

TOWN COUNCIL

MEETING

PACKET

March 16, 2020



Town Council

Agenda
Monday, March 16, 2020
Town Hall, Council Chambers
450 So. Parish Avenue
7:00 PM



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

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

- 1) **CALL TO ORDER**
 - A) Pledge of Allegiance
- 2) **ROLL CALL**
- 3) **AGENDA APPROVAL**
- 4) **RECOGNITIONS, PROCLAMATIONS AND PRESENTATIONS**

Proclamation – Student of the Year Candidate – Olivia Peterson
- 5) **PUBLIC COMMENT (three-minute limit per speaker)**

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

- 6) **CONSENT AGENDA**
 - A) Town Council Meeting Minutes – March 2, 2020
 - B) 2nd Reading Ordinance Number 2020-172, an Ordinance Amending Section 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
 - C) 2nd Reading Ordinance Number 2020-173, an Ordinance Approving a Franchise Agreement between the Town of Johnstown and Poudre Valley Rural Electric Association, Inc.
- 7) **TOWN MANAGER REPORT**
- 8) **TOWN ATTORNEY REPORT**
- 9) **OLD BUSINESS**
- 10) **NEW BUSINESS**
 - A) **Public Hearing – First Reading** – Ordinance Number 2020-174, an Ordinance Amending Chapter 2 of the Johnstown Municipal Code to Include Section 2-17 Concerning Remote Meetings; Renumbering Existing Section 2-17 and 2-18 of the Johnstown Municipal Code; and Declaring an Emergency
 - B) **Public Hearing – First Reading** – Ordinance Number 2020-175, an Ordinance Amending Sections 16-102, 16-104 and 16-106 of Article VII of Chapter 16 of the Johnstown Municipal Code Concerning Conditional Use Grants
 - C) Town of Johnstown Water Treatment Plant Media Replacement Project
 - D) Consider Resolution 2020-06, Resolution Authorizing the Mayor Along With Either the Town Clerk or Town Manager to Execute Documents Required by the Northern Colorado Water Conservancy District for the Town to Acquire, Accept Dedication of and Renew Temporary Use Permits Related to Colorado Big-Thompson Project Water for the Town
- 11) **EXECUTIVE SESSION**
- 12) **COUNCIL REPORTS AND COMMENTS**

13) MAYOR'S COMMENTS

14) ADJOURN



NOTICE OF ACCOMODATION

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

AGENDA ITEM 4

Proclamation



Proclamation

WHEREAS, blood cancers are diseases that can affect the bone marrow, blood cells, the lymph nodes and other parts of the lymphatic system; and

WHEREAS, there are three main types of blood cancer: leukemia, lymphoma and myeloma; and

WHEREAS, every three minutes, someone in the United States is diagnosed with blood cancer, representing an estimated combined total of over 171,000 individuals who are expected to be diagnosed with leukemia, lymphoma or myeloma in 2020; and

WHEREAS, blood cancers don't discriminate and can affect anyone at any time, regardless of age, gender or race, with early diagnosis making all the difference when it comes to treatment; and

WHEREAS, blood cancers can be extremely complex, with some patients requiring a bone marrow/stem cell transplant as part of their treatment; and

WHEREAS, the health and vitality of the people of Colorado and of the Town of Johnstown are significantly enhanced by local efforts to increase communication and education pertaining to blood cancers; and

WHEREAS, in an effort to raise awareness to these serious forms of cancer and as a show of support, the Town of Johnstown is supporting Olivia Peterson, one of the Leukemia & Lymphoma Society's 2020 Students of the Year.

WHEREAS, Blood Cancer Awareness Month recognized in September of each year serves as an opportunity to increase awareness of blood cancers, including AML, and improve diagnosis, care, and treatment of blood cancers;

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

I, Gary Lesback, Mayor of the Town of Johnstown, Colorado on the 16th day of March, 2020, do hereby commend and congratulate Student of the Year Candidate Olivia Peterson on her support of Leukemia & Lymphoma Society's 7-week fundraising campaign to help leading research in the field of blood cancer illnesses.

TOWN OF JOHNSTOWN, COLORADO

By: _____
Gary Lesback, Mayor

AGENDA ITEM 6A-C

CONSENT

AGENDA

- **Council Minutes – March 2, 2020**
- **2nd Reading – Ordinance No. 2020-172**
- **2nd Reading – Ordinance No. 2020-173**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: March 16, 2020

ITEM NUMBER: 6A-C

SUBJECT: Consent Agenda

ACTION PROPOSED: Approve Consent Agenda

PRESENTED BY: Town Clerk, Town Manager

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 – March 2, 2020
- B) 2nd Reading Ordinance 2020-172, an Ordinance Amending Sections 10-44 and 10-45 of the Johnstown Municipal Code Concerning Harassment and Disorderly Conduct to Respectively and Adding Section 10-25 to Johnstown Municipal Code Concerning Excreting in Public
- C) 2nd Reading Ordinance 2020-173, an Ordinance Approving a Franchise Agreement between the Town of Johnstown and Poudre Valley Rural Electric Association, Inc.

*Ordinance No. 2020-172 amends Sections 10-44 and 10-45 of the Johnstown Municipal Code relating to harassment and disorderly conduct respectively and adds Section 10-25 to the Code to include the offense of excreting in public.

**Enclosed for your review and consideration is an Ordinance that would provide to the Poudre Valley Rural Electric Association, Inc. (PVREA) a non-exclusive franchise agreement to serve property located in the Town of Johnstown and within the PVREA certificated area. The franchise agreement would provide the Town with a 3% franchise fee, which would allow PVREA to operate in the Town's right of way and serve customers within their territory. The term of the agreement will operate until December 31, 2039.

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

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve Consent Agenda

SUGGESTED MOTION:

For Approval: I move to approve the Consent Agenda.

For Denial:

Council Minutes

The Town Council of the Town of Johnstown met on Monday, March 2, 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, Lemasters, Mellon, Molinar Jr. and Young

Those absent were: Councilmember Tallent

Staff present: Avi Rocklin, Town Attorney, Matt LeCerf, Town Manager, Mitzi McCoy, Finance Director and Brian Phillips, Police Chief.

Agenda Approval

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

Presentations

Thompson School District shared with Council plans for the new K-8 school that is being constructed in the Thompson River Ranch subdivision.

Consent Agenda

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

- February 19, 2020 Council Meeting Minutes
- Payment of Bills
- 2020-2029 Capital Improvement Plan Adoption
- Little Thompson River Trail Contract

Motion carried with a unanimous vote.

New Business

A. Public Hearing – First Reading – Consider Ordinance No. 2020-172, an Ordinance amending Section 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. This ordinance will amend the current Code to expand and mirror state law definition of harassment to include conduct rising from electronic media, such as text messages, instant messages and computers. Also, the police department suggested the offense of excreting in public places be added to the Code to regulate such conduct. Councilmember Mellon made a motion seconded by Councilmember Molinar Jr. to approve Ordinance Number 2020-172, an Ordinance amending Section 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. Motion carried with a unanimous vote.

B. Public Hearing – First Reading Ordinance Number 2020-173, an Ordinance Approving a Franchise Agreement between the Town of Johnstown Poudre Valley Rural Electric Association Inc. – This Ordinance would provide to the Poudre Valley Rural Electric Association a non-exclusive franchise agreement to serve property located in the Town of Johnstown and within the PVREA certificated area. The franchise agreement would provide the Town with a 3% franchise fee. The term of the agreement will expire on December 31, 2039. Councilmember Berg made a motion seconded by Councilmember Lemasters to approve Ordinance Number 2020-173 an Ordinance to Provide a Franchise Agreement between the Town of Johnstown and Poudre Valley Rural Electric Association, Inc. Motion carried with a unanimous vote.

C. Resolution 2020-05 – Finding Substantial Compliance for Initiating Annexation Proceedings for the Ridge at Johnstown Annexation #1 – J25 Land Holdings, LLC, submitted a Petition for Annexation for a piece of property approximately 9.6 acres located in Larimer County. State statute requires the governing body of the annexing municipality approve a resolution finding that the proposed annexation is in substantial compliance, set a public hearing and that proper notice be provided to the public. Councilmember Mellon made a motion seconded by Councilmember Molinar Jr. to approve Resolution No. 2020-05, a Resolution Finding Substantial Compliance for Initiating Annexation Proceedings and Setting a Public Hearing Date for The Ridge at Johnstown Annexation No. 1 and set a public hearing on the proposed annexation for April 6, 2020. Motion carried with a unanimous vote.

There being no further business to come before Council the meeting adjourned at 7:52 p.m.

Mayor

Town Clerk

Ordinance 2020-172

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2020-172

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.

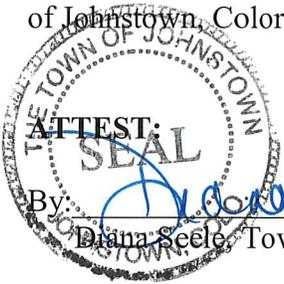
It shall be unlawful for any person to urinate or defecate on any public street, upon any public sidewalk, in any other public place, in any public vehicle or in any store, assembly hall, corridor or other place open to or used by the public, except in restrooms

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 2nd day of March, 2020.



ATTEST:

By: Diana Seele
Diana Seele, Town Clerk

TOWN OF JOHNSTOWN, COLORADO

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 2020-173

**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2020-173**

**AN ORDINANCE APPROVING A FRANCHISE AGREEMENT
BETWEEN THE TOWN OF JOHNSTOWN AND POUDBRE VALLEY
RURAL ELECTRIC ASSOCIATION, INC.**

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 desires to enter into a Non-Exclusive Franchise Agreement with Poudre Valley Rural Electric Association, Inc., a Colorado cooperative association (“Association”), for the provision of electric utility services to the portion of the Town that the Association is certified to serve (“Service Area”) and to its residents; and

WHEREAS, the Franchise Agreement, attached hereto and incorporated herein by reference as **Exhibit A**, contains, among others, the following provisions:

- A. Grants to the Association the non-exclusive right to make reasonable use of Town streets, public utility easements and other public places, subject to the terms and conditions contained therein: (1) to provide electric utility service to the Service Area and its residents and (2) to acquire, construct, install, locate, maintain, operate and extend into, within and through the Town the facilities reasonably necessary for the Association to furnish, sell and distribute electricity within and through the Service Area;
- B. Specifies that the franchise shall be effective for a term of approximately twenty (20) years from its Effective Date through December 31, 2039; and
- C. Sets a franchise fee of three percent (3%) of the Association’s revenues, as defined therein.

WHEREAS, the Town Council finds that the passage of this Ordinance is in the best interests of the Town of Johnstown.

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

Section 1. The Non-Exclusive Franchise Agreement between the Town of Johnstown and Poudre Valley Rural Electric Association, a Colorado cooperative association, attached hereto and incorporated herein by reference as **Exhibit A**, is hereby approved.

Section 2. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Johnstown and that it is

promulgated for the health, safety and welfare of the public. This Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 3. 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 2nd day of March, 2020.



TOWN OF JOHNSTOWN, COLORADO

ATTEST:
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

NON-EXCLUSIVE FRANCHISE AGREEMENT

This Non-Exclusive Franchise Agreement is made and entered into this ____ day of _____, 2020 (“Effective Date”) by and between the Town of Johnstown, hereinafter referred to as “the Town”, and Poudre Valley Rural Electric Association, Inc., hereinafter referred to as “the Association”.

ARTICLE 1 - DEFINITIONS

Section 1.0 Definitions. For the purpose of this franchise, the following words and phrases shall have the meaning given in this article. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined in this article shall be given their common and ordinary meaning.

1.1 "Council" or "Town Council" refers to and is the legislative body of the Town.

1.2 "Association" refers to and is Poudre Valley Rural Electric Association, Inc. and its successors and assigns, but does not include its affiliates, subsidiaries or any other entity in which it has an ownership interest.

1.3 "Distribution Facilities" refer to and is only that portion of the Association's electric system which delivers electric energy from the substation breakers to the point-of-delivery of the customer, including all devices connected to that system.

1.4 "Facilities" refer to and are all facilities reasonably necessary to provide electricity into, within and through the Town and include plants, works, systems, substations, transmission and distribution structures, lines, equipment, mains, conduit, transformers, underground lines, meters, wires, cables and poles.

1.5 "Public Easements" refer to and are public and dedicated easements created and available for use by investor-owned, cooperatives, or other public utilities for their facilities.

1.6 "Public Utilities Commission" or "PUC" refers to and is the Public Utilities Commission of the State of Colorado, or other authority including the board of directors of the Association succeeding to the regulatory powers of the Public Utilities Commission.

1.7 "Residents" refers to and includes all persons, businesses, industry, governmental agencies, and any other entity whatsoever, presently located or to be hereinafter located, in whole or in part, within the territorial boundaries of the Town.

1.8 "Revenues" refer to and are those amounts of money which the Association receives from its customers within the Town from the sale of electricity under rates authorized by the Association's board of directors to its customers within the Town and represents amounts billed under such rates as adjusted for refunds, the net write-off of uncollectible accounts, correction or other regulatory adjustments.

1.9 "Town" refers to and is the municipal corporation designated as Town of Johnstown, and includes the territory as currently is or may in the future be included within the boundaries of the Town of Johnstown.

1.10 "Streets and Other Public Places" refer to and are streets, alleys, viaducts, bridges, roads, lanes and other public places in said Town.

ARTICLE 2 - GRANT OF FRANCHISE

Section 2.1 Grant of Franchise. The Town of Johnstown hereby grants to the Association, for the period specified herein and subject to the conditions, terms and provisions contained in this franchise, a nonexclusive right to furnish, sell and distribute electricity to the Town and to all residents within the Town. Subject to the conditions, terms and provisions contained in this franchise, the Town also hereby grants to the Association a nonexclusive right to acquire, construct, install, locate, maintain, operate and extend into, within and through the Town and within the Association's certificated area, all facilities reasonably necessary to furnish, sell and distribute electricity within and through the Town and a nonexclusive right to make reasonable use of the streets and other public places and public easements as may be necessary to carry out the terms of this franchise. These rights shall extend to all areas of the Town within the Association's certificated area as it is now constituted and to additional areas as the Town may increase in size by annexation or otherwise.

Section 2.2 Street Lighting Service. The rights granted in this franchise encompass the nonexclusive franchise to provide street lighting service to the Town and the provisions of this franchise apply with full and equal force to the street lighting service provided by the Association. Wherever reference is made to the sale of electricity or to the provision of electric service in this franchise, these references shall be deemed to include the provision of street lighting service. Wherever reference is made to Association facilities, equipment, system or plant in this franchise, this reference shall be deemed to include Association-owned street lighting facilities, equipment, system and plant.

Section 2.3 Term of Franchise. This franchise shall take effect in accordance with the provisions of the Town of Johnstown's Home Rule Charter. The term of this franchise shall begin with said Effective Date of this franchise and continue to December 31, 2039.

ARTICLE 3 - FRANCHISE FEE

Section 3.1 Franchise Fee. In consideration for the grant of this franchise, the Association shall pay the Town a sum equal to three percent (3%) of all revenues received from the sale of electricity within the Town, excluding all revenues received from the Town for service furnished it.

Section 3.2 Payment Schedule. For the franchise fee owed on revenues received after the effective date of this franchise, payment shall be made in monthly installments not more than thirty (30) days following the close of the month for which payment is to be made. Initial and final payments shall be prorated for the portions of the months at the beginning and end of the term of this franchise. All payment shall be made to the Town Finance Director. The Town Manager, or other authorized representatives, shall have access to the books of the Association for the purpose of auditing or checking to ascertain that the franchise fee has been correctly computed and paid. In the event an error by the Association results in an overpayment of the franchise fee to the Town and said overpayment is in excess of \$200, credit for the overpayment shall be spread over the same period the error was undiscovered. If the overpayment is \$200 or less, credit shall be taken against the next payment.

Section 3.3 Change of Franchise Fee and Other Franchise Terms. Once during each calendar year of the franchise term, the Town Council, upon giving thirty (30) days' notice to the Association of its intention to do so, may review and change the consideration the Town may be entitled to receive as a part of the franchise; provided, however, the Town Council may only change the consideration to be received by the Town under the terms of this franchise to the equivalent of the consideration paid by the Association to any municipality in the State of Colorado in which the Association supplies electric service under franchise.

The Association shall report to the Town within thirty (30) days of the execution of a subsequent franchise or of any change of franchise in other municipality that could have a reasonably significant financial impact on the consideration to be paid by the

Association to the Town hereunder. If the Town Council decides the consideration shall be so changed, it shall provide for such change by Ordinance, provided, however, that any change in the franchise fee is then allowed to be surcharged by the Association; and provided, further, that the consideration is not higher than the highest consideration paid by the Association to any municipality within the State of Colorado. For purposes of this section, consideration means the franchise fee established in Article 3, Section 1; the undergrounding program established in Article 10, Section 2; and also includes any other provision which is of similar significant financial benefit to the Town.

Section 3.4 Franchise Fee Payment in Lieu of Other Fees. Payment of the franchise fee by the Association is accepted by the Town in lieu of any occupancy tax, license tax, permit charge, inspection fee, or similar tax on the privilege of doing business or in connection with the physical operation thereof, but does not exempt the Association from any lawful taxation upon its property or any other tax not related to the franchise or the physical operation thereof and does not exempt the Association from payment of head taxes or other fees or taxes assessed generally upon businesses.

Section 3.5 Permit and Fees for Work Conducted Outside Association's Certificated Area. Notwithstanding the foregoing, the Association shall be required to obtain a permit from the Town for work conducted within the boundaries of the Town, but outside of the Association's certificated area, including, but not limited to, for the construction, installation, maintenance and operation of the Association's facilities. In the Town's sole discretion, the Association may be required to pay a permit charge, inspection fee and other similar types of fees for the privilege of doing work outside the Association's certificated area.

ARTICLE 4 - SUPPLY, CONSTRUCTION AND DESIGN

Section 4.1 Supply of Electricity. The Association shall take all reasonable and necessary steps to provide an adequate supply of electricity to its customers at the lowest reasonable cost consistent with long-term reliable supplies. If the supply of electricity to

its customers should be interrupted, the Association shall take all necessary and reasonable actions to restore such supply within the shortest practicable time.

Section 4.2 Notification, Outage and Restoration of Service.

- A. Notifications. The Association shall provide to the Town daytime and nighttime telephone numbers of a designated Association representative from whom the Town may obtain status information from the Association on a twenty-four (24) hour basis concerning interruptions of electrical service in any part of the Town.
- B. Planned Outage. If the supply of electricity to the Associations members should be interrupted due to a planned outage, except in cases of emergency, the Association shall notify its customers as soon as practical in advance of the planned outage.
- C. Restoration. In the event the Association's electric system, or any part thereof, is partially or wholly destroyed or incapacitated, the Association shall use due diligence to restore such system(s) to satisfactory service within the shortest practical time.

Section 4.3 Obligations Regarding Association Facilities. The Association shall install, maintain, repair, renovate and replace its facilities with due diligence in a good and workmanlike manner, and the Association's facilities will be of sufficient quality and durability to provide adequate and efficient electric service to the Town and its residents. Association facilities shall not interfere with the Town's water mains, sewer mains or other municipal use of streets and other public places. The Association shall erect and maintain its facilities in such a way so as to minimize interference with trees and other natural features. Association facilities shall be installed in public easements so as to cause a minimal amount of interference with such property.

Section 4.4 Excavation and Construction. All excavation and construction work done by the Association shall be done in a timely and expeditious manner which minimizes the inconvenience to the public and individuals. All public and private property whose use conforms to restrictions in public easements disturbed by Association excavation or

construction activities shall be restored by the Association at its expense to a condition that is substantially the same or better than its prior condition.

Section 4.5 Relocation of Association Facilities. Any relocation of the Association's facilities in any street or other public place required, caused or occasioned by any Town project shall be at the cost of the Association. Relocation shall be completed within a reasonable time from the date when the Town makes its request, such time to be established by the Association as soon as possible after the Town's request. The Association shall be granted an extension of time of completion equivalent to any delay caused by conditions not under its control provided that the Association proceeds with due diligence at all times. Relocated underground facilities shall be underground. Relocated aboveground facilities shall be aboveground unless the Town either agrees to pay the additional cost of moving them underground or requests that such additional cost be paid out of available funds under section 10.2, pursuant to Colorado law.

Section 4.6 Service to New Areas. If the boundaries of the Town are expanded during the term of this franchise, the Association shall extend service to residents in the expanded area that is also within the Service Area at the earliest practicable time and in accordance with the Association's extension policy in areas certificated to the Association. Service to the expanded area shall be in accordance with the terms of this franchise , including payment of franchise fees.

Section 4.7 Town Not Required to Advance Funds. Upon receipt of the Town's authorization for billing and construction, the Association shall extend its facilities to provide electric service to the Town for municipal uses within the Town limits or for any major municipal facility outside the Town limits, within the Association's certificated service area, without requiring the Town to advance funds prior to construction.

Section 4.8 Technological Improvements. The Association shall generally introduce and install, as soon as practicable, electrical energy technological advances in its equipment and service within the Town when such advances are technically and economically feasible and are safe and beneficial to the Town and its residents. Upon request by the

Town, the Association shall review and promptly report advances which have occurred in the electric utility industry that have been incorporated into the Association's operations in the Town in the previous year or will be so incorporated in the six months following the Town's request.

ARTICLE 5 - COMPLIANCE

Section 5.1 Town Regulation. The Town expressly reserves, and the Association expressly recognizes, the Town's right and duty to adopt, from time to time, in addition to the provisions herein contained ordinances and rules and regulations as may by the Town be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens.

Section 5.2 Compliance With Town Requirements. The Association will comply with all Town requirements regarding curb and pavement cuts, excavating, digging and related construction activities. If requested by the Town, both parties shall submit to each, reports of annual, long-term planning for capital improvement projects with descriptions of required street cuts, excavation, digging and related construction activities within thirty (30) days after issuance. Except for emergencies, the Town may require that all installations be coordinated with the Town's street improvement programs. The Town Manager shall be the Town's agent for inspection and for compliance with Town ordinances and regulations on any such projects.

Section 5.3 Town Review of Construction and Design. Prior to construction of any significant facilities above ground, or, for electrical energy, any transmission lines or generating plant, building, substation, or similar structure within the Town, the Association shall furnish to the Town the plans for such facilities. In addition, the Association shall assess and report on, which shall include, but not limited to, the impact of such proposed construction on the Town environment. Such plans and reports may be reviewed by the Town to ascertain, without limitation [1] that all applicable laws including building and zoning codes and air and water pollution regulations are complied with, [2] that aesthetic and good planning principles have been given due consideration,

and [3] that adverse impact on the environment has been minimized. Subsequent to review, the Town shall have the right to deny the plans if they do not conform.

Section 5.4 Compliance with Standards. The electrical energy which the Association distributes shall conform with the standards adopted by the Association's board of directors, as the same may be amended from time to time. A copy of such standards shall be available for inspection at the Association's offices and through the Association's website.

Section 5.5 Compliance With Air and Water Pollution Laws. The Association shall use its best efforts to take measures which will result in its facilities meeting the standards required by applicable Federal and State air and water pollution laws. Upon the Town's request, the Association will provide the Town with a status report of such measures.

Section 5.6 Inspection. The Town shall have the right to inspect at all reasonable times any portion of the Association's system used to serve the Town and its residents. The Town shall also have access to Association records for the purpose of determining Association compliance with this franchise. The Association agrees to cooperate with the Town in conducting the inspection and to correct any discrepancies affecting the Town's interest in a prompt and efficient manner.

ARTICLE 6 - LAWFUL PROVISIONS OF TARIFFS

Section 6.1 Tariff Provisions. Notwithstanding the deregulated nature of the Association, the Town and the Association recognize that the lawful provisions of the Association's tariffs are consistent with the restrictions and limitations of Article XXV of the Colorado Constitution regarding the rights of municipalities to franchise and are controlling over any inconsistent provision in this franchise dealing with the same subject matter. In the opinion of the Association, no provision of this franchise is inconsistent with any of the currently effective provisions of the Association's tariffs.

ARTICLE 7 - REPORTS TO TOWN

Section 7.1 Reports on Association Operations. The Association shall submit reasonable and necessary reports containing or based on information readily obtainable from the Association's books and records as the Town may request with respect to the operations of the Association under this franchise and provide the Town with a list of real property within the Town which is owned by the Association.

Section 7.2 Copies of Tariffs. The Association shall keep on file in the Association's office, all tariffs, rules, regulations and policies filed with the Public Utilities Commission relating to service by the Association to the Town and its residents.

ARTICLE 8 - TOWN USE OF ASSOCIATION FACILITIES

Section 8.1 Town Use. The Town shall have the right, for the purpose of stringing wires, to use all poles and suitable overhead structures constructed by the Association within the Town, which use shall not include the distribution or transmission of electricity. Such use by the Town will be without cost. The Association will allow others holding a franchise, except electric service, from the Town to so utilize such poles and suitable overhead structures upon reasonable terms and conditions to be agreed upon by the Association and such holder of a franchise from the Town; provided, however, that the Association shall assume no liability nor shall it be put to any additional expense in connection therewith, and the use of said poles and structures by the Town or others holding a franchise from the Town shall be in such a manner as not to constitute a safety hazard or to interfere unnecessarily with the Association's use of same. The Association agrees to work collaboratively with the Town to implement a program whereby the Association's utility boxes may be painted.

Section 8.2 Underground Conduit. If the Association installs new electric underground conduit or opens a trench or replaces such conduit, the Association shall provide adequate advance notice to permit additional installations of similar conduit and pull wire for the Town. If the Town wants additional similar conduit and pull wire installed,

it will so notify the Association and provide similar conduit and pull wire at its expense to the Association which will install it without further expense to the Town provided that such action by the Town will not unnecessarily interfere with the Association's facilities or delay the accomplishment of the project.

ARTICLE 9 - INDEMNIFICATION OF THE TOWN

Section 9.1 Town Held Harmless. The Association shall indemnify, defend and save the Town harmless from and against all liability or damage and all claims or demands whatsoever in nature arising out of the operations of the Association within the Town pursuant to this franchise and the securing of and the exercise by the Association of the franchise rights granted in this franchise and shall pay all reasonable expenses arising therefrom. The Town will provide prompt written notice to the Association of the pendency of any claim or action against the Town arising out of the exercise by the Association of its franchise rights. The Association will be permitted, at its own expense, to appear and defend or to assist in defense of such claim. Notwithstanding any provision hereof to the contrary, the Association shall not be obligated to indemnify, defend or hold the Town harmless to the extent any claim, demand or lien arises out of or in connection with any negligent act or failure to act of the Town or any of its officers or employees.

Section 9.2 Payment of Expenses Incurred by Town in Relation to Town Ordinance. As stipulated in the Town Ordinance, the Association shall pay in advance and/or reimburse the Town for the Town's expenses incurred in relation to this franchise.

ARTICLE 10 - UNDERGROUND CONSTRUCTION AND OVERHEAD CONVERSION

Section 10.1 Underground Electrical Distribution Lines in New Areas. The Association shall place newly constructed electrical distribution lines underground to serve new residential subdivision areas in accordance with the Association's tariffs and Town subdivision regulations.

Section 10.2 Overhead Conversion at Expense of Association.

A. As and when requested by the Town, the Association will spend one percent (1%) of the preceding calendar year's electric revenues to move electric distribution facilities located in streets and other public places in the Town underground, provided that the undergrounding shall extend for a minimum distance of one block or 750 feet, or as may be mutually agreed to by the parties.

B. Any unexpended portion of the one percent (1%) of electric revenue may be carried over to succeeding years and, in addition, upon request by the Town, the Association shall anticipate amounts to be available for up to three (3) years in advance. Any amounts advanced shall be credited against amounts to be expended in succeeding years until such advances are eliminated. No relocation expenses which the Association is required to expend pursuant to section 4.5 shall be charged to this allocation.

C. Funds to be expended pursuant to this section shall not be used in any project or situation for which and to the extent that the Town has received Federal or State funds for the purpose of undergrounding utilities. Funds to be expended pursuant to this section may be used for "matching" purposes with State or Federal monies.

D. In addition to the provisions of this section, the Town may require additional facilities to be moved underground at the Town's expense, pursuant to Colorado law.

E. The Town acknowledges that the establishment of this undergrounding fund creates no vested right in the Town to the undergrounding monies. Further, if such monies are not expended pursuant to the conditions hereof, the fund is not convertible to cash or available for any other purposes.

F. The Town shall have access to the books of the Association for the purpose of auditing or checking to ascertain that the overhead conversion balance has been correctly computed and tracked.

Section 10.3 Review of Undergrounding Program. Representatives of both the Town and the Association shall meet annually to review the Association's undergrounding program. This review shall include:

(a) Underground programs, including conversions and replacements which have been accomplished or are underway by the Association, together with the Association's plans for additional undergrounding;

(b) Undergrounding projects anticipated by the Town.

Such meetings shall be held annually to achieve a continuing program for the orderly undergrounding of electrical lines in the Town.

Section 10.4 Cooperation With Other Utilities. When undertaking a project of undergrounding, the Town and the Association shall work with other utilities or companies which have their lines overhead to attempt to have all lines undergrounded as part of the same project. When other utilities or companies are placing their lines underground, the Association shall cooperate with such utilities and companies and undertake to underground Association facilities as part of the same project where feasible. The Association shall not be required to pay the costs of any other utility in connection with work under this section.

ARTICLE 11 - TRANSFER OF FRANCHISE

Section 11.1 Consent of Town Required. The Association shall not transfer or assign any rights under this franchise to a third party, excepting only corporate reorganizations of the Association not including a third party, unless the Town shall approve in writing such transfer or assignment. Approval of the transfer or assignment shall not be unreasonably withheld.

Section 11.2 Transfer Fee. In as much as the Association is a consumer-owned electric cooperative, the approval of the transfer or assignment of rights under this franchise

shall be without a transfer fee., except that the Association shall pay the full amount of all costs and expenses incurred by the Town as a result of any such transfer.

ARTICLE 12 - PURCHASE OR CONDEMNATION

Section 12.1 Town's Right to Purchase or Condemn. The right of the Town to construct, purchase or condemn any public utility works or ways, and the rights of the Association in connection therewith, as provided by the Colorado Constitution and statutes, are hereby expressly reserved.

Section 12.2 Continued Cooperation by Association. In the event the Town exercises its option to purchase or condemn, the Association agrees that, at the Town's request, it will continue to supply any service it supplies under this franchise, for the duration of the term of this franchise pursuant to terms and conditions negotiated for such continued operation.

ARTICLE 13 -

REMOVAL OF ASSOCIATION FACILITIES AT END OF FRANCHISE

Section 13.1 Limitations on Association Removal. In the event this franchise is not renewed at the expiration of its term or the Association terminates any service provided herein for any reason whatsoever, and the Town has not purchased or condemned the system and has not provided for alternative electrical service, the Association shall have no right to remove said system pending resolution of the disposition of the system. The Association further agrees it will not withhold any temporary services necessary to protect the public and shall be entitled only to monetary compensation in no greater amount than it would have been entitled to were such services provided during the term of this franchise. Only upon receipt of written notice from the Town stating that the Town has adequate alternative electrical energy sources to provide for the people of the Town shall the Association be entitled to remove any or all of said systems in use under the terms of this franchise.

ARTICLE 14 -
SMALL POWER PRODUCTION AND COGENERATION

Section 14.1 Association to Purchase. The Town expressly reserves the right to engage in the production of electricity. The Association agrees to negotiate for the purchase of Town-generated power in accordance with its tariffs.

ARTICLE 15 - FORFEITURE

Section 15.1 Forfeiture. Both the Association and the Town recognize there may be circumstances whereby compliance with the provisions of this franchise is impossible or is delayed because of circumstances beyond the Association's control. In those instances, the Association shall use its best efforts to comply in a timely manner and to the extent possible. If the Association fails to perform any of the terms and conditions of this franchise and such failure is within the Association's control, the Town, acting by and through its Town Council, may determine, after hearing, that such failure is of a substantial nature. Upon receiving notice of such determination, the Association shall have a reasonable time in which to remedy the violations. If during said reasonable time corrective actions have not been successfully taken, the Town acting by and through its Town Council, shall determine whether any or all rights and privileges granted the Association under this ordinance shall be forfeited.

Section 15.2 Judicial Review. Any such declaration of forfeiture shall be subject to judicial review as provided by law.

Section 15.3 Other Legal Remedies. Nothing herein contained shall limit or restrict any legal rights that the Town or the Association may possess arising from any alleged violation of this franchise.

Section 15.4 Continued Obligation. Upon forfeiture, the Association shall continue to provide service to the Town and its residents in accordance with the terms hereof until

the Town makes alternative arrangements for such service. If the Association fails to provide continued service, it shall be liable for damages to the Town.

ARTICLE 16 - AMENDMENTS

Section 16.1 Amendments to Franchise. At any time during the term of this franchise, the Town, through its Town Council, or the Association may propose amendments to this franchise by giving thirty (30) days' written notice to the other of the proposed amendment(s) desired and both parties thereafter, through their designated representatives, will negotiate within a reasonable time in good faith in an effort to agree on mutually satisfactory amendment(s). The word "amendment" as used in this section does not include a change authorized in section 3.3.

ARTICLE 17 - MISCELLANEOUS

Section 17.1 Successors and Assigns. The rights, privileges, franchises and obligations granted and contained in this ordinance shall inure to the benefit of and be binding upon the Association, its successors and assigns.

Section 17.2 Third Parties. Nothing contained in this franchise shall be construed to provide rights to third parties.

Section 17.3 Representatives. Both parties shall designate from time to time in writing representatives for the Association and the Town who will be the persons to whom notices shall be sent regarding any action to be taken under this ordinance. Notice shall be in writing and forwarded by certified mail or hand delivery to the persons and addresses as hereinafter stated, unless the persons and addresses are changed at the written request of either party, delivered in person or by certified mail. Until any such change shall hereafter be made, notices shall be sent to the Town Manager and to the Association's President and CEO. Currently the addresses are as follows:

For the Town of Johnstown:

Town Manager
Town of Johnstown
450 S. Parish Ave.
P.O. Box 609
Johnstown, CO 80534

For the Association:

President and CEO
Poudre Valley Rural Electric Assn., Inc.
P.O. Box 272550
Ft. Collins, CO 80527-2550

Section 17.4 Severability. Should any one or more provisions of this franchise be determined to be illegal or unenforceable, all other provisions nevertheless shall remain effective; provided, however, the parties shall forthwith enter into good faith negotiations and proceed with due diligence to draft a term that will achieve the original intent of the parties hereunder.

Section 17.5 Entire Agreement. This franchise constitutes the entire agreement of the parties. There have been no representations made other than those contained in this franchise.

ARTICLE 18 - APPROVAL

Section 18.1 Town Council Approval. This grant of franchise shall not become effective unless approved by a majority vote of the Town Council.

Section 18.2 Association Approval. The Association shall file with the Town Clerk its written acceptance of this franchise and of all of its terms and provisions within ten (10) days after the adoption of this franchise by the Town Council. The acceptance shall be in form and content approved by the Town Attorney. If the Association shall fail to timely file its written acceptance as herein provided, this franchise shall be and become null and void.

INTRODUCED AND READ, BASED ON PRIOR PUBLICATION, this ____ day of _____, 2020.

Gary Lebsack, Mayor

ATTEST:

Diana Seele, Town Clerk

PASSED, ADOPTED AND FINALLY APPROVED this _____ day of _____, 2020.

Gary Lebsack, Mayor

ATTEST:

Diana Seele, Town Clerk

APPROVED AS TO FORM:

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

Publication Dates: _____

POUDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC.

Jeffrey C. Wadsworth
President and CEO

AGENDA ITEM 7

Town Manager Report



TOWN OF JOHNSTOWN

MEMORANDUM

TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: March 16, 2020

CC: Town Staff
Local Media

SUBJECT: Departmental Report

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):

- 03/16/2020 – Regular Town Council Meeting
 - 03/21/2020 – Town Council Retreat
 - 04/06/2020 – Regular Town Council Meeting
 - 04/20/2020 – Regular Town Council Meeting
-

Administration, Finance, & Planning

- *CentralSquare TRAKiT* – Staff hosted CentralSquare staff for a 4-day on-site Business Process Optimization with multiple departments involved, in preparation for the initial configuration of the online software to work with the Town’s business processes.
- *Comprehensive Plan* – The Steering Committee (SC) met on March 11th with Logan Simpson for their initial work session, that mimicked that of the Council’s in content. The “SC” is expected to meet every 4-6 weeks over the course of the comprehensive plan update process to help guide the document towards a final draft.
- *2019 Audit* – Preparation for the upcoming 2019 audit is well underway. The library has provided all of their records and we are reviewing and entering them into our system.
- *Online utility payments* – In the recent weeks we have been experiencing some issues with our online bill payment provider, Xpress Bill Pay. The company has assured us that they are working to correct the problem as quickly as they can. Customers can call 1-800-766-2350 to make a payment between the hours of 8:00 am and 5:00 pm should they encounter any issues with logging in to pay a bill.
- *Website, townofjohnstown.com* – Last week our new Communications Manager came onboard and is starting work on the website. She is currently auditing the current website needs, processes and team expectations and Content Management Platforms that will support the Town’s outreach mission.

The Community That Cares

- *Social Media Outreach* – For more consistent and relevant community information, the Town is expanding its social media outreach to include Facebook and Twitter. Both platforms will broaden the town's audience and foster a higher level of information and transparency. You can now follow us on Twitter @johnstowncolo.
- *Customer Service Tech* – Rachael Chambers will start as the new Customer Service Tech on Monday, March 23, 2020.
- *Election* – The mail ballots will be mailed from the printing company the week of March 16, 2020. Mail ballots may be counted beginning March 23, 2020.
- *COVID-19* – The Town continues to work with our partners at the County Health Departments to ensure updates and risk levels are communicated as necessary. Currently the risk for COVID-19 remains low and we participate on weekly conference calls with Larimer County. The Town continues currently in a Tier 1 status based on the response plan provided to you earlier this month.
- *Chamber Before Hours* – Staff attended the Chamber Business Before Hours event held at Johnson Corner.

Police Department

- *Defensive Tactics Training* – The entire department received their yearly Defensive Tactics Certification mandated by Colorado POST. The department has switched their defensive tactics discipline from Pressure Point Control Techniques (PPCT) to Krav Maga. Krav Maga is a tactical mixed-martial art/combatative and self-defense system that combines boxing, judo, jujitsu, and aikido. Krav Maga for police officers' addresses concerns unique to the law enforcement community that civilian martial arts training doesn't cover. Krav Maga for police emphasizes officer safety and teaches how to gain, regain, and maintain control of common combatative situations. We focus on compliant, resistant, high-risk, and life-threatening scenarios.
- *Field Training New Officers* – Officers Ward and Rashid have successfully completed their field training programs and are now assigned to a patrol shift. Officer Flessner is a new hire and has begun his FTO program. JPD currently has three (3) additional open police officer positions.

Public Works Department

Streets, Stormwater, & Parks

- *Streets* – Crews recently placed approximately 600lbs of pothole material on various streets in Town. The recent warmer weather has softened up gravel roads so many are in need of more frequent maintenance. County Roads 42, 44 and 46 were each bladed twice. Crack sealing continues as weather permits. Recently completed streets include Rouen Ln., Roseybill Ln., Cayuga St., Wood Duck Dr., and the alley on the west side of Parish Ave. New reflectors and delineators were replaced on Parish just south of Town Hall due to damage.
- *Parks* – All playground inspections have been completed. At Hayes Park, a new 6 foot wide concrete trail was installed connecting both sides of the park to the existing sidewalks. Crews will be finishing up landscaping around the new trail as weather permits. There will also be a new street light added in front of the park.
- *Curb & Gutter* – Work to replace the curbs and gutters on HWY 60 from Rutherford west to the railroad tracks has been completed. This project was requested to be done last year

but carried over into 2020 as TDS needed more time to move existing overhead cable and poles.

- *Water Leak* – Crews assisted in the repair of a service line outside of the VFW. A small hole resulted in a water leak in the west bound lane of HWY 60.
- *Flower Pots* – All downtown flower pots were taken to the nursery for planting.

WATER AND SEWER

- *Aerators* – All aerators have been installed at the central waste water plant.
- *Low point expansion project* – We have selected an engineering firm to start the low point expansion project and are negotiating a contractual agreement currently to present to council on the April 6th meeting. If approved, the engineer will also update our wastewater utility plan and assess both plants to help plan for future needs and repairs as requested by the Colorado Department of Public Health and Environment (CDPHE).
- *Contract ORC* – Ramey Environmental continues to assess and repair/replace components at our treatment plants.
 - Blower repairs have been completed at both plants and automatic samplers were installed to help with accuracy.
 - New head loss transmitters are currently being replaced as the existing ones haven't functioned for 5+ years. Head loss transmitters monitor filter performance during the filter operations and when not functioning properly, the backwashes can complete prematurely causing unnecessary use of finished water. Being able to monitor the head loss of the filters will provide a clear picture of when to perform a backwash and the overall performance of the filter.
 - The clear well level transmitter is also being replaced due to causing frequent issues such as the flooding in the basement at the water treatment plant. This new submersible pressure transducer provides a more robust sensor without any additional equipment such as an air compressor.
 - Soda ash is being added to help with PH and alkalinity. Staff has also started doing some in-house sampling to ensure limits are being met.
- *Media Replacement.* – Bids were received for a new contractor to remove and install the new media at the water treatment plant. Media was last replaced in 2005 and has a 15-year life expectancy. In order to save on costs, we purchased the media rather than the contractor.
- *SCADA* – Browns Hill continues work on troubleshooting issues with our SCADA. They are working with Todd Williams on recording flows for Thompson River Ranch and also getting the new system in place.

AGENDA ITEM 10A

**Ordinance Number 2020-174
(Remote Meetings)**

PUBLIC HEARING PROCEDURE – Ordinance No. 2020-174, an Ordinance Amending Chapter 2 of the Johnstown Municipal Code to Include Section 2-17 Concerning Remote Meetings; Renumbering Existing Sections 2-17 and 2-18 of the Johnstown Municipal Code; and Declaring an Emergency.

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

 (SUGGESTED MOTIONS):

For Approval:

I move to approve Ordinance Number 2020-174, an Ordinance Amending Chapter 2 of the Johnstown Municipal Code to Include Section 2-17 Concerning Remote Meetings; Renumbering Existing Sections 2-17 and 2-18 of the Johnstown Municipal Code; and Declaring an Emergency.

For Denial:

I move that we deny approval of Ordinance 2020-174.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: March 16, 2020

ITEM NUMBER: 10A

SUBJECT: Public Hearing- Consider Ordinance No. 2020-174, an Ordinance Amending Chapter 2 of the Johnstown Municipal Code to Include Section 2-17 Concerning Remote Meetings; Renumbering Existing Sections 2-17 and 2-18 of the Johnstown Municipal Code; and Declaring An Emergency.

ACTION PROPOSED: Approve Ordinance No. 2020-174

ATTACHMENTS: 1. Ordinance 2020-174

PRESENTED BY: Matt LeCerf, Town Manager; Avi Rocklin, Town Attorney

AGENDA ITEM DESCRIPTION:

Ordinance No. 2020-174 amends Chapter 2 of Johnstown Municipal Code to include Section 2-17 which will provide conditions for conducting remote Town Council meetings during times of natural disasters or pandemic health issues in the community where in-person meetings may not be reasonable or practicable. This Ordinance is being drafted due to the recent Coronavirus pandemic that is currently ongoing. While the Town does not anticipate having to active this, the situation has illuminated the need to have provisions in place that would permit the Town to still conduct business in a variety of methods.

In order for the Town to implement this methodology of conducting Town Council meetings, either the Mayor or, if the Mayor is not available, the Mayor-Tem would need to declare an emergency based on either a natural disaster or a major health issue/crisis. The Town would then be able to make a determination as to whether they desire to have Town Council meetings still conducted at Town Hall, without citizens at the meeting, or if they desire to conduct these meetings remotely through video conferencing capabilities that would be made available. In either instance, this would not preclude the ability of citizens to provide public comment. Public comment could either be received via email or during the meeting, if the meeting were conducted through video conferencing or phone teleconferencing technology.

Generally, when these events occur, Town Staff will endeavor to have shorter agendas, focusing on pressing Town business or the emergency currently at hand. While this doesn't preclude the ability to address other matters, generally these meetings would have a light agenda at the discretion exclusively of the Town Manager and Town Council.

Staff recommends that this ordinance be adopted and codified through the Johnstown Municipal Code so in the future, provisions are known, available, and easily accessible in the unfortunate instance that emergency provisions need to be implemented.

Pursuant to section 4.7 of the Town's Home Rule Charter, Town Council may adopt Ordinance No. 2020-174 as an emergency measure for the immediate preservation of health, welfare, peace and safety of the public and citizens of the Town. As an emergency measure, the ordinance would take effect immediately upon the affirmative vote of five (5) Councilmembers. Town Clerk remains obligated to publish the Ordinance.

LEGAL ADVICE:

Ordinance No. 2020-174 was prepared by the Town Attorney.

FINANCIAL ADVICE:

Not applicable.

RECOMMENDED ACTION:

Approve Ordinance No. 2020-174 as an emergency measure.

SUGGESTED MOTIONS:

For Approval:

I move to approve Ordinance No. 2020-174, an Ordinance Amending Chapter 2 of the Johnstown Municipal Code to Include Section 2-17 Concerning Remote Meetings; Renumbering Existing Sections 2-17 and 2-18 of the Johnstown Municipal Code; and Declaring An Emergency.

For Denial:

I move to deny approval of Ordinance No. 2020-174.

Reviewed and Approved for Presentation:

Town Manager

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2020-174

AN ORDINANCE AMENDING CHAPTER 2 OF THE JOHNSTOWN MUNICIPAL CODE TO INCLUDE SECTION 2-17 CONCERNING REMOTE MEETINGS; RENUMBERING EXISTING SECTIONS 2-17 AND 2-18 OF THE JOHNSTOWN MUNICIPAL CODE; AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Johnstown, Colorado is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

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

WHEREAS, on March 10, 2020, Governor Jared Polis declared a state of emergency in the State of Colorado due to COVID-19 and, on March 11, 2020, the World Health Organization declared COVID-19 to be a pandemic; and

WHEREAS, Town Council recognizes that COVID-19 poses a significant risk to the public health, safety and welfare; and

WHEREAS, given that the virus is highly contagious, health officials are recommending that public gatherings be prohibited or limited; and

WHEREAS, to be able to conduct Town business during the COVID-19 outbreak and during other emergency situations, including, but not limited to, those involving pandemics, extreme weather events or natural disasters, Town Council desires to implement procedures to allow Town Council meetings to be conducted remotely; 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 and that this Ordinance is in the best interests of the citizens of the Town.

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

Section 1. Renumbering Sections 2-17 and 2-18 of the Johnstown Municipal Code. Johnstown Municipal Code Section 2-17, entitled “Quorum; authority to demand attendance of absent members,” and Section 2-18, entitled “Agenda,” shall be re-numbered to be Johnstown Municipal Code Section 2-18 and Section 2-19 respectively.

Section 2. Section 2-17 of the Johnstown Municipal Code. Subsequent to the re-numbering set forth in Section 1 of this Ordinance, Section 2-17 shall be added to the Johnstown Municipal Code and shall provide as follows:

Sec. 2-17 Remote meetings.

(a) Authorization for a remote meeting; declaration of state of emergency: When an in-person meeting is not reasonable or prudent to protect the public health, safety or welfare, the Mayor may, by providing written notice to the Town Manager and each Councilmember, declare a state of emergency and direct that a Town Council meeting be conducted remotely. A state of emergency may arise from, among other reasons, an epidemic or pandemic, extreme weather events, natural disasters or damage to roads or other transportation facilities. The Mayor's written notice of a declaration of emergency shall be provided by hand delivery or electronic mail, be posted on the front entryway of Town Hall and, as soon as practicable, on the Town's website and be included in the minutes of the remote meeting. A remote meeting shall be considered a regular meeting or special meeting, as applicable, and, except as set forth herein or otherwise impractical, all meeting requirements shall apply to the remote meeting.

(b) Type of remote meeting; notice: In the discretion of the Town Manager, remote meetings may be conducted by telephone, video conferencing or other electronic means. The Town Manager shall endeavor to ensure that Town Council, Town staff and the public are able to hear or read the discussion and testimony presented during the remote meeting. The Town Manager shall provide direct notice regarding the manner in which to participate in the remote meeting to Town Council and Town staff and shall post notice for the benefit of the public on the front entryway of Town Hall and, as soon as practicable, on the Town's website.

(c) Public participation: The Town Manager shall take reasonable and practical measures to ensure that each remote meeting is open to the public and provides the public with an opportunity to be heard, unless public participation is not practicable or feasible due to the emergency situation. If public participation is not available, any action taken at the remote meeting shall be effective only until the next meeting that allows for public participation. At that next meeting, Town Council may ratify any action taken at the remote meeting that did not allow for public participation. If Town Council fails to ratify the action, such action shall be deemed rescinded.

(d) Voting: All votes during a remote meeting shall be conducted by roll call.

(e) Minutes: Minutes of the remote meeting shall be taken and retained in the records of the Town and shall be open to public inspection.

(f) Public meeting with remote public participation: To protect the public health, safety or welfare, in lieu of a remote meeting, the Mayor may request, but not require, that members of the public participate in a public meeting remotely. In such case, the Mayor shall direct the Town Manager to provide notice to the public that attendance at a public meeting is discouraged by posting such message on the front entryway of Town Hall and on the Town's website. The Town Manager's notice shall include the manner in which the public may attend and be heard at the meeting remotely.

Section 3. Emergency Declaration. The Town Council finds and declares that an emergency exists based on the facts contained in the recitals set forth above and that this Ordinance is necessary for the immediate preservation of the health, welfare, peace and safety of the public and the citizens of the Town.

Section 4. Effective Date and Publication. The procedures set forth in Section 4.6(A) of the Town Charter and corresponding provisions of the Johnstown Municipal Code requiring a second reading of an ordinance prior to final adoption are hereby suspended. Pursuant to Section 4.7 of the Town's Home Rule Charter, this Ordinance shall take effect immediately upon the affirmative vote of five (5) Councilmembers. This Ordinance, as adopted by the Town Council, shall be published and shall be numbered and recorded by the Town Clerk in the official records of the Town. The adoption and publication shall be authenticated by the signatures of the Mayor, or Mayor Pro Tem, and the Town Clerk.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY MEASURE on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2020, by a vote of five (5) Councilmembers of the Town Council of the Town of Johnstown.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

AGENDA ITEM 10B

**Public Hearing
1st Reading Ordinance 2020-175
(Conditional Use Grants)**

PUBLIC HEARING PROCEDURE – Ordinance No. 2020-175, an Ordinance Amending Sections 16-102, 16-104, and 16-106 of Article VII of Chapter 16 of the Johnstown Municipal Code Concerning Conditional Use Grants.

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

 (SUGGESTED MOTIONS):

For Approval:

I move to approve Ordinance Number 2020-175, an Ordinance Amending Sections 16-102, 16-104 and 16-106 of Article VII of Chapter 16 of the Johnstown Municipal Code Concerning Conditional Use Grants.

For Denial:

I move to remit Ordinance 2020-175 back to Staff for further revisions, to include: (additions/revisions).

I move to deny Ordinance 2020-175.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: March 16, 2020

ITEM NUMBER: 10B

SUBJECT: **Public Hearing First Reading:** an Ordinance Amending Sections 16-102, 16-104 and 16-106 of Article VII of Chapter 16 of the Johnstown Municipal Code Concerning Conditional Use Grants

ACTION PROPOSED: Approve Ordinance 2020- 175 on first reading

ATTACHMENTS: 1. Proposed Ordinance
2. Redlined version of JMC Section 16-101 to 16-106

PRESENTED BY: Kim Meyer, Planning and Development Director

ITEM DESCRIPTION: Ordinance 2020-175 amends Section 16-102, 16-104 and 16-106, of Article VII of Chapter 16 of the Johnstown Municipal Code concerning Conditional Use Grants. Staff recommends updating current code language which requires that an application for a Conditional Use Grant is heard and decided by the Planning and Zoning Commission only. Staff’s proposed updates to the code would modify this section such that the Planning and Zoning Commission would review the application and make a recommendation to the Town Council for final determination and conditions of approval.

Conditional Use Grants may be approved for certain uses within a given zoning district that may, with appropriate conditions and context, be compatible with other permitted uses in the district; whereas the absence of such conditions could otherwise negatively impact the purpose and intent of the district and the permitted uses therewithin.

LEGAL ADVICE: Ordinance No 2020-175 was prepared by the Town Attorney.

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve Ordinance 2020-175 on first reading

SUGGESTED MOTIONS:

Approval:

I move to approve Ordinance 2020-175 amending Section 16-102, 16-104 and 16-106, of Article VII of Chapter 16 of the Johnstown Municipal Code concerning Conditional Use Grants as presented.

Remittance:

I move to remit Ordinance 2020- 175 back to Staff for further revisions, to include: (additions/revisions)

Denial:

I move to deny Ordinance 2020-175.

Reviewed:

Town Manager

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2020-175

**AN ORDINANCE AMENDING SECTIONS 16-102, 16-104 AND 16-106
OF ARTICLE VII OF CHAPTER 16 OF THE JOHNSTOWN
MUNICIPAL CODE CONCERNING CONDITIONAL USE GRANTS**

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

WHEREAS, Article VII of Chapter 16 of the Johnstown Municipal Code (“Code”) regulates conditional use grants, setting forth, among other matters, the petition process, the criteria for consideration of a conditional use grant and termination conditions; and

WHEREAS, per the current provisions of the Code, the Planning and Zoning Commission, subsequent to a study and investigation, is directed to hold a public hearing to consider a petition for a conditional use grant and determine whether to approve, conditionally approve or deny the conditional use request; and

WHEREAS, to be consistent with current land use practice in the Town, Town Council desires to modify the conditional use procedure to provide that the Planning and Zoning Commission shall hold a public hearing and make a recommendation to Town Council regarding the petition and, upon receipt of the Planning and Zoning Commission’s recommendation, Town Council shall thereafter hold a public hearing and make a final determination regarding approval, conditional approval or denial of the petition for a conditional use grant; and

WHEREAS, to effectuate the foregoing, Town Council desires to amend Sections 16-102 and 16-106 of Article VII of Chapter 16; and

WHEREAS, Town Council further desires to clarify conditions related to termination of the conditional use grant and thus desires to amend Section 16-104; 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 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 16-102 of the Johnstown Municipal Code shall be amended in full to read as follows:

Sec. 16-102. Approval of conditional use grants.

Uses listed as conditional uses may be permitted upon petition to the Town for a conditional use grant. After review by Town staff, the petition shall be considered by the Planning and Zoning Commission for a recommendation to Town Council. Town Council shall thereafter determine whether to permit the conditional use grant based on the effect of such use on the health, safety, welfare and economic prosperity of the immediate neighborhood in which it would be located and on the Town, based on the considerations listed in Section 16-105 below. Approval shall only be for a specific location and shall terminate upon change in the use.

Section 2. Section 16-104 of the Johnstown Municipal Code shall be amended in full to read as follows:

Sec. 16-104. Termination of conditional uses.

Where a permitted conditional use does not continue in conformity with the conditions of approval or where the use is no longer compatible with the surrounding area, the conditional grant may be terminated or modified by Town Council subsequent to a public hearing.

Section 3. Section 16-106 of the Johnstown Municipal Code shall be amended in full to read as follows:

Sec. 16-106. Procedure.

(a) *Filing.* A petition for a conditional use grant shall be submitted in writing and filed with the Town. The petition shall be accompanied by building, site and operational plans as provided in Section 16-145(c) and by such other data and information necessary for proper evaluation of the request as determined by Town staff.

(b) *Planning and Zoning Commission.* Subsequent to review, Town staff shall refer the petition to the Planning and Zoning Commission. The Planning and Zoning Commission shall provide notice and hold a public hearing. Following the public hearing, the Planning and Zoning Commission shall make a recommendation to Town Council.

(c) *Town Council.* Upon receipt of the Planning and Zoning Commission's recommendation, Town Council shall provide notice and hold a public hearing. Town Council shall thereafter make a determination related to the conditional use request and set

forth its decision in writing, indicating conditions of approval, if any, or, if the petition is denied, indicating the reason therefor.

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's Home Rule 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

AGENDA ITEM 10C

**Media Replacement
Project**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: March 16, 2020

ITEM NUMBER: 10C

SUBJECT: Town of Johnstown Media Replacement Project

ACTION PROPOSED: Approve Contractor

ATTACHMENTS: 1. Glacier Proposal
2. Velocity Proposal

PRESENTED BY: Marco Carani, Director of Public Works

AGENDA ITEM DESCRIPTION:

Enclosed for your review and consideration is an award request to hire Glacier Construction for the Town of Johnstown Media Replacement project.

Johnstown Water Treatment plant needs to have their water filter media replaced. The last time this was done was in 2005. Media should be replaced every 15 years as the material starts to wear and the anthracite tends to disappear. Staff sent out formal bids to seven construction firms. All attended the pre bid meeting. Glacier Construction, Velocity Construction, USA Construction, Hydro Construction, CGRS, Dans Custom and Fischer Construction. The only two (2) companies that submitted proposals were Glacier Construction and Velocity Construction. The remaining company's either responded saying they were too busy to bid and some just did not submit a bid. Bids included removal and replacement of the media. Along with the removal and replacement of the filter media, replacement of wash arms, nozzles, and bearing, were also bid as Alt #1. Removal and replacement of the filter wash carbon steel support brackets and stainless-steel brackets, was Alt #2.

Bids are as follows:

Glacier Construction

Base bid	\$193,100.00
Alt # 1	\$3600.00
Alt # 2	\$16,100.00
Total	\$212,800.00

Velocity Construction

Base bid	\$128,844.00
Alt # 1	\$56,186.00
Alt # 2	\$44,134.00
Total	\$229,164.00

The Town purchased the media material directly from Northern Filter Media out of Iowa. Two other suppliers were contacted and costs were compared.

Companies that were contacted and the price for the media:

Northern \$61,458.85

Leopold \$69,536.00

Red Flint \$61,747.05

Town also purchased the wheeler balls for \$9,172.85 that will be replaced on the under drains. The wheeler balls support the gravel over the under drains and the gravel supports the media. Our media is then layered with three levels of sand, and one layer of anthracite.

J&T Consultants were hired to design and coordinate the media replacement project in the amount of \$34,260.00. Total for this project is \$317,691.70.

LEGAL ADVICE:

FINANCIAL ADVICE:

\$345,000 Was budgeted in 2020 for replacement and design

RECOMMENDED ACTION:

SUGGESTED MOTIONS:

For Approval:

I move to approve hiring Glacier Construction for the media replacement project in the amount not to exceed \$212,800

For Denial:

I move that we deny the award and solicit more bids.

Reviewed and Approved for Presentation:

Town Manager

Bid Comparison

**(Glacier Construction and Velocity Plant Services,
LLC)**



J&T Consulting, Inc.

Town of Johnstown

Bid Schedule
Water Treatment Plant Filter Media Replacement

Glacier Construction, Inc.

Velocity Plant Services, LLC

3/2/2020

Item Number	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price
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BASE BID

General Construction Items

1	Project Mobilization/Demobilization/Bonds/Insurance	1	LS	\$15,200.00	\$15,200.00	\$22,432.00	\$22,432
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Filter Repair Items

2	Remove and Dispose of Existing Filter Media (Retain Wheeler Bottoms and Balls)	1	LS	\$81,800.00	\$81,800.00	\$44,968.00	\$44,968
3	Replace Any/All Broken Balls in Wheeler Bottoms (New Wheeler Balls Furnished by Town) - Complete In Place	1	LS	\$2,800.00	\$2,800.00	\$1,976.00	\$1,976
4	Install New Filter Media (Gravel/Sand/Anthracite) (Media Furnished by Town)- Complete In Place	1	LS	\$48,600.00	\$48,600.00	\$23,692.00	\$23,692
5	Remove and Replace Broken Filter Wash Arm Bearing Assembly - Complete In Place	1	LS	\$14,700.00	\$14,700.00	\$5,776.00	\$5,776
6	Allowance for unforeseen conditions/removals, utility conflicts - Contractor to provide schedule of values and breakdown of required materials and labor for installation for review and approval before this allowance will be used.	1			\$30,000		\$30,000
Base Bid Total					\$193,100.00	Base Bid Total	\$128,944.00

Alternate 1

Credit Item 5	Credit for Base Bid Item 5	(1)	LS	\$14,700.00	-\$14,700	\$5,776.00	-\$5,776
A-1 Item 5	Remove and Replace All Filter Wash Bearing Assemblies, Nozzles, and Arms - Complete In Place	1	LS	\$18,300.00	\$18,300	\$61,982.00	\$61,962
Net Add Alternate 1					\$3,600.00	Add Alternate 1	\$56,186.00

Alternate 2

A-2 Item 7	Remove and Replace all Filter Wash Piping Carbon Steel Support Brackets With Stainless Steel Brackets - Complete In Place	1	LS	\$18,100.00	\$16,100	\$44,134.00	\$44,134
Net Add Alternate 2					\$16,100.00	Add Alternate 2	\$44,134.00

Base Bid plus Alternates **\$212,800.00** **\$229,184.00**

Media Material Quotes



NORTHERN FILTER MEDIA, INC.
 2509 PETTIBONE AVE
 MUSCATINE IA 52761

Sales Order

Date	S.O. No.
2/24/2020	24223

Name / Address
Town of Johnstown Marco Carani, Director of Public Works 450 South Parish Johnstown, CO 80534 Ph#970 578 9603

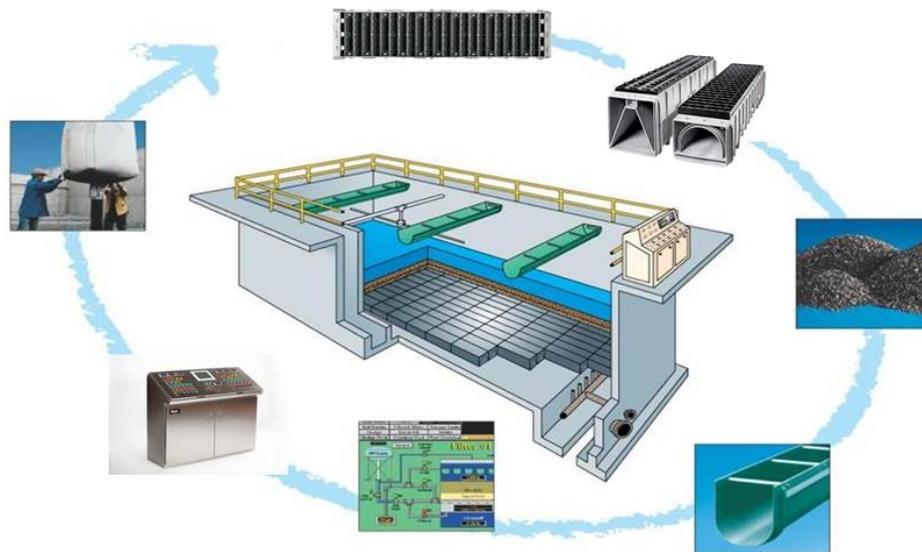
Ship To
TOWN OF JOHNSTOWN WATER TREATMENT PLANT 23205 WELD COUNTY ROAD 13 JOHNSTOWN, CO 80534

P.O. No.	Job	Terms	Rep	Est. Ship ...	Ship Via	FOB	Project	B/L#
3924			KB	2/24/2020		IA ID PA	JOHNSTOWN, ...	
Item	Description				Ordered	U/M	Rate	Amount
FGSS38X316	3/8 x 3/16 Filter Gravel in 4000# sacks without pallets				230	cuft	4.27	982.10T
FGSS34X38	3/4 x 3/8 Filter Gravel in 4000# sacks without pallets				306	cuft	4.27	1,306.62T
FGSS112X34	1 1/2 x 3/4 Filter Gravel in 4000# sacks without pallets				77	cuft	4.49	345.73T
GSS08-12	#08 - #12 Mesh Garnet (1.00-2.00mm) in 4000# sacks without pallets				227		48.80	11,077.60T
GSS50	#50 Mesh Garnet (.20-.30mm) in 4000# sacks without pallets				265		41.50	10,997.50T
FSSS45-55UC14	.45 - .55mm, U.C. 1.4 Filter Sand in 4000# sacks without pallets				945	cuft	4.74	4,479.30T
ANSS95-105U...	.95 - 1.05mm, U.C. 1.30 Anthracite in 2250# sacks without pallets				1,020	cuft	13.00	13,260.00T
PALLETCHG	Pallet Charge for the above sacks				80		13.25	1,060.00T
FREIGHTCHRG	Estimated Flatbed Freight Charge to Johnstown, CO - CARRIERS WILL BILL TOWN OF JOHNSTOWN DIRECT FOR FREIGHT CHARGES. REQUIRED TO SHIP MARCH 23, 2020 Drivers Must call Marco 970-578-9603 or J.C. 970-222-9530 with 24 hour delivery notification. Tax Exempt Sale						17,950.00	17,950.00
Thank you for your business!						Total		\$61,458.85

Freight rates listed are estimates and are only listed as a courtesy. Current rate at time of shipment will apply. Freight will be billed direct from freight carrier. Additional Signature _____
 accessorial charges may apply to freight charges.
 A fee of 5% will be added to all invoices paid by credit card at the time of payment.

Phone #	Fax #	E-mail
(IA) 563-263-2711 (IL) 217-224-3362	563-263-2857	info@northernfiltermedia.com

Budget Proposal Media Only WTP Johnstown, CO.



Prepared for:

Johnstown, CO
2/17/2020



Xylem Water Solutions USA, Inc.
227 S. Division St.
Zelienople, PA 16063
Mr. Wayne Steen
Direct: 724-453-2111
Mobile: 724-272-2905
Email: wayne.steen@xyleminc.com

2/17/2020

Project name : Johnstown, CO
Project number : I20046 R1

To Whom It May Concern:

Based on your inquiry, we are pleased to forward the following proposal to your attention. Thank you for the opportunity to offer our filtration media for the Johnstown, CO, WTP project.

We hope that our proposal meets your expectation. If you have any questions, please do not hesitate to contact me or our local representative.

Respectfully,

Wayne Steen
Senior Sales Engineer

Table of Contents

1	Technical Description.....	4
1.1	Scope of Supply	4
1.2	Services.....	5
2	Technical Clarification & Deviations.....	6
3	Price & Scope of Supply	6
3.1	Main Scope.....	6
4	Commercial Terms & Conditions	8
4.1	Delivery schedule	8
4.2	T&C's for proposal.....	8

1 Technical Description

1.1 SCOPE OF SUPPLY

We are pleased to offer the following materials and services by Xylem Water Solutions USA, Inc. This quotation has been prepared using Leopold's standard specifications.

FILTER MEDIA:

Four (4) filter cells, 216 square feet each
 TOTAL FILTER AREA: 864 square feet

612 cubic feet	GRAVEL 8" Depth plus 3% extra 3/8" X 3/16" - 3 inches (top layer) 3/4" X 3/8" - 4 inches 1 1/2" X 3/4" - 1 inch (bottom layer) 32 Tons
227 cubic feet	GARNET GRAVEL 3" Depth plus 5% extra Effective size: 1.00 mm to 2.00 mm 16 Tons
265 cubic feet	GARNET SAND 3" Depth plus 1/2" skimming allowance and 5% extra Effective size: 0.20 mm to 0.30 mm 19 Tons
945 cubic feet	SILICA SAND 12" Depth plus 1/2" skimming allowance and 5% extra Effective size: 0.45 mm to 0.55 mm Uniformity coefficient: 1.40 48 Tons
1020 cubic feet	FILTER ANTHRACITE 24" Depth plus 1" skimming allowance Effective Size: 0.95 mm to 1.05 mm Uniformity coefficient: 1.30 25.5 Tons

NOTE- Decreased anthracite volume by 13 super bags & changed UC.

Submittals:

Materials meet and/or exceed American Water Works Association Standard B100 (latest revision) for Filtering Material. Typical samples and/or test reports

detailing the physical and chemical characteristics of the filtering material will be provided for review and approval as required by the specification. If independent testing is required per specification, test reports of the actual material produced will be submitted for approval prior to release for shipment.

Packaging and Placement of Materials:

Material will be packaged in semi-bulk containers, "Super Bags," with lifting sleeves and bottom discharge spout, containing approximately 2,000 to 4,000 pounds per sack. **Pallets are included with the Garnet Sand and Garnet Gravel but not included with all other media. They can be provided for an additional charge.**

Quantities:

Quantities indicated above are Xylem Water Solutions USA, Inc best calculations of the quantity requirements. Three percent (3%) extra gravel and five percent (5%) extra sand is included to cover incidental damage or loss. Any additional loss of sand due to storage or handling is not covered by this proposal.

1.2 SERVICES

MANUFACTURER'S SERVICES:

NOT INCLUDED

Services may be obtained at the current prevailing rate plus living and travel expenses.

2 Technical Clarification & Deviations

1. Not Used

3 Price & Scope of Supply

3.1 MAIN SCOPE

BASIS of PRICING:

Any items and/or accessories not specifically called out in this quotation must be construed as being furnished by others.

This quotation is considered firm for 90 days. Orders received more than 90 days after the date of this quotation are reviewed by Xylem Water Solutions USA, Inc before acceptance and are subject to changes in prices or delivery depending on conditions existing at the time of entry. Quoted prices are firm for delivery within 12 months from the delivery date stipulated in the plans & specifications or mutually agreed upon by Xylem Water Solutions USA, Inc. and Purchase Order issuer at time of order placement.

We do not include any applicable taxes.

Orders resulting from this quotation should be addressed to Xylem Water Solutions USA, Inc. 227 S. Division St., Zelienople, PA, 16063, USA.

We propose to furnish the material described in this document for a **total budget selling price of \$ 69,536.00**.

All prices are DAP Job Site.

For further information pertaining to the equipment contained in this proposal, please contact our area representative, who is:

isiWest
4175 Mulligan Dr.
Longmount, CO 80504
Phone: (970) 535-0571
Cell: (970) 460-0125

Attention: Frank Henderson, P.E.

Pricing is based on the following payment terms (net 30 days):

10% following initial submittal for approval

80% following the date of the respective shipments of the product

**5% following installation, not to exceed 150 days after shipment of the product
(whichever comes first)**

**5% following start-up, not to exceed 180 days after shipment of the product
(whichever comes first)**

Red Flint Sand & Gravel, LLC

1 American Blvd.
 PO Box 688
 Eau Claire, WI 54702
 Phone: (715) 855-7600
 Fax: (715) 855-7608



DATE: February 18, 2020
TO: J.C. York
 J&T Consulting
FROM: Laura Dombrowski
SUBJECT: Granular Filter Materials
QUOTE: QTE200218E11-03 REV 1

Phone: 303.857.6222
 Email: jcyork@j-tconsulting.com

JOHNSTOWN, CO

Listed below is our quotation for the Red Flint products you requested, quoted with delivery to Johnstown, CO. Sales tax, if applicable, has not been included in the quoted price. Our product pricing will remain valid for 30 days; however, freight rate at time of shipping will apply. Our terms are net 30 days, with 1.5% interest charged per month on all account balances over 30 days.

Red Flint granular filter materials have been used in municipal and industrial filtration applications since 1917. Red Flint filtration media is produced to meet exacting size and uniformity specifications and meets or exceeds the AWWA B100-16 Standard (Granular Filter Materials) and is NSF/ANSI Standard 61 (Drinking Water System Components – Health Effects) certified for quality and purity.

ITEM CODE	ITEM DESCRIPTION	QUANTITY
AA23010	3/8" x 3/16" Gravel	5 (40 cuft) super sacks
AA23020	3/8" x 3/16" Gravel	1 (30 cuft) super sacks
AA19010	3/4" x 3/8" Gravel	7 (40 cuft) super sacks
AA19020	3/4" x 3/8" Gravel	1 (30 cuft) super sacks
AA14010	1 1/2" x 3/4" Gravel	2 (40-cuft) super-sacks
AB39010	0.45-0.55 mm UC≤1.4 Filter Sand	23 (40 cuft) super sacks
AB39020	0.45-0.55 mm UC≤1.4 Filter Sand	1 (30 cuft) super sacks
PA11099	Industrial Pallets	40 pallets
TA12099	Estimated Shipping & Handling	4 flatbeds
Sand & Gravel Subtotal:		\$16,538.85
AC31010	#8/12 Garnet (1.40-1.55mm)	8 (4000 lb) super sacks
AC31055	#8/12 Garnet (1.40-1.55mm)	38 (50 lb) poly bags
AC37010	#50 Garnet (0.25-0.30 mm)	8 (4000 lb) super sacks
AC37055	#50 Garnet (0.25-0.30 mm)	7 (50 lb) poly bags
PA14099	Industrial Pallets	18 pallets
TA13099	Estimated Shipping & Handling	2 flatbeds
Garnet Subtotal:		\$28,857.20
AC20020	0.95-1.05 mm UC≤1.3 Anthracite	17 (60 cuft) super sacks
PA13099	Industrial Pallets	17 pallets
TA13099	Estimated Shipping & Handling	1 flatbed & 1 LTL Van
Anthracite Subtotal:		\$16,351.00
FILTER MEDIA TOTAL:		\$61,747.05

Final Quotes

**Northern Filter, Media, Inc.
And
S4 Water Sales and Service, LLC**



NORTHERN FILTER MEDIA, INC.

2509 PETTIBONE AVE
MUSCATINE IA 52761

Sales Order

Date	S.O. No.
2/24/2020	24223

Name / Address
Town of Johnstown Marco Carani, Director of Public Works 450 South Parish Johnstown, CO 80534 Ph#970 578 9603

Ship To
TOWN OF JOHNSTOWN WATER TREATMENT PLANT 23205 WELD COUNTY ROAD 13 JOHNSTOWN, CO 80534

P.O. No.	Job	Terms	Rep	Est. Ship ...	Ship Via	FOB	Project	B/L#
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Item	Description	Ordered	U/M	Rate	Amount
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FGSS112X34	1 1/2 x 3/4 Filter Gravel in 4000# sacks without pallets	77	cuft	4.49	345.73T
GSS08-12	#08 - #12 Mesh Garnet (1.00-2.00mm) in 4000# sacks without pallets	227		48.80	11,077.60T
GSS50	#50 Mesh Garnet (.20-.30mm) in 4000# sacks without pallets	265		41.50	10,997.50T
FSSS45-55UC14	.45 - .55mm, U.C. 1.4 Filter Sand in 4000# sacks without pallets	945	cuft	4.74	4,479.30T
ANSS95-105U...	.95 - 1.05mm, U.C. 1.30 Anthracite in 2250# sacks without pallets	1,020	cuft	13.00	13,260.00T
PALLETCHG	Pallet Charge for the above sacks	80		13.25	1,060.00T
FREIGHTCHRG	Estimated Flatbed Freight Charge to Johnstown, CO - CARRIERS WILL BILL TOWN OF JOHNSTOWN DIRECT FOR FREIGHT CHARGES. REQUIRED TO SHIP MARCH 23, 2020 Drivers Must call Marco 970-578-9603 or J.C. 970-222-9530 with 24 hour delivery notification. Tax Exempt Sale			17,950.00	17,950.00
				0.00%	0.00

Thank you for your business!

Total \$61,458.85

Freight rates listed are estimates and are only listed as a courtesy. Current rate at time of shipment will apply. Freight will be billed direct from freight carrier. Additional accessorial charges may apply to freight charges.
A fee of 5% will be added to all invoices paid by credit card at the time of payment.

Signature

Phone #	Fax #	E-mail
(IA) 563-263-2711 (IL) 217-224-3362	563-263-2857	info@northernfiltermedia.com

Quotation



S4 Water Sales and Service, LLC
 160 Vanderbilt Court
 Bowling Green, KY 42103
 Phone: 270-781-0670
 Fax: 270-712-0015

Date	Quote #
3-2-20	030220-001



Name / Address
J&T Consulting, Inc. 305 Denver Avenue, Suite D Fort Lupton, CO 80621

Ship To
Town of Johnstown Zip Code 80534

Rep
BC

Item	Description	Qty	U/M	Cost	Total
3" Sphere	3" Porcelain Sphere, NSF Approved, Pkg box of 50	1,950	Ea	\$1.90	\$3,705.00
1 3/8" Sphere	1 3/8" Porcelain Sphere, NSF Approved, Pkg box 600	7,800	Ea	\$0.57	\$4,446.00
Freight	Freight to Customer, Zip code 80534				\$1,021.85

PAYMENT TERMS AND CONDITIONS: ALL INVOICES ARE DUE NET 30, UNLESS OTHER TERMS ARE DISCUSSED IN WRITING AT TIME OF PURCHASE. SERVICE CHARGES WILL BE ASSESSED AT AN ANNUAL RATE OF 18% ON ALL BALANCES PAST THE INVOICES DUE DATE.

PLEASE SIGN AND DATE BELOW. FAX QUOTATION BACK TO 270-712-0015 OR EMAIL TO CBECK@S4WATER.NET. PLEASE ATTACH COPY OF PURCHASE ORDER.

ACCEPTED BY: _____ DATE: _____	Total	\$9,172.85
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Members: KWWOA, KRWA, KY/TN AWWA, TAUD

AGENDA ITEM 10D

Resolution 2020-06

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: March 16, 2020

ITEM NUMBER: 10 D

SUBJECT: Water Transactions Authorization with Northern Water Conservancy District (NWCD)

ACTION PROPOSED: Approve the Resolution for Authorized Representatives for Water Transactions Through NWCD

ATTACHMENTS: 1. Resolution 2020-06

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

As part of the recently approved agreement with Little Thompson Water District (LTWD), the Town is required to transfer eight CBT shares to Little Thompson and in return, Little Thompson will provide to the Town two full Home Supply adjudicated shares. The water exchanges are part of the agreement that provide for the Town to take ownership of four properties previously serviced by Little Thompson Water District. These properties are located generally along the frontage road (near Ronald Reagan Blvd.) and the 7-11 on HWY 34. In order to authorize transactions and transfers of water shares permanently from ownership by the Town to LTWD, the Town must pass the attached resolution establishing representatives who are authorized to make this transaction. The resolution provides that the authorized representatives are the Mayor and either the Town Clerk or Town Manager. Northern Water has made a request that we update this document which was last approved in 2001. This document generally follows the same layout and language as the previously adopted resolution in 2001.

LEGAL ADVICE:

Not applicable.

FINANCIAL ADVICE:

Not applicable.

RECOMMENDED ACTION:

SUGGESTED MOTIONS:

For Approval:

I move to approve the resolution as presented establishing authorized representatives for water transactions with Northern Water Conservancy District.

For Denial:

I move that we deny the resolution as presented and change the authorized representatives to the following individuals: (as determined by the board)

Reviewed and Approved for Presentation:

Town Manager

**TOWN OF JOHNSTOWN
RESOLUTION NO. 2020-06**

RESOLUTION AUTHORIZING THE MAYOR ALONG WITH EITHER THE TOWN CLERK OR TOWN MANAGER TO EXECUTE DOCUMENTS REQUIRED BY THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR THE TOWN TO AQUIRE, ACCEPT DEDICATION OF AND RENEW TEMPORARY USE PERMITS RELATED TO COLORADO-BIG THOMPSON PROJECT WATER FOR THE TOWN.

WHEREAS, the Town's ordinances and policies provide for the Town to acquire by purchase or by dedication from developers allotment contracts in the Northern Colorado Water Conservancy District; and

WHEREAS, according to the rules and procedures of said District, it is necessary for the Town to apply for temporary use permits for said water pending transfer of title and ownership in the name of the Town; and

WHEREAS, the Town Board hereby authorizes the Mayor along with either the Town Clerk or Town Manager to do any and all things reasonably necessary and related to the transfer and issuance of temporary use permits as required by the rules of the Northern Colorado Water Conservancy District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF JOHNSTOWN, COLORADO:

1. The Mayor along with either the Town Clerk or Town Manager are hereby authorized and directed to make applications to the Northern Colorado Water Conservancy District for issuance of temporary use permits in the name of the Town for water allotments acquired by the Town, upon payment of all transfer and annual rate charges, and further, to make application for reissuance of temporary use permits upon the expiration thereof in order to have continual reissuance upon an annual basis until such time as it appears reasonable to the best interests of the Town to have title and ownership of said water allotments permanently transferred in the name of the Town upon the books and records of said District.

PASSED AND ADOPTED this 16th day of March, 2020.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

INFORMATIONAL



February 2020 Recycling Benefits for the Town of Johnstown

In February 2020, we recycled 16 tons of cans, bottles, paper, and cardboard.

Recycling these materials will save the following resources:

106 Mature Trees

Represents enough saved timber resources to produce 1,311,000 sheets of printing and copy paper!

57 Cubic Yards of Landfill Airspace

Enough airspace to fulfill the annual municipal waste disposal needs for 72 people!

38,358 kWh of Electricity

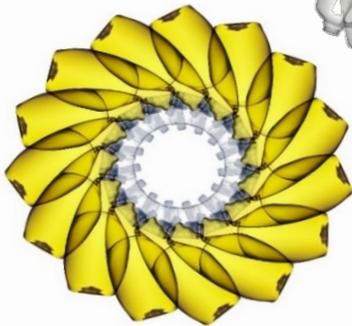
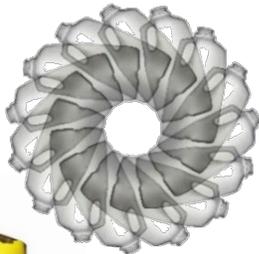
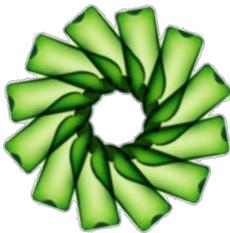
Enough power to fulfill the annual electricity needs of 3 homes!

Avoided 36 Metric Tons of Greenhouse Gas Emissions

Recycling these materials helps create cleaner air!

61,724 Gallons of Water

Represents enough fresh water to meet the daily needs of 822 people!



Prepared by Waste Management

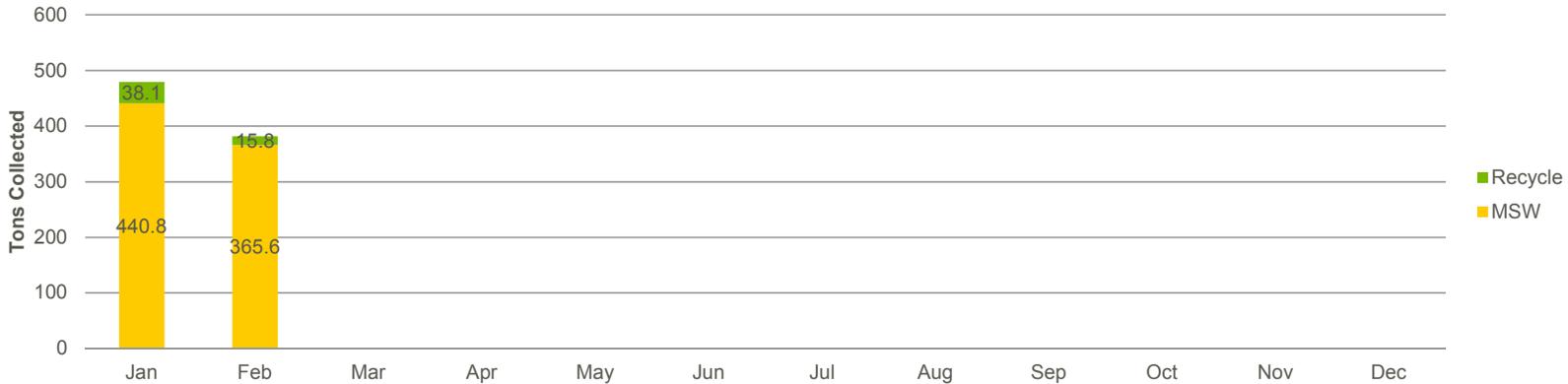
Sources: U.S. Environmental Protection Agency, International Aluminum Institute, National Association for PET Container Resources, Institute of Scrap Recycling Industries, Earth Works Group Recycler's Handbook, One Earth Recycle, Bring Recycling.org, National Recycling Coalition, US Forest Products Laboratory, and Waste Management. © Waste Management 2016



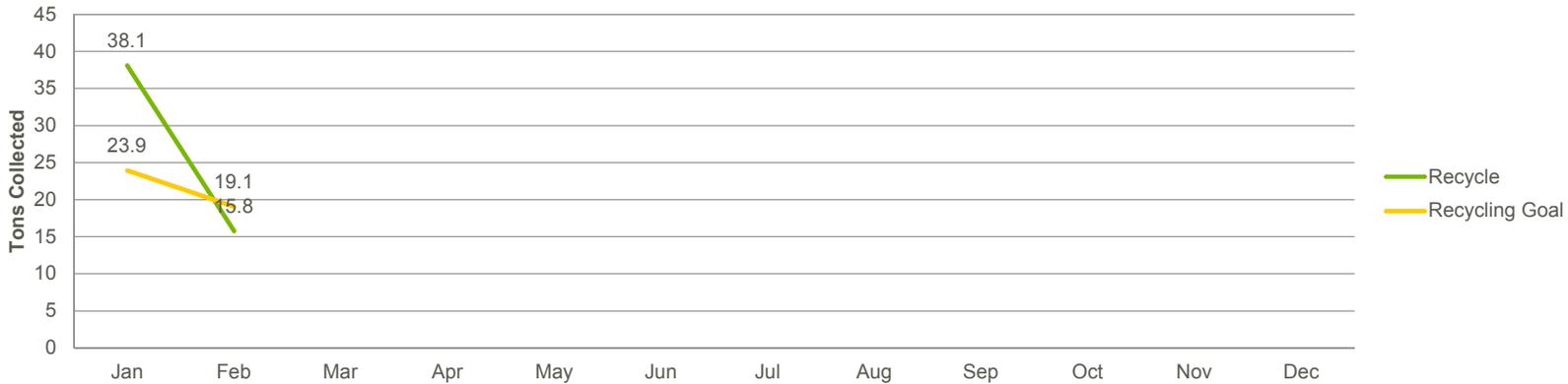
YEAR TO DATE DIVERSION REPORT - 2020

Diversion Tons													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
MSW	440.8	365.6											806.4
Recycle	38.1	15.8											53.9
Recycling Goal	23.9	19.1											43.0
Total Combined (MSW & RCY)	478.9	381.4											860.3
Diversion (Recycling) %	7.96%	4.13%											6.26%

Monthly Tonnage Summary 2020



Recycling Actual Compared to Recycling Goal (5%)



Building Permit Statistics February 2020

Single Family Residential

Issued ytd	15
Reviewed, ready to issue	1
Submitted, in system	<u>4</u>
Total in system	20

Commercial

*New Building Issued ytd	7
Reviewed, ready to issue	1
Submitted, in system	<u>0</u>
Total in system	8

Other Residential (basements/alterations/additions)

Issued ytd	23
Reviewed, ready to issue	6
Submitted, in system	<u>3</u>
Total in system	32

Other Commercial *(tenant finish/alterations/additions)

Issued ytd	3
Reviewed, ready to issue	1
Submitted, in system	<u>0</u>
Total in system	4

Roofing permits issued through February, 2020 **30**

*Commercial: (Tenant Finish)

19JT-00836	Kilgore Construction – 4922 Thompson Pkwy – Tenant Finish – Bldg E-1 - Berry Blendz	01/16/20
19JT-00895	SF Construction – 4948 Thompson Pkwy – Tenant Finish – Bldg D – Crumbl Cookies	01/17/20
20JT-00036	Carson Development – 4939 Thompson Pkwy – Tenant Finish – At Home Store	02/19/20
20JT-00114	Carson Development – 4859 Thompson Pkwy – Tenant Finish – Cinco Bros Barber Shop	

*Commercial: (New Building)

19JT-00433	Carson Development – 5150 Ronald Reagan Blvd – Johnstown Plaza Apts Ph 1 – Clubhouse	01/30/20
19JT-00543	Carson Development – 5150 Ronald Reagan Blvd – Johnstown Plaza Apts Ph 2 – Self-storage bldg.	01/30/20
19JT-00640	Carson Development – 5150 Ronald Reagan Blvd – Johnstown Plaza Apt. #1000	01/30/20
19JT-00641	Carson Development – 5150 Ronald Reagan Blvd – Johnstown Plaza Apt. #2000	01/30/20
19JT-00642	Carson Development – 5150 Ronald Reagan Blvd – Johnstown Plaza Apt. #3000	01/30/20
19JT-00797	EWS Capital – 4750 Larimer Pkwy – Lockard Development – Office bldg. #2	01/31/20
20JT-00035	Carson Development – 4925 Thompson Pkwy – Bldg A Phase III core & shell	02/19/20
20JT-00126	Liberty Development – 4867 Venture Dr – Core & Shell	