance 2020-171**

**TOWN OF JOHNSTOWN, COLORADO**

**ORDINANCE NO. 2020-171**

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF JOHNSTOWN, COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE; PROVIDING FOR CERTAIN ADDITIONS AND MODIFICATIONS TO SUCH CODE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

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

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, pursuant to § 42-4-110(1)(b), C.R.S., municipalities may, in the manner prescribed by Parts 1 and 2 of Article 16 of Title 31, C.R.S., adopt by reference all or any part of a model traffic code to control and regulate the movement and parking of motor vehicles as provided by state traffic laws; and

**WHEREAS**, the Colorado Department of Transportation has prepared and adopted a 2020 revised edition of the Model Traffic Code for Colorado; and

**WHEREAS**, the Town Council desires to adopt the 2020 revised edition of the Model Traffic Code for Colorado, with additions and modifications as specified below.

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

**Section 1.** Section 8-21 of the Johnstown Municipal Code is hereby repealed and reenacted to read as follows:

**Section 8-21. Adoption**

Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, there is hereby adopted by reference the 2020 Edition of the Model Traffic Code for Colorado (“Model Traffic Code”), promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic

Code adopted herein are now filed in the office of the Town Clerk and may be inspected during regular business hours.

**Section 2.** Section 8-22 of the Johnstown Municipal Code is hereby repealed and reenacted to read as follows:

**Section 8-22. Deletions.**

The 2020 edition of the Model Traffic Code is adopted subject to the following deletions:

- (1) Section 511; and
- (2) Section 1705.

**Section 3.** Section 8-23 of the Johnstown Municipal Code is hereby repealed and reenacted to read as follows:

**Section 8-23. Amendments.**

The 2020 edition of the Model Traffic Code is adopted subject to the following amendment:

- (1) Section 604(1)(c)(I)(A) is hereby amended to read as follows:

(A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their respective jurisdictions have prohibited any such right turn by erecting an official sign at each intersection where such right turn is prohibited.

**Section 4. Penalties.** It is unlawful for any person to violate any of the provisions adopted in this Ordinance. Every person convicted of a violation of any provision adopted in this Ordinance shall be punished as provided in Johnstown Municipal Code Section 8-26.

**Section 5. Application.** This Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of the Town, the use of the Town has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413, and Part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout the Town.

**Section 6. Validity.** If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

**Section 7. Repeal.** Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or

committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

**Section 8. Interpretation.** This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

**Section 9. Certification.** The Town Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

**Section 10. Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this 3rd day of February, 2020.

**TOWN OF JOHNSTOWN, COLORADO**



By: Diana Seele  
Diana Seele, Town Clerk

By: Gary Lebsack  
Gary Lebsack, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

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

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

**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: February 19, 2020

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):

- 02/19/2020 – Regular Town Council Meeting (Wednesday)
  - 02/24/2020 – Work Session – Comprehensive Plan Discussion with Council
  - 03/02/2020 – Regular Town Council Meeting
  - 03/16/2020 – Regular Town Council Meeting
  - 03/21/2020 – Town Council Retreat
- 

### **Administration, Finance, & Planning**

- *Comprehensive Plan* – Logan Simpson will host work sessions with Council and Planning & Zoning Commission over the next month. Community Engagement events will kick-off the last week of March with meetings in two locations to reach the most area residents.
- *Cooperative Planning* – Planning Director will be reaching out to neighboring jurisdictions in 2020 to begin discussions on developing agreements for cooperative planning efforts between our communities. The Director met with Larimer County planning staff to review existing agreements the county has in place and to start discussions on development of an IGA with the county in 2020.
- *Floodplain Workshop* – The Planning Director attended a Floodplain Management Workshop, sponsored and presented by the Army Corps of Engineers on Feb. 14<sup>th</sup>.
- *Johnstown Downtown Development Association* – The Johnstown Downtown Development Association met this past week. Topics included presentations regarding Entertainment Districts and a potential Farmer’s Market in Downtown.
- *Meeting at School Board*– Councilmember Young and the Town Manager attended a School Board work session. The Town provided information to the Board on the pending

**The Community That Cares**

April 7, election and an overview of the planned issue and questions to be considered by the registered voters of Johnstown.

- *Colorado City/County Management Conference (CCCMA)* – The Town Manager attended the CCCMA Conference in Glenwood Springs last week. Aside from the 30” of snow at the event great topics including culture development visionary leadership and the economic outlook.
- *2019 Audit* – The 2019 audit is scheduled to begin the week of April 27<sup>th</sup>. There is not any early fieldwork that will be completed this year prior to that date. Preparation for the audit is underway.
- *Staff Accountant* – Marianne Lutton began working for the Town on February 10, 2020. She comes to us after serving with Larimer County for a number of years. We know that she will be an asset to the organization and are excited to have her join our team.
- *Caselle* – We have been facing some computer compatibility concerns with Caselle and Windows and SQL, as Caselle was no longer willing to support older versions of Windows or SQL. We have addressed the issues with IT and the computers and software are in the process of being updated.
- *Financial Reports* – The first monthly financial reports for 2020 have been included in the packet for your review. We are following the modified accrual method of accounting for the governmental funds, so revenues may appear to be reduced for the months of January and February due to delays in collections and reporting from other governmental agencies.

## **Police Department**

### ***Training:***

- *Juvenile Law Training* – Officer Kelley attended a Juvenile Law update class in Denver. Officer Kelley learned about all of the new updates to Colorado law as it applies to Juveniles to assist him in his role as the School Resource Officer.
- *Social Media Investigations training* – Detective Garcia attended Social Media and Networking for Investigations training. Detective Garcia learned how to better utilize social media platforms to assist in all types of investigations.

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

- *Private/Public Outreach* – Lieutenant Oglesby met with Clearview Behavioral Health to improve communication, discuss internal policy and to identify weaknesses as it relates to responding to calls for service. JPD is assisting Clearview with issues regarding building security, building access, and required paperwork needed when responding for calls for service at their organization.

## **Public Works Department**

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

- *Streets* – Crack sealing has been put on hold with all the snow in the last couple weeks. Crews were called out for three different events to plow and/or sand. Approximately 250 pounds of material was used to patch potholes and multiple stop signs and street signs were repaired due to damage.
- *Grading* – Crews graded CR 46, 44 and 42, representing approximately 3 miles of grading.

- *Fleet* – Three police cruisers, two street department, and one water department truck were brought in for basic service.
- *Town Lake* – The work at Johnstown Lake has been completed. This work included removal of sediment, a valve at the overflow was installed, and the intake manifold has been extended further into the lake with a rip-rap barrier placed to protect from weeds and other material from clogging the intake. One issue that came up after the valve was installed on the overflow line; it appears that a small leak in the pipe between the new valve and the old head gate structure has emerged. We are investigating to find the location of leak and plan to repair it accordingly. Neglecting it now will cause the leak to become larger over time.
- *Buildings* – Repairs to the Senior Center include the following:
  - Repairs to some of the doors in the facility.
  - A lighted Emergency Exit sign was installed in the hallway between the senior side and community room.
  - All locks were removed from interior community room doors in order to have exit access at all times throughout the building.
- *Other Buildings* – Crews removed all the junk that was stored in the Old Public Works building on Parish. The PD and Historical Society all came in and discussed what stays and what goes at this time. Lastly, AED's were placed in Town Hall, PW Shop, Water Plant and Low Point WWTP. We will be installing one more at the Central WWTP.
- *Road Survey Project* – We have received 7 proposals for the road survey project that was budgeted for 2020. Reviews of the applications continue and we anticipate a recommendation to Council on the 2<sup>nd</sup> of March
- *Sewer* – Crew repaired a manhole that was damaged after the last snow event. A car ran off the road on Charlotte East of Angove and hit a fence and one of our sewer manholes.
- *Fire Hydrant* – Members of Staff was trained on fire hydrant repairs. The fire hydrant was repaired in front of Town Hall. Crews replaced the inner component and hydrant is back on line.

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

- *Water plant* – We are still waiting on the part to repair pump #4 in the distribution pump house. We anticipate parts to be delivered any day.
- *New ORC* – Ramey Environmental and staff continue going over the plants and implementing new ideas to be more efficient and to optimize operations at the plants.
- *Filter Media* – The media replacement budgeted for 2020 is in design. We are hoping to have the media replaced before water demands increase in the system. We have contacted multiple vendors and should be ordering the media by next week with plans for the replacement project to start by mid-March.
- *SCADA* – SCADA is an ongoing project at our plants. Browns Hill is installing new systems and computers to help with efficiencies and monitoring of the plants and the systems it relies upon. The Thompson River Ranch return flow pump house will also be added to track water use and return flow obligations to the river.
- *Wastewater Plant* – New aerators are installed at the Central WWTP. CDPHE provided approval of our changes to the operations of the plant the week of February 3<sup>rd</sup> and our electrical contractor will be installing the final wiring to get the aerators running. Once up and running some fine tuning will need to be done to maximize efficiency.

- *CWWTP* – Pond #2 blower had a bearing failure which caused the blower to run at half power. The new bearing has been received and is being installed. A new shroud was also found damaged during the bearing repair. That has been ordered and should be on line any day.
- *Low Point Expansion* – The 2020 fiscal year budget has the expansion of the Low Point Wastewater Treatment Plant. We received five proposal for the expansion project design. We are currently reviewing each firm and hope to have two firm called in for interviews at the end of the month. We are planning for a recommendation to Town Council on March 16<sup>th</sup>.

**AGENDA ITEM 10A**

**Johnstown Downtown Development  
Association Financial Request**

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

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**AGENDA DATE:** February 19, 2020

**ITEM NUMBER:** 10A

**SUBJECT:** Johnstown Downtown Development Association (JDDA)  
Financial Request

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

**ATTACHMENTS:** 1. Presentation from JDDA  
2. JDDA Proposed Budget

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

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### **AGENDA ITEM DESCRIPTION:**

At the January 22, 2020 Town Council meeting the Johnstown Downtown Development Association presented an overview of the initial formation of their Downtown Association. As part of the presentation, they described in detail the following items and issues of need:

- Organization Mission
- Goals for the Downtown Association
- Partners for the Association
- Events Planned for 2020
- Association Needs to Ensure Success

As part of the presentation, the JDDA also requested financial assistance from the Town Council to help move their vision for a successful Downtown Association forward. During the meeting they presented a formal budget request. Their requested budget is included, requesting \$10,000. Staff has been reviewing the current FY 2020 budget. In total, the Town has committed roughly \$150,000 toward economic development purposes, the majority is associated with the addition of an Economic Development Specialist which is on hold at this time. Other elements of this funding includes support for the Chamber of Commerce and Upstate Colorado, with the final element being the creation of a new economic development master plan. Recognizing savings in these elements related to the position and Chamber contributions which are not planned at the level initially budgeted, there are financial savings which we could allocate to the JDDA to see a proactive partner receive funding for this initiative and request. Furthermore, if we can partner with this organization for continued success of the downtown, this will hopefully generate additional businesses, thus creating an even more vibrant downtown

As I mentioned during the initial presentation, I believe the Downtown is the core identity of our community and the epicenter of where our community succeeds or fails. Preservation, revitalization, and building a sense of place in the downtown are at a premium for its long-term

success. It is my opinion, that JDDA is a partner we need at this time to assist the businesses, residents, and the Town to succeed in fulfilling this vision.

The purpose of this discussion item is to identify a direction on supporting the JDDA. I would respectfully request that Town Staff be authorized to develop an agreement with the JDDA that would be brought back to the Council on March 2<sup>nd</sup> for consideration. The agreement would provide funding requested and to continue moving the downtown forward in a cooperative and collaborative partnership.

**Reviewed and Approved for Presentation:**

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Town Manager



# Johnstown Downtown Development Association

# Our Mission

**The Johnstown Downtown Development Association is creating a vibrant, distinguishable, accessible, and successful network for businesses and residents to connect with one another..**

# Who We Are

- The Johnstown Downtown Development Association is a volunteer organization made up of representatives from downtown businesses.
- We believe revitalizing a downtown or neighborhood commercial district requires focusing on the underlying economic vitality of the district. Our planned work is rooted in a commitment to honor Johnstown's unique sense of place and existing historic assets, harnessing local economic opportunity and creating a supportive business environment for small business owners and the growing scores of entrepreneurs.



# Officers and Committees

## Our Officers:

Chair – Amy Tallent  
- The Tallent Company

Vice Chair – Brianna Waugh  
- TopCO Realty

Secretary – Keri Imhof  
- Edge Mortgage

Treasurer – Betsy Doucette  
- Rocky Mountain Accounting

## Committees:

Entertainment –  
Brian, Amy B., and Amy T.

Events –  
Amy B., Katie, Veronica, and Betsy

Façade/Downtown Guidelines –  
Trish, Veronica, Stephanie, Brianna

Marketing –  
Amy T., Veronica, Stephanie, Katie

# Businesses Involved and Boundaries

The Tallent Company

TopCO Realty

Edge Mortgage, Inc.

The Grocery Store Beauty Bar

Rocky Mountain Accounting

Fitness Avenue

Black Sheep

Dominic's Pizza

Cassidy's

Johnstown Barber Shop

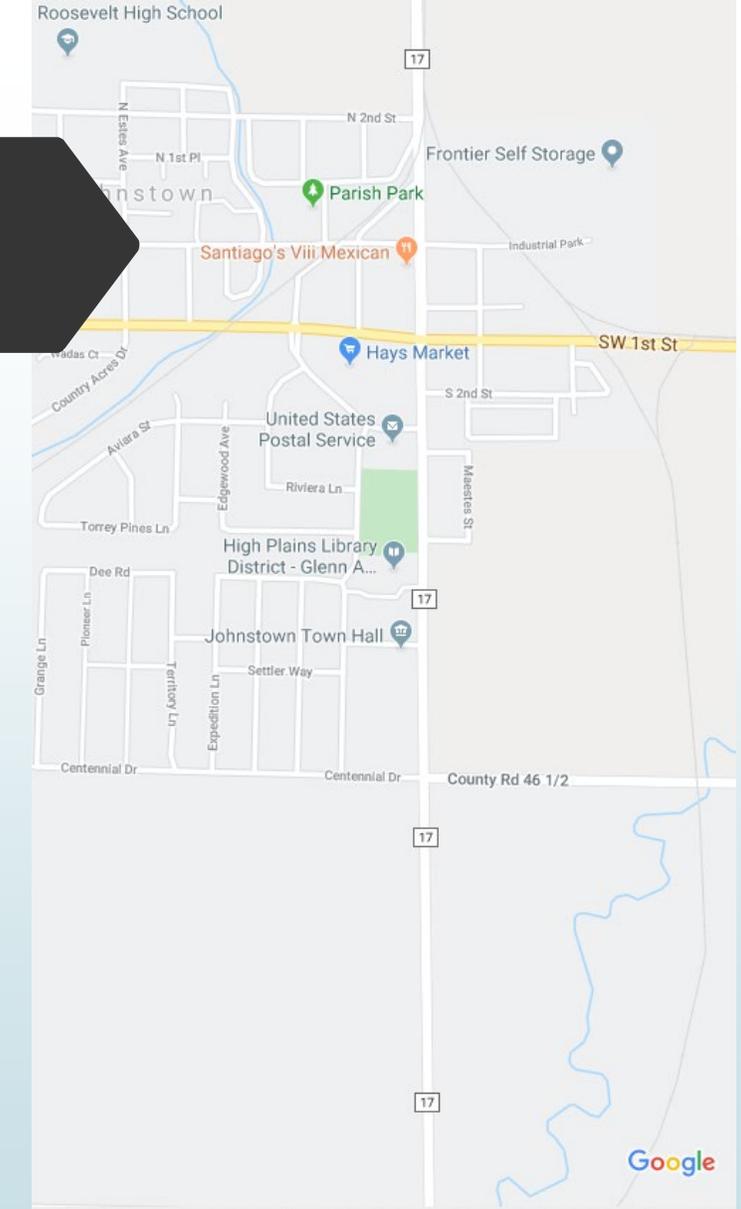
LaBella Tanning

State Farm Insurance

LYS Salon

Thompson River Parks and Rec.

First National Bank



Our boundaries are the railroad tracks that surround the downtown area.

# Partnering With Other Organizations

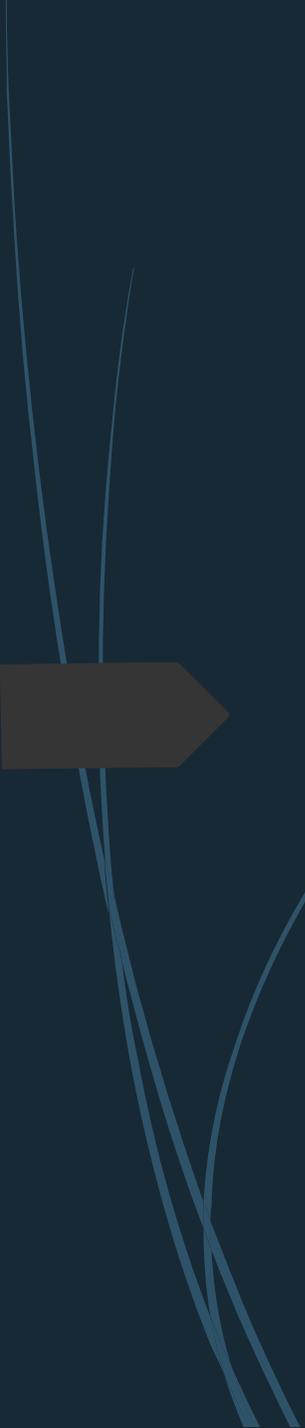
- ▶ We have already met with the Johnstown/Milliken Chamber of Commerce President, Cassandra Miller, to discuss how we could partner with them. The meeting was very successful and we feel it will strengthen both organizations.
- ▶ We have also met with Matt LeCerf and discussed different ways we can support the Town of Johnstown. He also shared his background in working with other downtown development associations.



## Our Goal

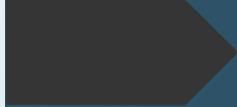
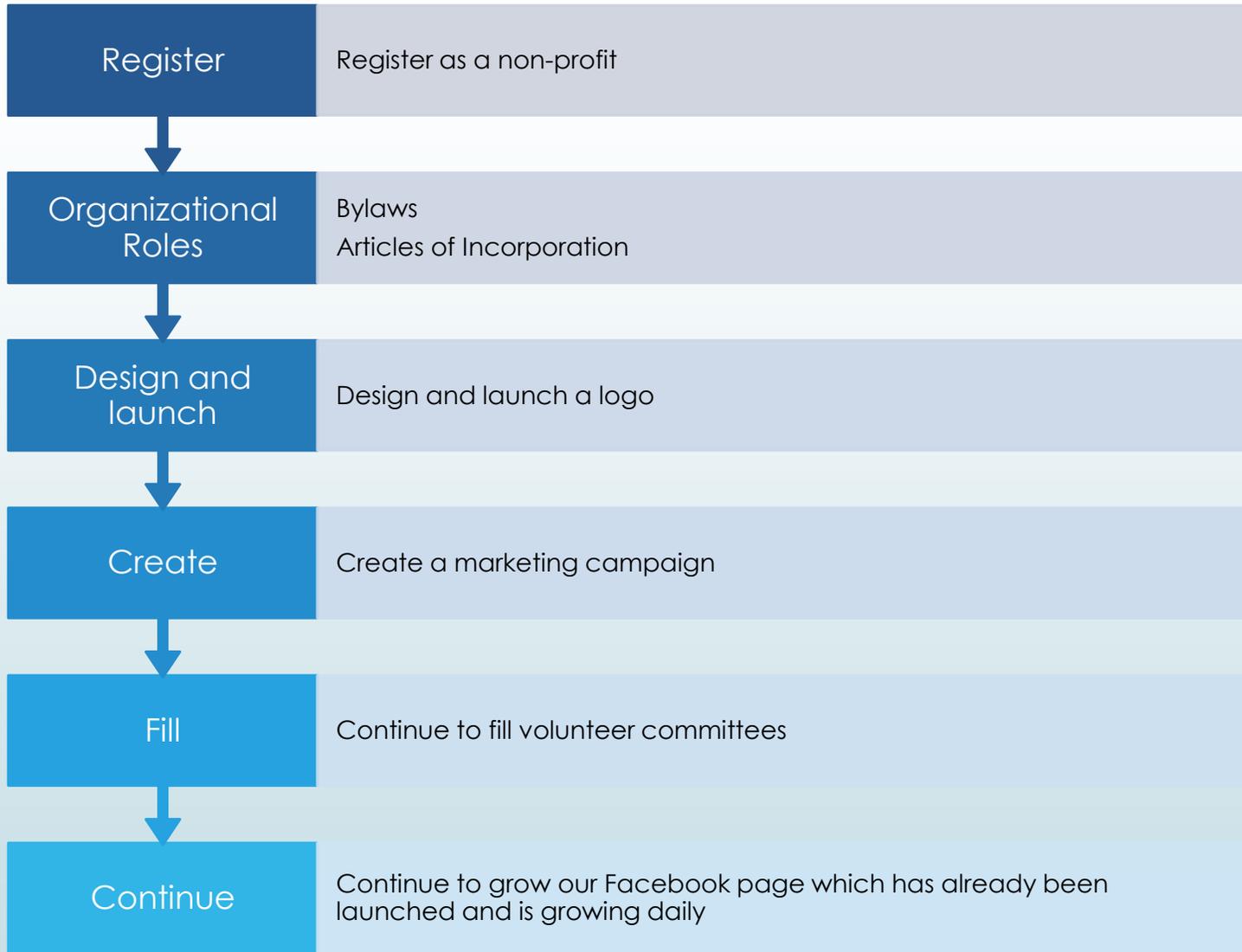
Promoting our beautiful downtown takes many forms, but the ultimate goal is to position the historic downtown area as the center of our community, fostering a diverse variety of small businesses while creating a positive image showcasing Johnstown's unique characteristics.

- Highlighting town traditions
- Celebrating and preserving important architecture and history
- Encouraging downtown businesses to market cooperatively
- Building new downtown events, such as a Summertime Classic Car Cruise-in and Farm to Table Dinner.



# Event Ideas for 2020

- Quarter One: Leap Year Event, Spring into Johnstown
- Quarter Two: Partnering with Johnstown BBQ Days potentially bringing back the downtown party in the streets, assisting with chamber summer event, Christmas in July.
- Quarter Three: Farm to Table Dinner, Homecoming Support, Craft Fair, Coed softball tournament- business teams- partner with TRPR.
- Quarter Four: Small Business Week, Veterans Day, Trick or Treat Street with the Chamber, Johnstown Jingle with the Chamber

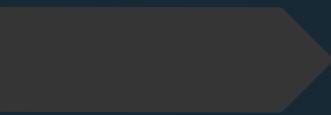


Our Next Steps

# Did You Know:



► In the last 15 months, almost 20 new businesses have opened their doors in our downtown community.



# Our Needs:

- Our biggest need and concern is how we will fund the association.
- We are discussing and will determine what membership fees will be to join
- We will be looking into and writing grants
- We kindly ask for the Town of Johnstown's support in our efforts, as we join together, as downtown business owners, to revitalize and connect our historic downtown area with our community.



BUDGET



Thank you for your time and consideration. We greatly appreciate it.

- Johnstown Downtown Development Association members

Johnstown Downtown Development Association

# 2020 Budget

**Start Up Costs:**

| Description                | Estimated Amount |
|----------------------------|------------------|
| Non-Profit Formation       | \$850            |
| Filing Articles Fee        | \$50             |
| IRS Application            | \$650            |
| Filing Fee                 | \$600            |
| Attorney Costs on Tax Side | \$850            |
| <b>Total:</b>              | <b>\$3,000</b>   |

**Administration:**

|                  |             |
|------------------|-------------|
| Taxes Filing Fee | \$75        |
| <b>Total:</b>    | <b>\$75</b> |

**Communication & Planning:**

|   |                |
|---|----------------|
| Website   | \$2,000        |
| Logo, One Month of Content including Social Media, Initial Marketing Material to include Flyer, Postcard, and Business Cards. | \$2,000        |
| Photography   | \$500          |
| Printing Costs  | \$500          |
| Advertising   | \$250          |
| Event Budget  | \$1,500        |
| <b>Total:</b>   | <b>\$6,750</b> |

**Total Above: \$9,825**

**Requested Amount to help with potential unforeseen items: \$10,000**

**Notes:**

- As we are just beginning this adventure, we realize there may be a few costs we are not aware of, so we are requesting \$10,000. For example, we are currently in conversation with the Johnstown Milliken Chamber of Commerce to see how we can share event costs including event insurance.
- After the initial year we will be looking at memberships into the JDDA to help fund it and seeking grants for the association.
- We will be working with local businesses first and multiple have already offered to give services at a discounted price.

***Thank you for your consideration!***

***INFORMATIONAL***

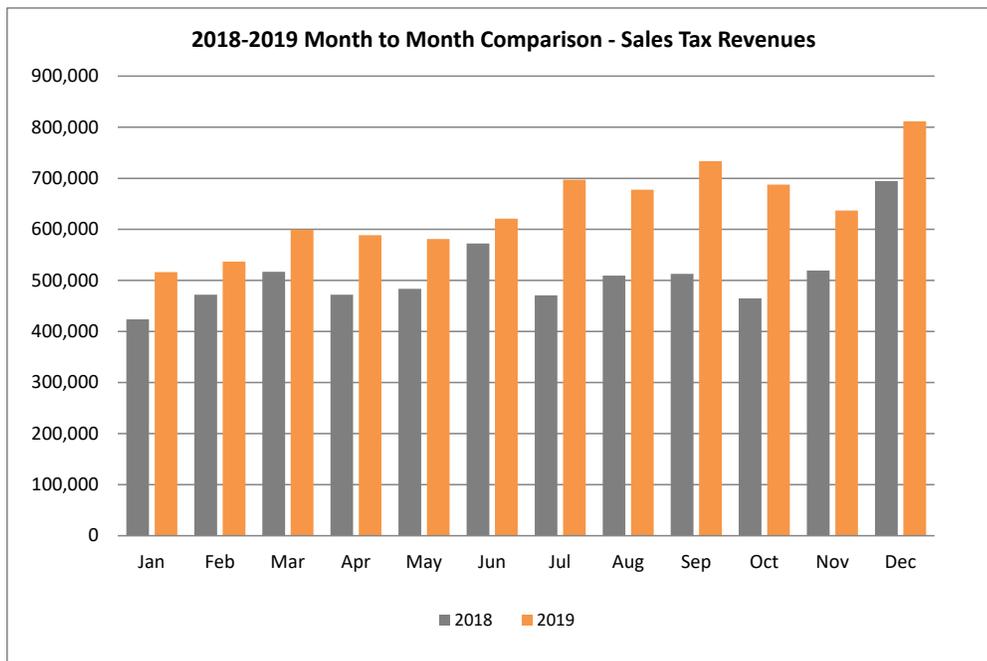
## Sales Tax Analysis and Comparison 2019

| <u>Month/Year</u> | <u>Sales Tax</u>  | <u>Motor Vehicle</u> | <u>Total Sales</u>      |
|-------------------|-------------------|----------------------|-------------------------|
|                   | <u>Collected*</u> | <u>Sales Tax</u>     | <u>Taxes Collected*</u> |
| Jan-18            | 327,588           | 96,271               | 423,859                 |
| Feb-18            | 358,126           | 113,871              | 471,997                 |
| Mar-18            | 375,260           | 141,733              | 516,993                 |
| Apr-18            | 327,253           | 144,825              | 472,077                 |
| May-18            | 373,658           | 109,836              | 483,494                 |
| Jun-18            | 407,177           | 165,242              | 572,419                 |
| Jul-18            | 394,014           | 76,914               | 470,927                 |
| Aug-18            | 387,240           | 122,250              | 509,490                 |
| Sep-18            | 385,199           | 127,608              | 512,807                 |
| Oct-18            | 356,780           | 108,226              | 465,006                 |
| Nov-18            | 374,870           | 144,551              | 519,420                 |
| Dec-18            | 488,866           | 205,627              | 694,493                 |
| <b>2018 Total</b> | <b>4,556,029</b>  | <b>1,556,952</b>     | <b>6,112,981</b>        |

|                   |                  |                  |                  |
|-------------------|------------------|------------------|------------------|
| Jan-19            | 413,121          | 103,270          | 516,392          |
| Feb-19            | 379,749          | 157,232          | 536,981          |
| Mar-19            | 467,723          | 131,835          | 599,558          |
| Apr-19            | 442,784          | 145,750          | 588,534          |
| May-19            | 445,282          | 136,002          | 581,284          |
| Jun-19            | 518,986          | 102,090          | 621,076          |
| Jul-19            | 552,737          | 144,781          | 697,518          |
| Aug-19            | 561,620          | 116,085          | 677,705          |
| Sep-19            | 534,265          | 199,085          | 733,350          |
| Oct-19            | 535,040          | 152,587          | 687,628          |
| Nov-19            | 535,687          | 101,240          | 636,927          |
| Dec-19            | 682,363          | 129,029          | 811,393          |
| <b>2019 Total</b> | <b>6,069,357</b> | <b>1,618,987</b> | <b>7,688,344</b> |

|                       |           |
|-----------------------|-----------|
| Jan - Dec 2018        | 4,556,029 |
| Jan - Dec 2019        | 6,069,357 |
| % Increase (Decrease) | 33.22%    |

|                       |           |
|-----------------------|-----------|
| Jan - Dec 2018        | 1,556,952 |
| Jan - Dec 2019        | 1,618,987 |
| % Increase (Decrease) | 3.98%     |



\* Amounts shown reflect different reporting periods for various entities.

**TOWN OF JOHNSTOWN, COLORADO**

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS 10-44 AND 10-45 OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING HARASSMENT AND DISORDERLY CONDUCT RESPECTIVELY AND ADDING SECTION 10-25 TO THE JOHNSTOWN MUNICIPAL CODE CONCERNING EXCRETING IN PUBLIC**

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

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, Article II of Chapter 10 of the Johnstown Municipal Code (“Code”) regulates offenses against the public and Article III regulates offenses against persons; and

**WHEREAS**, Section 10-44 of the Code, codifying the offense of harassment, was adopted over twenty-five years ago and provides that conduct giving rise to harassment may occur based on inappropriate telephone communications; and

**WHEREAS**, since adoption, the Colorado legislature has amended the state law harassment statute, C.R.S. §18-9-111, to expand the scope of harassment to include conduct arising from electronic media, such as text messages, instant messages and computers; and

**WHEREAS**, to broaden the offense of harassment to be consistent with current technology, Town Council similarly desires to amend Section 10-44 of the Code; and

**WHEREAS**, Section 10-45 of the Code, codifying the offense of disorderly conduct, was adopted in 1992; and

**WHEREAS**, since such adoption, the Colorado Supreme Court has ruled that certain provisions of the previously-codified offense are unconstitutional; and

**WHEREAS**, Town Council desires to amend the offense of disorderly conduct to be consistent and in compliance with the rulings of the Colorado Supreme Court; and

**WHEREAS**, in addition to the foregoing revisions, the Johnstown Police Department has requested that the offense of excreting in public places be added to the Code in order to regulate such conduct; and

**WHEREAS**, based on such recommendation, Town Council desires to add the offense of excreting in public places to the Code; and

**WHEREAS**, Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property, that this Ordinance is necessary for the protection of public convenience and welfare and that this Ordinance is in the best interests of the citizens of the Town.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:**

**Section 1.** Section 10-44 of the Johnstown Municipal Code shall be amended in full to read as follows:

**Sec. 10-44. Harassment.**

(a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

- (1) Strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact;
- (2) In a public place directs obscene language or makes an obscene gesture to or at another person;
- (3) Follows a person in or about a public place;
- (4) Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, computer system, or other interactive electronic medium that is obscene;
- (5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;
- (6) Makes repeated communications at inconvenient hours or in offensively coarse language; or
- (7) Repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to, another in a manner likely to provoke a violent or disorderly response.

(b) As used in this Section, unless the context otherwise requires, *obscene* means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

(c) Any act prohibited by Subsection (a)(4) above may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail or other electronic communication was either made or received.

**Section 2.** Section 10-45 of the Johnstown Municipal Code shall be amended in full to read as follows:

**Sec. 10-45. Disorderly conduct.**

(a) It shall be unlawful for any person to commit the offense of disorderly conduct as provided in this Section.

(b) For purposes of this Section, a person commits disorderly conduct if he or she intentionally, knowingly or recklessly:

(1) Makes a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace;

(2) Makes unreasonable noise in a public place or near a private residence that he or she has no right to occupy;

(3) Fights with another in a public place except in an amateur or professional contest of athletic skill;

(4) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting or the ritual discharge of blank ammunition cartridges as an attendee at a funeral for a deceased person who was a veteran of the armed forces of the United States; or

(5) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.

**Section 3.** Section 10-25 shall be added to the Johnstown Municipal Code, codifying the offense of excreting in public places, and shall read as follows:

**Sec. 10-25. Excreting in Public Places.**

It shall be unlawful for any person to urinate or defecate on any public street, upon any public sidewalk, in any other public place, in any public vehicle or in any store, assembly hall, corridor or other place open to or used by the public, except in restrooms

and toilets which are provided for such purpose.

**Section 4. Repeal.** Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

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

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

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

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

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

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

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

February 11, 2020

Weld County Office of Emergency Management  
Director Roy Rudisill  
1150 O Street  
Greeley, CO 80632

Re: "Statement of Intent to Participate" as a participating jurisdiction in Weld County Multi-Jurisdictional Hazard Mitigation Plan (HMP)

Dear Director Rudisill,

In accordance with the Federal Emergency Management Agency's (FEMA) Local Hazard Mitigation Plan (HMP) requirements, under 44 CFR §201.6, which specifically identify criteria that allow for multi-jurisdictional mitigation plans, the Town of Johnstown is submitting this letter of intent to confirm that Town of Johnston has agreed to participate in the Weld County's Multi-Jurisdictional Hazard Mitigation Planning effort.

Further, as a condition to participating in the mitigation planning, Town of Johnstown agrees to meet the requirements for mitigation plans identified in 44 CFR §201.6 and to provide such cooperation as is necessary and in a timely manner to the Weld County Office of Emergency Management, to complete the plan in conformance with FEMA requirements.

Town of Johnstown understands that it must engage in the following planning process, as more fully described in FEMA's Local Mitigation Planning Handbook dated March 2013 including, but not limited to:

- Identification of hazards unique to the jurisdiction and not addressed in the master planning document;
- The conduct of a vulnerability analysis and an identification of risks, where they differ from the general planning area;
- The formulation of mitigation goals responsive to public input and development of mitigation actions complementary to those goals. A range of actions must be identified specific for each jurisdiction;
- Demonstration that there has been proactively offered an opportunity for participation in the planning process by all community stakeholders (examples of participation include relevant involvement in any planning process, attending meetings, contributing research, data, or other information, commenting on drafts of the plan, etc.);
- Documentation of an effective process to maintain and implement the plan;
- Formal adoption of the Multi-Jurisdictional Hazard Mitigation Plan by the jurisdiction's governing body (each jurisdiction must officially adopt the plan).

Therefore, with a full understanding of the obligations incurred by an agreement between the Lead Jurisdiction and the Participating Jurisdiction, I, Matt LeCerf as Town Manager, commit the Town of Johnstown to the Weld County Multi-Jurisdictional Hazard Mitigation Planning effort.

Regards,



Matthew S. LeCerf  
Town Manager

Cc: Marco Carani, PW Director  
Brian Phillips, Johnstown Chief of Police