



Town of Johnstown

TOWN COUNCIL REGULAR MEETING 450 S. Parish, Johnstown, CO Wednesday, January 20, 2021 at 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."

AGENDA

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

AGENDA APPROVAL

SPECIAL PRESENTATIONS

- [1.](#) Presentation - Irene Josey, Larimer County Treasurer & Public Trustee's Office

PUBLIC COMMENT

Members of the audience are invited to speak at the Council meeting. Public Comment 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.

CONSENT AGENDA

The Consent Agenda is a group of routine matters to be acted on with a single motion and vote. Council or staff may request an item be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

- [2.](#) Minutes - January 4, 2021
- [3.](#) List of Bills
- [4.](#) December 2020 Financial Statements
- [5.](#) Resolution 2021-03: Updated Identity Theft Policy and Red Flag Rules
- [6.](#) Resolution 2021-05: Payment to Northern Colorado YMCA for Town of Johnstown Recreation Center Operation Agreement

TOWN MANAGER REPORT

- [7.](#) Town Manager's Report

TOWN ATTORNEY REPORT

NEW BUSINESS

- [8.](#) Resolution 2021-04: Application to Northern Colorado Water Conservancy District for Annually Renewable Perpetual Water Contract for Right to Use Colorado-Big Thompson Project Water Under C.R.S. 37-45-131

COUNCIL REPORTS AND COMMENTS

MAYOR'S COMMENTS

ADJOURN

AMERICANS WITH DISABILITIES ACT NOTICE

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (970) 587-4664 within 48 hours prior to the meeting in order to request such assistance.

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

IRENE E. JOSEY | Treasurer & Public Trustee's Office**Brigitte C. Grimm, Chief Deputy Treasurer & Public Trustee**200 West Oak Street, Suite 2100, P.O. Box 1250, Fort Collins, Colorado 80522-1250 | 970.498.7020 | ictreasurer@larimer.org**Irene Josey, Larimer County Treasurer & Public Trustee****Bio**

Irene Josey is the elected Larimer County Treasurer & Public Trustee. Irene Josey was elected Larimer County Treasurer in 2014, she began her career in the Treasurer's Office in 1986 and served as the appointed Chief Deputy Treasurer from 1988 to 2014. She was elected to a second term, which began in 2019. As County Treasurer, Irene leads her office in the effective management of the county treasury and the safe investment of public funds. The treasury is responsible for the collection of property taxes, the safe investing of those taxes, and the accurate and timely disbursement to all lawful taxing authorities in Larimer County. These authorities include local governments, service entities, and special districts allowed by law to levy property taxes for their successful operation. On July 1, 2020, Irene's office absorbed the duties of The Office of Public Trustee which handles property foreclosures and Deed of Trust Releases, as a neutral manager of those actions.





LARIMER COUNTY TREASURER & PUBLIC TRUSTEE

Business in the Treasurer & Public Trustee's Office

City of Johnstown
January 20, 2021



How Property Taxes are Calculated and Distributed



HOW ARE PROPERTY TAXES CALCULATED?



Appraiser sets property value



Treasurer collects property taxes and distributes to taxing authorities

TAXING AUTHORITIES



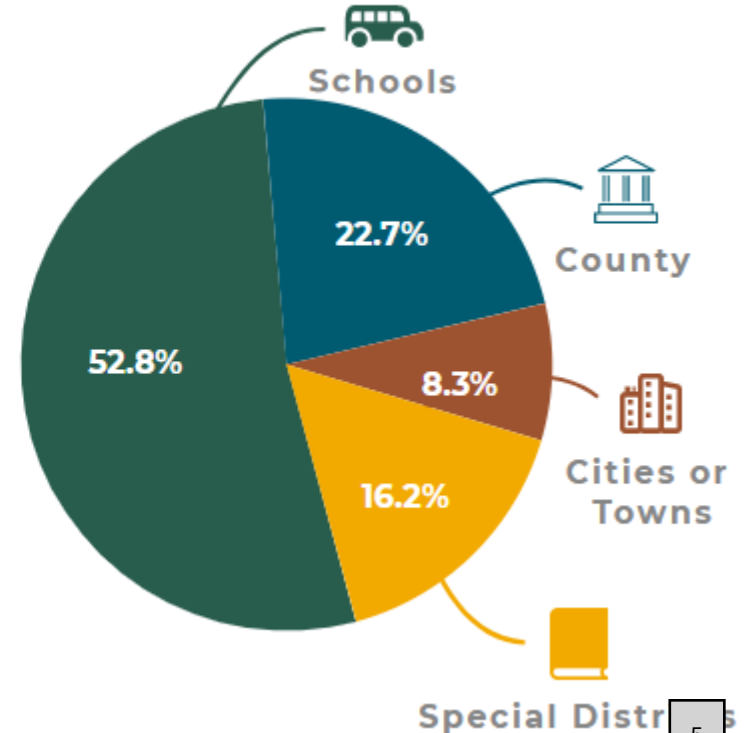
Taxing authorities confirm mill levies



Property values determine your slice of property taxes to pay



Property owner gets statement



Property Tax Statements Defined



PROPERTY TAX STATEMENT

2020 Taxes Payable in 2021

Irene E. Josey
Treasurer & Public Trustee
P. O. Box 2336, Fort Collins, CO 80522-2336
200 West Oak Street, Suite 2100, Fort Collins, CO 80521
Phone: (970) 498-7020
Fax: (970) 498-7037
www.larimer.org/treasurer
Email: lctreasurer@larimer.org

SCHEDULE NUMBER: 1234567		TAX DISTRICT: 1100	PROPERTY TYPE: Residential	PARCEL NUMBER: 123456789	
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TAX AUTHORITY	MILL LEVY	LEVIED TAX	VALUATION	ACTUAL \$280,500.00	ASSESSED \$20,056.00
JOHNSTOWN	23.94700	\$480.28			
LARIMER CO PEST CTRL DST	0.14200	\$2.85			
LOVELAND FIRE DISTRICT	8.70800	\$174.65			
N COLO WATER CONS DIST	1.00000	\$20.06			
THOMPSON CROSSING METRO #4	82.259000	\$1,649.79			
THOMPSON R2-J BOND PYMT	8.25800	\$165.62			
THOMPSON R2-J GEN FUND	36.32000	\$728.43			
THOMPSON VALLEY HLTH SVC DIST	1.76900	\$35.48			
	184.86100	\$3,707.583			

(Assessed Value X Mill Levy = Levied Tax)

LEVIED TAXES	\$3,707.58
NON-LEVIED TAXES	\$0.00
ADMINISTRATION FEE	\$0.00
INTEREST ACCRUED	\$0.00
FEE(S)	\$0.00
ASSESSMENT LIEN	\$0.00
TAX AMOUNT	\$3,707.58
PAYMENT(S)	\$0.00
BALANCE	\$3,707.58
DELINQUENT INTEREST	
Amount Due	\$3,707.58

PAYMENT	DUE DATE	AMOUNT DUE
FIRST HALF	March 1	\$1,853.79
SECOND HALF	June 15	\$1,853.79
FULL PAYMENT	April 30	\$3,707.58

PROPERTY OWNER OF RECORD	PROPERTY STATUS CODES
SMITH/JOHN AND JANE 123 MAIN STREET JOHNSTOWN, CO 80534	FOR OFFICE USE ONLY

OFFICE USE ONLY
THIS IS THE ONLY NOTICE YOU WILL RECEIVE RETAIN TOP PORTION FOR YOUR RECORDS

Go Paperless
eNoticesOnline.com
AUTOMATICALLY REGISTERED
ABC-123DEF4G

In absence of State Legislative Funding SB 25 and estimated State revenues of \$175,050,914.00 your school's general fund levy would have been 90.339 mills.

Postcards for Property Owners with Mortgages

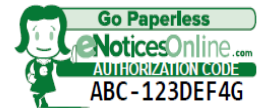


IRENE E. JOSEY
LARIMER COUNTY TREASURER
P.O. BOX 1250
FORT COLLINS, CO 80522-1250

Presorted First Class
U.S. Postage
PAID
The Master's Touch, LLC



Irene E. Josey
Larimer County Treasurer
(970) 498-7020
www.larimer.org/treasurer



2020 TAXES PAYABLE IN 2021 - PROPERTY TAX NOTIFICATION

Schedule Number: 1234567

Tax Amount: \$3,707.58	Exemption: \$	Actual Value:	\$280,500.00
2020 PROPERTY TAXES DUE 2021: \$3,707.58		Assessed Value:	\$20,056.00

In accordance with CRS 39-10-103, this notification serves to inform property owners that detailed property tax statements are available online at www.larimer.org/treasurer.

- ♦ To go paperless and receive your tax statement electronically, visit eNoticesOnline.com.
- ♦ You are receiving this postcard because your mortgage company has historically paid your property taxes or the property is exempt with a zero balance. Sending postcards is saving Larimer County taxpayers thousands of dollars.
- ♦ Visit www.larimer.org/assessor for expanded value information.
- ♦ Seniors over 65 who have lived in their home for over 10 years and 100% Disabled Veterans may qualify for a property tax exemption. Visit www.larimer.org/assessor/exemptions to learn more.

2020 TAXES PAYABLE IN 2021 - PROPERTY TAX NOTIFICATION

39030*46**G50*****AUTO**5-DIGIT 80526
SMITH JANE/JOHN
1234 MAIN STREET
JOHNSTOWN, CO 80534



Property Address:
1234 MAIN STREET JOHNSTOWN, CO
80534

Owner:
SMITH JANE/JOHN



Irene Josey

Treasurer and Public Trustee



Sign Up for Electronic Tax Statements

Click here to find your authorization code and register on eNoticesOnline.com.



Pay Your Property Taxes

Pay Online
Payment Methods
Print a Receipt
Delinquent Payment Information



Your Property Tax Information

Property and Tax Searches
Tax Statement Resources
Senior/Veteran Assistance
Mobile Home
Personal Property for Businesses
Special Assessment



Third Party Resources

CTD Login for Title Companies
Mass Payment for Mortgage Companies
Tax Lien Investor Information
Treasurer Statement for Taxing Authorities



Public Trustee

Foreclosure and Sale Information
Release of Deeds



The Front-End of Our Business



- Tax Collection and Distribution
- Investment of all funds
- Special Assessments - PID's, LID's, etc.
- Personal Property – income producing property in businesses
 - Distraints, Seizures and Sales
- Mobile Homes
 - Moves, Distraints
- Bankruptcy Tracking
- Tax Lien Sale
 - Redemptions
 - Treasurer's Deeds
- Senior and Veteran Property Tax Deferrals
- County Bank / Accounts Reconciliations
- Public Trustee (July 1, 2020)
 - Releases of Deeds
 - Foreclosures
 - Cures

Our Funds - Banking



- We use Positive Pay with all of our bank accounts to protect your money against unauthorized or fraudulent transactions. Examples includes forged, altered, or counterfeit checks in addition to all ACH debits.
- Our bank accounts are “Zero Balance Accounts” (ZBA). This security feature ensures all accounts zero out at night to prevent any unauthorized transactions and allows for all daily funds to be swept to an interest-bearing account daily.
- We transfer money in and out of our accounts every day to meet the county’s financial obligations ensuring that all idle funds are protected and in an interest-bearing account.
- Money is made available not only for external financial obligations but also for payroll, retirement, medical and all other employee benefits.

Examples of Funds



- Monies that flow through the Treasurer's Office include:
 - Property tax
 - Sales tax
 - Specific ownership tax
 - Grant money
 - Federal and state funds
 - FEMA
 - and many more forms
- Finance issues the warrants (checks) that “pay” the bills, and we make sure the money is where it needs to be and when it need to be there. We're the county's bank.
- Public Trustee money flow includes releases, foreclosure sales and cures.

Past, Present, COVID-19 & Future



➤ First Term Focus and accomplishments:

Built a new tax collection system

Earned Moody triple-A credit rating

Online property tax statements

Office accessibility, future needs of community

Top county innovation award

➤ Second Term, so far:

COVID-19

Property tax relief

Technology

Public Trustee's Office

In-house investment management

Cameron Peak Fire

Online Tax Lien Sale

Customer feedback survey

Top county innovation award – again!

➤ Future – County-wide financial system, online receipt printing, automated tax roll corrections, too many to list – would love to hear from you!



Questions?

My contact:

Irene Josey

ijosey@larimer.org

970-498-7027



Town of Johnstown

TOWN COUNCIL REGULAR MEETING
450 S. Parish, Johnstown, CO
Monday, January 04, 2021 at 7:00 PM

MINUTES

CALL TO ORDER

Mayor Lebsack called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. The meeting was held remotely due to COVID Concerns.

ROLL CALL

PRESENT

Mayor Gary Lebsack
 Councilmember Chad Young
 Councilmember Amy Tallent
 Councilmember Damien Berg
 Councilmember Jesse Molinar
 Councilmember Kevin Lemasters
 Councilmember Troy Mellon

The following staff members were also present in the remote meeting: Matt LeCerf, Town Manager, Avi Rocklin, Town Attorney, Mitzi McCoy, Finance Director, Kim Meyer, Planning Director, Brian Phillips, Chief of Police and Jamie Desroiser, Communication Manager.

AGENDA APPROVAL

Motion made by Councilmember Mellon, seconded by Councilmember Lemasters to approve the Agenda as submitted. Motion carried with a roll call vote.

CONSENT AGENDA

Motion made by Councilmember Lemasters, seconded by Councilmember Berg to approve the Consent Agenda. Motion carried with a roll call vote.

1. Minutes - December 21, 2020
2. List of Bills
3. Resolution 2021-01 - A Resolution Designating the Public Place for Posting Notices Pursuant to C.R.S. Section 24-6-402(2)(c)
4. Second Reading - Ordinance Number 2020-192 An Ordinance Amending Section 17-263(b) of Article XIV of Chapter 17 of the Johnstown Municipal Code Concerning Special Flood Hazard Areas
5. Resolution 2021-02 Approving Vacation of Pedestrian Easement Situated in Lot 16 of Country Acres Subdivision Eighth Filing
6. Water and Sewer Service Agreement - AC Ice Company

Page 2
Johnstown, Colorado

7. Water and Sewer Service Agreement - Thompson School District R2-J

NEW BUSINESS

Award Contract for Sludge Removal from Pond #2 at the Central Wastewater Treatment Plant - The Central Wastewater Treatment Plant Pond #2 is needing to be dredged to remove a buildup of sludge that has accumulated over the years. The removal of the sludge will help the treatment process operate more efficiently. Staff contacted companies and requested quotes to remove the material. Denali Water Solutions provided the lowest quote. Funds were allocated in the 2021 budget. Motion made by Councilmember Berg, Seconded by Councilmember Molinar to approve the agreement as presented and award the contract to Denali Water Solutions in an amount not to exceed \$360,000. Motion carried with a roll call vote.

ADJOURN

The meeting adjourned at 7:30 p.m.

Mayor

Town Clerk

Town of Johnstown
List of Bills - December 29, 2020 to January 12, 2021

Item #3.

Vendor	Description	Dept	Amount
24/7 Networks, Inc.	Network Improvements	ADM	25,161.24
A & E Tire Inc	Tires	PW	1,579.80
Adamson Police Products	Uniforms	PD	24.25
AP Mountain States, LLC	YMCA construction	ADM	79,559.22
Applied Concepts, Inc	Radar installation	PD	3,788.00
Arrowhead Scientific Inc.	Lab supplies	PD	301.50
BearCom	Radar installation	PD	769.00
BHA Design Incorporated	Professional Services	PW	10,550.00
Brenner Builders LLC	Concrete pad	PW	2,553.44
Business Services - Patient Accounting	Sane	PD	1,564.76
Candlelight Dinner Playhouse	Grant	ADM	15,000.00
Cassidy's	Grant	ADM	15,000.00
CDR Propane Services, LLC	Propane	PW	1,417.50
Central Square Technologies, LLC	TraKit software	ADM	7,542.16
CenturyLink	Telephone	ALL	245.89
Cintas	Mat service	ALL	386.74
Connell Resources, Inc.	CMaR services	PW	22,760.25
Coren Printing, Inc	Parking tickets	PD	219.00
DES Pipeline Maintenance, LLC	Outfall cleaning at lake	PW	1,125.00
Doug Slocum	Uniform reimbursement	PD	184.54
DPC Industries Inc	Chemicals	PW	12,022.39
DXP Enterprises Inc	Repair at plant	PW	89.50
E-470 Public Highway Authority	Training travel	ADM	26.65
Elite Printing Group, LLC	Business cards	PD	144.00
Envirotech Services, Inc	Ice Slicer	PW	20,279.37
Fastenal	Water supplies	PW	99.38
Felsburg Holt & Ullevig Inc	Engineering services	PW	4,292.50
Front Range Raynor	Repairs - garage door	PW	1,052.00
Front Range Roofing Systems LLC	Repairs - roof	PW	70,224.00
Gen-Tech of Colorado LLC	Generator replacement	PW	5,714.10
Gopher Excavation, Inc.	Water leak repair	PW	15,614.50
Grainger, Inc.	Selonoid for filter building	PW	250.94
Hawks Signs, Inc.	Light pole holiday 25/34 and downtown	PW	9,014.00
HireRight Solutions Inc	Background screening services	ADM	250.00
Insight North America, LLC	Investment services	ADM	3,026.43
John Deere Financial	Tractor supplies	PW	28.18
Johnstown Historical Society, Ltd	JHS reimbursement	ADM	2,664.55
Johnstown Lunch Box, LLC	Grant	ADM	11,250.00
Kendall Zoss	Tuition reimbursement	ADM	295.00
King Surveyors	Professional services	ADM	1,258.25
LaCouture, Inc.	Rec Center consulting	ADM	9,312.00
Logan Simpson	Comp plan	ADM	15,548.23
Mares Auto Inc.	Tire repair	PW	20.00
McDonald Farms Enterprises Inc	Sludge removal	PW	2,500.00
Milliken Johnstown Electric	Motor repair	PW	202.50
Nalco Company LLC	Chemicals	PW	6,176.78

Town of Johnstown
List of Bills - December 29, 2020 to January 12, 2021

Item #3.

OmniTRAX Inc.	Review for railroad	PW	28,000.00
Optimum Networking, Inc	YMCA	ADM	675.00
Pitney Bowes Global	Postage meter lease	ADM	98.55
Poudre Valley REA	Utilities	ALL	8,847.98
Ramey Environmental Compliance Inc.	Gasket surge tank	PW	19,806.58
Rhinehart Oil Co., Inc.	Fuel	ALL	3,293.87
RockSol Consulting Group Inc.	Professional services	PW	481.00
Royal-T	Sewer cleaning	PW	525.00
Santiagos Restaurant	Grant	ADM	12,750.00
Scheuber + Darden Architects	Johnstown Historical Society	ADM	6,000.00
Striglos	Network upgrades	ADM	5,712.00
Tait & Associates, Inc.	Storm design	PW	246.80
TDS	Telephones	ALL	465.59
TimberLAN	IT services	ADM	17,360.00
T-Mobile	Telephone/cell phone	ALL	65.12
Tyler Rowley	CDLB test & truck rental	PW	500.00
UC Health	Blood draw	PD	1,235.10
United Power, Inc	Utilities	ALL	798.60
Verizon Wireless	Cell phones	ALL	3,118.46
Weld County Dept of Public	Lab services	PW	649.00
Windstream	Telephone/internet	ALL	1,177.00
Winters, Hellerich & Hughes, L	Prosecuting attorney services	ADM	3,217.50
Xcel Energy	Utilities	ALL	60,933.12
Xcite Audiovisuals LLC	Council chambers upgrade	ADM	27,245.00
YMCA of Northern Colorado	Operating subsidy	ADM	<u>125,000.01</u>
	Total		709,288.82

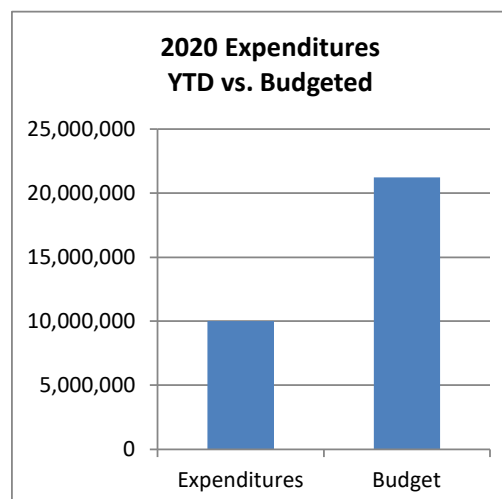
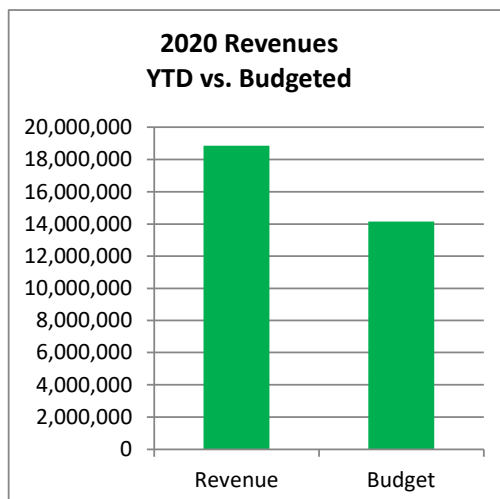
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - General Fund
Period Ending December 31, 2020
Unaudited

Item #4.

General Fund	2020 Actuals Dec	2020 Adopted Budget	% Complete
Beginning Fund Balance	44,232,368	44,232,368	
<u>Revenues:</u>			
Taxes & Fees	15,659,652	12,631,080	124.0%
Licenses & Permits	1,862,670	828,200	224.9%
Fines & Forfeitures	148,877	171,000	87.1%
Intergovernmental	149,555	15,000	997.0%
Earnings on Investment	146,674	288,000	50.9%
Miscellaneous Revenue	902,778	216,200	417.6%
Transfers In	-	-	
Total Operating Revenues	18,870,206	14,149,480	133.4%
<u>Expenditures:</u>			
Legislative	1,477,538	978,200	151.0%
Town Manager	389,495	722,750	53.9%
Town Clerk	319,063	338,850	94.2%
Finance	182,837	230,950	79.2%
Planning	712,438	762,600	93.4%
Building Inspections	217,345	236,200	92.0%
Police	3,124,764	3,522,080	88.7%
Public Works	116,629	133,650	87.3%
Buildings	329,603	210,200	156.8%
Transfers Out	3,139,059	14,097,660	22.3%
Total Expenditures	10,008,770	21,233,140	47.1%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	8,861,436	(7,083,660)	
Prior Period Adjustment			
Ending Fund Balance*	53,093,804	37,148,708	

* - Unaudited

100% of the fiscal year has elapsed



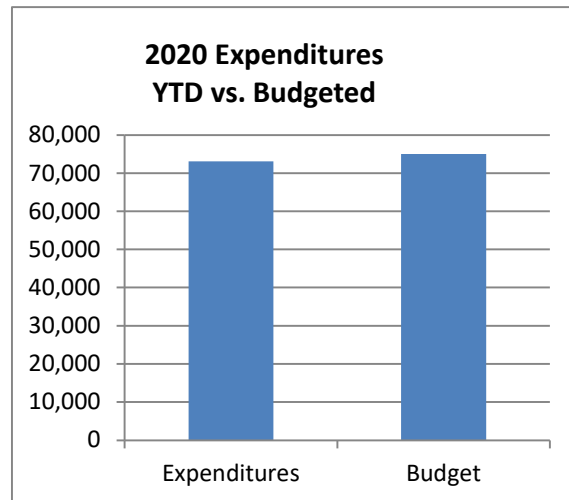
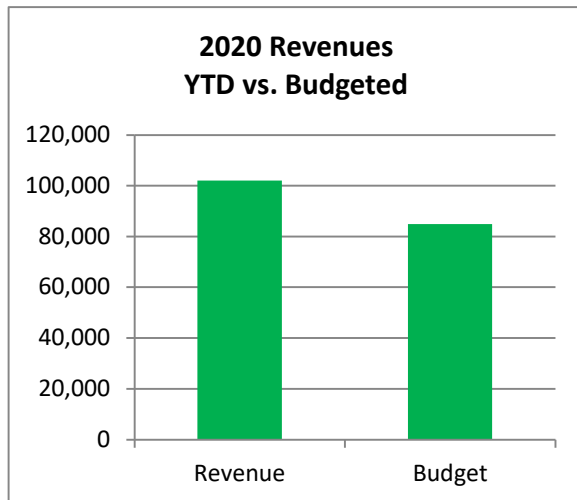
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Conservation Trust Fund
Period Ending December 31, 2020
Unaudited

Item #4.

Conservation Trust Fund	2020 Actuals Dec	2020 Adopted Budget	% Complete
Beginning Fund Balance	0	0	
<u>Revenues:</u>			
Intergovernmental	102,041	84,800	120.3%
Earnings on Investment	13	100	13.0%
Total Operating Revenues	102,054	84,900	120.2%
<u>Expenditures:</u>			
Operations	73,102	-	
Capital Outlay	-	75,000	0.0%
Total Expenditures	73,102	75,000	97.5%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	28,952	9,900	
Ending Fund Balance*	28,952	9,900	

* - Unaudited

100% of the fiscal year has elapsed



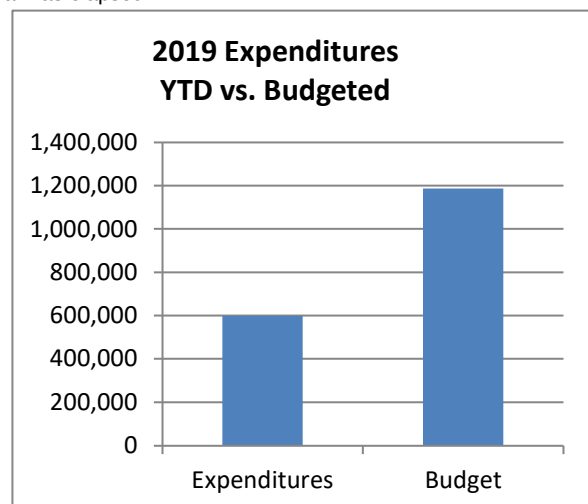
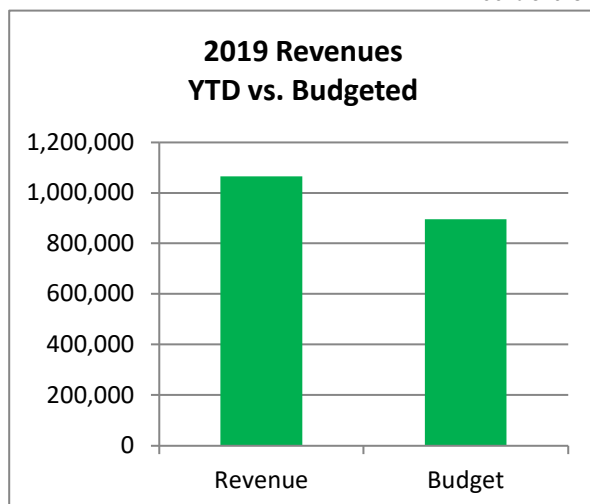
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Parks and Open Space Fund
Period Ending December 31, 2020
Unaudited

Item #4.

	2020 Actuals Dec	2020 Adopted Budget	% Complete
Parks and Open Space Fund			
Beginning Fund Balance	6,230,528	6,230,528	
<u>Revenues:</u>			
Taxes & Fees	774,761	359,817	215.3%
Miscellaneous Revenue	47,921	315,700	15.2%
Transfers In	220,000	220,000	100.0%
Total Operating Revenues	1,065,710	895,517	119.0%
<u>Expenditures:</u>			
Operations	388,970	458,750	84.8%
Capital Outlay	208,949	728,000	28.7%
Transfers Out	-	-	
Total Expenditures	597,920	1,186,750	50.4%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	467,790	(291,233)	
Ending Fund Balance*	6,698,318	5,939,295	

* - Unaudited

100% of the fiscal year has elapsed



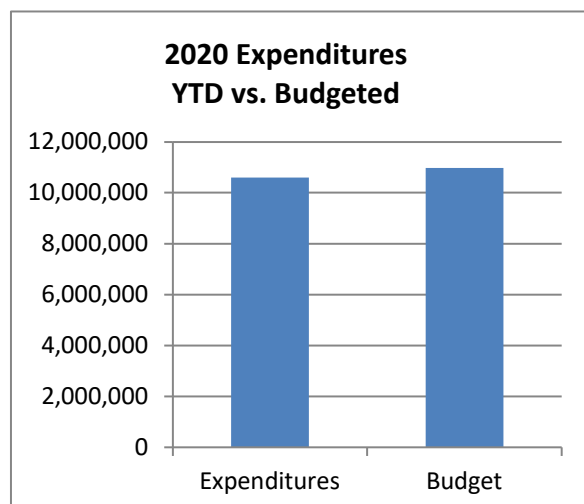
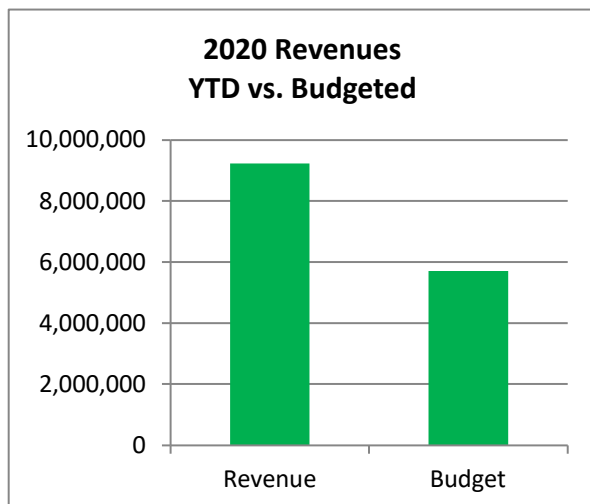
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Street and Alley Fund
Period Ending December 31, 2020
Unaudited

Item #4.

Street and Alley Fund	2020 Actuals Dec	2020 Adopted Budget	% Complete
Beginning Fund Balance	9,763,088	9,763,088	
<u>Revenues:</u>			
Taxes & Fees	3,118,761	838,000	372.2%
Intergovernmental	893,028	1,511,650	59.1%
Charges for Services	809,812	1,024,000	79.1%
Capital Investment Fees	1,925,068	305,000	631.2%
Earnings on Investment	55,213	27,000	204.5%
Miscellaneous Revenues	426,667	-	0.0%
Tranfers In	2,000,000	2,000,000	100.0%
Total Operating Revenues	9,228,549	5,705,650	161.7%
<u>Expenditures:</u>			
Operations & Maintenance	1,917,452	2,284,050	83.9%
Capital	8,681,781	8,684,500	100.0%
Total Expenditures	10,599,234	10,968,550	96.6%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(1,370,684)	(5,262,900)	
Ending Fund Balance*	8,392,404	4,500,188	

* - Unaudited

100% of the fiscal year has elapsed



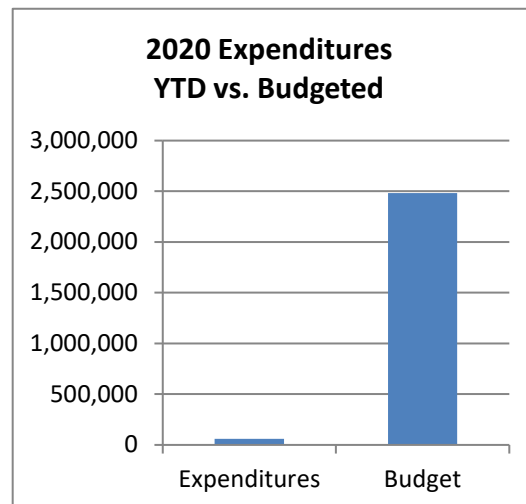
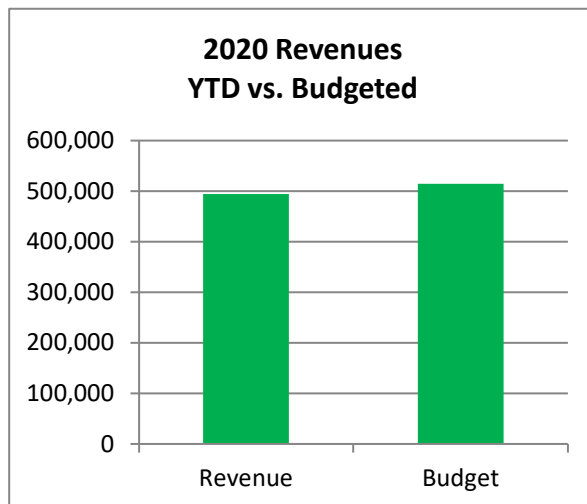
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Capital Projects Fund
Period Ending December 31, 2020
Unaudited

Item #4.

Capital Projects Fund	2020 Actuals Dec	2020 Adopted Budget	% Complete
Beginning Fund Balance	12,684,794	12,684,794	
<u>Revenues:</u>			
Taxes and Fees	422,767	450,000	93.9%
Miscellaneous Revenue	-	-	
Interest	71,569	79,000	90.6%
<i>Transfers In</i>	-	(15,000)	
Total Operating Revenues	494,336	514,000	96.2%
<u>Expenditures:</u>			
Capital Outlay	57,844	2,479,700	0.0%
<i>Transfers Out</i>	-	-	0.0%
Total Expenditures	57,844	2,479,700	2.3%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	436,492	(1,965,700)	
Ending Fund Balance*	13,121,286	10,719,094	

* - Unaudited

100% of the fiscal year has elapsed



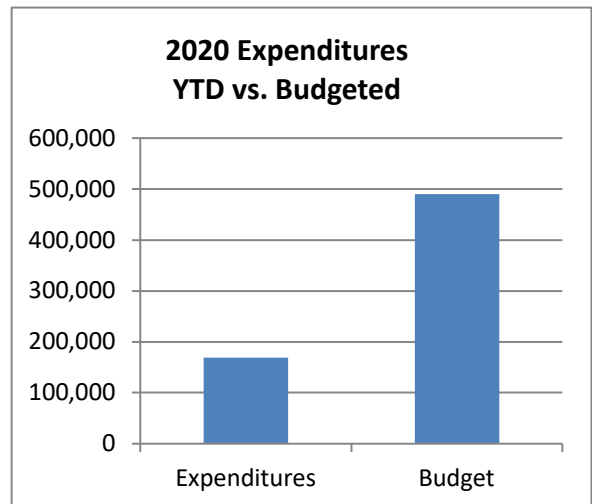
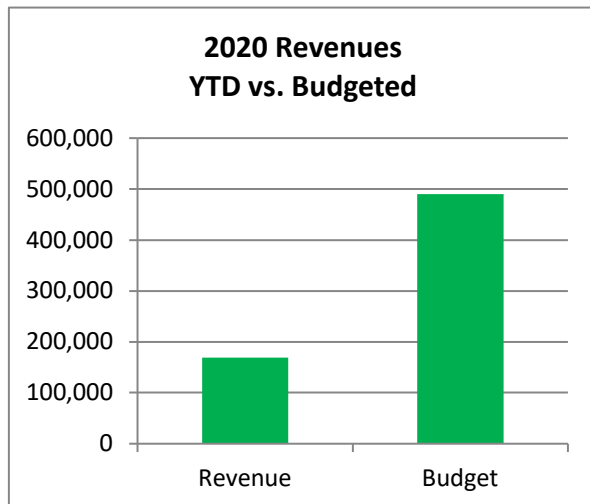
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Tax Allocation Fund
Period Ending December 31, 2020
Unaudited

Item #4.

Tax Allocation Fund	2020 Actuals Dec	2020 Adopted Budget	% Complete
Beginning Fund Balance	95,951	95,951	
<u>Revenues:</u>			
Taxes & Fees	168,204	490,000	34.3%
Earnings on Investment	-	100	0.0%
Total Operating Revenues	168,204	490,100	34.3%
<u>Expenditures:</u>			
Miscellaneous	168,204	490,000	34.3%
Total Expenditures	168,204	490,000	34.3%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	-	100	
Ending Fund Balance*	95,951	96,051	

* - Unaudited

100% of the fiscal year has elapsed



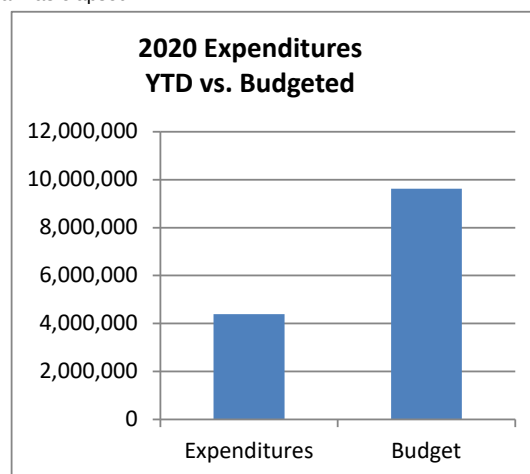
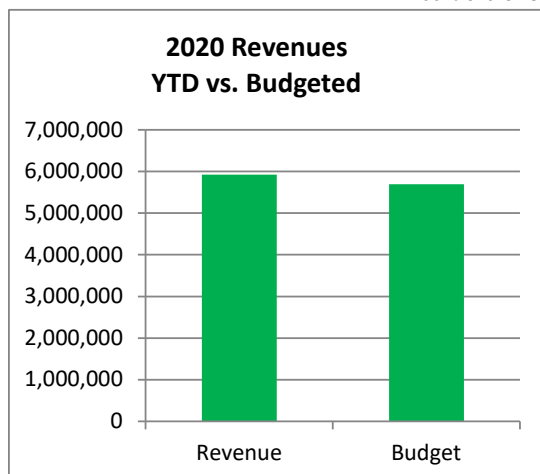
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Water Fund
Period Ending December 31, 2020
Unaudited

Item #4.

	2020 Actuals Dec	2020 Adopted Budget	% Complete
Water Fund			
Beginning Cash Balance	19,765,629	19,765,629	
<u>Revenues:</u>			
Charges for Services	3,375,652	2,518,000	134.1%
Total Operating Revenues	3,375,652	2,518,000	134.1%
<u>Expenses:</u>			
Administration	269,105	522,550	51.5%
Operations	1,873,451	1,887,920	99.2%
Capital Outlay	1,905,105	6,853,000	27.8%
Depreciation	338,808	355,000	95.4%
Transfers Out	-	-	
Total Operating Expenses	4,386,469	9,618,470	45.6%
Operating Income (Loss)	(1,010,817)	(7,100,470)	
<u>Non-Operating Revenues (Expenses)</u>			
Tap Fees	1,091,454	804,625	135.6%
Capital Investment Fees	953,834	100,000	953.8%
Misc. Revenues	402,895	2,144,000	18.8%
Interest Expense	102,586	126,000	81.4%
Total Non-Operating Revenues (Expenses)	2,550,769	3,174,625	80.3%
Excess (Deficiency) of Revenues and Other Sources over Expenses	1,539,951	(3,925,845)	
Ending Cash Balance*	21,305,580	15,839,784	

* - Unaudited

100% of the fiscal year has elapsed



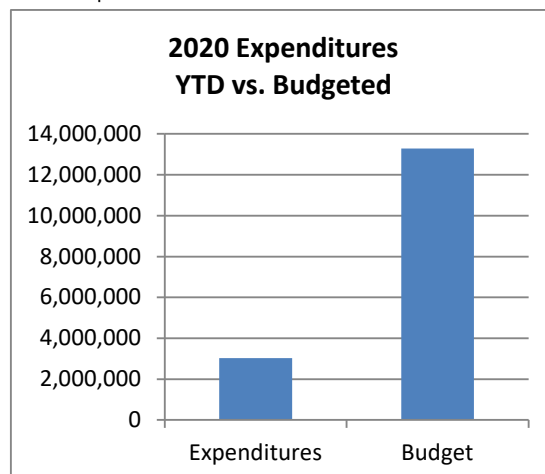
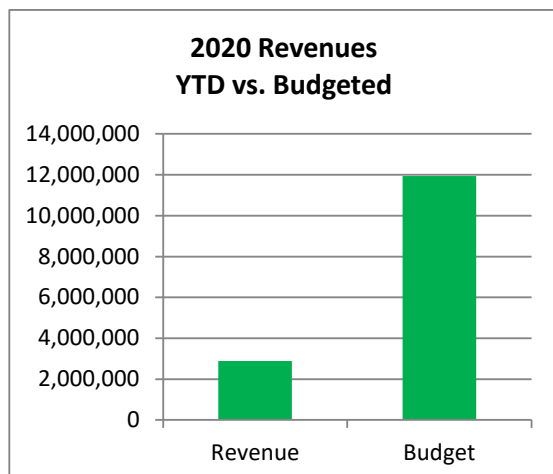
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Sewer Fund
Period Ending December 31, 2020
Unaudited

Item #4.

Sewer Fund	2020 Actuals Dec	2020 Adopted Budget	% Complete
Beginning Cash Balance	9,346,239	9,346,239	
<u>Revenues:</u>			
Charges for Services	2,130,323	1,950,000	109.2%
Total Operating Revenues	2,130,323	1,950,000	109.2%
<u>Expenses:</u>			
Administration	255,100	310,500	82.2%
Operations	1,124,242	1,895,870	59.3%
Capital Outlay	1,459,884	10,874,000	13.4%
Depreciation	193,002	205,000	94.1%
Total Operating Expenses	3,032,228	13,285,370	22.8%
Operating Income (Loss)	(901,904)	(11,335,370)	
<u>Non-Operating Revenues (Expenses)</u>			
Capital Improvement Fees	722,150	660,000	109.4%
Misc. Revenues	15,083	1,001,000	1.5%
Interest Expense	15,860	81,000	19.6%
Transfers	-	10,000,000	0.0%
Total Non-Operating Revenues (Expenses)	753,093	11,742,000	6.4%
Excess (Deficiency) of Revenues and Other Sources over Expenses	(148,811)	406,630	
Ending Cash Balance*	9,197,428	9,752,869	

* - Unaudited

100% of the fiscal year has elapsed



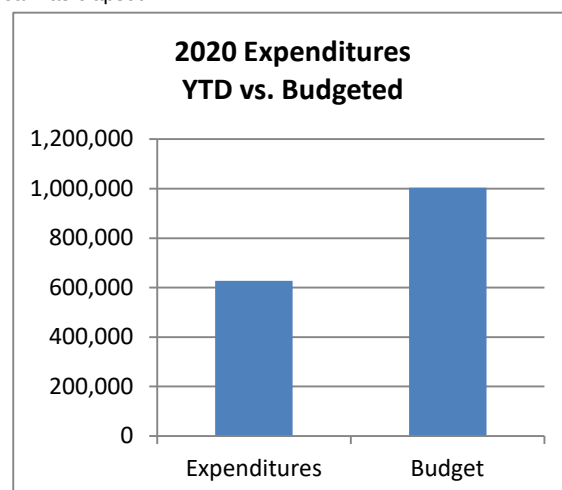
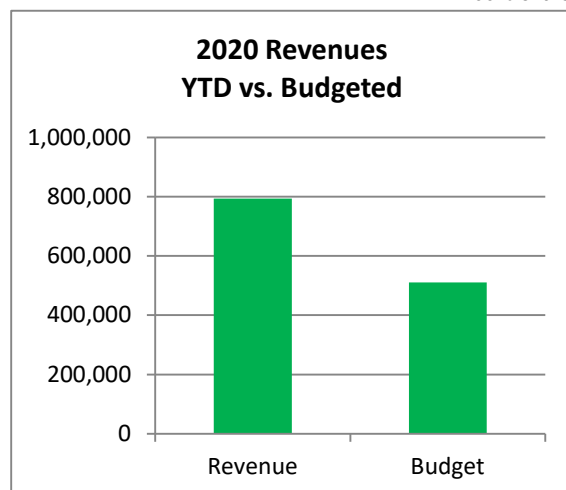
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Drainage Fund
Period Ending December 31, 2020
Unaudited

Item #4.

Drainage Fund	2020 Actuals Dec	2020 Adopted Budget	% Complete
Beginning Cash Balance	3,248,246	3,248,246	
<u>Revenues:</u>			
Charges for Services	459,460	435,000	105.6%
Total Operating Revenues	459,460	435,000	105.6%
<u>Expenses:</u>			
Administration	132,527	143,100	92.6%
Operations	216,279	345,900	62.5%
Capital Improvements	278,289	515,000	54.0%
Transfer Out	-	-	
Total Operating Expenses	627,095	1,004,000	62.5%
Operating Income (Loss)	(167,634)	(569,000)	
<u>Non-Operating Revenues (Expenses)</u>			
Capital Revenues	321,949	50,000	643.9%
Misc. Revenues	-	-	
Interest Expense	11,988	25,200	47.6%
Total Non-Operating Revenues (Expenses)	333,937	75,200	444.1%
Excess (Deficiency) of Revenues and Other Sources over Expenses	166,303	(493,800)	
Ending Cash Balance*	3,414,549	2,754,446	

* - Unaudited

100% of the fiscal year has elapsed



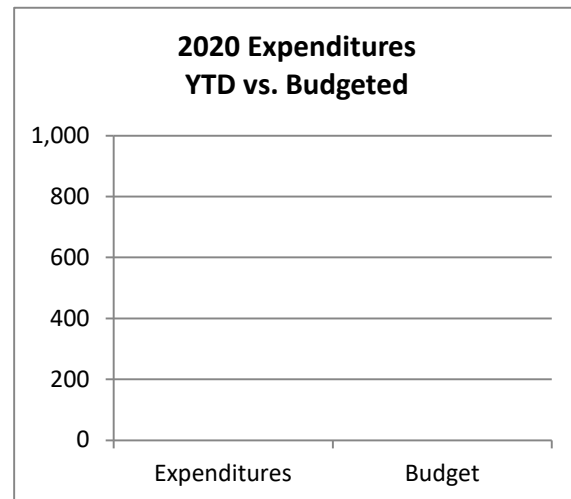
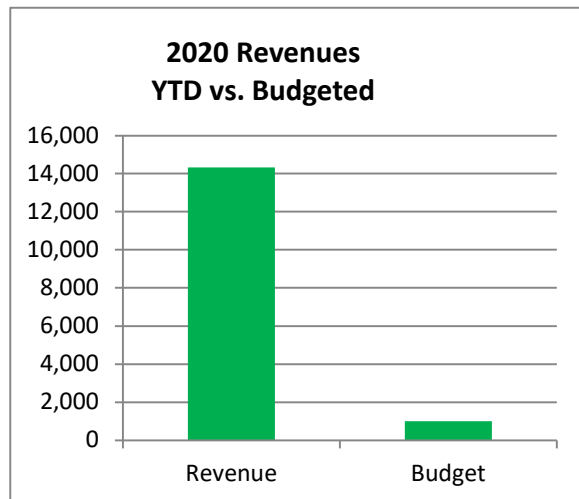
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Cemetery Perpetual Fund
Period Ending December 31, 2020
Unaudited

Item #4.

Cemetery Perpetual Fund	2020 Actuals Dec	2020 Adopted Budget	% Complete
Beginning Fund Balance	133,339	133,339	
<u>Revenues:</u>			
Miscellaneous Revenue	13,419	903	1486.0%
Earnings on Investment	906	100	906.0%
Total Operating Revenues	14,325	1,003	1428.2%
<u>Expenditures:</u>			
Operations & Maintenance	-	-	
Capital Outlay	-	-	
Transfers Out	-	-	
Total Expenditures	-	-	
Excess (Deficiency) of Revenues and Other Sources over Expenditures	14,325	1,003	
Ending Fund Balance*	147,664	134,342	

* - Unaudited

100% of the fiscal year has elapsed



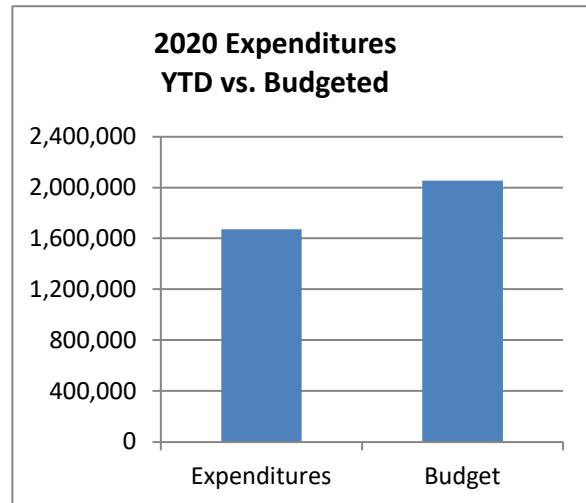
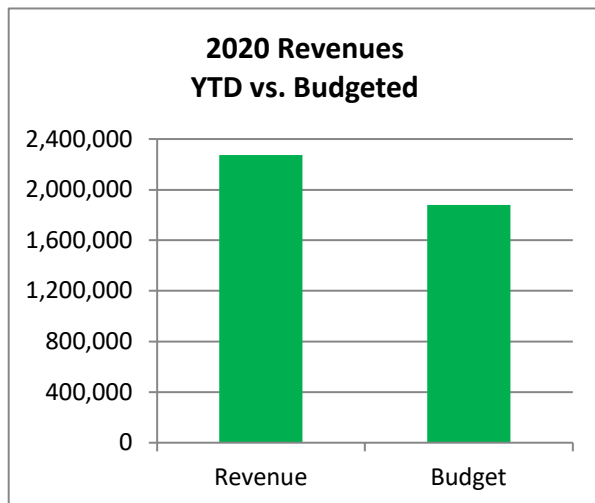
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Library Fund
Period Ending December 31, 2020
Unaudited

Item #4.

Library Fund	2020 Actuals Dec	2020 Adopted Budget	% Complete
Beginning Fund Balance	4,649,884	4,649,884	
<u>Revenues:</u>			
Intergovernmental	811,739	824,716	98.4%
Miscellaneous Revenue	222,634	11,000	2023.9%
Capital Investment Fees	354,555	20,000	1772.8%
Interest	2,338	1,500	155.9%
<i>Transfers In</i>	883,394	1,022,660	86.4%
Total Operating Revenues	2,274,660	1,879,876	121.0%
<u>Expenditures:</u>			
Operations	602,877	2,057,500	29.3%
Capital Outlay	1,069,597	-	0.0%
Total Expenditures	1,672,474	2,057,500	81.3%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	602,186	(177,624)	
Ending Fund Balance*	5,252,070	4,472,260	

* - Unaudited

100% of the fiscal year has elapsed



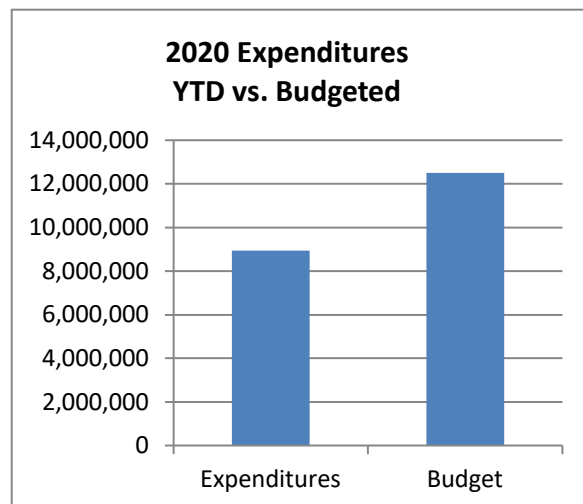
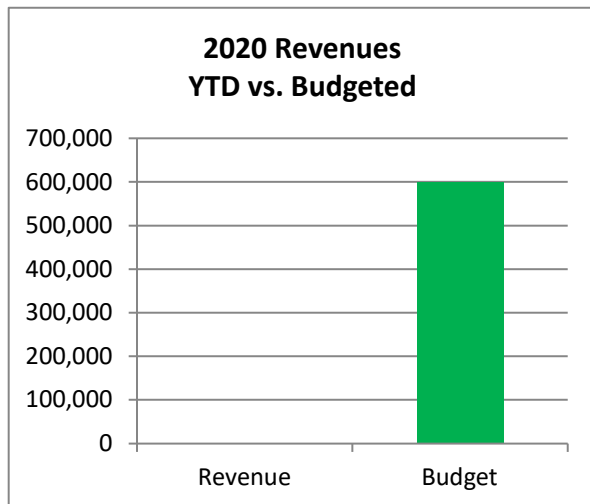
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Recreation Center Fund
Period Ending December 31, 2020
Unaudited

Item #4.

Recreation Center Fund	2020 Actuals Dec	2020 Adopted Budget	% Complete
Beginning Fund Balance	10,536,360	10,536,360	
<u>Revenues:</u>			
Transfers In	-	600,000	0.0%
Earnings on Investment	-	-	
Total Operating Revenues	-	600,000	0.0%
<u>Expenditures:</u>			
Operations & Maintenance		500,000	0.0%
Capital Outlay	8,937,567	12,000,000	74.5%
Total Expenditures	8,937,567	12,500,000	71.5%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(8,937,567)	(11,900,000)	
Ending Fund Balance*	1,598,793	(1,363,640)	

* - Unaudited

100% of the fiscal year has elapsed





Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: January 20, 2021

SUBJECT: Updated Red Flag Rules

ATTACHMENTS:

1. Resolution 2021-03 Amending Red Flags Policy and Identity Theft Prevention Program
2. Identity Theft Prevention Program/Red Flag Policy
3. Exhibit A

PRESENTED BY: Mitzi McCoy, Finance Director

ITEM DESCRIPTION:

In 2009 the Town of Johnstown adopted, by resolution, a Red Flag Policy and Identity Theft Prevention Program. The Red Flags Rule requires that the Town update the Program periodically to reflect changes in risks to customers based on experience with identity theft, changes in policy and procedures, improvements in methods to detect, prevent and mitigate identity theft.

With the recent revisions to Chapter 13 of the Town of Johnstown Municipal Code, updating the Identity Theft Policy seems to be a logical step in detailing our utility processes and new account handling as we move forward as our customer's security is one of our highest priorities.

LEGAL ADVICE: The resolution was prepared, and policy reviewed by the Town Attorney.

FINANCIAL ADVICE : N/A

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2021-03**

**ADOPTING AN AMENDED RED FLAGS POLICY AND
IDENTITY THEFT PREVENTION PROGRAM**

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, as a part of the Fair and Accurate Credit Transactions Act of 2003, 15 U.S.C. §§1681-1681x, the Federal Trade Commission issued regulations requiring creditors to develop and implement written identity theft prevention programs, known as the “Red Flags Rule;” and

WHEREAS, the Town is a creditor by virtue of providing municipal utility services and is thus subject to the Red Flags Rule; and

WHEREAS, in compliance with the Red Flags Rule, on March 16, 2009, by Resolution No. 2009-08, the Town adopted a Red Flag Policy and Identity Theft Prevention Program (“Program”); and

WHEREAS, the Red Flags Rule requires that the Town update the Program periodically to reflect changes in risks to customers or to the safety and soundness of the Town from identity theft based on, among other factors, the Town’s experiences with identity theft, changes in methods of identity theft and changes in methods to detect, prevent and mitigate identify theft; and

WHEREAS, the Town’s Finance Director has recommended revisions to the Program; and

WHEREAS, in compliance with the Red Flags Rule, and based on the recommendation of the Town’s Finance Director, the Town Council desires to update and amend the Program; and

WHEREAS, the Town Council hereby finds that adoption of this Resolution is in the best interest of the Town and the citizens of the Town.

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

1. The Town of Johnstown Identity Theft Prevention Program, attached hereto and incorporated herein by reference as Exhibit A, is hereby approved and adopted.

2. The Town of Johnstown Identity Theft Prevention Program adopted herein shall supersede and replace the Red Flag Policy and Identity Theft Prevention Program adopted on March 16, 2009, by Resolution No. 2009-08.

3. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this 20th day of January, 2021.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

TOWN OF JOHNSTOWN IDENTITY THEFT PREVENTION PROGRAM

PROGRAM ADOPTION

The Town of Johnstown ("Town") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements obligations imposed by the Fair and Accurate Credit Transactions Act of 2003, 15 U.S.C. §§ 1681-1681x. This Program was developed with the oversight and approval of the Town's Finance Director. After consideration of the size and complexity of the Town's operations and account systems and the nature and scope of the Town's activities, the Town Council determined that this Program is appropriate for the Town, and therefore approved this Program by the adoption of Resolution No. 2021-03 on the 20th day of January, 2021.

PROGRAM PURPOSE AND DEFINITIONS

1. Fulfilling Requirements of the Red Flags Rule.

Pursuant to the Rule, every creditor is required to establish an identity theft prevention program tailored to its size, complexity and the nature of its operation. The program must contain reasonable policies and procedures to:

- a. Identify relevant red flags as defined in the Rule and the program for new and existing covered accounts, and incorporate those red flags into a program;
- b. Detect red flags that have been incorporated into the program;
- c. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
- d. Update the program periodically to reflect changes in risks to the customer or to the safety and soundness of the Town from identity theft.

2. Red Flags Rule Definitions Used in this Program

- a. *Account* means a continuing relationship established by a person with a creditor to obtain a product or services for personal, family, household or business purposes.
- b. *Covered Account* means
 - i. Any account the Town offers or maintains primarily for personal or household purposes, that involves or is designed to permit multiple payments or transactions, such as utility accounts; and,
 - ii. Any other account that the Town offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Town from identity theft.
- c. *Creditor* has the same meaning as defined in Section 701 of the Equal Credit Opportunity Act, 15 U.S.C. 1691a, and includes a person or entity that arranges for the extension, renewal or continuation of credit, including the Town.
- d. *Customer* means a person or business entity that has a covered account with the Town.

- e. *Identifying Information* means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including name, social security number, date of birth, official State or government issued identification number, alien registration number, government passport number, employer or taxpayer identification number or unique electronic identification number.
 - f. *Identity theft* means a fraud committed or attempted using identifying information of another person without authority.
 - g. *Person* means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative or association.
 - h. *Red Flag* means a pattern, practice or specific activity that indicates the possible existence of identity theft.
 - i. *Service Provider* means a person or business entity that provides a service directly to the Town relating to or in connection with a covered account.
 - j. *Town* means the Town of Johnstown.
3. Identification of Red Flags

In order to identify relevant red flags, the Town shall review and consider the types of covered accounts that it offers and maintains, the methods it provides to open covered accounts, the method it provides to access its covered accounts, and its previous experiences with identity theft. The Town identifies the following red flags, in each of the listed categories.

- a. Notification and warnings from credit reporting agencies.
 - i. Report of fraud accompanying a credit report;
 - ii. Notice or report from a credit agency of a credit freeze on a customer or applicant;
 - iii. Notice or report from a credit agency of an active-duty alert for an applicant; or
 - iv. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.
- b. Suspicious documents.
 - i. Identification document or card that appears to be forged, altered or inauthentic;
 - ii. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
 - iii. Other document with information that is not consistent with the existing customer information (such as a signature on a check that appears forged; or
 - iv. Application for service that appears to have been altered or forged or appears to have been destroyed and reassembled.
- c. Suspicious personal identifying information.
 - i. Identifying information presented that is inconsistent with other information the customer provides (such as inconsistent driver's license numbers);
 - ii. Identifying information presented that is inconsistent with other sources of information (for instance, an address that does not match an address on the driver's license);

- iii. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
 - iv. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
 - v. Social security number presented that is the same as one given by another customer;
 - vi. An address or telephone number presented that is the same as that of another person;
 - vii. Failing to provide complete personal identifying information on an application when reminded to do so;
 - viii. Identifying information which is not consistent with the information that is on file for the customer; or
 - ix. Inability to provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- d. Suspicious account activity or unusual use of account.
- i. Change of address for an account followed by a request to change the account holder's name or the addition of authorized users on the account;
 - ii. Payments stop on an otherwise consistently up to date account;
 - iii. Account used in a way that is inconsistent with prior use;
 - iv. Mail sent to the account holder that is repeatedly returned as undeliverable;
 - v. Notice to the Town that a customer is not receiving mail sent by the Town;
 - vi. Notice to the Town that an account has unauthorized activity;
 - vii. Breach in the Town's computer system security; or
 - viii. Unauthorized access to or use of customer account information.
- e. Alerts from others.
- i. Notice to the Town from a customer, a victim of identity theft, a law enforcement authority or other person regarding the existence of a fraudulent account opened or maintained for a person engaged in identity theft.

4. Detecting Red Flags

In order to detect the red flags identified above associated with Town accounts, the Town shall implement the following procedures.

- a. New Accounts: When a customer applies to open a new account, Town personnel shall take the following steps to obtain and verify the identity of the person opening the account:
- i. Require certain identifying information such as name, address, principal place of business for an entity, driver's license or other identification;
 - ii. Verify the customer's identity (for instance, review driver's license or other form of government issued identification);
 - iii. Verify new resident status:
 - 1. Homeowner: Require documented proof of sale from the seller or buyer; or

- 2. Renter: Require property owner consent before adding renter to account;
- iv. Review documentation showing the existence of a business entity; and/or
- v. Independently contact the customer.
- b. Existing Accounts: In order to detect any red flags identified above for an existing account, Town personnel shall take the following steps to monitor transactions on an account:
 - i. Verify identification of customers if a person requests information whether that be in person, via telephone or email;
 - ii. Verify the validity of requests to change billing addresses; and/or
 - iii. Verify changes in banking information given for billing or payment purposes.

5. Preventing and Mitigating Identity Theft

In the event that the Town personnel detect any identified red flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the red flag:

- a. Prevent and Mitigate Identity Theft.
 - i. Contact the customer with the covered account;
 - ii. Request additional identifying information from the applicant;
 - iii. Change any passwords or other security codes and devices that permit access to a covered account;
 - iv. Not open a new account;
 - v. Close an existing covered account;
 - vi. Not attempt to collect payment on a covered account;
 - vii. Notify the Finance Director for a determination of the appropriate steps to take;
 - viii. Notify law enforcement; and/or
 - ix. Determine that no response is warranted under the particular circumstances.
- b. Protect Customer Identifying Information.

In order to further prevent the likelihood of identity theft occurring with respect to Town accounts, the Town shall take the following steps with respect to its internal operating procedures to protect customer identifying information:

 - i. Limit access to personal identifying information to those employees responsible for or otherwise involved in opening covered accounts or accepting payment on a covered account;
 - ii. Input payment information provided to Town employees for a covered account directly into the Town's computer system without otherwise recording such information;
 - iii. Ensure Town computers are password protected and locked after a set period of time;
 - iv. Mask credit card numbers except for the last four digits;
 - v. Permit only limited staff to change customer accounts and records, with all other staff having view only access; and
 - vi. Undertake complete and secure destruction of paper documents and computer files containing customer information.

6. Program Administration

a. Oversight.

The Finance Director shall be responsible for developing, implementing and updating the Program. Any recommended material changes to the Program shall be submitted to the Town Council for consideration.

b. Staff Training.

Town staff responsible for implementing the Program shall be trained either by or under the direction of the Finance Director in the detection of red flags, and the responsive steps to be taken when a red flag is detected. Additionally, a compliance report shall be provided annually by the Finance Director to the Town Manager. The annual compliance report shall at a minimum address the following:

1. The probable effectiveness of the Town's policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
2. Service provider arrangements;
3. Significant incidents involving identity theft and the Town's response; and
4. Recommendations for material changes to the Program.

c. Service Provider Arrangements.

In the event that the Town engages a service provider to perform an activity in connection with one or more covered accounts, the Town shall take the following steps to require that the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft.

1. Require by contract that service providers acknowledge receipt and review of the Program and agree to perform their activities with respect to Town covered accounts in compliance with the terms and conditions of the Program and with all instructions and directives issued by the Finance Director relative to the Program; or
2. Require by contract that service providers acknowledge receipt and review of the Program and agree to perform their activities with respect to Town covered accounts in compliance with the terms and conditions of the service provider's identity theft program and to take appropriate action to prevent and mitigate identity theft; and
3. Require by contract that service providers agree to report promptly to the Town in writing if the service provider in connection with a Town covered account detects an incident of actual or attempted identity theft or is unable to resolve one or more red flags that the service provider detects in connection with a covered account.

d. Customer Identifying Information and Public Disclosure

The identifying information of Town customers with covered accounts shall be kept confidential and shall be exempt from public disclosure to the maximum extent authorized by law.

7. Program Updates

The Program shall be periodically reviewed and updated to reflect changes in risks to customers and to the safety and soundness of the Town from identity theft. The Finance Director shall at least annually consider the Town's experiences with identity theft, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in the types of accounts that the Town maintains and changes in the Town's business arrangements with other entities and service providers. After consideration of these factors, the Finance Director shall determine if changes to the Program are warranted. If warranted, any material changes shall be brought to the Town Council for consideration.

Exhibit A
Service Provider Acknowledgment and Agreement

_____, a [insert form a corporate entity] ("Service Provider"), acknowledges receipt of the Town of Johnstown Identity Theft Prevention Program ("Program"). For consideration, the receipt and sufficiency of which is hereby acknowledged, Service Provider agrees as follows:

1. Service Provider has reviewed the Program and shall take all appropriate action to prevent and mitigate identity theft.
2. Service Provider agrees to perform its activities with respect to Town covered accounts in compliance with the terms and conditions of the Program, or, upon approval of the Finance Director, in compliance with the Service Provider's identity theft program, and further agrees to comply with all instructions and directives issued by the Finance Director related to the Program.
3. If Service Provider detects an incident of actual or attempted identity theft in connection with a Town covered account or is unable to resolve one or more red flags that the Service Provider detects in connection with a Town covered account, Service Provider shall promptly report such incident to the Town in writing.

[ADD SERVICE PROVIDER NAME]

By: _____

Name:

Title:



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: January 20, 2021

SUBJECT: Payment to Northern Colorado YMCA for Town of Johnstown Recreation Center Operation Agreement

ACTION PROPOSED: Consider Approval of Resolution No. 2021-05

ATTACHMENTS: 1. Resolution No. 2021-05
2. Detailed FY2020 Billing Summary

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

The information described below was provided previously during a Town Council Work Session hosted on January 11, 2021. The general direction provided by Council was to bring this item back as a consent agenda item with a recommendation to provide a single payment to cover the costs as detailed based on the enclosed spreadsheet. This payment will be made at approximately \$145,173 subject to a final cost for the month of December which is currently estimated. Resolution 2021-05 will authorize payment required to meet the contractual obligations of the Operating Agreement.

Enclosed for your review is an overview of the financial costs incurred by the Northern Colorado YMCA and the associated expenditures paid out by the Town during FY 2020. These costs are associated with both the planning/construction and operating costs of the facility. Also included is the existing and active Operating Agreement with the YMCA which was approved by Council in April 2019.

The Town appropriated \$500,000 for the purposes of operating the facility in FY 2020. The Operating Agreement in effect addresses financial elements starting on Page 8 of the document. The document contemplates the following based on the inability to operate the facility within the revenues generated by the facility and the operating subsidy provided by the Town:

Operating Subsidy. The Town recognizes and agrees that, if the Facility Revenues are not sufficient to cover the operations of the Facility, the YMCA shall not be responsible for any

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shortfall and the Town will be required to subsidize Facility operations through the Operating Subsidy. The Town agrees that, subject to budgeting and appropriations, it shall fund the Operating Subsidy on annual basis. The YMCA agrees that it will prudently and in a commercially reasonable manner operate the Facility to ensure the Facility Revenues and the Operating Subsidy are sufficient to cover the operations of the Facility.

The Parties agree that the Operating Subsidy shall not exceed \$500,000.00 in any given year. Upon receipt of a monthly invoice from the YMCA delivered prior to the first day of a given month, payment of the Operating Subsidy shall be made by the Town to the YMCA in the amount of \$41,666 per month on or about the first day of each calendar month and shall be deemed late if not paid by the tenth day of a given month.

Notwithstanding the foregoing, the monthly payment of \$41,666 shall not be due and payable until the Facility opens to the public. From the Effective Date until the date that the Facility opens to the public, the Town shall pay the YMCA the amounts set forth on the Effective Date Amendment.

If, at any time during a Facility Fiscal Year, the YMCA becomes aware that Facility Expenses may exceed the Operating Funds, or, stated differently, that an operational loss may exceed \$500,000, the Parties shall forthwith meet and confer and endeavor to plan a reduction of expenses to meet the anticipated deficit, while maintaining YMCA programming, safety and quality standards. If the Parties are not able to reach agreement and the YMCA seeks additional funds to operate the Facility, the matter shall forthwith be presented to the Town Council for a determination about how to proceed and/or whether to budget and appropriate additional funds for that Facility Fiscal Year.

As has been previously discussed in general conversations, the Town assumed it would take a couple of years of programming and membership building prior to the facility operating at a peak level and not necessitating the potential of some or all of the operating subsidy. In fact, the operating agreement discusses in 3 years reconvening to evaluate the long-term needs financially of the facility. Based on the attached spreadsheet and the current operating agreement, it is recommended that the Town “true-up” with the YMCA at a cost of \$145,173 subject to a final cost for the month of December; this is currently estimated. When evaluating the total cost for the facility, it is also worth noting that the Town paid for approximately \$47,000 in utility costs while the transition was taking place in the operations of the facility. This makes the total outlay of the Town for the entire FY 2020 of \$692,173.

LEGAL ADVICE:

The resolution was prepared by the Town Attorney.

FINANCIAL ADVICE:

Funds are available in the Recreation Center Fund for FY 2020.

Reviewed and Approved for Presentation,

Town Manager

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2021-05**

**AUTHORIZING PAYMENT TO THE YMCA OF NORTHERN
COLORADO FOR REIMBURSEMENT OF EXPENSES INCURRED TO
OPERATE AND MAINTAIN THE JOHNSTOWN COMMUNITY YMCA
DURING THE 2020 FISCAL YEAR**

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

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

WHEREAS, on or about April 1, 2019, the Town entered into a Facility Management Agreement with the Young Men’s Christian Association of Boulder Valley, d/b/a YMCA of Northern Colorado, a Colorado non-profit corporation (the “YMCA”), for the operation and maintenance of the Johnstown Community YMCA (“Agreement”); and

WHEREAS, pursuant to the Agreement, the Town agreed to appropriate operating funds in the amount of \$500,000 per year and, if such amount was not sufficient, to pay the additional expenses incurred by the YMCA to operate and maintain the Johnstown Community YMCA; and

WHEREAS, the total expenses incurred to operate the Johnstown Community Center during the 2020 fiscal year exceeded the amount set forth in the Agreement; and

WHEREAS, the Town Council desires to authorize the payment of additional funds to the YMCA.

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

Section 1: The Town Council hereby approves and authorizes the payment of \$145,173 to the YMCA, which amount may be adjusted by the Town Manager based on a final accounting for the month of December 2020, to reimburse the YMCA for the costs and expenses incurred to operate and maintain the Johnstown Community Center during the 2020 fiscal year.

Section 2: This Resolution shall be effective as of the date of its adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this ____ day of January, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

**YMCA of Northern Colorado
Johnstown Community YMCA
Billing Summary
CYE December 31, 2020**

Month	Expense	YMCA Fee	Subtotal	Billed	Variance
January	(15,278)		(15,278)	18,111	2,833
February	(16,229)		(16,229)	21,229	5,000
March	(22,416)		(22,416)	27,416	5,000
April	(40,853)		(40,853)	41,667	814
May	(71,076)		(71,076)	41,667	(29,410)
Pre-Opening	(165,852)	-	(165,852)	150,089	(15,763)

Month	Net Outcome	YMCA Fee	Subtotal	Billed	Variance
June	(62,231)	(20,752)	(82,983)	41,667	(41,316)
July	(49,785)	(21,521)	(71,306)	41,667	(29,639)
August	(10,011)	(16,707)	(26,718)	41,667	14,949
September	(27,770)	(23,042)	(50,812)	41,667	(9,145)
October	(41,886)	(22,339)	(64,225)	41,667	(22,558)
November	(41,318)	(20,629)	(61,947)	41,667	(20,280)
December*	(41,602)	(21,484)	(63,086)	41,667	(21,419)
Post-Opening	(274,603)	(146,474)	(421,077)	291,667	(129,410)
Total	(440,455)	(146,474)	(586,929)	441,756	(145,173)

*Estimate

Town Budget 500,000
Variance (145,173)



Town of Johnstown

MEMORANDUM

TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: January 20, 2021

CC: Town Staff
Local Media

SUBJECT: Town Manager's 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):

- 02/01/2021 – Regular Town Council Meeting
 - 02/15/2021 – Regular Town Council Meeting
-

Administration, Finance, & Planning

- *Website Update: Johnstown.colorado.gov* – One great benefit of having this new site, is the opportunity for analytics. This enables the Communications Office to track most popular pages and content in an effort to continue to build a useable and reliable site for residents. Since November, the website has seen 7,700 new users, over 10,000 individual sessions, and more than 26,000 pageviews. This is a great presence for a new site and is already showing more usability than the prior site.
- *Johnstown Monthly Newsletter* – 2020 was the first year with Johnstown monthly (and electronic) newsletters (having started in June) and the following information is related to the electronic newsletter send. 45% of our newsletter audience engages with clicks and links often and a 45% newsletter open rate (relative to the government industry average of 22%). This means that the Town is producing content that is informational and relevant to residents. The Communications Office will continue to use data such as this to keep content timely and engaging for the community.

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- *2020 Year-End* – Work on 2020 year-end processes is underway and audit preparation will be beginning in March. The audit is scheduled to begin April 26th.
- *TRAKiT/CentralSquare* – The Town’s new permitting and project management system went live January 4. The software is fully configured and working well; however, Staff is addressing some aberrant login issues. We have staff and the software company working diligently this issue as a top priority – after which we anticipate further cross-training of staff to offer better information services to our community. Full online access for citizens, developers, and contractors is intended for end of Q1/early-Q2.
- *Home Supply Water Purchase* – The Council will recall we plan to purchase a single share of Home Supply water. While we are still closing on the acquisition, we have learned from our water engineer that the share has been adjudicated. The sale price will increase proportionately based on the additional acre-foot yield for the share.
- *Round 2 Micro-Grants* – 10 grants have been awarded to date in Round 2 totaling over \$120,000. 4 submitted grant applications have been denied.
- *Economic Development Manager* – Interviews were conducted during the week of January 11 for the Economic Development Manager. We hope to make an announcement during the week of January 18 about the hiring decision.
- *SB20B-001* – The SB20B-001 State Grant for selected businesses went live for Weld County on Friday January 15. The applications will be received for 21 days. After this period all grants will be reviewed for eligibility and then based on the contract awarding funds from the State, we will distribute the fund proportionately based on the amounts provided in the bill. For Johnstown businesses in Larimer County, they can access the Loveland HUB who is coordinating southern Larimer County for grant applications and awards. The Johnstown Weld County area application and a link to the Johnstown Larimer County application can both be found here:
<https://johnstown.colorado.gov/covidgrants>.

Police Department

Training:

- *Firearms Training* – Officers rotated their shifts from day/night. Officers, as squads, went to the range to practice in low light or high light depending on which shift they switched to.
- *Advanced Accident Investigation* – Officer Dudley is currently in Level 1 Traffic Investigator School in Broomfield. This training will allow our department to investigate serious/fatal crashes normally investigated by CHP.

Public Works Department

Streets, Stormwater, & Parks

- *Streets* – Crack sealing has started for the season in Johnstown. Crews started work in Clearview and have used 3400 lbs. of material so far. Street sweeping continues every Friday when weather permits. Thermo plastic was installed on the new crosswalk by the post office. Pot hole patching is an ongoing process this time of year. Crews have placed over 600lbs of material patching pot holes around Town. New speed limit signs (45

MPH) were ordered and will be placed on CR 50 for speed consistency as requested by the Council.

- *Plowing* – Crews were called three times in the last three weeks for snow plowing.
- *Ice* – Crews have been canvassing the Town for shaded areas that tend to hold snow and ice and either scraping the roadway or applying ice slicer to melt the ice and snow.
- *Holiday Lights* – All holiday decorations have been removed and stored until next season.
- *CDOT* – We are still working with CDOT on the repair of HWY 60 at the railroad crossing west of Hays Market. Staff met with CDOT and the Rail Master with OmniTrax and CDOT agreed to fix the crossing by the end of January, weather permitting.
- *Water Plant* – The surge tank was repaired at the water plant. A new actuator was also installed in an effort to be proactive. The level of Town Lake has dropped after road work being done to a bridge on Taft stopped water from getting to Town Lake for treatment. The Lone Tree Reservoir is being filled so we started taking water from Lone Tree. Prior to accepting any water, Staff flushed the line from Lone Tree to avoid any discoloration of the water. We opened the interconnect with Little Thompson for 2 days to help with this switch over to avoid any pressure issues, ensure water quality until the Lone Tree flows equalized, and to avoid any unnecessary issues.
- *RFP* – Advertisement has gone out to hire an engineer for design and expansion of the water plant. Design will increase our plant from a 5 MGD plant to a 10 MGD plant. Bids are scheduled to arrive by February 5, 2021.

Wastewater

- *Low Point* – An RFP for the equipment needed for the Low Point expansion has been advertised. A second RFP for a contractor will be posted in the next few months.
- *CWWTP* – The advertisement has been issued to hire an engineer for design of the New Central Wastewater Treatment Plant. The planned design will increase our plant from a 0.999 MGD plant to a 2.5 MGD plant. Bids are scheduled to arrive by February 17, 2021.
- *Repairs* – The Low Point potable water line located in the Headworks building was replaced by Staff. A blower was also removed and taken in for repairs. The central plant is still having issues with the old sludge pump. A new pump was budgeted for 2021 and will be replaced in the next 60 days.
- *SCADA* – All Control valves at the plant are communicating well through our SCADA system.
- *Parks* – Staff continues disinfecting our playgrounds weekly. Dog bags are being replenished and trash is being picked up at a minimum of 2 days a week.
- *TOJ Utility Plan* – The Town met with Norther Front Range Water Quality Planning Association (NFRWQPA) to review the Town of Johnstown Wastewater Utility Plan. The plan is anticipated to be presented to the NFRWQPA Board for final consideration on January 28, 2021. This is a major component for the sewer system improvements we are concurrently working on as the plan must match the physical changes to the system.



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: January 20, 2021

SUBJECT: Application to Northern Colorado Water Conservancy District for Annual Renewable Perpetual Water Contract for Right to Use Colorado Big Thompson Water (CBT) under C.R.S 37-45-131.

ACTION PROPOSED: Consider Approval of Resolution No. 2021-04

ATTACHMENTS:

1. Resolution No. 2021-04
2. Letter Transmittal from Northern Water
3. Application to Northern Water for Annually Renewable Perpetual Water Contract for CBT Water Use
4. Application for Cancellation of Temporary Use Permits

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

On January 10, 2003 the Northern Water Board of Directors approved a policy that prohibited the use and renewal of Temporary Use Permits. The adopted policy required that all Temporary Use Permits should be converted to Permanent Section 131 Contracts which must take place no later than March 1, 2021.

Enclosed is the application needed to convert the Town's 56-acre-foot unit of Colorado Big Thompson (CBT) Project Water from the Temporary Use Permit to the Section 131 Annual Renewable Water Contract. The Section 131 Contract is essentially a continuously renewed one-year contract and does not require the municipality to renew it annually. The associated documents and approval of the resolution will terminate the Temporary Use Permit, and allow the Town to reclassify the water through the application into a Section 131 Contract.

LEGAL ADVICE:

The resolution was drafted by the Town Attorney.

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FINANCIAL ADVICE:

Not Applicable.

RECOMMENDED ACTION:

Approve Resolution 2021-04 as presented.

SUGGESTED MOTIONS:

For Approval

I move to adopt Resolution 2021-04 as presented.

For Denial

I move to deny Resolution 2021-04 as presented.

Reviewed and Approved for Presentation,

Town Manager

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2021-04**

**APPROVING THE CONVERSION OF THE TOWN'S TEMPORARY
USE PERMIT FOR THE RIGHT TO USE COLORADO-BIG
THOMPSON PROJECT WATER TO AN ANNUALLY RENEWABLE
PERPETUAL WATER CONTRACT**

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

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

WHEREAS, the Town holds a Temporary Use Permit issued by the Northern Colorado Water Conservancy District ("District") for the right to use fifty-six (56) acre-feet of Colorado-Big Thompson Project water; and

WHEREAS, on January 10, 2003, the Board of Directors of the District approved a policy requiring the conversion of temporary use permits to annually renewable water contracts authorized by Section 37-45-131, C.R.S. ("Section 131 Annually Renewable Water Contracts"); and

WHEREAS, based on the District's policy, the Town Council desires to convert the Town's fifty-six (56) acre-foot unit of Colorado-Big Thompson Project water from the Temporary Use Permit to a Section 131 Annually Renewable Water Contract; and

WHEREAS, the Town Council finds that adoption of this Resolution it is in the best interest of the Town.

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

Section 1: The Town Council hereby approves the Application to Northern Colorado Water Conservancy District for Cancellation of Temporary Use Permits, attached hereto and incorporated herein by reference as Exhibit A, and authorizes the Mayor to execute it.

Section 2: The Town Council hereby approves the Application to Northern Colorado Water Conservancy District for Annually Renewable Perpetual Water Contract for Right to Use Colorado-Big Thompson Project Water under C.R.S. 37-45-131, attached hereto and incorporated herein by reference as Exhibit B, and authorizes the Mayor to execute it.

Section 3. This Resolution shall be effective as of the date of its adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this ____ day of January, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

December 22, 2020

Ms. Diana Seele
Town Clerk
Town of Johnstown
P.O. Box 609
Johnstown, Colorado 80534

Dear Diana:

On January 10, 2003, the Board of Directors of the Northern Colorado Water Conservancy District (Northern Water) approved a policy regarding the conversion of Temporary Use Permits. This policy no longer allows the renewal of the Temporary Use Permits. Therefore, all current Temporary Use Permits must be converted to the permanent Section 131 Contract by March 1, 2021, which is also the date of expiration of the Town of Johnstown's Temporary Use Permit.

Enclosed are the applications needed to convert the Town of Johnstown's 56 acre-foot unit of Colorado-Big Thompson Project water from the Temporary Use Permit to the Section 131 Annually Renewable Water Contract. The Section 131 Contract is essentially a continuously renewed 1-year contract. Section 131 Contracts do not require that the municipality approve the contract by ordinance, but instead by whatever means the municipality believes is legally necessary to make the contract binding on the municipality (typically determined by the municipal attorney). Northern Water will accept either an ordinance or a resolution, depending on the municipal attorney's opinion as to which action is required to make the contract binding on the municipality.

The executed applications must be in our office no later than March 1, 2021. If you have any questions, or need assistance in completing the applications, please feel free to give me a call at (970) 622-2217.

Sincerely,



Sherri Rasmussen
Contracts Department Manager

sr

Enclosures

By Certified Mail, Return Receipt Requested

**APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
FOR CANCELLATION OF TEMPORARY USE PERMITS**

The Town of Johnstown hereby applies for the cancellation of the following Temporary Use Permits:

<u>Permit Dated</u>	<u>Acre-Feet</u>
April 9, 2020	56
Total Quantity to be Released	56

Dated at Johnstown, Colorado this _____ day of _____, 20____.

TOWN OF JOHNSTOWN

ATTEST:

By _____

(SEAL)

ORDER ON APPLICATION

Application having been made by the Town of Johnstown for the cancellation of the above Temporary Use Permits, and Hearing having been held by the Board of Directors of Northern Colorado Water Conservancy District, it is hereby ORDERED that the above Temporary Use Permits be canceled.

Dated the _____ day of _____, 20____.

NORTHERN COLORADO WATER
CONSERVANCY DISTRICT

ATTEST:

President

Secretary

APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
FOR ANNUALLY RENEWABLE
PERPETUAL WATER CONTRACT FOR RIGHT TO USE
COLORADO-BIG THOMPSON PROJECT WATER
UNDER C.R.S. 37-45-131

Applicant, Town of Johnstown, a Colorado municipal corporation acting in its governmental capacity or a water activity enterprise (circle capacity in which applicant is acting), hereby applies to Northern Water, a political subdivision of the State of Colorado, organized and existing by virtue of Title 37, Article 45, Colorado Revised Statutes, for a contract for the right to beneficially use Colorado-Big Thompson Project water under the following terms and conditions:

1. The quantity of water herein requested by Applicant for annual application to beneficial use is **56 acre-feet** to be used so long as the Applicant fully complies with all of the terms, conditions, and obligations hereinafter set forth.
2. It is understood and agreed by the Applicant that any water provided for use under this contract by the Board of Directors of Northern Water shall be primarily for municipal, domestic, irrigation, or industrial use within or through facilities or upon lands owned or served by said Applicant, provided however, that all lands, facilities, and serviced areas which receive benefit from the use of water (whether water service is provided by direct delivery, by exchange, or otherwise) shall be situated within the boundaries of Northern Water.
3. Applicant agrees that an acre-foot of water as referred to herein is defined as being one-three-hundred-thousandth (1/310,000) of the quantity of water annually declared by the Board of Directors of Northern Water to be available for delivery from the water supplies of Northern Water. Applicant agrees that such water shall be delivered from the works of Northern Water at such existing Northern Water delivery point or points as may be specified by the Applicant and that the water delivery obligation of Northern Water shall terminate upon release of water from said works. Further, the Applicant agrees that on November 1 of each year, any water undelivered from the annual quantity made available to the Applicant shall revert to the water supplies of Northern Water.
4. Applicant agrees to pay annually in advance for the amount of water herein provided for use under this contract by the Board of Directors of Northern Water at a price per acre-foot to be fixed annually by said Board; and, further, agrees that the initial annual payment shall be made, in full, within fifteen (15) days after the date of notice from Northern Water that the initial payment is due hereunder. Said notice will advise the Applicant, among other things, of the water year to which the initial payment shall apply and the price per acre-foot which is applicable to that year. Annual payments for each water year thereafter shall be made in advance by the Applicant on or before each October 1, 31 days prior to the start of the water year, at the rate per acre-foot

established by the Board for municipal water use in that water year. For the purpose of this water contract, the water year is defined to be from November 1 to October 31 of the following year.

If an annual payment as herein provided is not made by due date, written notice thereof, by certified mail, will be given by Northern Water to the Applicant at the following address: P.O. Box 609, Johnstown, Colorado 80534.

Water deliveries shall be suspended as of November 1 of the new water year until payment of the delinquency is made. If payment is not made within ninety (90) days after the date of mailing of said written notice, Applicant shall have no further right, title, or interest under this contract; and the right of use of water as herein made, shall be disposed of at the discretion of the Board of Directors of Northern Water. Any proceeds from any sale of the right of use to another allottee shall be paid to Applicant over and above Northern Water's actual expense in terminating and disposing of the contract right of use.

5. This right of use shall be perpetual on an annually renewable basis. If the annual payment is made as provided in this application, the right of use shall be automatically renewed another water year without any further notice of Northern Water; if the annual payment is not timely made, as provided above, the right of use shall terminate.
6. Applicant agrees that the water allocation shall be beneficially used for the purposes and in the manner specified herein, and that this right of use is made for the exclusive benefit of the Applicant and shall not inure to the benefit of any successors or assigns of said Applicant without prior specific approval of the Board of Directors of Northern Water.
7. Applicant agrees to be bound by the provisions of the Water Conservancy Act of Colorado; the rules, regulations and policies of the Board of Directors of Northern Water as they now exist or as they exist in the future; and by the Repayment Contract of July 5, 1938, between Northern Water and the United States and all amendments thereof and supplements thereto.
8. Applicant agrees, as a condition of this contract, to enter into an "Operating Agreement" with Northern Water if and when the Board of Northern Water finds and determines that such an agreement is required by reason of additional or special services requested by the Applicant and provided by Northern Water. Said agreement may contain, but not be limited to, provision for water delivery at times or by means not provided within the terms of standard contracts of Northern Water; additional annual monetary consideration for extension of Northern Water delivery services and for additional administration, operation and maintenance costs; or for other costs to Northern Water which may arise through provision of services to the Applicant.

9. Acquisition of this annually renewable perpetual right of use water contract for the Colorado-Big Thompson Project water from Northern Water and the right to the beneficial use of water thereunder by the Applicant is necessary; the continued acquisition and use of this water supply is essential for the well-being of the community and for the preservation of the public peace, health, and safety; and the adequate protection of the health of the inhabitants of the community.
10. The governing body of Applicant has duly approved this Application in accordance with all legally required procedures.

Signed this _____ day of _____, A.D., 20____.

TOWN OF JOHNSTOWN

By _____

ATTEST:

(SEAL)

ORDER ON APPLICATION

Application having been made by or on behalf of all parties interested in this allocation of the right to use Colorado-Big Thompson Project water and after a Hearing by the Board, it is hereby ORDERED that the above application be granted and an allotment contract for **56 acre-feet** of water is hereby made to the Town of Johnstown, a Colorado municipal corporation, for the beneficial uses set forth in said application upon the terms, conditions, and manner of payment as therein specified.

NORTHERN COLORADO WATER
CONSERVANCY DISTRICT

By _____
President

I hereby certify that the above Order was entered by the Directors of Northern Colorado Water Conservancy District on the _____ day of _____, A.D., 20____.

ATTEST: _____
Secretary