Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO
Wednesday, February 23, 2022 at 7:00 PM

MISSION STATEMENT: Enhancing the quality of life of our residents, businesses, and visitors through community focused leadership.

AGENDA

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

AGENDA APPROVAL

SPECIAL PRESENTATIONS

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.

1. Minutes - February 7, 2022
2. January 2022 Financial Statements
3. List of Bills - February 2022
4. Second Reading Ordinance 2022-223 - Approving the Rezoning of the East Ledge Rock Center to Planned Unit Development - Mixed Use (PUD-MU)
5. Second Reading Ordinance 2022-224, Approving the Outline Development Plan (ODP) for Ledge Rock Center P.U.D.
6. Second Reading Ordinance 2022-225 - An Ordinance Authorizing the Conveyance of Real Property located at Lot 2, Oxy Land Subdivision, in the Northwest 1/4, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 33.22 Acres, to Ledge Rock Center, LLC
7. Façade Grant Program Updates
8. Resolution 2022-06 - A Resolution of the Town of Johnstown, Colorado, supporting the application for an Energy Impact Grant from the State of Colorado Department of Local Affairs, for the Charlotte Street Capital Project.

TOWN MANAGER REPORT

9. Town Manager's Report

TOWN ATTORNEY REPORT

PUBLIC HEARING

10. First Reading Ordinance No. 2022-226: An Ordinance Amending Chapter 6 of the Johnstown Municipal Code to Include Article XII, Special Event Permits

NEW BUSINESS

11. Resolution 2022-05 Finding Substantial Compliance for Initiating Annexation Proceedings and Setting a Pubic Hearing Date for the South Ridge Annexation
12. Downtown Parklet Program
13. Highway 60 & I-25 Bridge Aesthetic Improvements

COUNCIL REPORTS AND COMMENTS

MAYOR'S COMMENTS

EXECUTIVE SESSION

INFORMATIONAL ITEMS

14. Informational Items

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.

Town of Johnstown

TOWN COUNCIL REGULAR MEETING
450 S. Parish, Johnstown, CO
Monday, February 07, 2022 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.

ROLL CALL

PRESENT
Mayor Gary Lebsack
Councilmember Jesse Molinar
Councilmember Bill Stevens
Councilmember Amy Tallent
Councilmember Chad Young

ABSENT
Councilmember Damien Berg
Councilmember Troy Mellon

Staff present: Matt LeCerf, Town Manager, Avi Rocklin Town Attorney, Kim Meyer, Planning Director, Sarah Crosthwaite, Economic Development Manager, Troy White, Public Works Director, Ellen Hilbig, Utilities Director, Brian Phillips, Chief of Police

AGENDA APPROVAL

Motion made by Councilmember Young, seconded by Councilmember Molinar to approve the agenda. Motion carried with a unanimous vote.

SPECIAL PRESENTATIONS

1. Business of the Month – Candlelight Dinner Playhouse was honored as February Business of the Month.
2. Climate Change Lobby - Pauline Migliore addressed the Council to request the establishment of a Sustainability Advisory Board.

PUBLIC COMMENT

Mr. Eric Ryplewski from Hilltop Broadband shared with Council information about Hilltop Broadband. They are an internet service provider located in Berthoud, with approximately 2,500 customers.

CONSENT AGENDA

Motion made by Councilmember Molinar, seconded by Councilmember Young to approve the Consent Agenda. Motion carried. Councilmember Tallent abstained.

- Minutes - January 3, 2022

- List of Bills - January 2022
- December 2021 Financial Statements
- Second Reading - Ordinance No. 2022-220 Amending Subsection 16-302(d) Concerning Planned Unit Development Mixed Use Districts
- Second Reading - Ordinance No. 2022-221 Amending Arcicle XII of Chapter 17 of the Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224 Transportation Facilities Development Fee, Section 17-225 Parks and Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library and Cultural Facilities Development Fee, and Section 17-228, Police Facilities Development Fee
- Second Reading Ordinance 2022-222- An Ordinance Adding Article XV to Chapter 17 of the Johnstown Municipal Code to Establish a Special Fee to be Paid by the Owners of Property within Close Proximity to the Reconstructed Interchange at the Intersection of Interstate 25 and State Highway 402
- Resolution 2022-02 Amending the Town of Johnstown Fee Schedule
- Resolution 2022-03 - Authorizing the Town Manager to Execute All Documents to Effectuate the Sale of the Real Property, Located at Lot 2 of Replat of Block 2, Town of Johnstown, County of Weld, State of Colorado, Known by Street Address As 16 North Parish Avenue, To Grows, LLC
- Johnstown Reservoir Dam Repair Project

PUBLIC HEARING

1. Ordinance 2022-223 Approving Rezoning of the Property known as East Ledge Rock Center to PUD-MU, consisting of approximately 155 acres.

Mayor Lebsack opened the public hearing at 7:35 p.m. and heard from staff. The applicant, Ledge Rock Center, LLC applied to rezone the property known as East Ledge Rock Center, consisting of approximately 155 acres, from PUD-R and PUD-B to PUD-MU development with commercial and mixed density residential areas. Mr. Mike Schlup owner and developer of the development was present to answer any questions. Having no public comment, the mayor closed the hearing at 7:39 p.m. Based upon findings and analysis presented at this hearing a motion was made by Councilmember Young, seconded by Councilmember Tallent to approve Ordinance 2022-223, Approving the East Ledge Rock Center Rezoning to Planned Unit Development- Mixed Use (PUD-MU). Motion carried with a unanimous vote.

2. Ordinance 2022-224 Approving P.U.D. Outline Development Plan for Ledge Rock Center, consisting of approximately 221 acres.

Mayor Lebsack opened the public hearing at 7:41 p.m. and heard from staff. The proposed Ledge Rock Center Planned Unit Development encompasses approximately 221 acres. The proposed Outline Development Plan would apply to development within this PUD, and provide guidance on land uses, areas of development, and basic design standards. The proposed ODP proposes 1440 dwelling units and over 100 acres of commercial/retail along the Hwy 60 frontage. Having no public comment, the mayor closed the hearing at 7:49 p.m. Based upon findings and analysis presented at this hearing, motion was made by Councilmember Molinar Jr., seconded by Councilmember Young to approve Ordinance 2022-224 Approving the Outline Development Plan (ODP) for Ledge Rock Center P.U.D. Motion carried with a unanimous vote.

3. Ledge Rock Center P.U.D. Design Handbook

Mayor Lebsack opened the public hearing at 7:51 p.m. and heard from staff. The proposed Design Handbook would apply to development within this PUD, accordance with the proposed Ledge Rock Center Outline Development Plan. Having no public comment, the mayor closed the hearing at 8:01 p.m. Based upon findings and analysis presented at this hearing, motion was made by Councilmember Tallent, seconded by Councilmember Stevens to approve the Design Handbook for Ledge Rock Center P.U.D. as presented. Motion carried with a unanimous vote.

4. Ordinance 2022-225: An Ordinance Authorizing the Conveyance of Real Property Located at Lot 2, Oxy Land Subdivision, In the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 33.22 Acres, To Ledge Rock Center, LLC

Mayor Lebsack opened the public hearing at 8:02 p.m. and heard from staff. Ledge Rock Center, LLC has requested the Town cooperate in the development of Ledge Rock Center Commercial, by conveying 33 acres of land owned by the Town to the Developer for nominal consideration. The property was conveyed to the Town by Kerr-McGee Oil & Gas Onshore LP. The terms and conditions of the proposed conveyance are addressed in the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial that will be attached to the Ordinance. Having no public comment, the hearing was closed at 8:07 p.m. Motion made by Councilmember Tallent, seconded by Councilmember Molinar Jr. to approve Ordinance No. 2022-225, an Ordinance Authorizing the Conveyance of Real Property located at Lot 2, Oxy Land Subdivision, in the Northwest ¼ of Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 33.22 Acres, to Ledge Rock Center, LLC. Motion carried with a unanimous vote.

NEW BUSINESS

1. Authorization to Develop an MOU with Allo Communications for Regional Broadband -This is a request to authorize town staff to begin engaging with Allo Communications to develop an MOU for broadband deployment in Johnstown. Motion made by Councilmember Molinar Jr., seconded by Councilmember Young to authorize the Town Manager to develop an MOU with Allo Communications for broadband deployment in the Town of Johnstown to be considered at a future Town Council meeting. Motion carried with a unanimous vote.

2. Request for Acceptance of the Dedication of 2.5 Shares Capital Stock in the Consolidated Hillsborough Ditch Company in Exchange for Water Credits in the Platte Land and Water, LLC Water Bank held by the Town of Johnstown – Motion made by Councilmember Young, seconded by Councilmember Tallent to authorize the Town Manager to sign the Water Dedication and Water Bank Agreement between the Town of Johnstown and Platte Land & Water LLC and provide for 150 AF water credit. Motion carried with a unanimous vote.

3. Downtown Johnstown Parklet Program – Update- Staff has been working with CDOT to revise the parklet program and has received approval from the grant review committee to modify the grant request. Motion was made by Councilmember Young, seconded by Councilmember Tallent to table this item to February 23, 2022. Motion carried with a unanimous vote.

4. Discussion: Letford Elementary School Site – This is a discussion item only.

EXECUTIVE SESSION

An Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) Economic Incentive.

Motion made by Councilmember Young, Seconded by Councilmember Tallent to convene into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and or instructing negotiators, under C.R.S. Section 24-6-401(4) (e) at 8:43 p.m. Motion carried with a unanimous vote.

The mayor reconvened the regular meeting at 9:01 p.m. and stated the only item discussed was what was stated in the motion.

ADJOURN

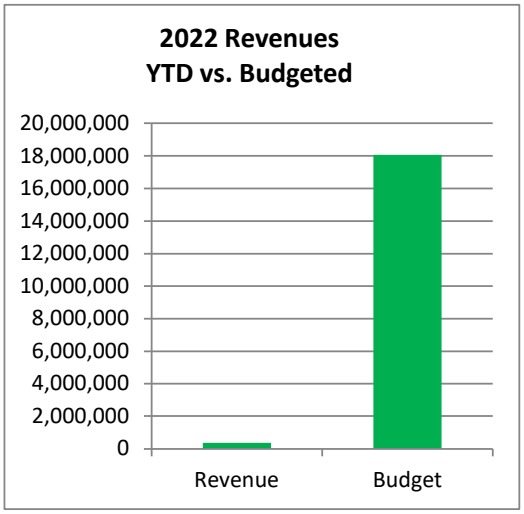
The meeting adjourned at 9:04 p.m.

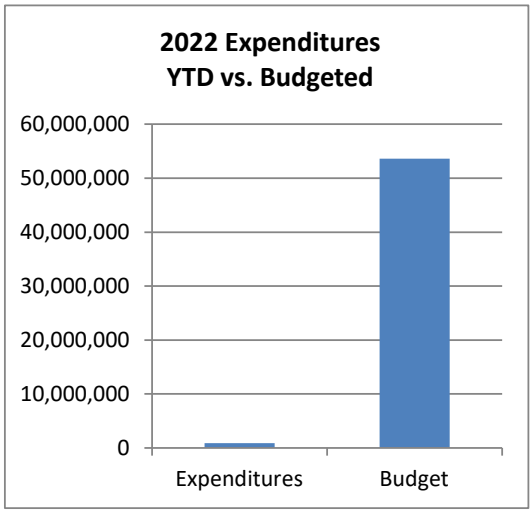
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - General Fund
Period Ending January 31, 2022
Unaudited

General Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Fund Balance*	68,782,344	68,782,344	
Revenues:			
Taxes & Fees	183,756	16,413,716	1.1%
Licenses & Permits	147,591	1,156,650	12.8%
Fines & Forfeitures	17,200	160,500	10.7%
Intergovernmental	11,334	25,000	45.3%
Earnings on Investment	2,633	52,500	5.0%
Miscellaneous Revenue	381	253,000	0.2%
Transfers In	-	-	
Total Operating Revenues	362,895	18,061,366	2.0%
Expenditures:			
Legislative	137,930	932,500	14.8%
Town Manager	50,419	1,644,593	3.1%
Town Clerk	24,629	509,750	4.8%
Finance	42,903	417,510	10.3%
Planning	26,824	759,878	3.5%
Reimbursements	-	300,000	0.0%
Building Inspections	8,247	271,400	3.0%
Police	415,860	4,878,580	8.5%
Public Works	32,004	761,200	4.2%
Buildings	21,680	293,250	7.4%
Transfers Out	94,816	42,837,000	0.2%
Total Expenditures	855,312	53,605,661	1.6%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	**(492,417)**	**(35,544,295)**	
Prior Period Adjustment			
Ending Fund Balance*	**68,289,927**	**33,238,049**	

** - Unaudited*

8% of the fiscal year has elapsed



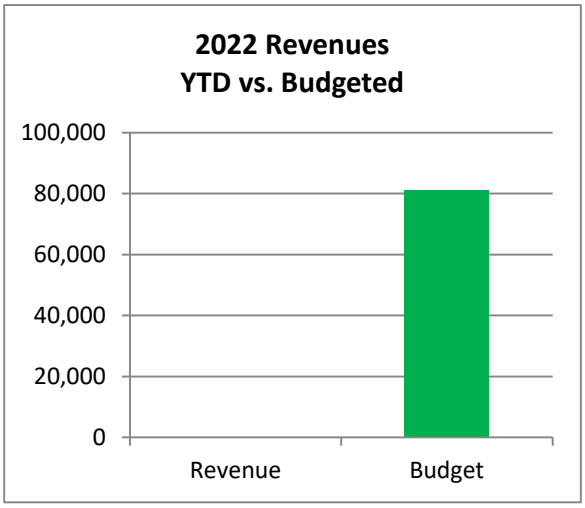


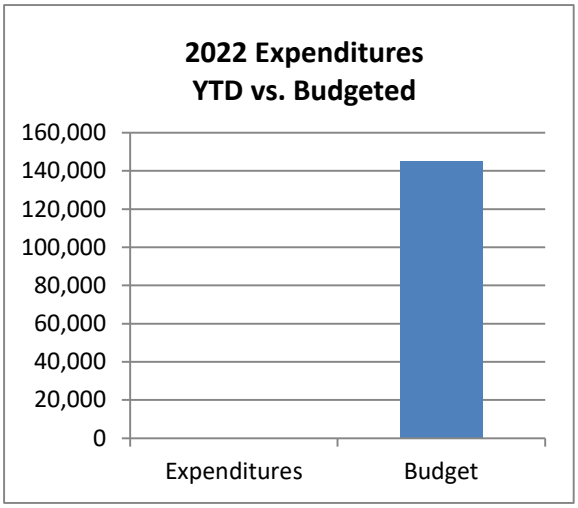
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - Conservation Trust Fund
Period Ending January 31, 2022
Unaudited

Conservation Trust Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Fund Balance*	100,051	100,051	
Revenues:			
Intergovernmental	-	81,100	0.0%
Earnings on Investment	-	50	0.0%
Total Operating Revenues	-	81,150	0.0%
Expenditures:			
Operations	-	-	
Capital Outlay	-	145,000	0.0%
Total Expenditures	-	145,000	0.0%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	**-**	**(63,850)**	
Ending Fund Balance*	**100,051**	**36,201**	

** - Unaudited*

8% of the fiscal year has elapsed



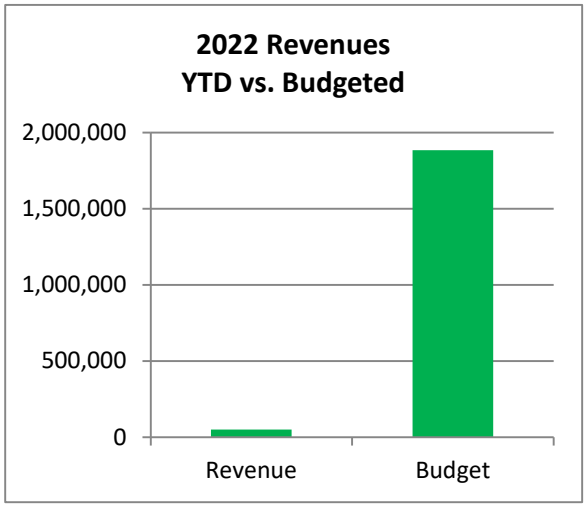


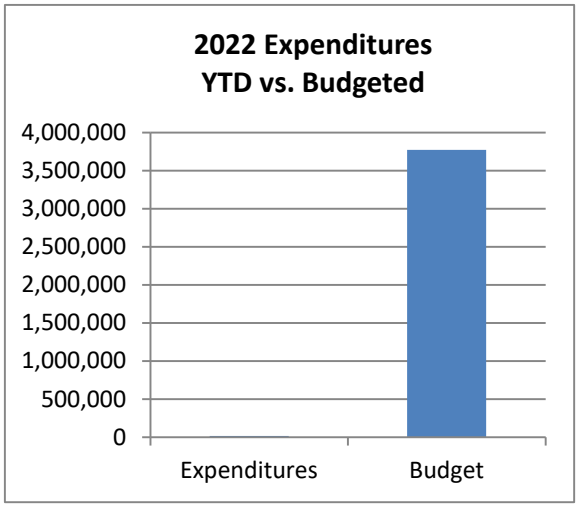
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - Parks and Open Space Fund
Period Ending January 31, 2022
Unaudited

Parks and Open Space Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Fund Balance*	7,672,201	7,672,201	
Revenues:			
Taxes & Fees	42,350	498,150	8.5%
Miscellaneous Revenue	8,126	222,000	3.7%
Transfers In	0	1,162,000	0.0%
Total Operating Revenues	50,650	1,884,650	2.7%
Expenditures:			
Operations	16,098	1,037,550	1.6%
Capital Outlay	-	2,737,000	0.0%
Transfers Out	-	-	
Total Expenditures	16,098	3,774,550	0.4%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	**34,552**	**(1,889,900)**	
Ending Fund Balance*	**7,706,753**	**5,782,301**	

** - Unaudited*

8% of the fiscal year has elapsed



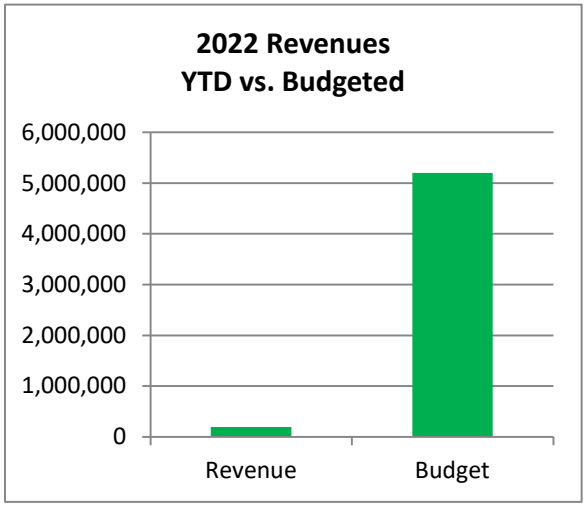


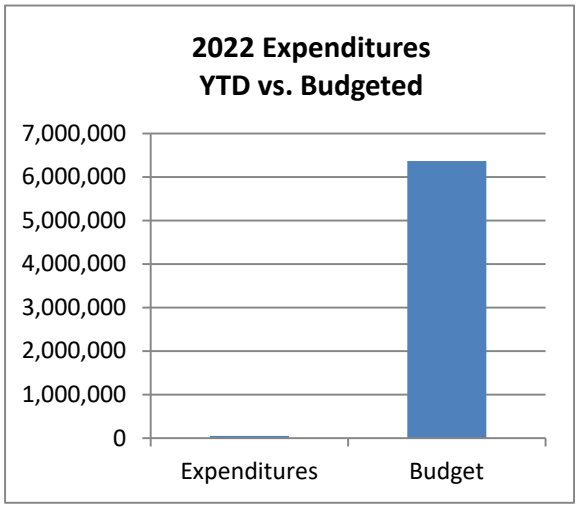
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - Street and Alley Fund
Period Ending January 31, 2022
Unaudited

Street and Alley Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Fund Balance*	14,843,709	14,843,709	
Revenues:			
Taxes & Fees	48,295	3,191,400	1.5%
Intergovernmental	-	707,667	0.0%
Charges for Services	77,689	881,000	8.8%
Capital Investment Fees	69,425	420,550	16.5%
Earnings on Investment	429	2,000	21.5%
Miscellaneous Revenues	-	-	0.0%
Total Operating Revenues	195,837	5,202,617	3.8%
Expenditures:			
Operations & Maintenance	47,510	3,599,400	1.3%
Capital	-	2,769,000	0.0%
Total Expenditures	47,510	6,368,400	0.7%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	**148,327**	**(1,165,783)**	
Ending Fund Balance*	**14,992,036**	**13,677,926**	

** - Unaudited*

8% of the fiscal year has elapsed



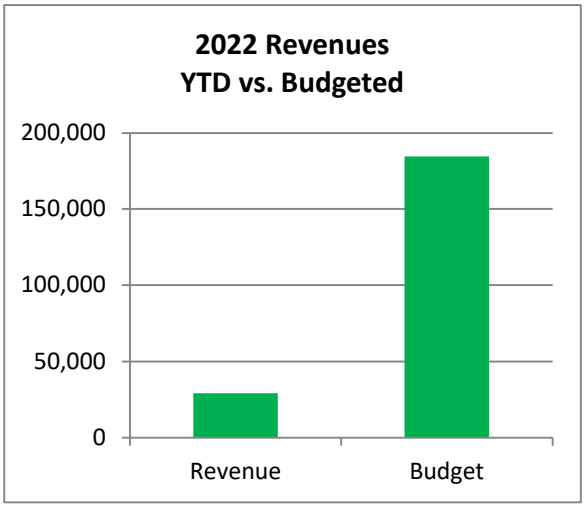


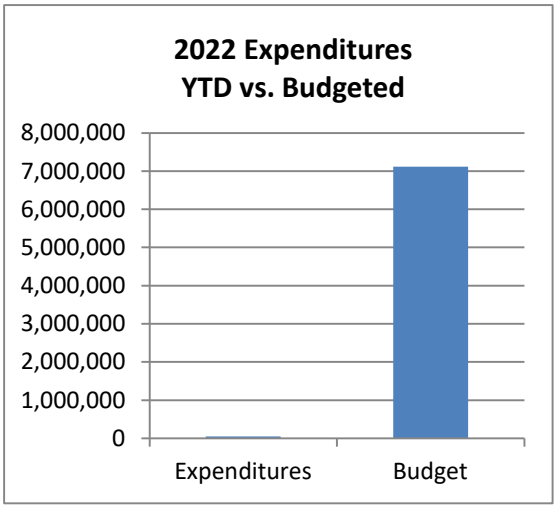
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - Capital Projects Fund
Period Ending January 31, 2022
Unaudited

Capital Projects Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Fund Balance*	14,413,606	14,413,606	
Revenues:			
Taxes and Fees	28,607	240,000	11.9%
Miscellaneous Revenue	-	-	
Interest	555	4,500	12.3%
Transfers In	-	(60,000)	0.0%
Total Operating Revenues	29,162	184,500	15.8%
Expenditures:			
Capital Outlay	50,300	7,111,500	0.0%
Transfers Out	-	-	0.0%
Total Expenditures	50,300	7,111,500	0.7%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	**(21,138)**	**(6,927,000)**	
Ending Fund Balance*	**14,392,468**	**7,486,606**	

** - Unaudited*

8% of the fiscal year has elapsed



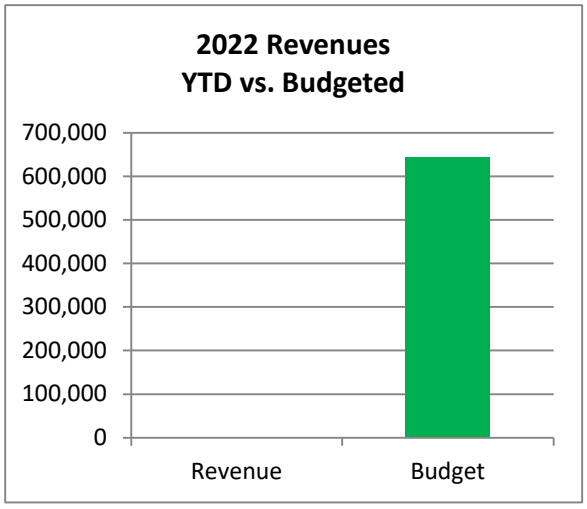


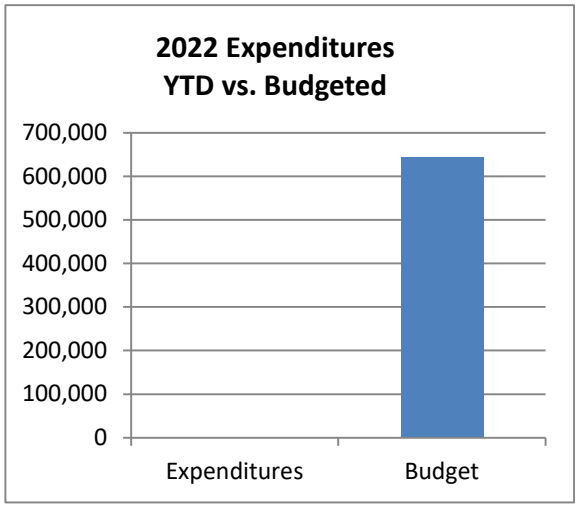
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - Tax Allocation Fund
Period Ending January 31, 2022
Unaudited

Tax Allocation Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Fund Balance*	95,951	95,951	
Revenues:			
Taxes & Fees	-	645,000	0.0%
Earnings on Investment	-	50	0.0%
Total Operating Revenues	-	645,050	0.0%
Expenditures:			
Miscellaneous	-	645,050	0.0%
Total Expenditures	-	645,050	0.0%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	**-**	**-**	
Ending Fund Balance*	**95,951**	**95,951**	

** - Unaudited*

8% of the fiscal year has elapsed



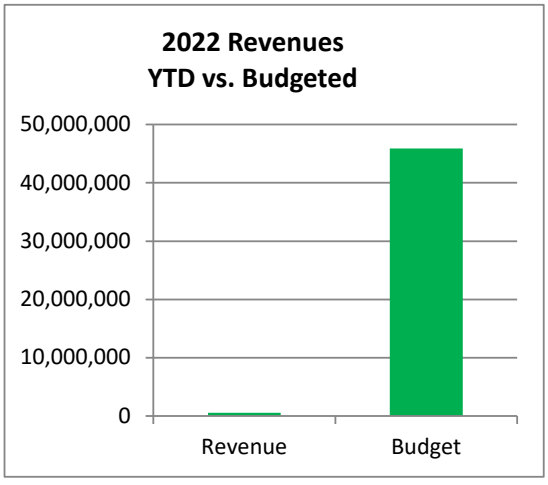


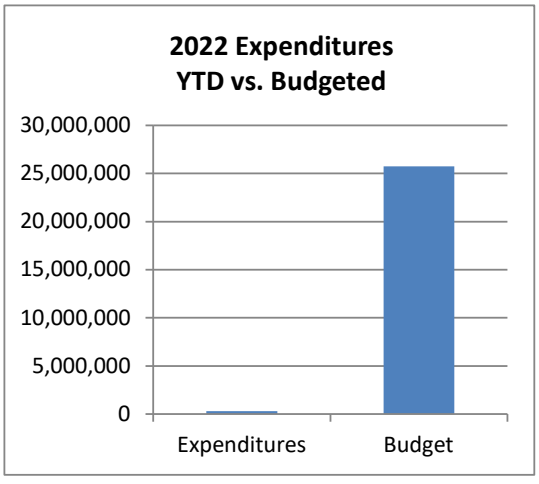
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - Water Fund
Period Ending January 31, 2022
Unaudited

Water Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Cash Balance*	21,559,607	21,559,607	
Revenues:			
Charges for Services	255,222	3,838,700	6.6%
Total Operating Revenues	255,222	3,838,700	6.6%
Expenses:			
Administration	12,226	428,650	2.9%
Operations	260,843	3,968,650	6.6%
Capital Outlay	7,000	20,910,280	0.0%
Depreciation	29,703	425,000	7.0%
Transfers Out	-	-	
Total Operating Expenses	309,772	25,732,580	1.2%
Operating Income (Loss)	(54,550)	(21,893,880)	
Non-Operating Revenues (Expenses)			
Tap Fees	160,925	1,006,050	16.0%
Capital Investment Fees	136,049	850,650	16.0%
Misc. Revenues	22,146	40,179,550	0.1%
Interest Expense	837	6,900	12.1%
Total Non-Operating Revenues (Expenses)	319,957	42,043,150	0.8%
Excess (Deficiency) of Revenues and Other Sources over Expenses	**265,407**	**20,149,270**	
Ending Cash Balance*	**21,825,014**	**41,708,877**	

** - Unaudited*

8% of the fiscal year has elapsed



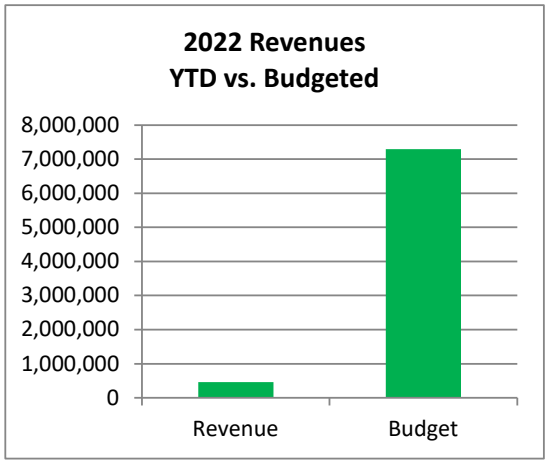


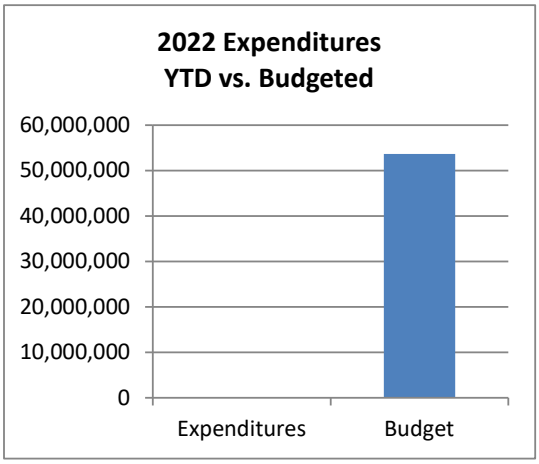
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Sewer Fund
Period Ending January 31, 2022
Unaudited

Sewer Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Cash Balance*	5,341,829	5,341,829	
Revenues:			
Charges for Services	238,576	2,984,000	8.0%
Total Operating Revenues	238,576	2,984,000	8.0%
Expenses:			
Administration	11,999	244,050	4.9%
Operations	89,086	1,991,800	4.5%
Capital Outlay	-	49,189,000	0.0%
Depreciation	18,788	245,000	7.7%
Debt Service	-	1,953,150	0.0%
Total Operating Expenses	119,873	53,623,000	0.2%
Operating Income (Loss)	118,703	(50,639,000)	
Non-Operating Revenues (Expenses)			
Capital Improvement Fees	217,500	2,396,740	9.1%
Misc. Revenues	2,500	1,915,000	0.1%
Interest Expense	238	1,200	19.8%
Debt Proceeds	-	-	
Total Non-Operating Revenues (Expenses)	220,238	4,312,940	5.1%
Excess (Deficiency) of Revenues and Other Sources over Expenses	**338,941**	**(46,326,060)**	
Ending Cash Balance*	**5,680,770**	**(40,984,231)**	

** - Unaudited*

8% of the fiscal year has elapsed



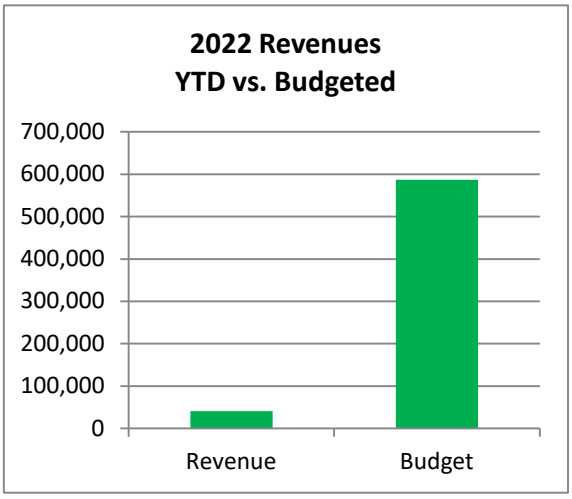


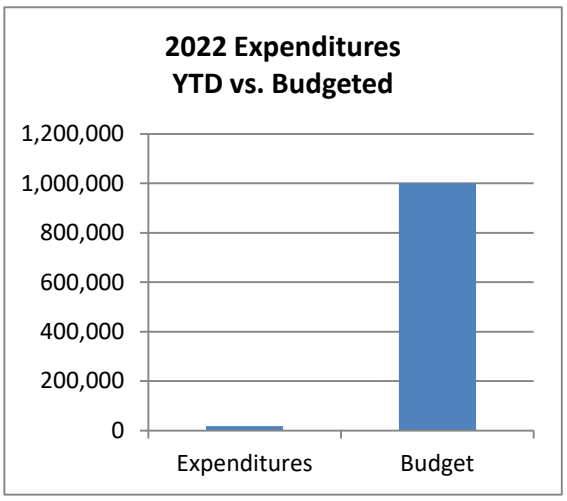
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - Drainage Fund
Period Ending January 31, 2022
Unaudited

Drainage Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Cash Balance*	3,732,384	3,732,384	
Revenues:			
Charges for Services	40,699	475,900	8.6%
Total Operating Revenues	40,699	475,900	8.6%
Expenses:			
Administration	7,713	156,765	4.9%
Operations	10,783	364,100	3.0%
Capital Improvements	-	480,000	0.0%
Transfer Out	-	-	
Total Operating Expenses	18,496	1,000,865	1.8%
Operating Income (Loss)	22,203	(524,965)	
Non-Operating Revenues (Expenses)			
Capital Revenues	-	110,000	0.0%
Misc. Revenues	-	-	
Interest Expense	127	1,000	12.7%
Total Non-Operating Revenues (Expenses)	127	111,000	0.1%
Excess (Deficiency) of Revenues and Other Sources over Expenses	**22,330**	**(413,965)**	
Ending Cash Balance*	**3,754,714**	**3,318,419**	

** - Unaudited*

8% of the fiscal year has elapsed



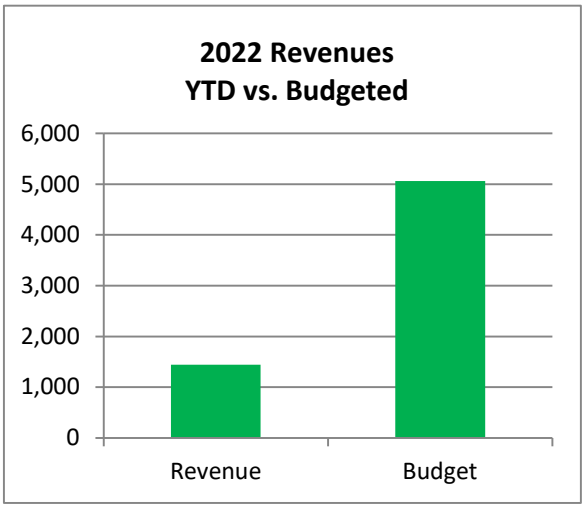


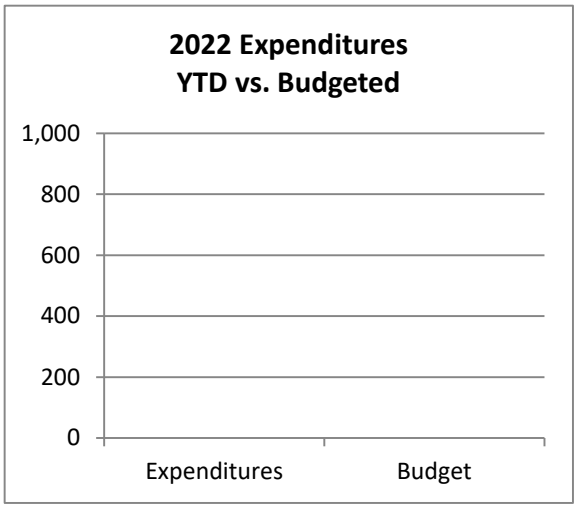
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - Cemetery Perpetual Fund
Period Ending January 31, 2022
Unaudited

Cemetery Perpetual Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Fund Balance*	153,817	153,817	
Revenues:			
Miscellaneous Revenue	1,434	5,000	28.7%
Earnings on Investment	7	60	12.2%
Total Operating Revenues	1,441	5,060	28.5%
Expenditures:			
Operations & Maintenance	-	-	
Capital Outlay	-	-	
Transfers Out	-	-	
Total Expenditures	-	-	
Excess (Deficiency) of Revenues and Other Sources over Expenditures	**1,441**	**5,060**	
Ending Fund Balance*	**155,258**	**158,877**	

** - Unaudited*

8% of the fiscal year has elapsed



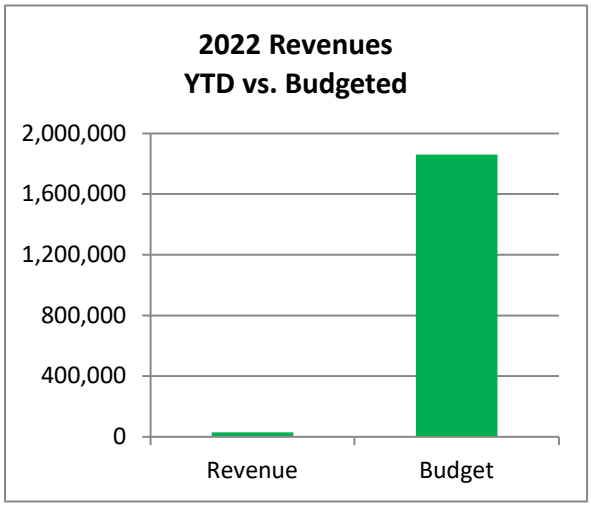


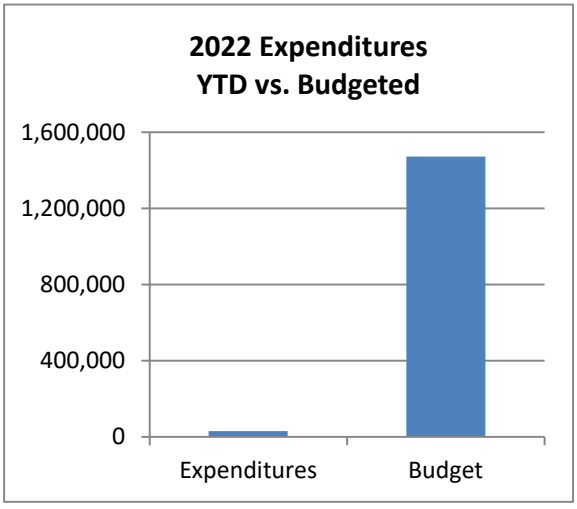
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - Library Fund
Period Ending January 31, 2022
Unaudited

Library Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Fund Balance*	6,613,408	6,613,408	
Revenues:			
Intergovernmental	-	488,959	0.0%
Miscellaneous Revenue	-	11,000	0.0%
Capital Investment Fees	28,700	215,000	13.3%
Interest	18	5,000	0.4%
Transfers In	-	1,140,000	0.0%
Total Operating Revenues	28,718	1,859,959	1.5%
Expenditures:			
Operations	-	1,472,000	0.0%
Capital Outlay	30,241	-	0.0%
Total Expenditures	30,241	1,472,000	2.1%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	**(1,523)**	**387,959**	
Ending Fund Balance*	**6,611,885**	**7,001,367**	

** - Unaudited*

8% of the fiscal year has elapsed



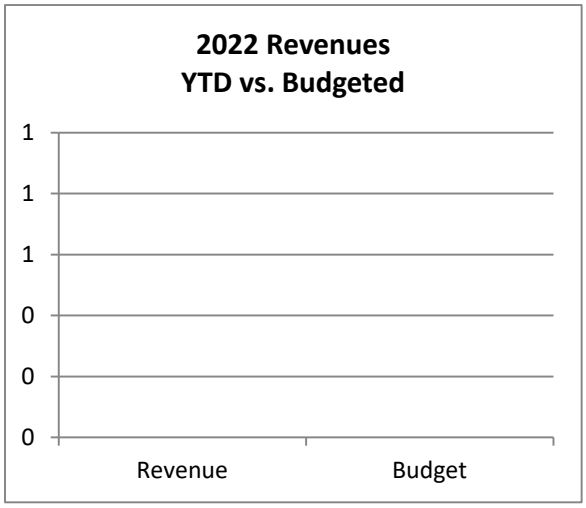


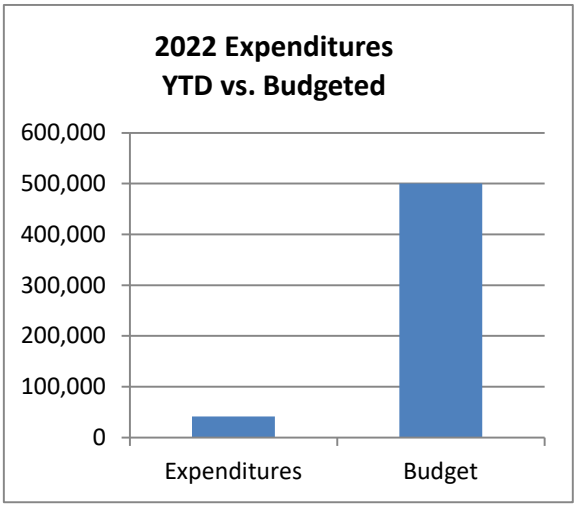
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in Fund Balances - Recreation Center Fund
Period Ending January 31, 2022
Unaudited

Recreation Center Fund	2022 Actuals January	2022 Adopted Budget	% Complete
Beginning Fund Balance*	922,738	922,738	
Revenues:			
Transfers In	-	-	
Earnings on Investment	-	-	
Total Operating Revenues	-	-	
Expenditures:			
Operations & Maintenance	41,667	500,000	0.0%
Capital Outlay	-	-	
Total Expenditures	41,667	500,000	8.3%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	**(41,667)**	**(500,000)**	
Ending Fund Balance*	**881,071**	**422,738**	

** - Unaudited*

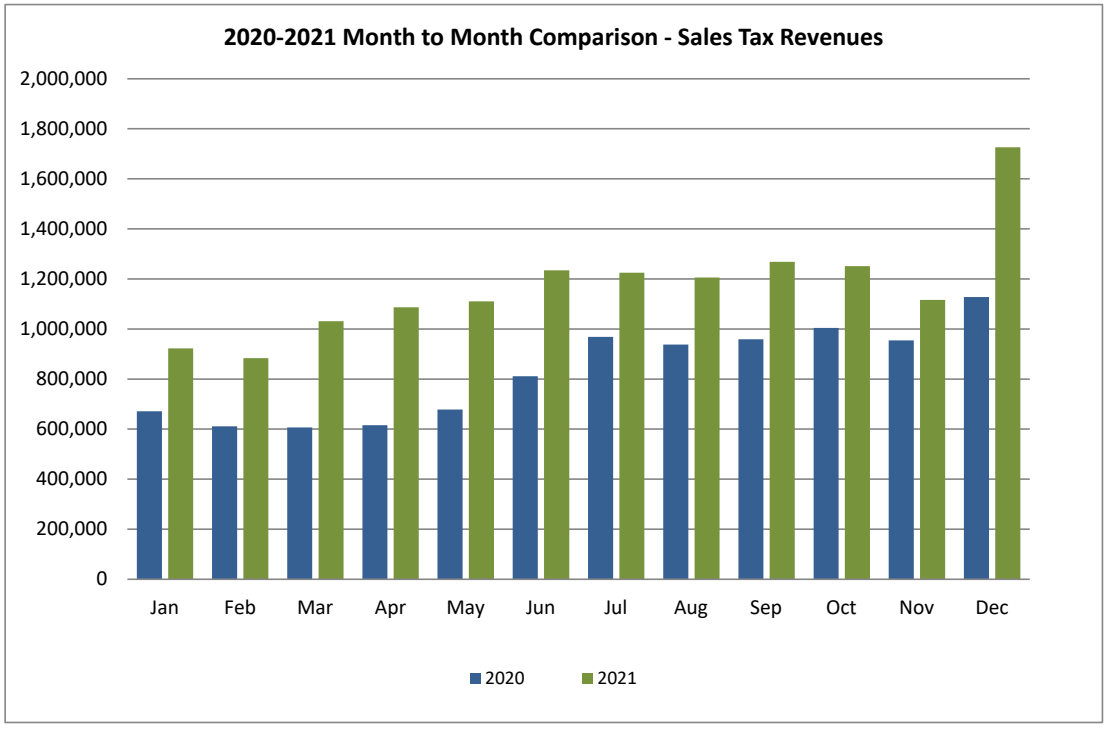
8% of the fiscal year has elapsed





Sales Tax Analysis and Comparison
2021

Month/Year	Sales Tax Collected*	Motor Vehicle Sales Tax Collected*	Total Sales Taxes Collected*
Jan-20	497,742	173,194	670,936
Feb-20	499,117	111,639	610,756
Mar-20	491,392	115,467	606,860
Apr-20	531,113	84,279	615,392
May-20	607,705	70,708	678,414
Jun-20	663,024	148,031	811,055
Jul-20	772,660	196,194	968,854
Aug-20	779,425	158,666	938,091
Sep-20	824,605	134,268	958,873
Oct-20	765,787	238,719	1,004,506
Nov-20	827,990	126,680	954,671
Dec-20	981,199	146,594	1,127,793
2020 Total	**8,241,761**	**1,704,440**	**9,946,201**
Jan-21	744,120	178,705	922,826
Feb-21	743,695	139,660	883,356
Mar-21	906,817	124,138	1,030,955
Apr-21	918,293	168,662	1,086,954
May-21	896,848	213,617	1,110,465
Jun-21	1,015,237	219,682	1,234,920
Jul-21	1,028,270	196,440	1,224,709
Aug-21	999,329	206,802	1,206,132
Sep-21	1,057,297	211,060	1,268,357
Oct-21	1,074,502	176,424	1,250,927
Nov-21	991,990	124,164	1,116,155
Dec-21	1,510,803	214,790	1,725,593
2021 Total	**11,887,203**	**2,174,145**	**14,061,348**
Jan - Dec 2020	8,241,761	1,704,440	9,946,201
Jan - Dec 2021	11,887,203	2,174,145	14,061,348
% Increase (Decrease)	44.23%	27.56%	41.37%



* Amounts shown reflect different reporting periods for various entities.

Town of Johnstown
List of Bills - January 10, 2022 - February 8, 2022

Vendor	Description	Department	Amount
A & E Tire Inc	Vehicle supplies	PW	298.02
Ace Hardware	Supplies	PW	1,240.92
Ace Hardware of Johnstown	Johnstown Cash	ADM	460.00
Aclara Technologies LLC	Utility software	ADM	6,564.00
Adamson Police Products	Uniforms	PD	80.00
Advanced Mechanical Services, Inc	Equipment maintenance	PW	8,500.98
AED Everywhere, Inc.	AED supplies	PW	65.00
All Copy Products, Inc	Office supplies	ADM/PD	289.65
American Cyber Security Management	Professional services	ADM	5,000.00
American Target Company	Supplies	PD	112.00
Amy Bachman	Facade Grant FY 2021	ADM	6,487.50
Aqua Backflow, Inc.	Mailings	PW	160.00
Aqua Engineering	Central WWTP expasion	PW	26,449.98
Arrowhead Scientific Inc.	Lab supplies	PD	561.87
Big Thompson Ditch & Mfg. Co.	2022 Water assessment	PW	9,156.30
Black Sheep Coffee & Crepes	Johnstown Cash	ADM	420.00
Bludot Technologies Inc.	Supplies	ADM	390.00
Bobcat of the Rockies	Supplies	PW	309.48
Browns Hill Engineering & Controls	SCADA	PW	5,479.63
B's Coffee	Johnstown Cash	ADM	40.00
Burns & McDonnell Engineering Co Inc.	WTP Expansion	PW	148,101.35
Canine Cuts Grooming Salon	Johnstown Cash	ADM	40.00
Canterberry Construction Mgnt Services	CMAR services	PW	5,585.00
Card Services	Travel/training/supplies	ALL	15,493.98
Cassidy's Sports Grill	Johnstown Cash	ADM	100.00
CB&I Group Storage Tanks Solutions LLC	South Tank project	PW	701,808.37
CDR Propane Services, LLC	Propane	PD/PW	3,730.25
Cellco Partnership	Refund license overpayment	ADM	1.00
Central Square Technologies, LLC	Professional services	ADM	15,246.00
Central Weld County Water District	Interconnects	PW	608.77
CenturyLink	Telephone	PW/PD	115.23
Cintas	Mat supplies/service	ALL	585.79
Cirsa	Insurance	ADM	370,627.97
ClearGov Inc	Software subscription	ADM	30,400.00
CMC Tire	Supplies	PW	471.95
CMS Mechanical Services	Building maintenance	PW	5,515.00
Colorado Analytical Labs	Lab testing	PW	1,100.00
Colorado Greenbelt Management	Snow removal	PW	740.00
CO Information Sharing Consortium	Software	PD	1,056.00
Connected Chiropractic	Johnstown Cash	ADM	20.00
Connell Resources, Inc.	Construction services	PW	2,555,809.02
Consolidated Hillsborough Ditch Co	Water tank project	PW	119,671.76
Consolidated Home Supply Ditch &	Water legal	PW	136,221.90
Core & Main	Supplies	PW	1,004.37

Coren Printing, Inc	Printing services	ADM	107.00
Cristiana Salon Spa	Johnstown Cash	ADM	40.00
Dana Kepner Co.	Supplies	PW	72.00
DeFalco Construction Co	Old Town drainage project	PW	477,299.77
Denali Water Solutions LLC	Sludge removal	PW	6,146.60
Department of Labor	Boiler inspection	PW	250.00
DES Pipeline Maintenance, LLC	Professional services	PW	3,150.00
DetectaChem, Inc.	Supplies	PD	119.64
DirectTV	Refund	ADM	1.00
Dog Waste Depot	Supplies	PW	214.52
DPC Industries Inc	Chemicals	PW	21,577.50
E-470 Public Highway Authority	Travel	PD	18.60
Ed Cor	Training supplies	PD	20.00
Elevated Cloud Services	VDI Subscription	ADM	4,200.00
Employee Reimbursements	Supplies	ALL	68.88
Envirotech Services, Inc	Chemicals	PW	8,796.16
Felsburg Holt & Ullevig Inc	Billback - Engineering services	ADM	5,610.00
Firestone Complete Auto Care	Vehicle maintenance	PD/PW	2,178.98
First Class Security Systems	Fire system monitoring	PW	128.80
First National Bank	Custodial services	ALL	1,031.27
Forestar - RE Services	Developer deposit refund	ADM	1,766,981.72
Frontier Business Products	Copier maintenance/supplies	ADM/PD	764.49
Frontier Fertilizer & Chemical	Supplies	PW	100.00
Glenn A. Jones Library	Library support	ADM	94,816.12
Glenn A. Jones Library	Property tax reconciliation 2021	ADM	190,206.79
Go Play Inc.	Playground equipment	PW	6,705.50
Gould Evans Inc	Land use code rewrite	ADM	9,985.00
Grainger, Inc.	Supplies	PW	2,385.39
Ground Engineering Consultants, Inc.	South Tank project	PW	6,094.00
Hays Market	Johnstown Cash	ADM	1,480.00
Hays Market Inc	Supplies	PW/ADM	36.57
Helton & Williamsen, P.C.	Bill Back - Engineering services	PW	7,151.00
Hill & Robbins, PC	Legal services	PW	3,736.50
Hiroshi Teriyaki Grill, Inc.	Johnstown Cash	ADM	240.00
Huber Technology Inc	Low Point WWTP project	PW	59,812.00
IMEG Corp	Engineering services WWTP	ADM	167,747.66
IMEG Corp	Billback -Engineering services	ADM	30,460.00
Infosend, Inc.	Utility bill printing/newlsetter	ADM	4,470.26
Insight North America, LLC	Investment services	ADM	3,031.48
Intellichoice, Inc	Software support	PD	8,089.47
Intl Assoc for Prop & Evidence	Dues	PD	65.00
Interstate Battery of the Rockies	Supplies	PW	129.95
InVision GIS	GIS services	ADM	1,976.25
J&D Creations	Uniforms	PW	97.90
J&S Contractors Supply Co.	Supplies	PW	1,329.81
J-2 Contracting Co.	Johnstown Reservoir Dam repair	PW	96,496.25
JM Post	Johnstown Cash	ADM	20.00

Johnstown Historical Society, Ltd	JHA reimbursement	ADM	3,600.00
Johnstown Lunch Box, LLC	Johnstown Cash	ADM	200.00
J-Town Nutrition	Johnstown Cash	ADM	20.00
K9 Guardian, Inc.	K9 equipment	PD	2,285.00
Kangaroo Express of Longmont, Inc	Lab testing	PW	150.00
Kelly Supply Co	Supplies	PW	409.99
Kinsco, LLC	Uniforms	PD	129.99
Language Line Services Inc.	Translation services	PD	4.92
Larimer County Sales Tax Administrator	Use Tax - Reimbursement	ADM	12,769.85
Law Enforcement Systems	Lab supplies	PD	53.00
Law Office of Avi Rocklin LLC	Legal services	ALL	8,881.50
Law Office of Avi Rocklin LLC	Bill Back - Legal services	ADM	17,468.50
Lazar, Michael	Municipal Court Judge	ADM	1,800.00
Lazy Dog Johnstown, LLC	Johnstown Cash	ADM	320.00
Lift Coffee Bar	Johnstown Cash	ADM	140.00
Lowe's	Supplies	PW	450.03
Mac Equipment, Inc	Equipment supplies	PW	66.06
Magellan Advisors LLC	Broadband study	ADM	14,525.00
Mares Auto Inc.	Vehicle repairs	PW/PD	438.27
McDonald Farms Enterprises Inc	Sludge removal	PW	9,446.00
McGeady Becher P.C.	Legal services	ADM	4,917.00
McGeady Becher P.C.	Billback - Legal services	ADM	18,263.00
Milliken Johnstown Electric	Equipment maintenance	PW/PD	934.50
Motorola Solutions, Inc.	Equipment - radio	PD	4,696.42
Mountain States Pipe & Supply	Water meters	PW	12,568.44
Mountain View Farms Inc.	Legal services	ADM	4,600.75
Mr. Donuts	Johnstown Cash	ADM	40.00
MTech Mechanical Technologies Group	HVAC repairs	PW	260.00
Nalco Company LLC	Chemicals	PW	5,563.58
Napa Auto Parts, Inc	Vehicle supplies	PW	471.18
National Band & Tag Company	Supplies	ADM	206.99
Nicole's Warehouse	Johnstown Cash	ADM	60.00
North Front Range Water Quality	Membership dues	ADM	3,150.00
O.J. Watson Company Inc	Vehicle repairs	PW	170.24
Office Depot Business Credit	Office supplies	ALL	416.72
Office Scapes	Office supplies	ADM	19.77
OmniTRAX Inc.	Railroad crossing fees	PW	7,000.00
Original Equipment Auto Glass	Vehicle maintenance	PD	282.89
Otak	Design services - LT trail	PW	2,771.25
Peak View Enterprises, LLC	Broadband study	ADM	5,000.00
Poudre Valley REA	Utilities	ALL	10,771.42
ProCode Inc.	Inspection services	ADM	15,000.00
Ramey Environmental Compliance Inc.	ORC Services	PW	26,920.85
Revelation Steel	Supplies	PW	34.70
Rhinehart Oil Co., Inc.	Fuel	PW/PD	9,785.93
Riverwood Massage	Johnstown Cash	ADM	20.00
Royal-T	Sewer inspection	PW	980.00

Sam's Club MC/SYNCB	Supplies	PD	143.56
Santiago's Mexican Restaurant	Johnstown Cash	ADM	480.00
Security Central, Inc	Alarm monitoring	PW	458.95
Steel Structures America, Inc.	Cemetery garage	PW	6,460.00
Striglos	Supplies	ADM	1,714.00
Summit Data Protection LLC	Computer services	ADM	14,000.00
Tait & Associates, Inc.	Design services	PW	101,797.25
TDS	Telephone	ALL	2,461.68
The Home Depot/GECF	Supplies	PW	167.07
The Original Heavenlycakes	Johnstown Cash	ADM	60.00
TimberLAN	IT services	ADM	1,905.00
T-Mobile	Telephone	PD	32.91
Trinity SCS, Inc.	Safety supplies	PW	367.37
UE Compression	Supplies	PW	1,543.41
United Power, Inc	Utilities	PW	1,583.80
Upstate Colorado Economic Dev	Contribution	ADM	10,000.00
USA Bluebook	Lab supplies	PW	1,498.44
Utility Notification Center of Colorado	Locates	PW	809.16
Utility Refund	Utility refunds	ADM	7,506.82
VCA Veterinary Specialists of	K9 medical services	PD	766.25
Verizon Wireless	Cell phones	PD/PW	3,345.36
Wagner Equipment Co.	Generator maintenance	PW	1,205.56
Waste Connections of Colorado Inc.	Trash services	PW	141,233.24
Weld County	Dispatch fees	PD	78,902.00
Weld County Clerk & Recorder	Recording deposit	ADM	600.00
Weld County Dept of Public Health	Lab services	PW	1,319.50
Wellspring Therapeutics LLC	Johnstown Cash	ADM	20.00
Whispir	Communications software	ADM	383.04
Windstream	Telephone/internet	PW	1,064.54
Workwell Occupational Medicine	Drug screen	ADM	36.00
WR Investment, LLC	Reimbursement agreement	ADM	59,800.00
Xcel Energy	Utilities & LED project	ALL	197,700.10
YMCA of Northern Colorado	Monthly support & table sponsor	ADM	42,666.67
Yost Cleaning	Monthly cleaning service	PW	5,508.00
			8,077,162.29

Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 23, 2022

SUBJECT: Ordinance 2022-223 Approving the Rezoning of the East Ledge Rock Center to Planned Unit Development – Mixed Use (PUD-MU)

ACTION PROPOSED: Consider Second Reading of Ordinance 2022-223

ATTACHMENTS: Ordinance 2022-223

PRESENTED BY: Kim Meyer, Planning & Development Director

AGENDA ITEM DESCRIPTION:

Council held a public hearing on February 7, 2022 and approved Ordinance No. 2022-223 on first reading.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

Approve Ordinance 2022-223 approving East Ledge Rock Center Rezoning to Planned Unit Development – Mixed Use (PUD-MU), on second reading.

Reviewed and Approved for Presentation,

Town Manager

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2022-223

APPROVING REZONING OF THE PROPERTY KNOWN AS EAST LEDGE ROCK CENTER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 155 ACRES, TO PLANNED UNIT DEVELOPMENT – MIXED USE (PUD-MU)

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, Ledge Rock Center, LLC, a Kansas limited liability company, the property owner, applied to rezone the property known as East Ledge Rock Center, located in the Northeast Quarter of Section 11, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 155 acres, being more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference ("Property"), from Planned Unit Development – Residential ("PUD-R") and Planned Unit Development – Business ("PUD-B") to Planned Unit Development - Mixed Use ("PUD-MU"); and

WHEREAS, the request to rezone the Property is based on the fact that the proposed development of the Ledge Rock Center is anticipated to include a mix of commercial and residential uses; and

WHEREAS, on January 12, 2022, the Town Planning and Zoning Commission held a hearing and recommended approval of PUD-MU zoning on the Property; and

WHEREAS, on February 7, 2022, the Town Council held a public hearing to determine appropriate zoning for the Property and, based upon the evidence received at the hearing, finds that the requested rezoning of the Property to PUD-MU conforms to the *Johnstown Area Comprehensive Plan* and should be approved.

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

1. Zoning of the Property known as East Ledge Rock Center and more particularly described on the attached Exhibit A shall hereby and hereinafter be designated as PUD-MU.

2. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("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 Charter.

3. Upon its effective date, the Town Clerk is hereby directed to file this Ordinance with the real estate records of the Weld County Clerk and Recorder.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 7th day of Feb, 2022.

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 _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 23, 2022

SUBJECT: Ordinance 2022-224 Approving the Outline Development Plan (ODP) for Ledge Rock Center P.U.D.

ACTION PROPOSED: Consider Second Reading of Ordinance 2022-224

ATTACHMENTS: Ordinance 2022-224

PRESENTED BY: Kim Meyer, Director

AGENDA ITEM DESCRIPTION:

Council held a public hearing on February 7, 2022 and approved Ordinance No. 2022-224 on first reading.

LEGAL ADVICE:
The Town Attorney drafted the Ordinance.

FINANCIAL ADVICE:
NA

RECOMMENDED ACTION:

Approve Ordinance 2022-224 Approving the Outline Development Plan (ODP) for Ledge Rock Center P.U.D. on second reading.

Reviewed and Approved for Presentation,

Town Manager

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2022-224

APPROVING P.U.D. OUTLINE DEVELOPMENT PLAN FOR LEDGE ROCK CENTER LOCATED IN THE NORTHEAST QUARTER AND NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST, COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 221 ACRES.

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, Ledge Rock Center, LLC, a Kansas limited liability company, submitted an application to the Town for approval of a P.U.D. Outline Development Plan for a development known as Ledge Rock Center, located in the Northeast and Northwest Quarter of Section 11, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 221 acres; and

WHEREAS, on January 12, 2022, the Planning and Zoning Commission held a public hearing and recommended approval of the P.U.D. Outline Development Plan for Ledge Rock Center; and

WHEREAS, on February 7, 2022, the Town Council held a public hearing concerning approval of the P.U.D. Outline Development Plan for Ledge Rock Center; and

WHEREAS, after considering the Planning and Zoning Commission's recommendation for approval, reviewing the file and conducting such public hearing, Town Council finds that the P.U.D. Outline Development Plan for Ledge Rock Center is consistent with and furthers the goals of the *Johnstown Area Comprehensive*; and

WHEREAS, based on the foregoing, Town Council desires to approve the P.U.D. Outline Development Plan for Ledge Rock Center.

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

Section 1. P.U.D. Outline Development Plan Approval. The P.U.D. Outline Development Plan for Ledge Rock Center, located in the Northeast and Northwest Quarter of Section 11, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 221 acres, attached hereto and incorporated herein by reference as Exhibit A, is hereby approved.

Section 2. Supersede and Replace. The P.U.D. Outline Development Plan for Ledge Rock Center adopted herein shall supersede and replace the outline development plan, if any, previously approved with respect to the Ridgeview Ranch Annexation, an annexation approved by the Town on or about July 21, 2003, and the Johnstown Commercial Annexation, an annexation approved by the Town on or about March 17, 2008.

Section 3. Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("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 Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 7th day of February, 2022.

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 _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By:_____
Diana Seele, Town Clerk

By:_____
Gary Lebsack, Mayor

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 23, 2022

SUBJECT: Ordinance 2022-225, An Ordinance Authorizing the Conveyance of Real Property located at Lot 2, Oxy Land Subdivision, in the Northwest ¼, Section 11, Township 4 North, Range 68 West of The 6th P.M., Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 33.22 Acres, to Ledge Rock Center, LLC

ACTION PROPOSED: Consider Second Reading Ordinance No. 2022-225

ATTACHMENTS: 1. Ordinance No. 2022-225
2. Exhibit to Ordinance - Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial

PRESENTED BY: Avi Rocklin, Town Attorney

AGENDA ITEM DESCRIPTION:

Council held a public hearing on February 7, 2022, and approved Ordinance No. 2022-225 on first reading. The Ordinance authorizes the conveyance of real property to Ledge Rock Center, LLC, a Kansas limited liability company, to be used for the commercial portion of the Ledge Rock Center development.

The material terms of the conveyance of the property are contained in the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial ("Agreement"). Of note, the Agreement has been modified slightly since first reading. Paragraph 7(b) has been revised to provide as follows: "Developer has indicated that, as of the effective date of this Agreement, it intends to commence construction of the Public Improvements and thereafter the Private Improvements associated with Lots 7, 8, 9 and 10 ("Lots"), as such Lots are ***preliminarily*** shown and depicted on Exhibit B attached hereto and incorporated herein by reference."

LEGAL ADVICE:

The Town Attorney prepared Ordinance No. 2022-225.

FINANCIAL ADVICE:

N/A

RECOMMENDED ACTION: Approve Ordinance No. 2022-225 on second reading.

Reviewed and Approved for Presentation,

Town Manager

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022-225

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT LOT 2, OXY LAND SUBDIVISION, IN THE NORTHWEST ¼, SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 33.22 ACRES, TO LEDGE ROCK CENTER, LLC

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, the Town owns real property located at Lot 2, Oxy Land Subdivision, in the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 33.22 acres ("Property"); and

WHEREAS, the Property was conveyed to the Town pursuant to that certain Oil and Gas Operator Agreement and Encroachment License executed between the Town and Kerr-McGee Oil & Gas Onshore LP on or about December 16, 2019, and recorded at Reception Number 4553635 on December 27, 2019, in the Weld County Clerk and Recorder's Office; and

WHEREAS, the Ledge Rock Center Commercial Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado and Ledge Rock Center, LLC, a Kansas limited liability company ("Developer"), desire to develop the Property, along with other real property, as a commercial retail center to be known as the Ledge Rock Center containing approximately 785,000 square feet of new retail uses ("Project"); and

WHEREAS, to facilitate the development of the Project, the Developer has requested that the Town convey the Property to the Developer for nominal consideration; and

WHEREAS, Colorado municipalities are entitled to encourage new and expanded retail development through inducements and incentives; and

WHEREAS, the Town has determined the Project will serve a public use and promote the health, safety, prosperity, security and general welfare of the citizens of the Town; and

WHEREAS, Section 19.4 of the Home Rule Charter of the Town of Johnstown provides that the Town may receive bequests, gifts and donations of all kinds of property with the power to manage, sell, lease or otherwise dispose or provide for the disposition of same; and

WHEREAS, Section 11-7 of the Johnstown Municipal Code provides that the Town may sell or dispose of real property and public buildings, used or held for any purpose, by ordinance upon such terms and conditions as Town Council deems to be in the best interests of the Town; and

WHEREAS, based on the foregoing, including the anticipated economic benefits and additional employment opportunities presented by the location of the Project in the Town, and after due consideration, the Town Council desires to accommodate the Developer's request and convey the Property to the Developer for nominal consideration upon the terms and conditions set forth in the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial, attached hereto and incorporated herein by reference as Exhibit 1; and

WHEREAS, the Town Council further finds, determines and declares that this Ordinance is promulgated under the general police power of the Town for the benefit of the public health, welfare, peace, safety and property and that adoption of the 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. The Town Council hereby authorizes the conveyance of the real property located at Lot 2, Oxy Land Subdivision, in the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 33.22 acres, to Ledge Rock Center, LLC, a Kansas limited liability company, in accordance with the terms and conditions of the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial attached hereto as Exhibit 1.

Section 2. Subsequent to the effective date of this Ordinance, the Town Council hereby authorizes the Mayor to execute the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial on behalf of the Town.

Section 3. This Ordinance shall be interpreted and construed to effectuate its meaning and purpose. If any section, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance or the validity of this Ordinance as an entirety, it being the legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("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 Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 7th day of February, 2022.

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 _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

EXHIBIT 1

AGREEMENT CONCERNING PURCHASE AND SALE OF REAL PROPERTY FOR LEDGE ROCK CENTER COMMERCIAL

THIS AGREEMENT CONCERNING PURCHASE AND SALE OF REAL PROPERTY FOR LEDGE ROCK CENTER COMMERCIAL ("Agreement") is made and entered into on this ___ day of _____, 2022, by and between THE TOWN OF JOHNSTOWN, COLORADO, a home-rule municipality of the Counties of Larimer and Weld, State of Colorado ("Town"), LEDGE ROCK CENTER, LLC, a Kansas limited liability company ("Developer"), and LEDGE ROCK CENTER COMMERCIAL METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the state of Colorado ("District") (collectively, the "Parties").

RECITALS

WHEREAS, the Town is the owner of a parcel of land known as Lot 2, Oxy Land Subdivision, located in the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, and recorded at Reception Number 4785196, on December 15, 2021 in the Weld County Clerk and Recorder's Office, consisting of approximately 33.22 acres ("Property"); and

WHEREAS, the District and Developer intend to develop the Property, along with other real property, as a commercial retail center to be known as the Ledge Rock Center containing approximately 785,000 square feet of new retail uses ("Project"); and

WHEREAS, in consideration of the Developer's agreement to convey the Property, excepting the portions of the Property upon which Private Improvements will be constructed, to the District at no cost to the District, and to facilitate the development of the Project, the Developer has requested that the Town convey the Property to the Developer for nominal consideration; and

WHEREAS, Colorado municipalities are entitled to encourage new and expanded retail development through inducements and incentives; and

WHEREAS, the Town has determined the Project will serve a public use and promote the health, safety, prosperity, security and general welfare of the citizens of the Town; and

WHEREAS, in furtherance of the development of the Project, on or about January 3, 2022, the Town, the District and the Developer entered into that certain Development and Reimbursement Agreement for Ledge Rock Center Commercial, Johnstown, Colorado, recorded at Reception Number _____, on _____, 2022 in the Weld County Clerk and Recorder's Office ("Development Agreement"); and

WHEREAS, pursuant to the Development Agreement, and the District's and Developer's representations made therein regarding the construction and installation of the Project on the Property, the Town agreed to negotiate a purchase and sale agreement with the Developer and the District regarding conveyance of the Property; and

WHEREAS, based on the foregoing, including the anticipated economic benefits and additional employment opportunities presented by the location of the Project in the Town, the Town desires to accommodate the Developer's request for conveyance of the Property to the Developer for nominal consideration; and

WHEREAS, pursuant to C.R.S. § 29-1-203, the Parties are authorized to enter into cooperative agreements and contracts for certain specified purposes, and intend that, as between the Town and the District, this Agreement constitute such an intergovernmental agreement with respect to the conveyance of the Property; and

WHEREAS, capitalized terms used herein not otherwise defined shall have the meaning set forth in the Development Agreement; and

WHEREAS, to effectuate the foregoing, the Parties desire to enter into this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the terms, conditions and covenants set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Recitals. The Recitals set forth above are incorporated herein by reference.

2. Conveyance. Based upon the terms and conditions set forth herein, within three (3) business days of the District's first issuance of Bonds, the Town shall convey the Property to the Developer by special warranty deed, in substantially the same form as attached hereto and incorporated herein by reference as Exhibit A ("Conveyance Date"). If the District has not issued Bonds by June 30, 2022, then, unless the Town consents to an extension of time, this Agreement shall terminate and the Town shall not be obligated to convey the Property to the District.

3. Completion of Public Improvements. As a material term of this Agreement, the District and Developer agree to complete construction of the Public Improvements required for commercial use of the Property, the scope of which shall be agreed upon by the Parties, within five (5) years of the Conveyance Date. If, after due diligence, the District and Developer antitipcate that they will not able to complete the Public Improvements within the five (5) year period, within at least three and one-half years (3.5) from the Conveyance Date, the District and Developer may submit a written request to the Town for an extension of time to complete the Public Improvements along with an explanation of the reason for the request. The Town shall review the request and, if agreeable, at the Town's discretion, provide written consent to the extension of time in the form of an amendment to this Agreement. If the request is based on good cause, as determined by the Town, the Town's approval shall not be unreasonably withheld, delayed or conditioned.

4. Conveyance of Property to District. As a material term of this Agreement, the Developer agrees to convey the Property to the District, excepting the portions of the Property upon which Private Improvements will be constructed, within four (4) months of the Conveyance Date. The Developer further agrees to convey the Property to the District at no cost.

5. Restrictive Covenants. Absent written consent of the Town in the form of an amendment to this Agreement recorded in the Weld County Clerk and Recorder's Office, except as otherwise set forth herein, the Developer and the District and shall not:

a. Convey the Property to a third-party, except that the Developer may convey the Property to the District as set forth herein;

b. Secure any financing for Public Improvements with a mortgage or other encumbrance on the Property except for any PILOT which may exist on the Property; or

c. Secure any financing for Private Improvements with a mortgage or other encumbrance on the Property except for (i) financing by a third-party who purchases portions of the Property pursuant Paragraph 6; or (ii) financing approved by the Town pursuant to Paragraph 7. Without limiting the Town's rights, the Town commits and affirms that, if the Town determines that the Developer is making substantial progress toward development of the Property, upon the written request of the Developer, the Town would be inclined to agree to release the foregoing restriction with respect to the Private Property.

6. Conveyance of Portions of the Property to Third-Party Retailers. Notwithstanding the foregoing, the Town understands and agrees that, as the Project develops, the Developer may desire to convey portions of the Property proposed for pad sites to third-parties for Private Improvements and the construction of buildings for commercial use. Such conveyance shall be subject to the following:

a. Conditions of Sale. The Developer shall only be entitled to convey portions of the Property proposed for pad sites on the condition that the purchase and sale agreement between the Developer and the third-party purchaser contain provisions requiring that the third-party purchaser submit an application to the Town for a building permit within six (6) months of the acquisition of the property and commence construction of the Private improvements within three (3) months of the issuance of a building permit, except that, for good cause, the purchaser may provide a written request for an extension of either of the deadlines to the Town Manager at least thirty (30) days before the expiration of such deadline and the Town Manager may, at the Town Manager's discretion, extend the deadline upon a finding of good cause, which consent shall not be unreasonably withheld, delayed or conditioned if the reqest is based on good cause. If those conditions are not satisfied, the purchase and sale agreement shall provide that the third-party purchaser be required to reconvey the property to the Developer and that the Developer be required to accept reconveyance of the property from the third-party. The Developer shall also prohibit the third-party purchaser from selling the property to a different purchaser absent the Developer's consent and the new purchaser's assumption of the development obligations set forth above. Prior to the sale of the property by the Developer to a third-party, the Developer shall provide the portions of the purchase and sale agreement containing the above-conditions to the Town for review and

approval.

b. Developer Funds. Upon the sale of property to a third-party, the Developer shall not be entitled to Developer Funds, as defined in the Escrow Agreement, for such portion of the Property absent written approval of the Town Manager, at the Town Manager's discretion. To determine whether to allow disbursement of Developer Funds, the Town Manager may request, among other information, documentation evidencing: (i) the identity of the purchaser of the property and the anticipated retail use; (ii) the anticipated construction schedule and date by which the purchaser intends to be open for retail business; and (iii) as between the Developer and the third-purchaser, the financial terms of the construction of the Private Improvements.

7. Encumbrance on Private Property.

a. Pad Sites. Notwithstanding the foregoing, as provided in this Paragraph 7, the Developer may mortgage or encumber portions of the Property proposed for pad sites for Private Improvements when the Developer is prepared to commence construction of the Private Improvements on such pad site(s). In such case, the Developer shall provide written notice to the Town Manager. The Town Manager shall review and, if acceptable, at the Town Manager's discretion, provide written consent to the mortgage or encumbrance. The Town Manager's approval shall not be unreasonably withheld, delayed or conditioned.

b. Consent to Encumber Lots 7, 8, 9 and 10. Developer has indicated that, as of the effective date of this Agreement, it intends to commence construction of the Public Improvements and thereafter the Private Improvements associated with Lots 7, 8, 9 and 10 ("Lots"), as such Lots are preliminarily shown and depicted on Exhibit B attached hereto and incorporated herein by reference. The Town hereby provides consent for the mortgage or encumbrance of those Lots.

8. Consent to Transfer. Upon the conveyance of the Property from the Developer to the District, the District shall not be entitled to transfer or convey the Property to the Developer or to a third party absent the written consent of the Town.

9. Remedy. If the Developer and/or the District fail to comply with any term or conditions of this Agreement, the Developer and/or the District, as the case may be, shall be liable to the Town for the fair market value of the Property at the time of such failure, determined by an independent appraisal obtained at the Developer's expense. The Town shall be entitled to any and all other remedies available, including the right, at its discretion, to seek to rescission of the conveyance and transfer of the Property in violation of the terms of this Agreement. The Parties acknowledge that the Escrow Agreement will contain a cross default provision that will suspend the distribution of any Developer Funds until such time as any default by the Developer or the District under this Agreement has been cured.

10. References to Property. Each and every reference herein to the "Property" shall mean and include the whole of the Property or portions thereof.

11. Consent of the Town. Except as otherwise provided herein, the requirement to obtain the consent of the Town shall mean the consent of the Town Council of the Town of Johnstown.

12. Mediation. If a dispute arises under this Agreement that the Parties are not able to mutually resolve, prior to commencing litigation, the non-breaching Party shall first submit the matter to mediation conducted by a neutral mediator. The Parties shall attempt to agree upon a mediator and shall endeavor to find a mediator having experience in construction-related matters. If the Parties are unable to agree upon a mediator, either Party may apply to the Judicial Arbiter Group in Denver, Colorado, for appointment of a mediator. The cost of the mediation shall be shared equally by the Parties.

13. Governing Law and Venue. This Agreement and the interpretation thereof shall be governed by the laws of the State of Colorado. Venue for any claim, proceeding or action arising out of this Agreement shall be in the County of Weld, State of Colorado.

14. Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect so long as enforcement of the remaining provisions would not be inequitable to the Party against whom they are being enforced under the facts and circumstances then pertaining or substantially deprive such Party of the benefit of its bargain under this Agreement. The Parties shall cooperate in reforming this Agreement to the extent required to most fully effect the intent of any such invalid, void or unenforceable term, provision, covenant or condition.

15. Recordation. This Agreement shall be recorded in the Weld County Clerk and Recorder's Office.

16. Runs with the Land. The terms and provisions of this Agreement shall constitute covenants running with the land (the Property) and shall be binding upon and inure to the benefit of the respective successors, assigns, transferees, personal representatives and heirs of the Parties hereto.

17. Costs and Attorneys' Fees. If the Developer or the District breaches this Agreement, the Developer or the District, as the case may be, shall pay the Town's reasonable costs and expenses, including attorney's fees, incurred in the enforcement of the terms, conditions and obligations of this Agreement.

18. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties related to the subject matter contained herein and supersedes all prior agreements or understandings.

19. No Presumption. Each Party acknowledges that it has obtained, or has had the opportunity to obtain, the advice of legal counsel of its own choosing in connection with the negotiation and execution of this Agreement and with respect to all matters set forth herein. In the

event of any dispute, disagreement or controversy arising from this Agreement, the Parties shall be considered joint authors and no provision shall be interpreted against any Party because of authorship.

20. Findings. The Town hereby finds and determines that execution of this Agreement is in the best interests of the public health, safety and general welfare of the citizens of the Town. The District hereby finds that this Agreement is in the best interests of the District.

21. Further Assurances. Each Party shall execute and deliver to the others all such other further instruments and documents as may be reasonably necessary or requested by another Party to confirm or clarify the intent of the provisions of this Agreement, and to carry out and effectuate this Agreement in order to provide and secure to the other Parties the full and complete enjoyment of their rights and privileges under this Agreement.

22. Authority. The signatories to this Agreement affirm and warrant that they are fully authorized to enter into and execute this Agreement, and all necessary actions, notices, meetings and/or hearings pursuant to any law required to authorize their execution of this Agreement have been made.

23. Headings. The paragraph headings herein are for the convenience and reference of the parties and are not intended to define or limit the scope or intent of this Agreement.

24. Counterparts. This Agreement may be executed in multiple counterparts, each of which will be deemed to be an original and all of which taken together will constitute one and the same agreement.

25. Effective Date. This Agreement shall be effective on the date set forth above in the opening paragraph.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the set forth above.

LEDGE ROCK CENTER, LLC, a Kansas limited liability company

By: _____
Its: President
Date: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial was acknowledged before me this _____ day of _____, 20_____, by _____, as _____ of Ledge Rock Center, LLC, a Kansas limited liability company.

Witness my hand and official seal.

My commission expires: _____

_____
Notary Public

LEDGE ROCK CENTER COMMERCIAL METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the state of Colorado

By: _____
Its: President
Date: _____
Attest:

_____
Secretary

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial was acknowledged before me this _____ day of _____, 20_____, by _____, as President and Secretary Ledge Rock Center Metropolitan District, a quasi-municipal corporation of the state of Colorado.

Witness my hand and official seal.

My commission expires: _____

_____
Notary Public

THE TOWN OF JOHNSTOWN,
a home-rule municipality of the
State of Colorado

Date: _____ By: _____
Gary Lebsack, Mayor

ATTEST:

_____
Diana Seele, Town Clerk

EXHIBIT A
SPECIAL WARRANTY DEED

THIS DEED, made this __ day of _____, 2022, between the TOWN OF JOHNSTOWN, a Colorado home rule municipality located in County of Weld, State of Colorado ("**Grantor**"), and LEDGE ROCK CENTER, LLC, a Kansas limited liability company ("**Grantee**"):

GRANTOR, for the sum of TEN DOLLARS ($10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto Grantee, its heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Weld, State of Colorado, described as follows:

> Lot 2, Oxy Land Subdivision, located in the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 33.22 acres.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee, its heirs and assigns forever. The Grantor, for itself, its heirs and personal representatives or successors, does covenant and agree that it will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor. Said warranty is subject to rights-of-way, easements, covenants, plats, agreements and other restrictions of record as of the date of this Deed and any other exceptions or exclusions or rights of third parties not shown by the public records of which Grantee has actual knowledge, and subject to the inclusions of the property within any special taxing district. The singular shall include the plural and the plural the singular and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, Grantor has executed this Deed on the date set forth above.

TOWN OF JOHNSTOWN

By:_____
Title: Gary Lebsack, Mayor

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me by Gary Lebsack, Mayor of the Town of Johnstown this _____ day of _____, 2022.

Witness my hand and official seal.

_____
Notary Public

My commission expires_____.

EXHIBIT B
DEPICTION OF LOTS

[Attached]

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE:	February 23, 2022
SUBJECT:	Façade Grant Program Updates
ATTACHMENTS:	Resolution No. 2022-04
	Façade Grant Program Description
	Façade Grant Program Application
ACTION PROPOSED:	Approve Resolution 2022-04 RE: Downtown Johnstown Façade Grant Program Update
PRESENTED BY:	Sarah Crosthwaite, Economic Development Manager

AGENDA ITEM DESCRIPTION:

Enclosed for review and consideration is an update to the existing Downtown Johnstown Façade Grant Program description and application. Town staff has met with several stakeholders and internal departments to identify updates and changes to the program that will hopefully increase accessibility of the funds and scope for eligible projects.

The following changes have been made to the façade grant program description:

- Façade improvements; a building can only apply every 10 years for façade improvements that have been previously awarded through grant funds
- Signage, a business can only apply once for a signage grant for the lifetime of the business
- All projects must be completed within 6 months or by December 31st of the same calendar year; whichever comes first
- Business license must be on file prior to submitting a grant application
- Priority will be given to projects that incorporate several eligible improvements, structures, owners, and businesses (see purpose section on program description)
- Eligible expenses now include; preference for energy efficiency upgrades, creation of outdoor space/patio, murals, ADA access (see eligible improvements section on program description)
- Businesses are now encouraged to contact the Johnstown Museum to learn about the history of their buildings and appropriate historic preservation
- Business must submit after photos of the complete project prior to receiving a reimbursement check

The following changes have been made to the façade grant application:

- Required documents list has been modified and incorporated into the grant application form which includes project narrative/description and property owner signature
- Itemization of project costs has been added
- Applicant and owner authorization has been modified to ensure compliance of grant program rules, eligibility, and intent.

Staff is asking for the Council to consider the proposed changes to the grant program and approve Resolution 2022-04.

LEGAL ADVICE:

The resolution was reviewed and approved by our Town Attorney.

FINANCIAL ADVICE:

For fiscal year 2022, $35,000 has been budgeted for the Downtown Johnstown Façade Grant Program.

RECOMMENDED ACTION: Adopt the resolution as presented.

SUGGESTED MOTIONS:

For Approval: I move to approve Resolution 2022-04.

For Denial: I move to deny Resolution 2022-04.

Reviewed and Approved for Presentation,

Town Manager

TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2022-04

ADOPTING DOWNTOWN JOHNSTOWN FAÇADE GRANT PROGRAM

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 supports economic development to sustain the fiscal health of the community, promote employment opportunities and enhance the quality of life in the Town; and

WHEREAS, the Town desires to create tools to assist economic development in order to attract new businesses to the community, retain and promote the expansion of existing businesses in the community and diversify the local economy; and

WHEREAS, to further the Town's economic development goals and in accordance with the laws of the State of Colorado and the Town's Home Rule Charter, the Town desires to adopt an updated Façade Grant Program; and

WHEREAS, the Town Council hereby finds that adoption of a Façade Grant Program 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 Façade Grant Program Description and Application, attached hereto and incorporated herein by reference as Exhibit A, is hereby approved and adopted.

2. The Façade Grant Program adopted on November 16, 2020, pursuant to Resolution No. 2020-35, is hereby superseded and replaced by the program description and application attached hereto.

3. The Façade Grant Program Description and Application shall be in effect from the date hereof and shall remain in effect until amended or rescinded by further action of Town Council.

PASSED, SIGNED, APPROVED, AND ADOPTED this 23rd day of February, 2022.

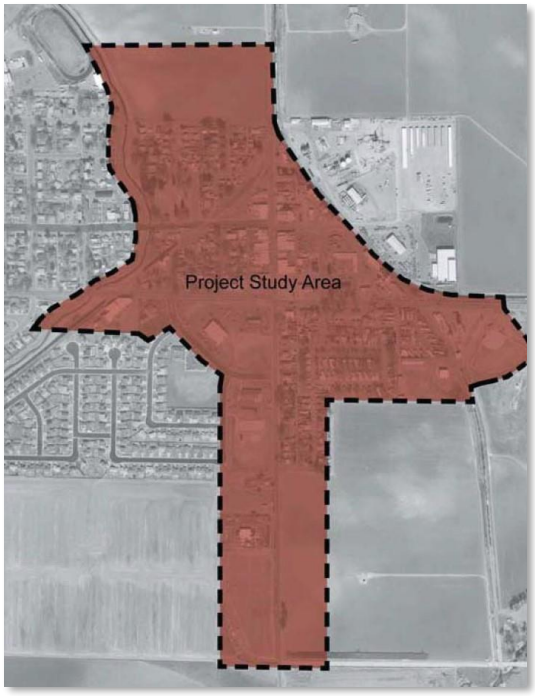
ATTEST: **TOWN OF JOHNSTOWN, COLORADO**

By:_____ By:_____
Diana Seele, Town Clerk Gary Lebsack, Mayor

FAÇADE GRANT PROGRAM DESCRIPTION

PURPOSE

The Façade Grant Program is a reimbursement grant program provided to a business and/or property owner for the improvement of existing commercial buildings throughout the Downtown corridor (refer to project study area map). The grant program is intended to serve as a catalyst for significant aesthetic improvements to eligible commercial properties in Downtown Johnstown.



The Town encourages and will prioritize catalytic façade improvements and renovation projects that include a combination of several of the following: structural façade improvements, paint, awnings, signs, addition of architectural detail to façade, façade tile or stone accents, decorative entry walkway area, outside dining with decorative fencing, outside decorative lighting and new energy efficient windows. Larger projects that include multiple structures, owners, and businesses may also be prioritized.

WHAT YOU NEED TO KNOW

- Façade grants are awarded on a 50/50 matching basis, with a maximum of $10,000 per building/façade. A single building can only apply every 10 years for façade improvements that have been previously improved through grant funds.
- Signage grants are awarded on a 50/50 matching basis, with a maximum of $1,000 per business. A single business can only apply once for the lifetime of the business.
- Owners of vacant buildings shall be eligible if the owner's purpose is to rehabilitate the building to attract new commercial tenants.
- Façade and signage grant projects, including submission for proof of payment must be completed within 6 months or by December 31st of the same calendar year; whichever comes first. Extensions may be granted on a case-by-case basis. It is the responsibility of the applicant to request an extension. The Town aims to fund as many projects as possible and will not earmark funds with applicants who are not completing their projects within the stated timeframe.
- If applicable, business must have a current business license on file prior to submitting a grant application. Grant applications WILL NOT be accepted without a business license on file with the Town Clerk office.
- All real property taxes must be paid in full.

HOW TO APPLY

The applicant will complete and sign the application and submit all supporting documentation to the Economic Development Department at scrosthwaite@johnstownco.gov. PDF or digital scans of documents are preferred. Incomplete or partial submissions WILL NOT be accepted.

Submitting an application is not a guarantee of a grant award and the Town may terminate the Program at any time, for any reason, or when available funds are depleted. Please do not apply for the façade and/or signage grant if you plan to close or sell the business/property.

REQUIRED DOCUMENTS

Please keep in mind each project is unique and additional documentation or details may be requested to assist Town Staff in reviewing your proposed project and application. At minimum, the following is required:

- Signed and completed application form
- Current W-9
- Plans, drawings, or renderings (as appropriate) of proposed renovations (scaled with dimensions)
- Color photographs of the existing conditions of the building; including the area for improvement
- Contractor and/or material bids (no more than 30 days old)

REVIEW & AWARD PROCESS

The Town will review completed applications on a first-come, first-serve basis and award applicants at the sole discretion of the Town, based on the submitted documentation and any other factors the Town deems to be relevant. If an applicant is awarded grant funds, they will receive a grant award determination letter. The applicant may begin the project once a grant award determination letter and required Town permits and approvals have been issued. The Town may, but is not required to, provide a reason for any denial of an application or for the determination of the amount of the grant award. Grants are subject to availability of Town funds, based on the annual approved budget, and prior grant awards. Awarded applicants will have demonstrated the following in their submission:

- ✓ Improvements to the exterior appearance of a building
- ✓ Historical preservation that is appropriate and in compliance with the Downtown Design Guidelines
- ✓ Individual elements (i.e.- awning, signage, painting) may be deemed eligible, but more holistic and permanent façade, or building rehabilitation projects will be prioritized for funding (refer to program purpose)
- ✓ All projects must meet Town codes, standards, and regulations, and receive appropriate permits and approvals prior to commencement of the project.

ELIGIBLE & INELIGIBLE IMPROVEMENTS

Eligible improvements include costs associated with the physical rehabilitation of the front facing exterior of the property. Exceptions regarding “front facing” can be made on a case-by-case basis. All renovation and rehabilitation projects must comply with and meet the intent of the Downtown Design Guidelines. Applicants interested in learning about the history of their building are encouraged to contact the Johnstown Museum at museumdirector@johnstownhistoricalsociety.org.

Eligible Improvements:

- Removal of false fronts and restoration of original storefronts (provide photos of historic storefront)
- Repair of cornices, soffits, and trim
- Repair or replacement of windows and doors with historically-compatible materials and design (preference will be given to energy efficiency upgrades)
- Repair of historically-appropriate façade materials
- Repair and stabilization of foundations, if related to façade improvements
- Installation or replacement of gutters
- Masonry repointing
- Repair or replacement of roofing with historically-appropriate materials
- New cloth or metal awnings
- Exterior painting of full façade(s)
- Demolition of non-historic or incompatible elements
- Alley entrances and façades, where the entrance is for public access
- New permanent signage that enhances Downtown character and streetscape
- Creation of outdoor space/patio
- Murals, if they are professionally done, provide an important aesthetic improvement, and DO NOT advertise and/or promote a specific business or service.
- Creation of ADA accessible customer entrances, not intended for private entrances or residences.
- Labor costs performed by a licensed contractor/business

Ineligible Improvements:

- Work undertaken due to normal wear and tear, including but not limited to: painting of doors, sills, or trim (unless part of a larger rehabilitation project), or roof replacement with asphalt shingles
- Routine or periodic maintenance; such as cleaning, touch-up painting, minor repairs, redecorating or purely cosmetic changes that do not enhance the property's character
- Soft costs and permit fees; such as appraisals, architectural, engineering or design fees, legal, accounting or realtor fees, loan fees, or sales and marketing
- Labor costs that are performed by the applicant
- New additions or enlargements, except as required by building or fire codes and/or outdoor spaces/patios.
- Outbuildings
- Skylights
- Security features
- Any work completed prior to grant award determination

AWARD PAYMENT

The applicant is responsible for contacting the Economic Development Department once the project is complete. The project, including submission for proof of payment must be completed within 6 months of the project date approval. The applicant must provide proof of payment (i.e., stamped paid invoices, cancelled checks, receipt of purchase) for all eligible improvements listed on the grant application. All improvements must fully follow the plans and renderings approved by the Town, and pass all applicable permit and other inspections by Town Staff. The applicant must also submit colored "after" photos of the improvements completed. If improvements are deemed in compliance, the applicant will receive a reimbursement check. Grant awards will only be revised if costs of improvements are less than what was awarded.

Town of Johnstown

DOWNTOWN FAÇADE GRANT PROGRAM APPLICATION

REQUIRED DOCUMENTS ***(incomplete or partial submissions will not be accepted)***

☐Signed and completed Program Application & W-9

☐Color photos of existing conditions

☐Plans/drawings/renderings, to scale with dimensions

☐Contractor bids (no more than 30 days old)

PROPERTY INFORMATION

Address: _____

Business Name: _____ Business Open Date: _____

APPLICANT INFORMATION

Name: _____ Telephone: _____

E-mail: _____

PROPERTY OWNER INFORMATION ***(if different)***

Name: _____ Telephone: _____

E-mail: _____

PROJECT

I am applying for the following grant(s): ☐Façade Improvements ☐Signage

Please provide a short description of the proposed project and improvements:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Estimated Start Date: _____ Estimated Completion Date: _____

(Project must be completed within 6 months of the project start date approval or by December 31st of the same calendar year; whichever comes first)

ITEMIZATION OF PROJECT COSTS

Description of cost	Cost estimate
Total	**$**

**Please attach additional sheets if needed*

GRANT REQUEST

Total cost of façade improvements *(attach bids)* $ _____

Grant amount requested *(max 50% of total cost/ $10,000)* $ _____

Total cost of signage *(attach bids)* $ _____

Grant amount requested *(max 50% of total cost /$1,000)* $ _____

APPLICANT AND OWNER AUTHORIZATION

I hereby acknowledge that I have read the Program Description and meet the eligibility requirements. I understand my participation in the façade improvement grant program is contingent upon my full compliance with all requirements. I understand that I am responsible to provide matching funds for at least 50% of the total project costs and that awarded grant funds are paid following completion of the work and submission of verified receipts and/or invoices. I understand that I must adhere to all Town codes and design standards, and receive required permits and approvals from the Town prior to commencement of the project. I also certify that if I am not the property owner that I have obtained approval from the property owner to complete the project improvements.

***Applicant Signature**: _____ Date: _____*

I hereby authorize the applicant to carry out the improvements as detailed in the grant application form and contractor bids on my property.

***Property Owner Signature (if different):** _____ Date: _____*

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 23, 2022

SUBJECT: Resolution 2022-06 - A Resolution of the Town of Johnstown, Colorado, supporting the application for an Energy Impact Grant from the State of Colorado Department of Local Affairs, for the Charlotte Street Capital Project.

ACTION PROPOSED: Consider Approval of Resolution 2022-06

ATTACHMENTS: 1. Resolution 2022-06
2. Site Map

PRESENTED BY: Troy White, Public Works Director

AGENDA ITEM DESCRIPTION:

The Charlotte Street project was approved for design in fiscal year 2021 and construction funding was approved in fiscal year 2022. Design for the project has finished and staff is currently preparing construction bid documents to bid the project later this year.

The project's primary purpose is to replace the old clay sewer line, iron ductile water line, and to install a new storm drain system to help alleviate local flooding. The project will also consist of installing new pavement, sidewalks, and some landscaping modifications. Additionally, the project will include relocation of the Xcel gas pipeline.

The project is estimated at $4.1 million and is broken down as follows; $2 million for road work, $800,000 for sewer line replacement, $800,000 for water line replacement, $400,000 for installation of the storm water system, and $100,000 for contingency, project management, and inspection services. The Energy Impact Grant would serve to help offset these costs. The resolution presented this evening is necessary for submittal of the DOLA Energy Impact Grant Application which is due on March 1. The maximum permitted amount that can be requested during this grant cycle is $750,000.

LEGAL ADVICE:

The Town Attorney reviewed Resolution 2022-06.

FINANCIAL ADVICE:

The Town has budgeted $4 million in the 2022 fiscal year budget, $2 million on the Streets Fund, $800,000 in the Water Fund, $800,000 in the sewer Fund, and $400,000 in the drainage fund.

RECOMMENDED ACTION:

Approve Resolution 2022-06 as presented.

SUGGESTED MOTIONS:

For Approval

I move to Approve Resolution 2022-06 – A Resolution of the Town of Johnstown, Colorado, supporting the application for an Energy Impact Grant from the State of Colorado of Local Affairs, for the Charlotte Street Capital Project.

For Denial

I move to deny Approve Resolution 2022-06 – A Resolution of the Town of Johnstown, Colorado, supporting the application for an Energy Impact Grant from the State of Colorado of Local Affairs, for the Charlotte Street Capital Project.

Reviewed and Approved for Presentation,

Town Manager

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2022-06

A RESOLUTION OF THE TOWN OF JOHNSTOWN, COLORADO, SUPPORTING THE APPLICATION FOR AN ENERGY IMPACT GRANT FROM THE STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS

WHEREAS, the Town of Johnstown authorizes the application for the Energy Impact Grant; and

WHEREAS, the purpose of the grant is to improve Charlotte Street by making critical improvements that benefit the community to improve the water and sewer infrastructure, establish stormwater control that reduces flooding of homes, and reconstructs the roadway for a better transportation network; and

WHEREAS, the total cost of the project is estimated to be $4,100,000 and the grant request is for $750,000 which is the maximum request permitted.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Johnstown, Colorado that:

Section 1. The Town Council hereby authorizes and supports the application for the Energy Impact Grant in the amount of $750,000.

Section 2. The Town Council hereby commits to appropriate funds for the Charlotte Street Improvements to fund this project upon award for the grant in the amount requested.

Section 3. Effective Date. This resolution shall become effective immediately upon adoption.

Section 4. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 5. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSES, AND ADOPTED THIS 23RD DAY OF FEBRUARY, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By:_____ By:_____

Diana Seele, Town Clerk Gary Lebsack, Mayor

Charlotte Street Project - Site Map

MEMORANDUM

TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: February 23, 2022

CC: Town Staff
Local Media

SUBJECT: Town Manager's Report

Upcoming Town Council Meetings & 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):

- 02/28/2022 – CDOT Work Session & Downtown Branding RFP – 6 p.m.
- 03/07/2022 – Regular Town Council Meeting
- 03/21/2022 – Regular Town Council Meeting

Administration, Finance, Planning, & Human Resources

- *Liquor Licenses* – Lazy Dog renewal application has been submitted to the state for renewal.
- *Municipal Court* – Municipal Court processed 99 summonses for the month of January.
- *2022 Budget* – The 2022 Budget was submitted to and has been accepted by DOLA. The completed 2022 Budget document is available on the Town's website on the Finance page.
- *Budgeting Software* – Mapping of the new software is in the process of being reviewed and approved before proceeding.
- *Communications MarCom Gold Award for Website* – The Town of Johnstown won a MarCom Gold award recently for the Town's website redesign. The MarCom Awards

(International Competition for Marketing and Communication Professionals) honors excellence in marketing and communications. While this is an honor for the Office of Communications, it also shows what a great resource and tool the Town's website is for transparency, information, and business of the Town government.

- *Communications Website & PDF ADA Training* – The Communications Manager has been dedicating time to learning more about website accessibility as it relates to web pages, content, and PDF documents through resources such as WCAG and Rocky Mountain ADA. Working towards more accessible content is important to provide transparent and valuable information to every resident.
- *Hiring* – A Planner I and Police PT Administrative Technician have accepted offers. Police Officer candidates are in background screening. We are still looking for Streets Maintenance I & II, Police FT Administrative Assistant, and a Customer Service Technician for Town Hall.
- *Business of the Month* – The Town announced Candle Light Dinner Playhouse as February's Business of the Month during the February 7 Council Meeting.
- *2022 Northern Colorado Regional Economic Development Initiative* – The Town of Johnstown will be participating in this year's NoCo REDI strategic planning retreat scheduled in February which will focus on regional efforts to attract and retain talent, industry, and economic recovery. Additionally, the retreat will focus on code of ethics & rules of engagement, and practices & procedures when recruiting businesses to a municipality.
- *Town & Little Thompson Water District (LTWD)* – The Town and LTWD continue to work through the items regarding an updated IGA. Discussions will need to take place with Town Council for advise during these discussions soon.
- *Broadband Update* – All four communities supported working on an MOU with Allo Communications for a broadband deployment in each community. We hope to have a MOU for review for Council in not more than 90 days.
- *CDOT & Town IGA* – The Town and CDOT met to discuss creation of an IGA that would address many items related to the improvements along the I-25 corridor within the incorporated areas of the Town. This document will include the elements related to devolution of the Frontage Road from CDOT ownership and maintenance to Town obligations.

Police Department

Training:

- *Field Officer Training* – Officer Grounds attended Field Officer Training and will be certified to train new recruits. Officer Grounds will now be able to lead, develop, and inspire new-hire law enforcement officers. Officer Grounds gained leadership skills and learned about adult instruction methodology.
- *CPR Training* – All department personnel completed CPR and first aid training

- *Standardized Field Sobriety Test (SFST)* – Department personnel recertified in Standardized Field Sobriety Test (SFST). Officers refreshed on how to conduct the standardized sobriety testing procedures, otherwise known as roadside maneuvers.
- *CO Misdemeanor Reform Bill* – Officers were updated on the state's misdemeanor reform bill. This bill reclassifies many felony level crimes to misdemeanor level and reduces misdemeanor classifications from three levels to two. It also reduces petty offenses from two levels down to one.

Community Policing, Outreach & Miscellaneous Items:

- *Oral Boards* – Oral boards were conducted for a police officer position and a police administrative position. Detectives are currently working on the selectees' backgrounds.

Public Works and Utilities

Streets, Fleet & Parks

- *Streets*
  - Crews worked on clearing and de-icing of street drains to reduce melt back-up along roadways and sidewalks.
  - Crews worked on filling pot-holes prior to this week's coming snow fall.
  - Pavement Maintenance contractor discussions are taking place for this year's maintenance program.

Water Plant & System

- *Water Plant*
  - Range of treated flows from 1.0 to 1.4 MGD
  - Surge Tank Actuator repair underway
  - Collaborating with Browns Hill on Automation needs
  - Performed routine maintenance on DAF motors and backwash of filter #1
  - Operator performed Treatment Plant Tour of Ozone Facility

Wastewater Plants & System

- *Central*
  - Cleaned DAF treatment equipment and chlorine contact basin
  - Evaluating methods for efficient operation of effluent line from lift station to ponds
- *Low Point*
  - Operations of SBR altered to north tank to accommodate construction impacts
  - Required sludge hauling to implement new alignment and pump installation

Project Updates

- *Johnstown Reservoir Dam Repair* – Dredging operations continuing. Contractor completed installation and encasement of outlet pipe and has placed caissons for the outlet tower foundation, completing the first section of the outlet tower structure. Town is in communication with Home Supply and CDW on schedule to fill and restocking lake.
- *South Water Tank* – The foundation for the South Water Tank has been completed and the red and white derrick erected for the tank shaft construction. A pre-concrete pour

meeting, test concrete pour, and the first base section of the tank shaft have been performed.

- *South Water Tank Distribution Pipeline* – Project is working through approvals on water line crossings in time sensitive areas and has started the Hillsborough Ditch and Weld County bore crossings. Waterline installation is scheduled for later in February through the DCP mitigation area on WCR13, as well as starting bore work for Farmers & Hillsborough Ditch Crossings.
- *Water Treatment Plant Expansion* – The Water Treatment Plant Expansion Project is in the site design phase. The Design Engineer is putting together a pilot program to test the treatment option proposed for the site and is collaborating with the Town's water model Engineer and Wastewater Treatment Design Engineer.
- *Central Interceptor Phase 1* – Sewer trunkline installation along SH60 to the Central Wastewater Treatment Plant will be completed by the end of February. The lift station is waiting on electrical components due to supply chain delays. Start-up of the lift station is anticipated in April with the decommissioning of existing lift station in May.
- *Central Interceptor Phase 2* – The contractor has started clearing and grubbing site and potholing utilities. Groundwater wells will be installed in February with the construction work starting at the Hillsborough Ditch crossing bore. The contractor is reevaluating construction schedule due to easement challenges. Town upsized the casing under the Hillsborough Ditch crossing to accommodate future growth.
- *North Interceptor* – Design engineer is waiting on CDPHE review and comments on the lift station at CR50 before issuing final drawings.
- *Low Point Sewer Expansion* – Earthwork construction continuing and crew is working on formwork for walls on MBR/SBR basins and started formwork for new EQ basin adjacent to headworks building.
- *Central Plant Design* – The proposals for equipment selection for the Central Wastewater Treatment Plant Project are due February. Staff is working through conceptual building layouts with operations staff.
- *2nd Street Bridge* – Grading is completed and the installation of the box culvert has begun. Paving is still planned for mid-April based on weather conditions.
- *Old Town Drainage*- The new sewer line and manholes have been installed and now the new storm drain installation will begin. Crews are still working in the alley and will work from Estes to Greely. For safety reasons, Estes will be closed temporarily while the storm drain at Estes and the alley are installed.
- *Charlotte Street* – Design is complete and a final neighborhood meeting will be held on March 1. The meeting is for those homeowners directly impacted by the projects. Staff will also be submitting for a DOLA Grant to help fund the project.
- *Rolling Hills Playground* – Contracts are in place and the new playground equipment is in inventory. The old playground will be removed when the new playground is scheduled for installation, estimated to be mid to late April (weather permitting).

Active Development

- *Active Developments:* The Ridge A & B Public Improvements, TRR County Road 3 Improvements, TRR 12 Public Improvements, Johnstown Village (Mallard Ridge) Filing 1 Phase 3, Revere Public Improvements, Mountain View Townhomes, 2534 Site Plans, Crowne Apartments, Johnstown Village Tracts M&N.
- *Acceptance:* Johnstown Farms Filing 3 Public Improvements & Johnstown Village Filing 1 Phase 2 Public Improvements, Johnstown Heights Public Improvements.
- *Early Building Permit Requests:* TRR 12 & Mountain View Townhomes.

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 23, 2022

SUBJECT: **First Reading** Ordinance No. 2022-226: An Ordinance Amending Chapter 6 of the Johnstown Municipal Code to Include Article XII, Special Event Permits

ACTION PROPOSED: Consider First Reading of Ordinance No. 2022-226

ATTACHMENTS: 1. Ordinance 2022-226

PRESENTED BY: Diana Seele, Town Clerk

Enclosed for review and consideration is Ordinance No. 2022-226, an ordinance amending Chapter 6 of the Johnstown Municipal Code to include Article XII, Special Event Permits.

Because there has been an increase in requests for special events in the Town, Town Staff is recommending that the Town Council adopt an ordinance related to special event permits. Special events include parades, athletic contests and other outdoor events that, require the temporary closure of streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public or require the modification of normal traffic uses of any street, road or highway in the Town.

The proposed regulations require any person or organization desiring to conduct a special event to apply for a special event permit not less than 45 days nor more than 6 months before the special event date. If the applicant is not an organization qualified for exemption from the payment of Town sales and use taxes, a nonrefundable application fee as set forth in the Town Fee Schedule shall be accompanied with the permit. If the application is approved, the Town Clerk will issue the permit.

The ordinance also outlines an appeal procedure if the permit is denied. The Town Clerk has discretion to impose conditions and requirements, or deny a permit if the special event permit is not in the best interest of the public health, safety or welfare.

The ordinance also sets forth the ability to pursue recourse for violations. Violations may be asserted against any person who sponsors a special event if the event has not been issued a permit, interferes or disrupts a special event, violates the terms and conditions of the permit or violates any other provision of the ordinance. Such person may be punished in accordance with the applicable provision of the Code.

LEGAL ADVICE:
The ordinance presented was drafted by the Town Attorney.

FINANCIAL ADVICE:
N/A

RECCOMMENDED ACTION:
Approve Ordinance 2022-226 as presented on first reading.

SUGGESTED MOTIONS:

For Approval
I move to approve Ordinance No. 2022-226, an Ordinance Amending Chapter 6 of the Johnstown Municipal Code to Include Article XII, Special Event Permits upon first reading.

For Denial
I move to deny Ordinance No. 2022-226 as presented upon first reading.

Reviewed and Approved for Presentation,

_____
Town Manager

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022 -226

AN ORDINANCE AMENDING CHAPTER 6 OF THE JOHNSTOWN MUNICIPAL CODE TO INCLUDE ARTICLE XII, SPECIAL EVENT PERMITS

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

WHEREAS, Chapter 6 of the Johnstown Municipal Code regulates licensing and permitting in the Town; and

WHEREAS, Town staff recommends that the Town Council amend Chapter 6 to adopt policies and procedures regulating special events, including parades, athletic contests and other outdoor events, because such events require the temporary closure of streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public or require the modification of normal traffic uses of any street, road or highway in the Town; and

WHEREAS, based on Town staff's recommendation, the Town Council desires to adopt policies and procedures regulating special events; and

WHEREAS, the Town Council finds that it is in the best interest of the Town of Johnstown to amend Chapter 6 of the Johnstown Municipal Code to include Article XII, Special Event Permits.

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

Section 1. Chapter 6 of the Johnstown Municipal Code shall be amended to include Article XII, Special Event Permits, and shall read as follows:

ARTICLE XII SPECIAL EVENT PERMITS

Sec. 6-220. Purpose.

This Article establishes standards for the issuance of permits for special events in the Town.

Sec. 6-221. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Applicant means any person or organization who applies for a special event permit.

Permit or *special event permit* means a permit issued for a special event.

Permittee means any person or organization issued a special event permit by the Town Clerk.

Special event means a parade, athletic contest or other outdoor event requiring temporary closure of streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public, or the changing, restricting or adapting of the normal traffic uses of any street, road or highway in the Town.

Street or *highway* has the same meaning as defined in the Model Traffic Code and other ordinances appearing in this Code and includes bike and pedestrian lanes or paths.

Sec. 6-222. Permit required.

Any person or organization desiring to conduct a special event shall first obtain a permit from the Town Clerk. A permit shall not be required for a special event that does not involve the closure of any streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public. Funeral processions shall not be considered special events.

Sec. 6-223. Application procedure and fee.

(a) Any person or organization desiring to conduct a special event shall apply for a special event permit by submitting an application to the Town Clerk, on a form supplied by the Town Clerk. Applications must be submitted not less than forty-five (45) business days nor more than six (6) months before the special event date.

(b) If the applicant is not an organization qualified for exemption from the payment of Town sales and use taxes, the application for a special event permit shall be accompanied by a nonrefundable application fee in an amount set forth in the Town Fee Schedule.

(c) Upon receipt of a complete application and fee, if applicable, the Town Clerk shall approve, conditionally approve or deny an application for the reasons specified in this Article.

Sec. 6-224. Grounds for denial of application.

The Town Clerk shall approve an application for a special event permit unless the Town Clerk determines that:

(1) Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail,

(2) The applicant fails to complete the application form after having been notified of the additional information or documents required;

(3) Another special event permit or application has been received prior in time, or has already been approved, to hold another special event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion;

(4) The time, route or size of the special event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to traffic congestion;

(5) The size, nature or location of the special event will present a substantial risk to the public health, safety or welfare, participants in the event or other persons;

(6) The location of the special event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Town streets or a previously granted encroachment permit;

(7) The special event will occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;

(8) The special event involves the use of hazardous, combustible or flammable materials which could create a fire hazard;

(9) The special event will violate an ordinance or statute; or

(10) The issuance of the special event permit is not in the best interest of the public health, safety or welfare.

Sec. 6-225. Permit conditions and requirements.

The Town Clerk may condition the issuance of a special event permit by imposing conditions and requirements, including but not limited to the following:

(1) Approval of any other jurisdiction in addition to the Town that may be part of the proposed special event;

(2) Submission of a traffic control plan to be approved by the Town Clerk and the Johnstown Police Department;

(3) All required traffic control shall be done at the permittee's expense;

(4) A written operational plan regarding the management of the special event;

(5) Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the special event to only a portion of a street or highway;

(6) Requirements for the use of traffic cones, barricades or other traffic-control devices to be provided, placed and removed by the permittee at its expense;

(7) Requirements for provision of first aid or sanitary facilities, including portable toilets;

(8) Requirements for arrangement of supplemental fire protection and emergency medical services personnel to be present at the special event at the permittee's expense;

(9) Requirements for use of special event monitors and providing notice of permit conditions to event participants and affected property owners;

(10) Restrictions on the number and type of vehicles as may be required for fire safety by the Front Range Fire Rescue Fire Protection District and/or the Loveland Fire Rescue Authority;

(11) Requirements for use of garbage containers, cleanup and restoration of Town property;

(12) Restrictions on the use of amplified sound; and/or

(13) Requirements for public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from the special event. The Town Clerk shall determine whether to require such insurance and the amount of any required insurance.

Sec. 6-226. Appeal procedure.

The applicant shall have the right to appeal the denial of the issuance of a permit or a permit condition. A notice of appeal shall be filed with the Town Manager's office, setting forth the grounds for the appeal, within five (5) business days after the Town Clerk provides written notice of denial of the issuance of the permit or the permit condition. The Town Manager shall thereafter determine whether to

sustain, reverse or modify the Town Clerk's decision. In so doing, the Town Manager may conduct a hearing. The Town Manager shall endeavor to render a decision in a timely manner that provides the applicant at least three (3) days' notice prior to the date and time of the proposed special event. If the Town Manager determines that circumstances do not permit the rendering of a decision in such time period, the Town Manager shall notify the applicant in writing and the applicant may thereafter seek judicial review of the permit denial or condition with no further administrative review. The Town Manager's decision shall be final, subject only to such judicial review as permitted by law.

Sec. 6-227. Permit issuance.

If the Town Clerk determines that a permit should be granted, the Town Clerk shall issue the special event permit once the permittee has agreed in writing to comply with all terms and conditions of this Article.

Sec. 6-228. Rules and regulations.

The Town Clerk may, with approval of the Town Manager, adopt rules and regulations not inconsistent with the provisions of this Article governing special events. Such rules and regulations shall be on file and available for public examination in the office of the Town Clerk. The failure to comply with any rule or regulation promulgated under this Article, as such rules and regulations may be amended from time to time, shall be deemed a violation of this Article.

Sec. 6-229. Indemnification.

Prior to the issuance of a special event permit, the Town Clerk shall require the permittee and authorized officer of the sponsoring organization, if any, to sign an agreement providing that, unless subsequently waived by the Town in writing, the permittee shall reimburse the Town for any cost incurred by the Town in repairing damage to Town property resulting from the permitted special event. The agreement shall also provide that the permittee shall, unless subsequently waived by the Town in writing, defend the Town against, and indemnify and hold the Town harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted special event.

Sec. 6-230. Duties of permittee.

(a) The permittee shall comply with all terms and conditions of the special event permit.

(b) The permittee shall ensure that the person leading a parade or other special event along a route, or the person in charge of any other special event, is familiar with all the provisions of the permit and carries the special event permit on his or her person for the duration of the event.

(c) Immediately following the completion of the special event, the permittee shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event.

Sec. 6-231. Revocation of permit.

(a) The Town Clerk may, at any time prior to the special event, revoke or terminate a special event permit to protect the public health, safety or welfare or if conditions have changed since issuance of the permit in a manner that would have required denial of the issuance of the permit in the first instance.

(b) The Town Manager or the Town Clerk may revoke or terminate the special event permit during the course of the special event if continuation of the event presents a clear and present danger to the participants or the public.

Sec. 6-232. Violations.

(a) It is unlawful for any person to sponsor or conduct a special event unless a permit has been issued for the event. It is unlawful for any person to participate in a special event with the knowledge that the sponsor of the event has not been issued a permit.

(b) It is unlawful for any person to interfere with or disrupt a special event.

(c) The special event permit authorizes the permittee to conduct only the special event described in the permit in accordance with the terms and conditions of the permit. It is unlawful for the permittee to knowingly violate the terms and conditions of the permit, or for any special event participant with knowledge of the permit to knowingly violate the terms and conditions of the permit.

(d) Any person who violates any provision of this Article may be punished in accordance with the provisions of Article IV of Chapter 1 of the Code.

(e) No remedy provided herein shall be exclusive, but the same shall be cumulative. The taking of any action permitted by this Article shall not preclude or prevent the taking of other action, including the filing a charge or conviction of a violation of this Article in the Municipal Court.

Section 2. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

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

Section 4. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("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 Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By:_____ By:_____

Diana Seele, Town Clerk 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 _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By:_____ By:_____

Diana Seele, Town Clerk Gary Lebsack, Mayor

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 23, 2022

SUBJECT: Resolution 2022-05 regarding Finding Substantial Compliance for Initiating Annexation Proceedings and Setting a public hearing date for the South Ridge Annexation (Case# ANX21-0004)

ACTION PROPOSED: Approve Resolution 2022-05 Finding Substantial Compliance for Initiating Annexation Proceedings and Setting a Public Hearing Date for the South Ridge Annexation

ATTACHMENTS:
1. Resolution 2022-05
2. Vicinity Map
3. Annexation Plat

PRESENTED BY: Kim Meyer, Planning & Development Director

AGENDA ITEM DESCRIPTION:
An annexation petition and application materials were received by the Town in July 2021 to annex approximately 78.82 acres in Larimer County, located north of of Larimer County Rd 16, west of Larimer County Road 3E, abutting The Ridge Filng 2 Subdivision. These materials have been reviewed and found by Town Staff and the Town Attorney to be in substantial compliance with C.R.S. §31-12-107(1), and a public hearing should be held.

Review referrals were emailed to the county and neighboring municipalities in September 2020. State-required referral packets will be sent to the Larimer County BOCC and Attorney and applicable special districts prior to hearings on an annexation ordinance.

This resolution sets the hearing date for this annexation request for Monday, April 4th, 2022.

LEGAL ADVICE:
Resolution was prepared by the Town Attorney.

FINANCIAL ADVICE:
NA

RECOMMENDED ACTION: Approve Resolution 2022-05 regarding Finding Substantial Compliance for Initiating Annexation Proceedings and Setting a public hearing date for the South Ridge Annexation.

SUGGESTED MOTIONS:

For Approval

I move to approve Resolution 2022-05 regarding Finding Substantial Compliance for Initiating Annexation Proceedings and Setting a public hearing date for the South Ridge Annexation.

For Denial

Based on information presented in this hearing, I move to deny Resolution 2022-05.

Reviewed and Approved for Presentation,

Town Manager

TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2022-05

A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE FOR INITIATING ANNEXATION PROCEEDINGS AND SETTING A PUBLIC HEARING DATE FOR THE SOUTH RIDGE ANNEXATION

WHEREAS, Southridge HoldCo, LLC, a Colorado limited liability company, submitted a Petition for Annexation; and

WHEREAS, the Town Council of the Town of Johnstown has reviewed the Petition for Annexation, and, finding substantial compliance as set forth below, desires to initiate annexation proceedings in accordance with the law and set a public hearing.

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

Section 1. The Town Council of the Town of Johnstown finds that a Petition for Annexation of certain property situated in North Half of the Southwest Quarter of Section 26, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado, consisting of approximately 78.82 acres more or less, being more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference, filed with the Town Clerk on or about October 14, 2021, to be known as "The South Ridge Annexation," is in substantial compliance with §31-12-107(1), and that a public hearing should be held to determine if the proposed annexation complies with §§31-12-104 and 31-12-105, C.R.S., or such parts thereof as may be required to establish eligibility pursuant to §31-12-101, *et seq.*

Section 2. The Town Council hereby sets a public hearing for such purposes on April 4, 2022, at 7:00 p.m., at 450 South Parish Avenue, Johnstown, Colorado.

Section 3. The Town Clerk shall publish notice of the hearing once per week for four (4) consecutive weeks in the *Johnstown Breeze*, with the first publication at least thirty (30) days prior to the date of the hearing. The Town Clerk shall also send a copy of the published notice, together with a copy of this Resolution and the Petition for Annexation, by registered mail to the Larimer County Board of County Commissioners and to the Larimer County Attorney and to any special district or school district having territory within the area to be annexed at least twenty-five (25) days prior to the date fixed for such hearing.

Section 4. This Resolution shall be effective on the date hereof.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS ___ day of _____, 2022.

ATTEST: **TOWN OF JOHNSTOWN, COLORADO**

By:_____ By:_____
Diana Seele, Town Clerk Gary Lebsack, Mayor

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1
ASSESSOR PARCEL NUMBER: 8526000034

That portion of the Southwest Quarter of Section 26, Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado being more particularly described as follows:

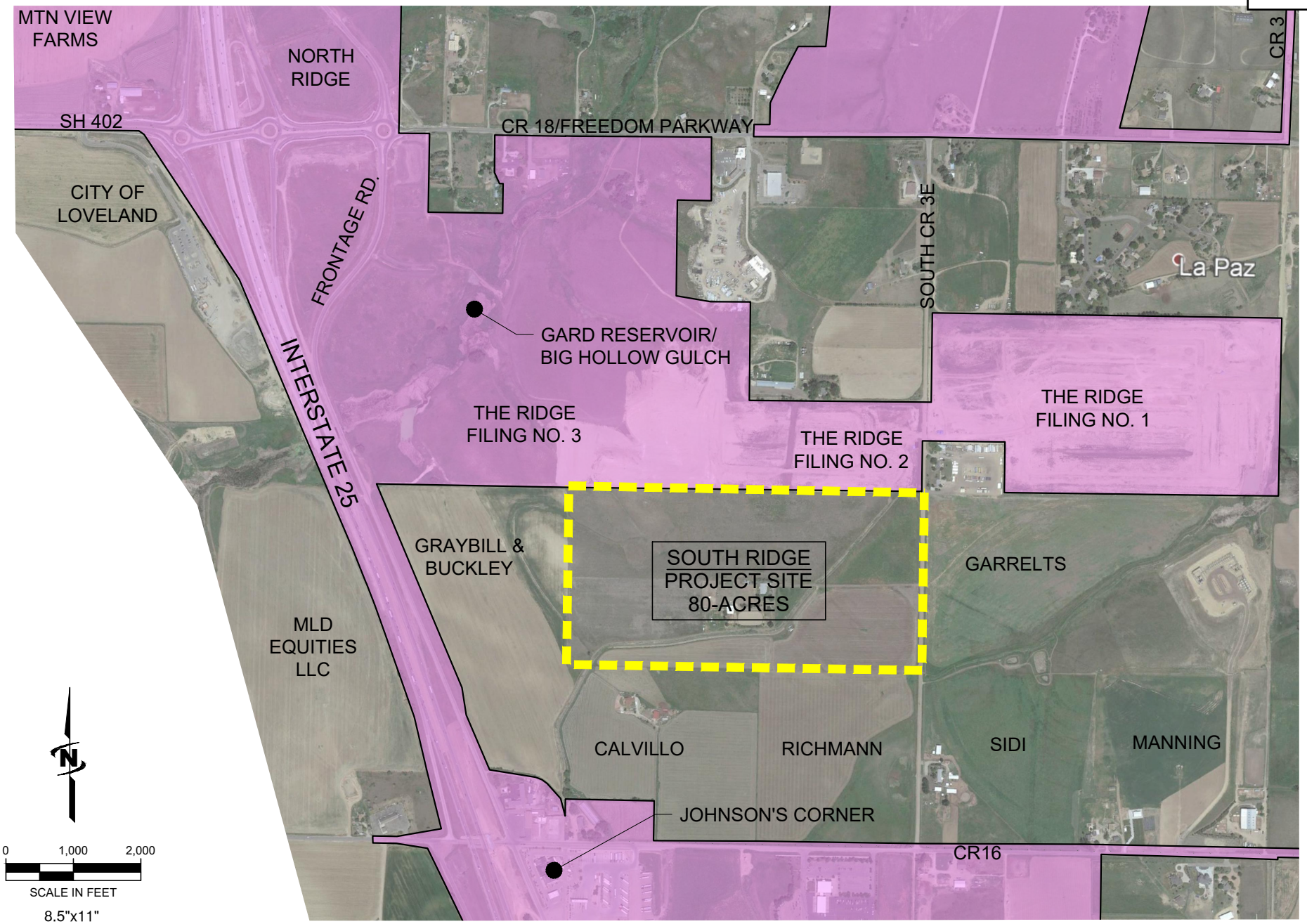
Beginning at the Southwest corner of said Section 26 and considering the West line of the Southwest Quarter of said Section 26 as bearing North 01 02’40" East and with all bearings contained herein thereto; thence along said West line North 01 02’40" East 1978.65 feet to the TRUE POINT OF BEGINNING; thence continuing along said West line North 01 02’40" East 658.66 feet to the West Quarter Corner of said Section 26; thence along the East-West centerline of said Section 26 South 88 53'44" East 2631.42 feet to the Center Quarter Corner of said Section 26; thence along the North-South centerline of said Section 26 South 01 09'59" West 661.08 feet; thence departing said centerline North 88 50'34" West 2630.03 feet to the TRUE' POINT OF BEGINNING,
County of Larimer, State of Colorado.

AND

PARCEL 2
ASSESSOR PARCEL NUMBER: 8526000003

That portion of the Southwest Quarter of Section 26, Township 5 North, Range 68 West of the 6th Principal Meridian, Larimer County, Colorado being more particularly described as follows:

Beginning at the Southwest Corner of said Section 26 and considering the West line of the Southwest Quarter of said Section 26 as bearing North 01 02’40” East and with all bearings contained herein relative thereto; thence along said West line North 01 02’40” East 1320.00 feet to the TRUE POINT OF BEGINNING; thence continuing along said West line North 01 02’40” East 658.65 feet; thence departing said West line South 88 50’34” East 2630.03 feet to a point on the North-South centerline of said Section 26; thence along said centerline South 01 09’59” West 661.08 feet; thence departing said centerline North 88 47’23” West 2628.63 feet to the TRUE POINT OF BEGINNING,
County of Larimer, State of Colorado.



Plot Date:2/11/2022 10:28 AM Plotted By: Donivon Wood
Date Created:2/11/2022 \\JUB.COM\CENTRAL\CLIENTS\CO\CALIBERDEVELOPMENT\PROJECTS\87-21-026_SOUTHRIDGE\DESIGN\CAD\EXHIBITS\SITE\87-21-026_VICINITYMAP.DWG

LAST UPDATE: 2/11/2022
PLOT DATE: 2/11/2022
FILE: 87-21-026_VICINITYMAP

J-U-B ENGINEERS, INC.

South Ridge Development
Johnstown, Colorado

Vicinity Map
October 10, 2021

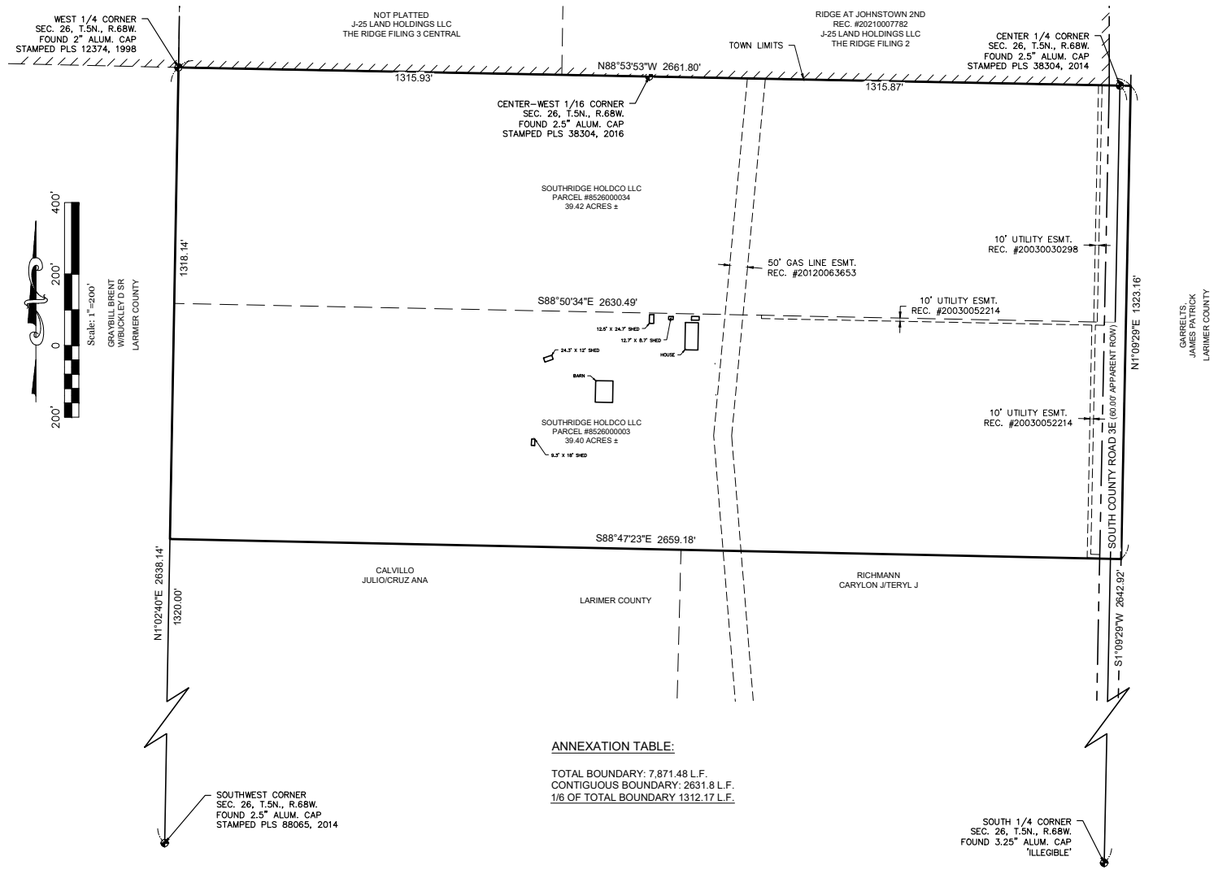
SOUTH RIDGE ANNEXATION

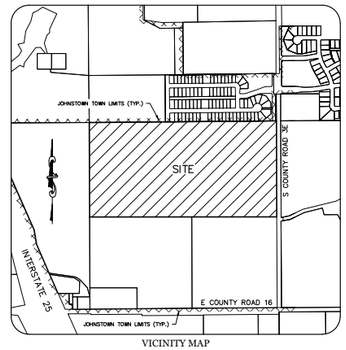
LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO

ANNEXATION DESCRIPTION:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, LARIMER COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 26 AND CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 26 AS BEARING NORTH 01°02'40" EAST AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE ALONG SAID WEST LINE NORTH 01°02'40" EAST 1320.00 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID WEST LINE NORTH 01°02'40" EAST 1,318.14 FEET; TO THE WEST QUARTER CORNER OF SAID SECTION 26;
THENCE ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 26 SOUTH 88°53'53" EAST 2661.80 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 26;
THENCE ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 26 SOUTH 01°09'29" WEST 1,323.16 FEET;
THENCE DEPARTING SAID CENTERLINE N 88°47'23" W, A DISTANCE OF 2,659.18 FEET TO THE TRUE POINT OF BEGINNING.





VICINITY MAP
Scale: 1"=1000'

LEGEND

- FOUND MONUMENT AS NOTED

LINE-TYPES AND HATCHING

- EASEMENT
- RIGHT-OF-WAY
- RIGHT-OF-WAY CENTERLINE
- LOT LINE
- PARCEL LINE

ANNEXATION TABLE:

TOTAL BOUNDARY: 7,871.48 L.F.
CONTIGUOUS BOUNDARY: 2631.8 L.F.
1/6 OF TOTAL BOUNDARY 1312.17 L.F.

OWNER:

BY:_____ _____ AS:_____

WITNESS MY HAND AND SEAL THIS ___ DAY OF _____, 2021.

LIENHOLDERS:

BY:_____ AS:_____

WITNESS MY HAND AND SEAL THIS ___ DAY OF _____, 2021.

TOWN COUNCIL APPROVAL:

THIS MAP TO BE KNOWN AS SOUTH RIDGE ANNEXATION IS APPROVED AND ACCEPTED TO THE TOWN OF JOHNSTOWN, COLORADO BY ORDINANCE NUMBER _____, PASSED AND ADOPTED ON FINAL READING AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO HELD ON THE ___ DAY OF _____, 2021.

_____ _____
MAYOR

ATTEST:_____
TOWN CLERK

TITLE COMMITMENT NOTES:

FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY OR TITLE OF RECORD, WASHBURN LAND SURVEYING, LLC RELIED UPON TITLE COMMITMENT ORDER NUMBER 459-H0639005-820-GRO, BY HERITAGE TITLE COMPANY, WITH AN EFFECTIVE DATE OF MARCH 17, 2021 AT 5:30 P.M. AND TITLE COMMITMENT ORDER NUMBER 459-H0639006-820-GRO, BY HERITAGE TITLE COMPANY, WITH AN EFFECTIVE DATE OF MARCH 11, 2021 AT 5:30 P.M

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH RANGE 68 WEST OF THE 6TH P.M., SAID LINE IS ASSUMED TO BEAR NORTH 1°02'40" EAST AND IS MONUMENTED AS SHOWN HEREON.

NOTICE

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF CERTIFICATION.

SURVEYOR'S STATEMENT

I, CHAD R. WASHBURN, A COLORADO LICENSED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS ANNEXATION MAP IS AN ACCURATE REPRESENTATION OF THE PROPERTY TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF. I FURTHER STAT THAT THIS CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTIES OR THE SUCCESSORS AND/OR ASSIGNS.

COLORADO LICENSED
CHAD R. WASHBURN
37963
PROFESSIONAL LAND SURVEYOR

CHAD R. WASHBURN
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR 37963
FOR AND ON BEHALF OF WASHBURN LAND SURVEYING, LLC.
970.232.9645

Washburn LAND SURVEYING
www.WashburnSurveying.com
4025 Automation Way, Suite C4
Fort Collins, CO 80525
970-232-9645

Sheet 1 of 1 Project #: 2021-005 Date: Sept. 29, 2021 Scale: 1"=200' Drawn: CDB

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 23, 2022

SUBJECT: Downtown Johnstown Parklet Program Update

ACTION PROPOSED: Consider and vote on the two options regarding the Parklet Program and awarded CDOT grant funds.

ATTACHMENTS: None

PRESENTED BY: Sarah Crosthwaite, Economic Development Manager

AGENDA ITEM DESCRIPTION:

Town staff presented to Council on February 7, 2022, two potential options regarding the Parklet program and awarded grant funds from CDOT's Revitalize Main Street Program. Council asked staff to gather feedback regarding the proposed Parklet Event program concept and determine if businesses within the downtwon corridor along with the JDDA as a whole supported the program. Staff provided the JDDA an update regarding the proposed parklet program during their monthly membership meeting on February 8th. The JDDA responded positively to the update and were encouraged to contact staff directly before February 11th. Staff also emailed the downtown businesses that would be affected by the proposed parklet program to gather their feedback, concerns, and support of the project. As of February 14th, 44 businesses were contacted regarding the parklet event program concept and 90% have read the email. Out of the 90%, staff received feedback from two businesses via email that were in support of the project. One of the responses received was from an executive board member on the JDDA.

Staff would like to now present the two options to Council regarding the proposed Parklet Program and allow Council to vote on the matter.

Option 1: Parklet Event Program Concept
In this option, Town staff would move forward with the CDOT grant the Town was awarded which totaled to $70,000 and a Town match of $7,000 and create a Parklet Event Program. The program would include the following:

- Any and all public events held in the downtown corridor would have access to request parklets which would be installed by Town staff.
- Parklets would be installed for FREE by the request of the event applicant prior to the event

- The parklets would only be available during the event and removed upon the conclusion of the event.
- The parklets as per the stipulation from CDOT must be open to the public during the event and not be reserved for any one specific private use.
- The maintenance, repair, assembly, disassembly, and storage of the parklets would be the reponsibility of the Town.
- The Town would work with the previously selected vendor Mod Street to design parkelets that are flexible in sizing to accommodate the various events held in the downtown corridor.
- The parklets would include outdoor furniture, shading, decorative elements, and general signage.
- Please keep in mind that our original date of completion and submittal of receipts/paid invoices to CDOT in order to collect the grant funds is February 7, 2022. Town staff has asked CDOT for an extension and is awaiting approval. Staff will not move forward with the proposed Parklet Event program should the extension not be granted.

Option 2: Termination of the proposed Parklet Program and forfeiture of the awarded CDOT grant funds
In this option, the Town Council would vote to abandon any and all proposed parklet program concepts and request staff to notify CDOT that the grant funds will be forfeited on behalf of the Town.
Staff would like Council to provide a final directive on the proposed Parklet Event Program concept and instructions regarding the awarded CDOT grant funds from the Revitalize Main Street program.

LEGAL ADVICE:
N/A

FINANCIAL ADVICE:
The Town was awarded a $70,000 grant from CDOT and will provide a 10% Town match of $7,000. The Town's total budget for the parklet project is not to exceed $77,000.

RECOMMENDED ACTION: Approve Option 1: Parklet Event Program concept and utilization of the awarded CDOT grant funds from the Revitalize Main Street program.

SUGGESTED MOTIONS:

For Approval: I move to approve the Parklet Event program concept and utilize the awarded CDOT grand funds from the Revitalize Main Street program.

For Denial: I move to deny the Parklet Event program concept and forfeit the awarded CDOT grant funds from the Revitalize Main Street program.

Reviewed and Approved for Presentation,

Town Manager

Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 23, 2022

SUBJECT: Aesthetic Improvements to Highway 60 & I-25 Overpass Project (CP5)

ACTION PROPOSED: Consider Approval of CP5 Bridge Aesthetic Cost Improvements

ATTACHMENTS: 1. Illustration of Aesthetic Improvements
2. CP5-CO60 Bridge Aesthetic Cost Options

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

The Town has been working collaboratively with BHA Design and the Colorado Department of Transportation on CP5 which is the Highway 60 & I-25 bridge aesthetic improvements for the last several years. The project has changed from its original design, to a more scaled back version, and then back to its original design based on a final decision and direction by Town Council. The improvements which are significant, will act as the primary gateway into the Town of Johnstown. Funds were budged in FY2022 in the amount of $6.6 million for this project. Currently, no funds have been expended to date.

As part of the completed design, the Town and CDOT worked with RLW/SEMA, who is CDOT's CMGC, on the I-25 corridor project to establish a construction cost. As part of the cost construction negotiations, an Independent Cost Estimate (ICE) hired by CDOT establishes an estimated cost. Concurrently, RLW/SEMA provides their cost estimates for the work to be performed based on quotes received. The process includes a review of each individual line item, cost comparisons, and an evaluation of labor costs. The goal is to determine whether the final cost proposed by RLW/SEMA, is no more than 5% of the ICE. If the cost is not within 5% of the ICE, CDOT is permitted to formally bid out the project. While the final cost estimate has not been fully completed, it is expected to be finished in the next few days.

This item is being presented to you due to the fact that it takes approximately 6 weeks to get contract agreements in place and issue a notice to proceed. Compounding the construction timeline which is slated to begin on April 1, is the fact that contractors, their subcontractors, and material providers are not holding their prices for more than 30 days. If we delay the project timeline, new bids may need to be requested and additional cost escalation may occur, changing the price of the project estimate. Already throughout this process, we have seen supply chain and material costs beyond our greatest expectations.

In an effort to provide options for Council to consider, enclosed for your review are a set of cost options for Council to choose from. Based on these options, a recommendation is provided. Staff is requesting a formal decision by Council at this time.

The value engineering options include the following for Council to consider are shown in the table below. In general, they include various options for the landscaping and how to finish the faces of the columns with brick veneer or a formliner approach. A picture of an application using a formliner is also shown below which was constructed approximately 16 years ago.

CP 5 - CO 60 Bridge Aesthetic Costs		
Construction Costs		
Options	Landscaping Items (with concrete mow strip)	No Landscaping (with metal edging)
Formliner	$ 6,226,576	$ 5,817,048
Veneer	$ 6,749,040	$ 6,339,513
All-In Costs		
Options	Landscaping Items (with concrete mow strip)	No Landscaping (with metal edging)
Formliner	$ 7,054,234	$ 6,603,753
Veneer	$ 7,628,944	$ 7,178,464

Formliner Picture built by SEMA.

It is the opinion of Staff and our review of the alternatives in consultation with BHA Design that using the brick veneer and complete the landscaping in its entirety now is the best alternative (Option C). The

decision is based on the fact that the finishes, the life cycle of the project, and the Council's vision to have the brick design elements mimic those of the Downtown would be compromised going with the formliner design. Also, while it may be a compromise to eliminate the landscaping, the real question is; if we delay the landscaping now, at what time in the future will we commit to doing it, if ever? Furthermore, the cost for installing the landscaping in the future will never be cheaper than it is today.

CDOT has worked collaboratively with the Town and will not be assessing a 26% administration fee on this (CP5) project. This 26% overhead fee has been assessed on all other Construction Packages for work on the I-25 corridor. Instead, the Town will pay the subcontractor handling construction administration and management directly as a pass through.

It is also worth noting that the design element listed as Mueller Design and ICE may not be assessed at this time and may result in further reductions of the costs. As a compromise, CDOT may request that we consider installing the park-and-ride at High Plains Blvd. which is anticipated to be the same or less when compared to the design and ICE elements.

The recommendation is for Council to authorize Option C and create a gateway into Johnstown that sets a standard along the I-25 corridor that others communities should aspire to. This will also benefit the community for years to come and we anticipate significant private investment to compliment the public investment already being made at the interchange. As previously mentioned, the project's current budget is $6.6 million and the estimated cost for Option C is $7,628,944, a difference of $1,028,944. Currently, the estimated ending fund balance of the Capital Projects fund is $6,713,578. If Council authorizes Option C and appropriates the necessary funds to complete the project, the Capital Projects Fund will have an FY 2022 ending fund balance of roughly $5,684,634.

Staff Members Kim Meyer, who assisted with the design concept and Troy White, who assisted with the construction estimate costs, should be recognized for their efforts on this important community project.

It is recommended that Council supports an award of Option C, at a cost of $7,628,944.

LEGAL ADVICE:

Not Applicable.

FINANCIAL ADVICE:

A budget amendment to appropriate these funds will be necessary if the project is to move forward as recommended.

RECCOMMENDED ACTION: Approve Option C at a cost of $7,628,944.

SUGGESTED MOTIONS:

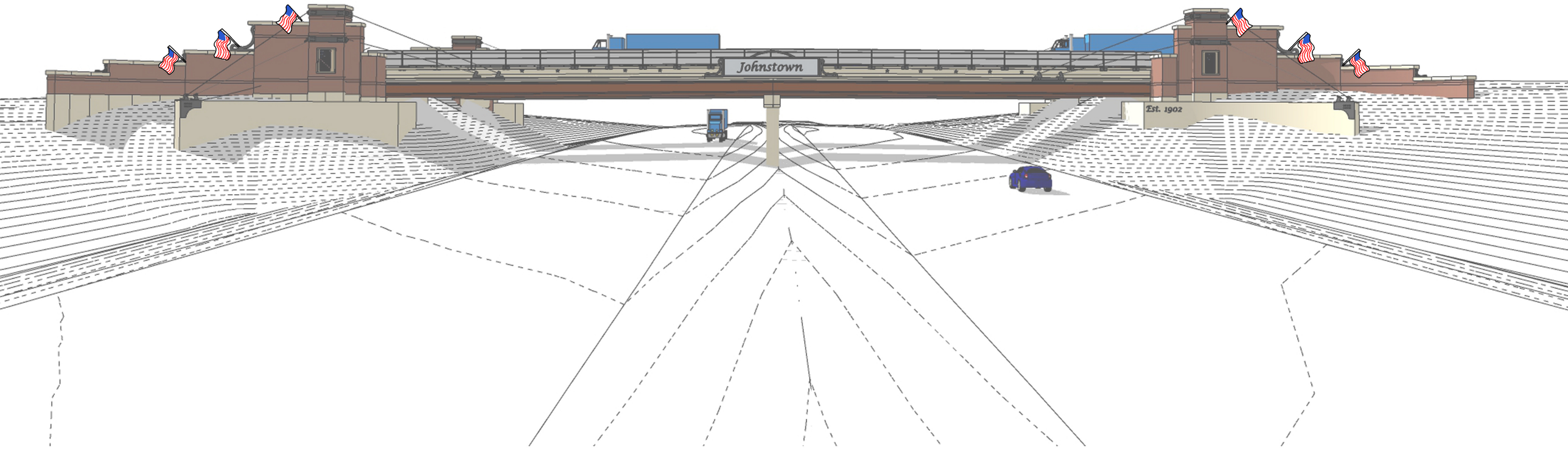
For Approval:
I move we approve Option C, completed with brick veneer and the full landscaping improvements, at a dollar amount of $7,628,944.

For Approval - ALTERNATE:
I move that we select Option (A, B, or D) at a cost of $_____.

For Denial:
I move we deny the bridge aesthetic recommendations.

Reviewed and Approved for Presentation,

Town Manager



JOHNSTOWN GATEWAY BRIDGE 3

CP 5 - CO 60 Bridge Aesthetic Costs		
Construction Costs		
Options	Landscaping Items (with concrete mow strip)	No Landscaping (with metal edging)
Formliner	$ 6,226,576	$ 5,817,048
Veneer	$ 6,749,040	$ 6,339,513
All-In Costs		
Options	Landscaping Items (with concrete mow strip)	No Landscaping (with metal edging)
Formliner	$ 7,054,234	$ 6,603,753
Veneer	$ 7,628,944	$ 7,178,464

"No Landscaping" Removes:	
Replace Concrete Mow Bands with Metal	$ 160,000
Remove Sprinkler System	$ 134,000
Remove Planter Boxes	$ 85,000
Remove Trees	$ 6,000
Remove Landscape Maintenance (left 10k in for native seeded areas)	$ 25,000
Total Reduction	**$ 410,000**

*Conduit, planter box foundations, hardscape elements still included

Option A: Best Value Formliner, Landscaping	
Muller Design	$ 200,000
Construction	$ 6,226,576
ICE	$ 5,000
CM/Inspection	$ 622,658
Total	**$ 7,054,234**

Option B: Cheapest Formliner, No Landscaping	
Muller Design	$ 200,000
Construction	$ 5,817,048
ICE	$ 5,000
CM/Inspection	$ 581,705
Total	**$ 6,603,753**

Option C: Most Expensive Veneer, Landscaping	
Muller Design	$ 200,000
Construction	$ 6,749,040
ICE	$ 5,000
CM/Inspection	$ 674,904
Total	**$ 7,628,944**

Option D Veneer, No Landscaping	
Muller Design	$ 200,000
Construction	$ 6,339,513
ICE	$ 5,000
CM/Inspection	$ 633,951
Total	**$ 7,178,464**

OAKWOOD
HOMES
A Berkshire Hathaway Company

Chris Carlton
Clayton Properties Group II, Inc.
4908 Tower Road
Denver, CO 80249

Troy White
Town of Johnstown
450 S Parish Ave. PO Box 609
Johnstown, CO 80534

February 8, 2022

Dear Mr. White,

Pursuant to the Subdivision Development and Improvement Agreement for The Town of Johnstown Thompson River Ranch Filing No. 12, Exhibit B-3 – Additional Terms, Conditions or Provisions, we are requesting a time extension to complete the Northern and Southern portions of High Plains Boulevard – Interim Arterial.

High Plains Boulevard – Interim Arterial Northern and Southern sections were to be completed by December 31, 2021. The reasons for not completing these sections are as follows:

- **Northern Section**
  - We were unable to pass a subgrade proof roll due to high ground water. The groundwater elevation at time of construction was 4ft to 7ft higher than test bores indicated in the spring of 2021. The high water table and volume of water encountered in November of 2021 forced our geotechnical engineer and civil engineer to produce a groundwater mitigation plan to provide permanent dewatering into an existing underdrain installed in Thompson River Ranch. Encountering the ground water issue in November did not allow for enough time to design the mitigation plan, construct the mitigation plan, and complete the roadway prior to winter.
- **Southern Section**
  - Conflicts with an existing CenturyLink communication line halted the project until November 30th, 2021. Until this line was relocated work on the curb and gutter could not begin. CenturyLink was notified of the issue on March 26th, 2021 and took CenturyLink 8 months to complete the work. Curb and gutter were installed in December 2021, but we were unable to pave prior to winter halting paving operations.

Due to the unforeseen circumstances encountered we would like to request an extension of the Northern and Southern sections of High Plans Boulevard Interim Arterial be extend to July 31st, 2022.

Regards,
Chris Carlton

Town of Johnstown

VIA EMAIL: ccarlton@oakwoodhomesco.com

February 9, 2022

Mr. Chris Carlton
Clayton Properties Group II, Inc
4908 Tower Road
Denver, CO 80249

RE: Subdivision Development and Improvement Agreement Thompson River Ranch Filing No. 12

Dear Mr. Carlton,

Thank you for your letter to Troy White, Public Works Director for the Town of Johnstown dated February 8. In compliance with the Subdivision Development and Improvement Agreement for Thompson River Ranch Filing No. 12, and the administrative approvals which may be provided regarding an extension of time for the High Plains Blvd improvements, please consider your request for an extension of time on both the northern and southern sections of High Plains Blvd. approved.

The extension of time requested is being provided until August 15, 2022, based on the unforeseeable construction challenges that existed on both of these sections. We are hopeful that both of these sections on High Plains Blvd are completed shortly after the winter season is over to ensure that another extension of time does not need to be requested. Please note that in compliance with the Subdivision Development and Improvement Agreement for Thompson River Ranch Filing No. 12, all improvements along High Plains Blvd, in compliance with Exhibit B-3, are expected no later than October 31, 2022 to prevent any delays regarding building permit issuance.

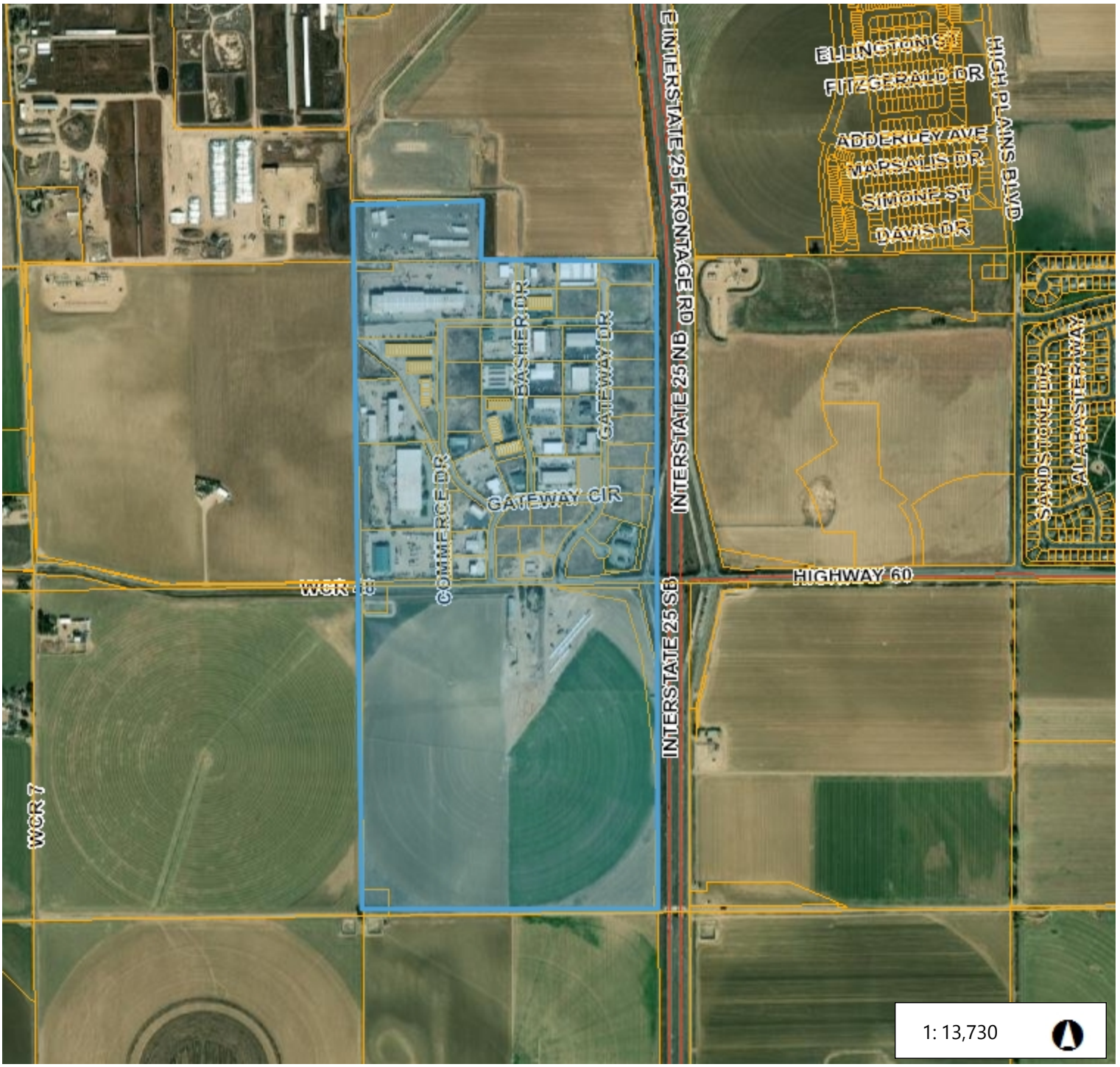
If you have any additional questions, please feel free to contact Troy White or myself. Thank you for your partnership, your dedication to our community, and your efforts to complete the construction of High Plains Blvd. as soon as practical.

Regards,

Matt LeCerf
Town Manager

cc: Troy White, Director of Public Works

Weld County Online Mapping — Zip Code Area of Impact



Legend

- Parcels
- Highway
- Road
  - Road
  - Highway
- County Boundary

Notes

2,288.3 0 1,144.15 2,288.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIG

Town of Johnstown

February 16, 2022

Post Master, Town of Johnstown
121 Castle Pines Ave
Johnstown, CO 80534

Post Master, Town of Berthoud
425 Third Street
Berthoud, CO 80513

RE: Zip Code Request

Dear Postmasters,

I hope and trust all is well today. The purpose of this letter is to make a formal request to modify the current zip code boundaries on the immediate west side of the interchange at Highway 60 and I-25. There is significant development that has been occurring, and will occur, in the Town of Johnstown located on the west side of this interchange. Both properties on the north and south side of Highway 60 on the west side in the incorporated limits of the Town of Johnstown. Our concern is the simple fact that the properties are recognized and addressed currently in the Town of Berthoud.

We believe that these properties should be reevaluated, and changed to the appropriate zip code of 80534 based on incorporated limits of Johnstown and more specifically where they reside. We are making this request to help make for efficient traveling for visitors to the community, and for the benefit of our businesses which desire to be associated with the Town of Johnstown because they have chosen to develop in our Town. Any assistance, direction, and support to facility this change will be greatly appreciated and we hope for a positive outcome.

Regards,

Gary Lebsack
Mayor

cc: Senator John Hickenlooper
Senator Michael Bennett
Representative Ken Buck, District 4
Johnstown Town Council Members
Matt LeCerf, Town Manager

Enclosure

DRAFT