



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO
Monday, June 21, 2021 at 7:00 PM

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

AGENDA

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

AGENDA APPROVAL

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.

TOWN MANAGER REPORT

1. Town Manager's Report

CONSENT AGENDA

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

2. Minutes - June 7, 2021

3. List of Bills - June 2021

4. May 2021 Financial Statements

5. Second Reading Ordinance No. 2021-198: An Ordinance Amending Article XIV of Chapter 16 of the Johnstown Municipal Code Concerning the Central Business District

6. Water and Sewer Service Agreement - Trade at 2534 Lot 1, Building 1

7. Water and Sewer Service Agreement - Trade at 2534 Lot 2, Building 2

TOWN ATTORNEY REPORT

PUBLIC HEARING

8. Ordinance 2021-199: An Ordinance Amending Section 10-61 and Section 10-71 of the Johnstown Municipal Code Concerning the Jurisdictional Limit for Criminal Mischief and Theft

9. Ordinance 2021-200: Approving P.U.D. Outline Development Plan (ODP) for Purvis Farm

10. Ordinance 2021-201: An Ordinance Amending Section 13-151(C) Of The Johnstown Municipal Code Concerning Level 2 Drought Restrictions; And Declaring An Emergency.

NEW BUSINESS

[11.](#) Consider Appointment of Councilmember

[12.](#) Resolution No. 2021-19: Declaring Level 2 Drought Condition

COUNCIL REPORTS AND COMMENTS

MAYOR'S COMMENTS

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.

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Town of Johnstown

MEMORANDUM

TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: June 21, 2021

CC: Town Staff
Local Media

SUBJECT: Town Manager's Report

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

- 07/07/2021 – Regular Town Council Meeting
 - 07/19/2021 – Regular Town Council Meeting
-

Administration, Finance, Planning, & Human Resources

- *Municipal Court* – The Court Clerk processed 110 summonses in the month of May.
- *American Recovery Plan* – The Town has completed and submitted our application to participate in the American Recovery Plan through the Department of Local Affairs. Funding is expected to be split into tranches, one that will be released in 2021 and one that will be released at least 12 months later.
- *Sewer Bond Issuance* – The Town has completed and submitted all requested documentation for review by the Underwriter and Counsel. The next step is coordination of counsels on legal documents, drafting the Preliminary Official Statement, and the due diligence call with the financing team.
- *Johnstown Cash Program* – Currently 49 businesses are participating in the program and over \$38,000 have been redeemed in certificates.
- *Johnstown Economic Development Profile* – The Johnstown Economic Development (ED) Profile is finalized and is available online within the economic development

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webpage. The ED profile provides a general overview of Johnstown demographics, workforce, community assets, and development environment.

- *Economic Development* – The economic development department is now utilizing Bluedot CRM to track its BR&E efforts along with potential prospects.
- *Business of the Month (BOTM)* – The Town has officially launched the BOTM program which recognizes one business each month as BOTM. The Original Heavenly Cakes was recognized as June’s BOTM on the June 7 Town Council meeting. Information regarding the program can be found here- <https://johnstown.colorado.gov/botm>.
- *Biz Walks* – The Town has officially launched the Biz Walks program which includes the Town Manager and Economic Development Manager visiting with local small businesses in Johnstown. In June, staff visited with three businesses to discuss the Town’s ongoing effort to support our local business community.
- *Hiring* – A full time Customer Service Technician and three summer PW parks workers started earlier this month. A Planner II has accepted a job offer, replacing our prior Planner II. Hiring is in progress for: Communications Intern, part time Customer Service Technician, PW Maintenance, seasonal PW parks workers, and a Police Officer.
- *Risk Management* – Our CIRSA renewal application for 2022 has been submitted.
- *Planning & Zoning Commission* – PZC held a meeting on June 9 with four agenda items which will be coming before Council in the several months. Our newest commissioner, Sally Boccella, resigned due to a conflict of interest with a new employment position – so PZC has two vacancies they will be interviewing for on June 23. Their Commission member recommendations will be brought to Council in July for appointment.
- *Elwell & Roosevelt Schools* – Staff continues regular meetings and coordination with the school district to assist in moving these school projects forward. Elwell site has started initial site work and is moving towards approved plans with the Town. Roosevelt is a more complex site requiring annexation, zoning, subdivision, and development / construction plans for new streets and infrastructure.
- *Little Thompson Trail Development* – Preliminary design of the LT Trail continues. Teams met with the property owner to discuss the layout of the trail to ensure it meets with the property owner’s desires and wants as it relates to ensuring safety, eliminating environmental impacts, and allowing for available land for development by the owner in the future.
- *Tree Voucher Program* – Staff is beginning to work on the tree voucher program desired by Council to encourage residents to install new foliage on their property. We will have more information as we fine tune the program and would welcome the participation of Council to hand out the vouchers on the day we select in Fall.

Police Department

Training

- *Narcotics Training*- Officer Blackburn attended narcotics awareness training hosted by the Firestone Police Department.

Community Policing, Outreach & Miscellaneous Items:

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- *BBQ Days*- Most officers worked the annual BBQ day's events. No major incidents or arrests reported.

Public Works Department

Streets, Stormwater, Fleet & Parks

- *Park Maintenance* – General maintenance of the parks continues throughout the summer. With the water restrictions in place, regular watering of the parks will be tapered back to minimize the impact to our residents and businesses based on the service they provide.
- *Johnstown BBQ Days* – Crews prepared for the BBQ Days event last week including sweeping of all streets in the downtown, patching potholes, completing flower installation and establishing barricades for safety. Crews also worked during a portion of the event to help with issues that needed their attention to provide a great atmosphere and event.
- *Warning Sirens* – Maintenance and repair of the warning siren system continues throughout the community. A full test of all sirens will still be performed on June 24 at 1 p.m. (weather provided). Public Works or Police Officers will be stationed at each siren unit during the test.
- *Old Town Storm Project* – The Old Town Storm Project is currently out to bid. Responses are due June 25.
- *Solid Waste (Trash) RFP* – A solid waste RFP was received during the week of June 1. Staff is reviewing the submittals and is tentatively setting a date of not later than July 19 to Council for consideration.
- *County Road 3 Update* - EZ is continuing to work on the parapet wall excavation and the grading of the road. At the time of this documents development the schedule was as follows:
 - Monday 6.14.2021, Inlet structures delivered to start form work on wall footings.
 - Tuesday 6.15.2021, Pour footings for Inlet structures
 - Wednesday/Thursday – Curing/form up upper portion of the wall
 - Friday – Pour the rest of the wall
 - J&J encountered very poor subsurface conditions on the south side of the culvert but despite are on schedule to be at the CR18 crossing by Monday the 14th. Contractor is working on getting the permit for the CR18 crossing.

Water Plant & System

- *GAC Installation* – The Granular Activated Carbon System installation still continues at the Water Treatment Plant. Completion on this estimated \$1.75 million project will be soon and we will let citizens know when this occurs.
- *Water Treatment Plant Storage Tank* – Repairs to the South Storage Tank at the Water Treatment Plant continues. We hope to complete this work not later than the first week of July with the hope that this will lessen the pressures on the water system.

- *South Water Tower Project* – The contractor on this project will be constructing a new access road and performing test hole investigation on the site. Construction will formally start on the tower in September.

Wastewater Plants and Collection System

- *Wastewater Treatment Plant (Low Point)* – Final design will be submitted to CDPHE for the Low Point WWTP expansion by June 25. Following approval, we plan to begin construction after receiving a GMP and comparative cost evaluation. This is expected around September 2021.
- *Sewer Interceptor Project* – Central Phase 1 of the Sewer Interceptor Project continues with construction. We are currently finalizing design of Central Phase 1A which will be from WCR 15 to the new lift station on 46.5. Our tentative plan is to begin construction of this segment in September 2021.



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO
Monday, June 07, 2021 at 7:00 PM

MINUTES

CALL TO ORDER

Mayor Lebsack called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

ROLL CALL

PRESENT

Mayor Gary Lebsack
Councilmember Chad Young
Councilmember Amy Tallent
Councilmember Troy Mellon

ABSENT

Councilmember Damien Berg
Councilmember Jesse Molinar

Staff Present: Matt LeCerc, Town Manager, Avi Rocklin, Town Attorney, Marco Carani, Public Works Director, Chief Brian Phillips, Kim Meyer, Planning Director and Sarah Crosthwaite, Economic Development Manager

AGENDA APPROVAL

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

SPECIAL PRESENTATIONS

Sarah Crosthwaite, Economic Development Manager recognized The Original Heavenly Cakes as the Business of the Month.

PUBLIC COMMENT

Mr. Jim Hatfield of 345 Hickory Lane shared with Council his concerns that the Tornado Siren in Clearview Subdivision could only be heard if you were standing outside. Also, suggested that the Town look into having portable toilets available in Clearview Park.

CONSENT AGENDA

Motion made by Councilmember Mellon, seconded by Councilmember Tallent to approve the Consent Agenda. Motion carried with a unanimous vote.

- Minutes – May 17, 2021
- Appoint Housing Authority Board Member
- Resolution 2021-16, Updating and Adopting the 2021 Three Mile Plan

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- Intergovernmental Agreement between the Town of Johnstown, Colorado, and High Plains Metropolitan District Nos. 1, 3, and 4

PUBLIC HEARING

1. Ordinance Number 2021-198 Amending Article XIV of Chapter 16 of the Johnstown Municipal Code Concerning the Central Business District - This ordinance would update the Central Business Zoning District within the Johnstown Municipal Code to permit single family homes as a permitted use. The intent is to acknowledge the existing, historical, and on-going use of numerous structures & properties within this CB district, and to allow a historically-residential structure to convert to a commercial or office use and then back to the original single family residential use without the current requirement of obtaining a Conditional Use Grant.

Mayor Lebsack opened the public hearing at 7:16 p.m. Mr. Jim Hatfield asked for clarity on how the current code addresses parking. There being no further comments the public hearing closed at 7:21 p.m. Motion made by Councilmember Tallent, seconded by Councilmember Young to approve Ordinance Number 2021-198 Amending Article XIV of Chapter 16 of the Johnstown Municipal Code Concerning the Central Business District. Motion carried with a unanimous vote.

2. Resolution 2021-17 Approving the Amended and Restated Service Plan for High Plains Metropolitan District No. 2 and Consolidated Service Plan for Revere at Johnstown Metropolitan District Nos. 2-9- The owners of the property Forestar Real Estate Group, Inc. and Platte Land & Water, LLC submitted an application for approval of an Amended and Restated Service Plan for High Plains Metropolitan District No. 2 and Consolidated Service Plan for Revere at Johnstown Metropolitan District Nos. 2-9. The development is known as the Revere and includes an area consisting of 448 acres.

Mayor Lebsack opened the public hearing at 7:23 p.m. and heard from the Town's representatives: Carolyn Stiffel the Town's Special Counsel, and Stacey Berlinger the financial consultant. Having no public comments, the hearing closed at 8:11 p.m. Motion made by Councilmember Mellon, seconded by Councilmember Young to approve Resolution No. 2021-17 a Resolution Approving the Amended and Restated Service Plan for High Plains Metropolitan District No. 2 and Consolidated Service Plan for Revere at Johnstown Metropolitan District Nos. 2-9 subject to adding additional language to the Service Plan; the actual water purchased by the Metro District has to be used in the District and dedicate the water before final plat on each phase of the development. The water may be leased back if not used for the needs of the development. Motion carried with a unanimous vote.

NEW BUSINES

1. Roof repair at Water Treatment Plant – This is a request to repair the roof at the water treatment plant. Motion made by Councilmember Mellon, seconded by Councilmember Young to award the roofing contract for the Water Treatment Plant roof to KH Roofing as presented for a total not to exceed \$91,486. Motion carried with a unanimous vote.

2. Award Design Services for Central Wastewater Treatment Plant – Proposals were solicited for Engineering Services from qualified consultants to prepare design drawings, technical

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specifications, and construction oversight for a new 2.5 MGD treatment facility to meet the Town's capacity projections and to replace the outdated aerated lagoon system currently in place. Based upon the proposal Aqua Engineering submitted the lowest bid. Councilmember Tallent made a motion, seconded by Councilmember Young to award the Central Wastewater Treatment Plant Design Contract to Aqua Engineering contract as presented for a total not to exceed \$1,800,000. Motion carried with a unanimous vote.

3. Resolution 2021-18 Finding Substantial Compliance for Initiating Annexation for North Ridge Annexation – Resolution 2021-18 sets the public hearing date to determine if the proposed annexation is eligible for annexation into the Town of Johnstown. Councilmember Mellon made a motion seconded by Councilmember Tallent to approve Resolution 2021-18 with the date for the public hearing changed to July 19, 2021 at 7:00 p.m. Motion carried with a unanimous vote.

ADJOURN

The meeting adjourned at 8:51 p.m.

Mayor

Town Clerk

Town of Johnstown
List of Bills - May 7, 2021 - June 9, 2021

<u>Vendor</u>	<u>Description</u>	<u>Department</u>	<u>Amount</u>
21 North Brewery & Tavern	Johnstown Cash	ADM	460.00
4990 Ronald Reagan LLC	Police substation lease	PD	1,519.75
A & E Tire Inc	Tires/vehicle maintenance	PD/PW	1,380.76
A Good Hair Day	Johnstown Cash	ADM	340.00
Ace Hardware	Supplies	PW/PD	603.18
Ace Hardware of Johnstown	Johnstown Cash	ADM	5,000.00
Advanced Mechanical Services, Inc	Lift station repair	PW	975.00
All Copy Products, Inc	Copier for substation	PD	705.80
Anchor Auto Glass & Tint, LLC	Vehicle repair	PW	176.77
Aqua Backflow, Inc.	Mailings	PW	40.00
Aqua Engineering	Design services	PW	104,294.15
Arapahoe Rental	Equipment rental	PW	59.60
BHA Design Incorporated	Professional services	PW	3,790.00
Black Sheep Coffee & Crepes	Johnstown Cash	ADM	1,760.00
Blue to Gold, LLC	Training	PD	459.54
Browns Hill Engineering & Controls	Scada service	PW	2,913.28
B's Coffee	Johnstown Cash	ADM	400.00
Burns & McDonnell Engineering Co Inc.	Testing for GAC	PW	12,375.00
Canine Cuts Grooming Salon	Johnstown Cash	ADM	140.00
Canyon Systems, Inc.	Lift station repairs	PW	395.46
Card Services	Supplies, training	ALL	15,790.99
Carrot-Top Industries	Supplies	PW	283.00
Caselle, Inc	Software support	ALL	1,728.00
Cassidy's Sports Grill	Johnstown Cash	ADM	160.00
Cate Brothers Inc.	Hydrant meter refund	ADM	1,500.00
CDW Government	Computer equipment	PD	5,676.02
Central Weld County Water District	Water purchase	PW	2,103.34
CenturyLink	Phone service	PW	255.09
Cesare, Inc.	Testing at dam	PW	566.50
Churchich Recreation LLC	Supplies	PW	348.00
Cinco Brothers Barbershop	Johnstown Cash	ADM	120.00
Cintas	Mat service/supplies	PW	1,380.21
City of Fort Collins	Professional services	PW	1,620.00
Coblaco Services Inc.	Tank repairs	PW	65,727.00
Colorado Analytical Labs	Lab testing	PW	3,290.00
Colorado Concrete Construction	Concrete pad for GAC project	PW	21,384.00
Colorado District Attorney's Council	Supplies	ADM	840.00
Colorado Greenbelt Management	Lawn maintenance	PW	4,235.00
Connected Chiropractic	Johnstown Cash	ADM	20.00
Connell Resources, Inc.	Interceptor project	PW	455,418.99
Conpoto LLC	Johnstown Cash certificates	ADM	401.10
Consolidated Home Supply Ditch &	Water legal	PW	1,599.45
Coren Printing, Inc	Printing	PD	119.00
Cristiana Salon Spa	Johnstown Cash	ADM	180.00
D&S Hydroseeding	Supplies	PW	2,200.00
Dana Kepner Co.	Supplies	PW	7,051.40
DBC Irrigation Supply	Irrigation repairs	ADM	1,530.01
Denali Water Solutions LLC	Sludge removal	PW	155,941.91
Denver Industrial Sales & Services Co	Supplies	PW	1,440.32
DES Pipeline Maintenance, LLC	Lift station maintenance	PW	2,700.00

DPC Industries Inc	Chemicals	PW	18,962.45
DXP Enterprises Inc	Equipment repair	PW	98.34
Ergomed	Employment screening	PW	400.00
Evoqua Water Technologies LLC	GAC vessels	PW	553,400.00
Falcon Environmental Corp. At Longmont	Equipment repair	PW	1,278.42
Faris Machinery Co.	Equipment repair	PW	3,664.34
FBI-LEEDA	Training	PD	695.00
Felsburg Holt & Ullevig Inc	Billback - Engineering Services	ADM	1,105.00
Ferguson Waterworks	Equipment repair/supplies	PW	194.57
First Class Security Systems	Fire system monitoring	PW	257.60
Flowers For 3 Greenhouse	Flowers-cemetery/downtown	ADM/PW	7,070.90
Frontier Business Products	Supplies	ADM	867.61
Frontier Fertilizer & Chemical	Supplies	PW	330.39
Full Circle Veterinary Care	Johnstown Cash	ADM	40.00
Galls LLC	Uniforms	PD	102.70
Glenn A. Jones Library	Library Support	ADM	189,609.50
Goble Sampson Associates Inc	Repair equipment	PW	946.86
Goldstar Products Inc.	Chemicals	PW	2,213.85
Gopher Excavation, Inc.	Sewer repair	PW	27,125.00
Grainger, Inc.	Equipment repair	PW	1,126.03
Great Western Railway of CO	Annual cost	PW	2,200.00
Green Hills Sod Farm Inc	Supplies	PW	172.80
Hach Company	Equipment repair, lab supplies	PW	25,089.33
Hays Market Inc	Johnstown Cash	ADM	4,760.00
Hays Market Inc	Supplies	ADM	50.45
Higher Ground Inc	Training	ADM	7,500.00
Hill & Robbins, PC	Bill Back - Legal Services	ADM	775.50
Hill & Robbins, PC	Legal services	ADM	70.50
Hiroshi Teriyaki Grill, Inc.	Johnstown Cash	ADM	460.00
IMEG Corp	Billback - Engineering services	ADM	49,533.52
IMEG Corp	Engineering services	ADM	9,182.50
IMEG Corp	Design services	PW	152,546.17
Infosend, Inc.	Utility bill printing, Johnstown cash mailer	ADM/PW	4,444.49
Insight North America, LLC	Investment services	ADM	3,030.57
J&D Creations	Supplies	ADM/PW	399.91
J&S Contractors Supply Co.	Supplies	PW	51.68
JM Post	Johnstown Cash	ADM	100.00
John Cutler & Associates	Audit	ADM	6,000.00
Johnstown Barber Shop	Johnstown Cash	ADM	80.00
Johnstown Barber Shop	Johnstown Cash	ADM	80.00
Johnstown Breeze	Billback - Publications	ADM	180.36
Johnstown Breeze	Publications	ADM	1,396.32
Johnstown Clothing & Embroidery	Johnstown Cash	ADM	60.00
Johnstown Lunch Box, LLC	Johnstown Cash	ADM	840.00
J-Town Nutrition	Johnstown Cash	ADM	180.00
K & K Laser Creations LLC	Supplies	ADM	81.00
Kendall Zoss	Education reimbursement	PD	1,000.00
Kerr-McGee Oil & Gas Onshore LP	Service fees	ADM	5.04
Kinetic Energy Services, LLC	Potholing	PW	2,495.00
L G Everist Inc	Supplies	PW	3,557.31
Larimer Co Clerk & Recorder	Lien Release	ADM	13.00
Larimer County Sales Tax Administrator	Use tax reimbursement	ADM	23,783.34
Larimer County Solid Waste	Clean up day vouchers	PW	2,272.61
Law Office of Avi Rocklin LLC	Bill Back - Legal Services	ADM	16,163.00

Law Office of Avi Rocklin LLC	Legal services	ADM	10,387.30
Lazar, Michael	Municipal court judge	ADM	3,450.00
Lazy Dog Johnstown, LLC	Johnstown Cash	ADM	1,120.00
Lift Coffee Bar	Johnstown Cash	ADM	360.00
Little Thompson Water District	Water	PW	68,676.27
Loveland Barricade LLC	Supplies	PW	220.00
LYS Salon	Johnstown Cash	ADM	140.00
Mac Equipment, Inc	Equipment repair	PW	1,205.72
Mares Auto Inc.	Vehicle maintenance	PD/PW	125.00
McGeady Becher P.C.	Professional services	ADM	12,793.50
Milliken Johnstown Electric	Equipment repair	PW	412.50
Mission Communications, LLC	Supplies	PW	347.40
Moses, Wittemyer, Harrison&Woodruff, PC	Billback - Professional Services	ADM	4,836.00
Mountain States Pipe & Supply	Supplies	PW	10,980.70
Mountain View Farms Inc.	Tree work at Chapman	PW	1,604.13
Mr. Donuts	Johnstown Cash	ADM	200.00
Municipal Treatment Equipment Inc.	Supplies	PW	5,014.14
Napa Auto Parts, Inc	Supplies	PW/PD	1,912.38
Newsom Gamez, Shirley	Senior Center mileage	ADM	65.00
Northern Engineering	Professional services	PW	862.50
Northern Safety Co Inc	Supplies	PW	17.16
Office Depot Business Credit	Office supplies	ALL	485.90
Office Scapes	Office furniture	ADM	5,260.78
Otak	Little T trail	PW	3,892.50
Peak View Enterprises, LLC	Fiber study	ADM	5,000.00
Pioneer	Supplies	PW	440.55
Poudre Valley REA	Utilities	PW	9,742.77
Power Services Company	GAC construction	PW	2,317.50
Precision Family Eyecare	Johnstown Cash	ADM	20.00
ProCode Inc.	Inspection services	ADM	30,000.00
ProFirst Training and Consulting, LLC	Training	PD	495.00
Purchase Power	Postage meter	ADM/PD	453.00
Ramey Environmental Compliance Inc.	ORC services/repairs/testing	PW	33,495.22
Rhinehart Oil Co., Inc.	Fuel	ALL	8,705.53
Rider Chiropractic	Facade Grant FY 21	ADM	835.00
Rider Chiropractic Sports & Injury	Johnstown Cash	ADM	40.00
Riverwood Massage	Johnstown Cash	ADM	60.00
Rock Soft Chenille & Embroider	Supplies	PW	78.00
Royal-T	Sewer maintenance	PW	320.00
Santiago's Mexican Restaurant	Johnstown Cash	ADM	1,620.00
Tait & Associates, Inc.	Design services	PW	24,535.44
TDS	Telephone	ALL	3,494.28
The Home Depot/GECE	Supplies	PW	59.64
The Original HeavenlyCakes	Johnstown Cash	ADM	240.00
The Reporter Herald	Subscription	ADM	535.60
The Tree Guys LLC	Tree trimming services	PW	4,000.00
TimberLAN	IT professional services	ALL	3,000.00
T-Mobile	Telephone	PD	65.47
Town & Country Fence Co.	Supplies	PW	180.00
Town of Milliken	Supplies reimbursement	ADM	15.98
Tri-Tech Forensics, Inc.	Lab supplies	PD	123.50
TruGreen Chemlawn	Chemicals	PW	6,366.15
Twin Silos, LLC	Reimbursement Agreement	ADM	4,000.00
UC Health	Lab testing	PD	497.34

UE Compression	Equipment repair	PW	1,560.63
United Power, Inc	Street lights	PW	795.25
USA Bluebook	Supplies	PW	3,566.65
Utility Notification Center	Locates	PW	1,630.20
Utility Refunds	Utility refunds	ADM	1,403.98
Vector Disease Control	Mosquito spraying	PW	3,389.14
Verizon Wireless	Cell phones	PW/PD	3,254.97
Waste Management	Trash services	PW	126,659.89
Weld County Dept of Public	Lab services	PW	649.50
Wellspring Therapeutics LLC	Johnstown Cash	ADM	80.00
Windstream	Telephone/Internet	ALL	1,087.56
Winters, Hellerich & Hughes, L	Prosecuting attorney services	ADM	3,150.00
WR Investment, LLC	Reimbursement Agreement	ADM	36,800.00
Xcel Energy	Utilities	ALL	87,997.62
Xcite Audiovisuals LLC	Council Chamber maintenance	ADM	49,655.00
YMCA of Northern Colorado	Operating subsidy	YMCA	83,333.34
Yost Cleaning	Monthly cleaning service	ALL	5,608.00
			<u>2,707,167.16</u>

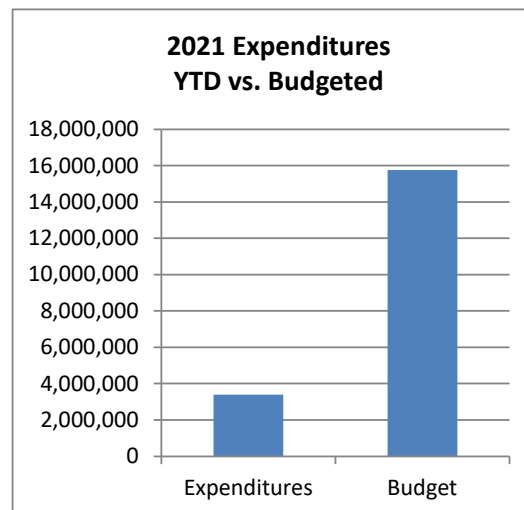
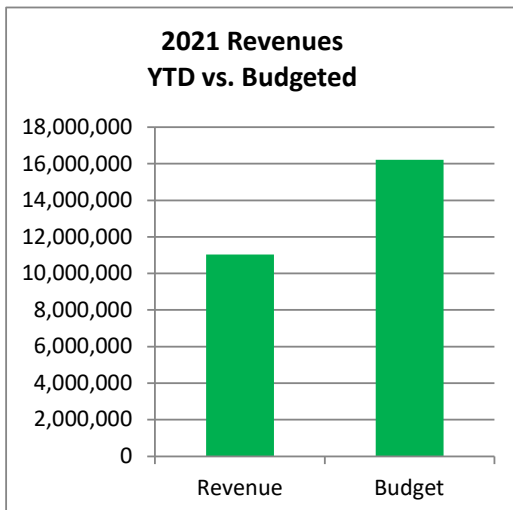
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - General Fund
Period Ending May 31, 2021
Unaudited

Item #4.

General Fund	2021 Actuals May	2021 Adopted Budget	% Complete
Beginning Fund Balance	54,680,888	54,680,888	
Revenues:			
Taxes & Fees	9,907,243	14,917,027	66.4%
Licenses & Permits	789,408	899,350	87.8%
Fines & Forfeitures	74,062	122,000	60.7%
Intergovernmental	14,866	40,000	37.2%
Earnings on Investment	38,025	112,000	34.0%
Miscellaneous Revenue	216,539	121,500	178.2%
Transfers In	-	-	
Total Operating Revenues	11,040,143	16,211,877	68.1%
Expenditures:			
Legislative	709,930	1,675,200	42.4%
Town Manager	157,915	968,280	16.3%
Town Clerk	134,662	413,885	32.5%
Finance	138,316	265,230	52.1%
Planning	278,162	641,740	43.3%
Building Inspections	86,878	259,350	33.5%
Police	1,264,067	3,765,193	33.6%
Public Works	74,983	214,375	35.0%
Buildings	72,890	312,300	23.3%
Transfers Out	474,024	7,242,457	6.5%
Total Expenditures	3,391,826	15,758,010	21.5%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	7,648,316	453,867	
Prior Period Adjustment			
Ending Fund Balance*	62,329,204	55,134,755	

* - Unaudited

41% of the fiscal year has elapsed



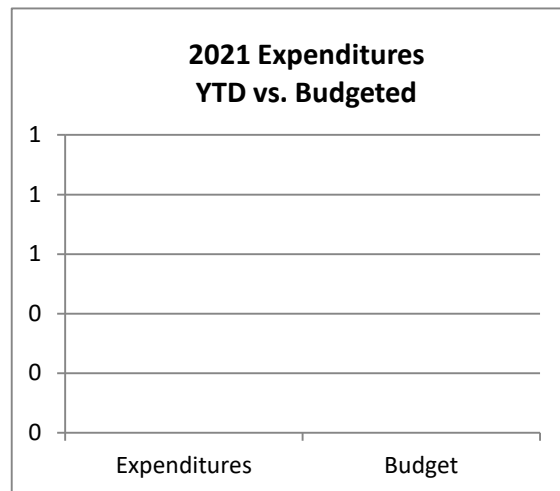
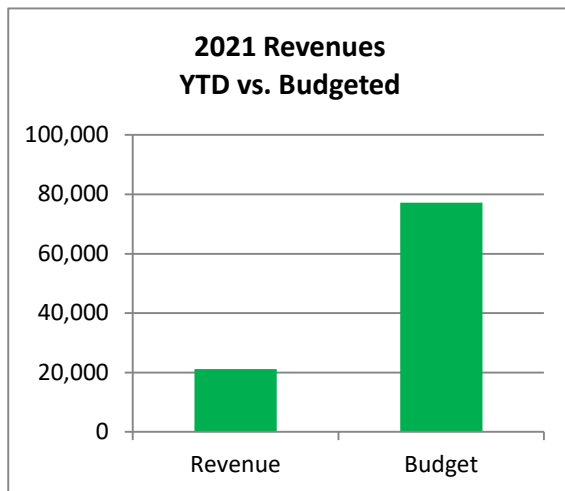
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Conservation Trust Fund
Period Ending May 31, 2021
Unaudited

Item #4.

Conservation Trust Fund	2021 Actuals May	2021 Adopted Budget	% Complete
Beginning Fund Balance	28,950	28,950	
<u>Revenues:</u>			
Intergovernmental	21,219	77,100	27.5%
Earnings on Investment	12	100	12.0%
Total Operating Revenues	21,231	77,200	27.5%
<u>Expenditures:</u>			
Operations	-	-	
Capital Outlay	-	-	
Total Expenditures	-	-	
Excess (Deficiency) of Revenues and Other Sources over Expenditures	21,231	77,200	
Ending Fund Balance*	50,181	106,150	

* - Unaudited

41% of the fiscal year has elapsed



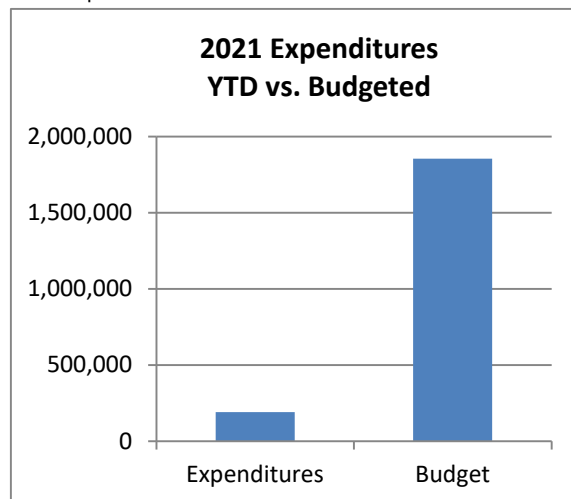
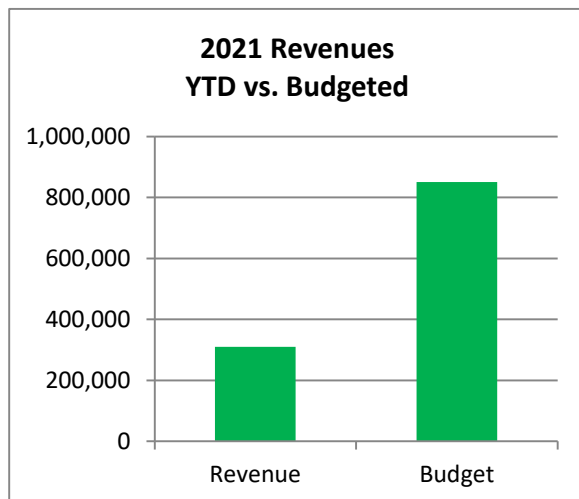
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Parks and Open Space Fund
Period Ending May 31, 2021
Unaudited

Item #4.

	2021 Actuals May	2021 Adopted Budget	% Complete
Parks and Open Space Fund			
Beginning Fund Balance	6,695,839	6,695,839	
<u>Revenues:</u>			
Taxes & Fees	261,602	401,910	65.1%
Miscellaneous Revenue	47,272	207,000	22.8%
Transfers In	0	220,000	0.0%
Total Operating Revenues	310,002	850,910	36.4%
<u>Expenditures:</u>			
Operations	134,766	614,410	21.9%
Capital Outlay	56,636	1,240,000	4.6%
Transfers Out	-	-	
Total Expenditures	191,402	1,854,410	10.3%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	118,599	(1,003,500)	
Ending Fund Balance*	6,814,439	5,692,339	

* - Unaudited

41% of the fiscal year has elapsed



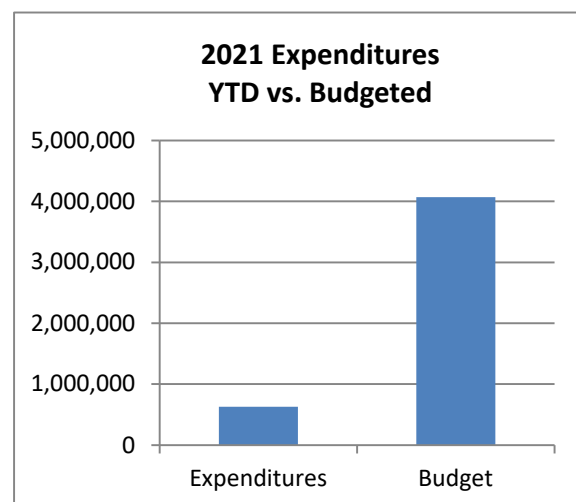
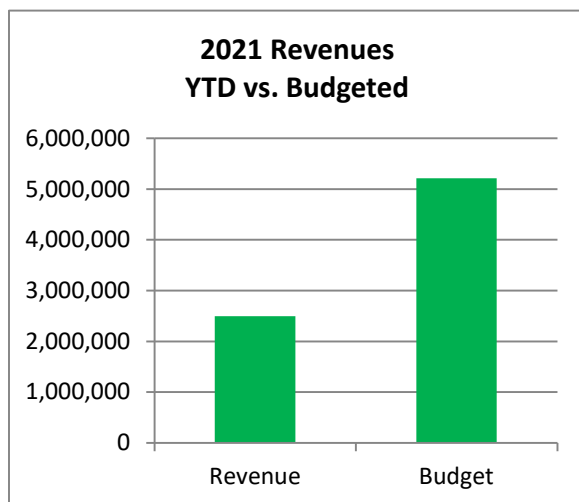
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Street and Alley Fund
Period Ending May 31, 2021
Unaudited

Item #4.

Street and Alley Fund	2021 Actuals May	2021 Adopted Budget	% Complete
Beginning Fund Balance	8,763,548	8,763,548	
<u>Revenues:</u>			
Taxes & Fees	1,497,763	2,838,400	52.8%
Intergovernmental	75,916	1,207,666	6.3%
Charges for Services	309,304	715,477	43.2%
Capital Investment Fees	512,998	420,550	122.0%
Earnings on Investment	33,924	28,000	121.2%
Miscellaneous Revenues	66,658	-	0.0%
Total Operating Revenues	2,496,562	5,210,093	47.9%
<u>Expenditures:</u>			
Operations & Maintenance	585,761	3,049,400	19.2%
Capital	46,223	1,019,000	4.5%
Total Expenditures	631,984	4,068,400	15.5%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	1,864,578	1,141,693	
Ending Fund Balance*	10,628,125	9,905,241	

* - Unaudited

41% of the fiscal year has elapsed



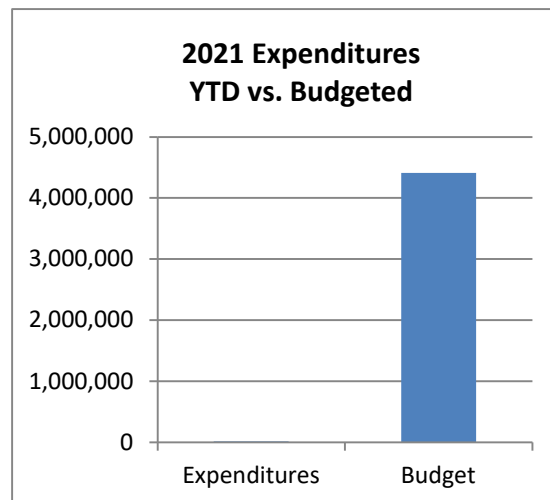
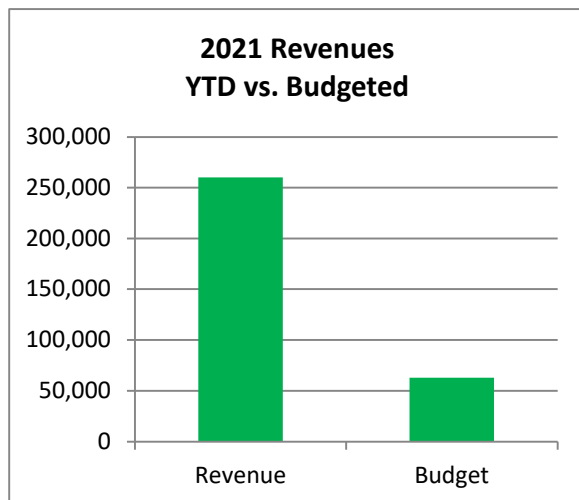
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Capital Projects Fund
Period Ending May 31, 2021
Unaudited

Item #4.

	2021 Actuals May	2021 Adopted Budget	% Complete
Capital Projects Fund			
Beginning Fund Balance	13,119,524	13,119,524	
<u>Revenues:</u>			
Taxes and Fees	257,354	111,940	229.9%
Miscellaneous Revenue	-	-	
Interest	2,611	36,000	7.3%
Transfers In	-	(85,100)	
Total Operating Revenues	259,965	62,840	413.7%
<u>Expenditures:</u>			
Capital Outlay	14,204	4,410,200	0.0%
Transfers Out	-	-	0.0%
Total Expenditures	14,204	4,410,200	0.3%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	245,761	(4,347,360)	
Ending Fund Balance*	13,365,285	8,772,164	

* - Unaudited

41% of the fiscal year has elapsed



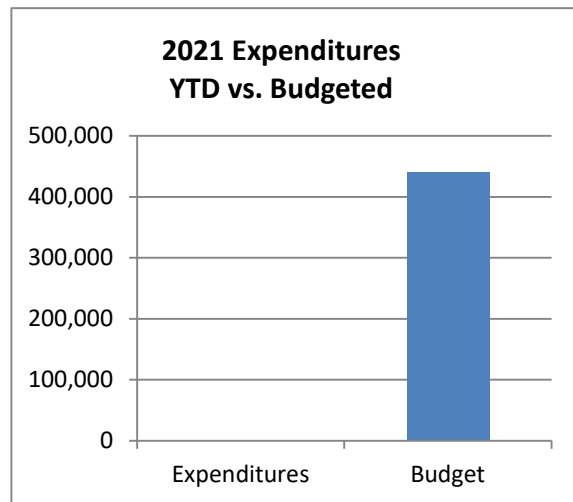
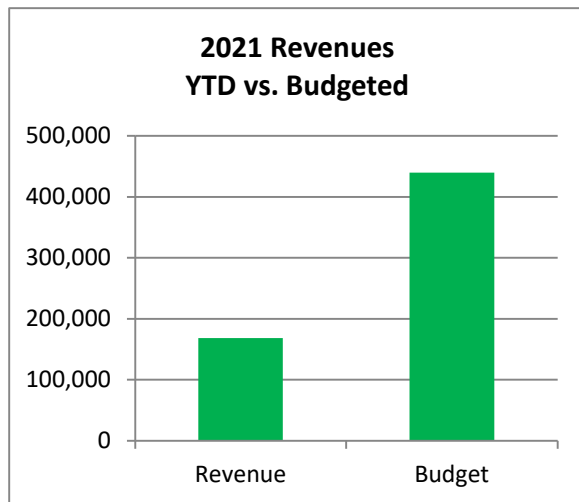
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Tax Allocation Fund
Period Ending May 31, 2021
Unaudited

Item #4.

Tax Allocation Fund	2021 Actuals May	2021 Adopted Budget	% Complete
Beginning Fund Balance	0	0	
<u>Revenues:</u>			
Taxes & Fees	168,204	439,900	38.2%
Earnings on Investment	-	100	0.0%
Total Operating Revenues	168,204	440,000	38.2%
<u>Expenditures:</u>			
Miscellaneous	-	440,000	0.0%
Total Expenditures	-	440,000	0.0%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	168,204	-	
Ending Fund Balance*	168,204	-	

* - Unaudited

41% of the fiscal year has elapsed



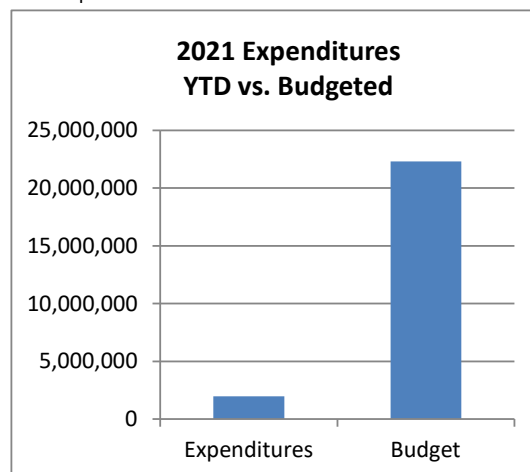
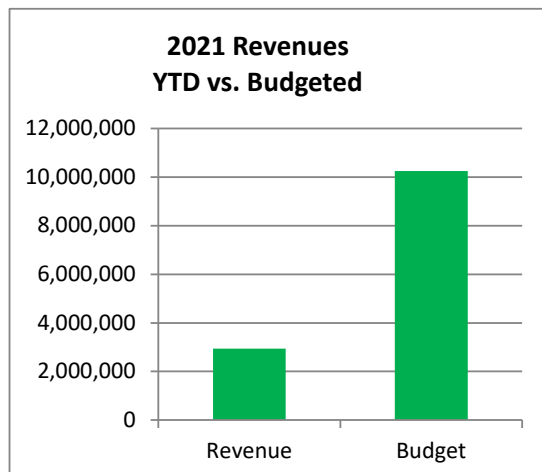
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Water Fund
Period Ending May 31, 2021
Unaudited

Item #4.

	2021 Actuals May	2021 Adopted Budget	% Complete
Water Fund			
Beginning Cash Balance	21,261,828	21,261,828	
<u>Revenues:</u>			
Charges for Services	1,358,740	2,902,500	46.8%
Total Operating Revenues	1,358,740	2,902,500	46.8%
<u>Expenses:</u>			
Administration	65,703	685,300	9.6%
Operations	863,979	1,979,973	43.6%
Capital Outlay	893,377	19,235,000	4.6%
Depreciation	148,513	410,000	36.2%
Transfers Out	-	-	
Total Operating Expenses	1,971,572	22,310,273	8.8%
Operating Income (Loss)	(612,831)	(19,407,773)	
<u>Non-Operating Revenues (Expenses)</u>			
Tap Fees	769,690	965,550	79.7%
Capital Investment Fees	657,933	816,294	80.6%
Misc. Revenues	145,822	5,466,500	2.7%
Interest Expense	3,702	95,000	3.9%
Total Non-Operating Revenues (Expenses)	1,577,147	7,343,344	21.5%
Excess (Deficiency) of Revenues and Other Sources over Expenses	964,316	(12,064,429)	
Ending Cash Balance*	22,226,144	9,197,399	

* - Unaudited

41% of the fiscal year has elapsed



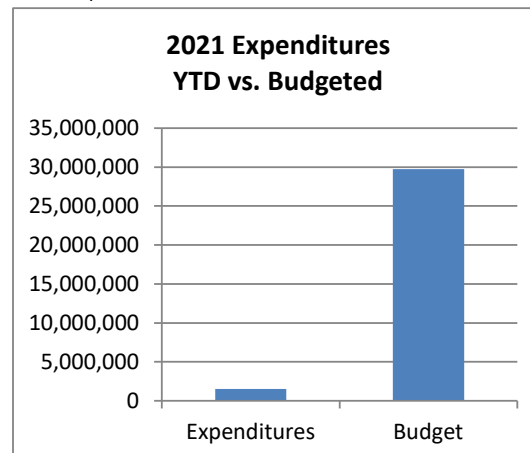
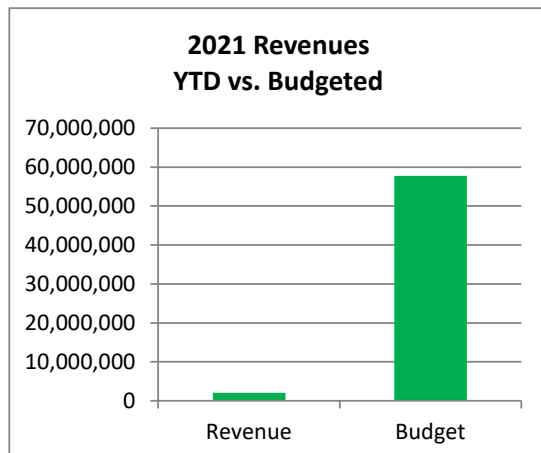
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Sewer Fund
Period Ending May 31, 2021
Unaudited

Item #4.

Sewer Fund	2021 Actuals May	2021 Adopted Budget	% Complete
Beginning Cash Balance	8,978,178	8,978,178	
<u>Revenues:</u>			
Charges for Services	1,105,507	2,123,500	52.1%
Total Operating Revenues	1,105,507	2,123,500	52.1%
<u>Expenses:</u>			
Administration	61,717	307,200	20.1%
Operations	627,029	1,814,153	34.6%
Capital Outlay	744,367	25,386,600	2.9%
Depreciation	93,942	235,000	40.0%
Debt Service	-	1,998,069	0.0%
Total Operating Expenses	1,527,054	29,741,022	5.1%
Operating Income (Loss)	(421,546)	(27,617,522)	
<u>Non-Operating Revenues (Expenses)</u>			
Capital Improvement Fees	911,500	1,192,000	76.5%
Misc. Revenues	9,900	2,000	495.0%
Interest Expense	531	7,200	7.4%
Debt Proceeds	-	54,450,000	0.0%
Total Non-Operating Revenues (Expenses)	921,931	55,651,200	1.7%
Excess (Deficiency) of Revenues and Other Sources over Expenses	500,385	28,033,678	
Ending Cash Balance*	9,478,563	37,011,856	

* - Unaudited

41% of the fiscal year has elapsed



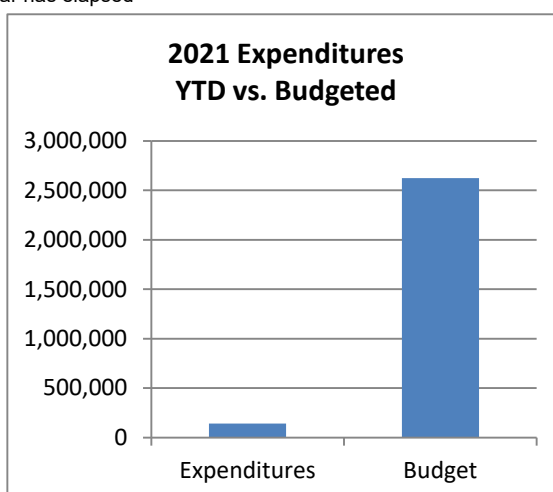
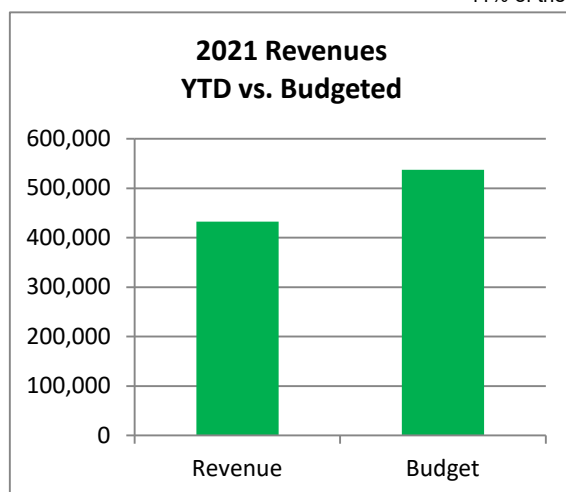
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Drainage Fund
Period Ending May 31, 2021
Unaudited

Item #4.

Drainage Fund	2021 Actuals May	2021 Adopted Budget	% Complete
Beginning Cash Balance	3,310,003	3,310,003	
<u>Revenues:</u>			
Charges for Services	196,019	457,200	42.9%
Total Operating Revenues	196,019	457,200	42.9%
<u>Expenses:</u>			
Administration	42,067	144,250	29.2%
Operations	63,991	309,930	20.6%
Capital Improvements	36,109	2,168,750	1.7%
Transfer Out	-	-	
Total Operating Expenses	142,167	2,622,930	5.4%
Operating Income (Loss)	53,852	(2,165,730)	
<u>Non-Operating Revenues (Expenses)</u>			
Capital Revenues	235,905	75,000	314.5%
Misc. Revenues	-	-	
Interest Expense	526	5,400	9.7%
Total Non-Operating Revenues (Expenses)	236,431	80,400	294.1%
Excess (Deficiency) of Revenues and Other Sources over Expenses	290,283	(2,085,330)	
Ending Cash Balance*	3,600,286	1,224,673	

* - Unaudited

41% of the fiscal year has elapsed



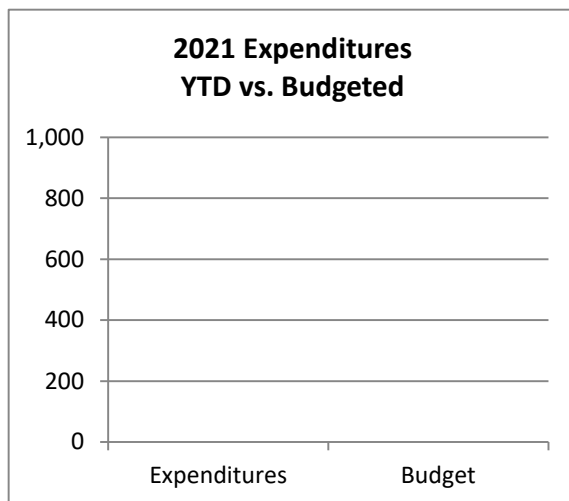
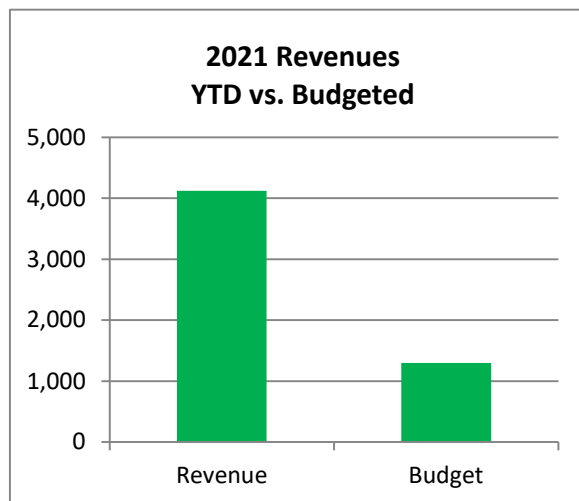
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Cemetery Perpetual Fund
Period Ending May 31, 2021
Unaudited

Item #4.

Cemetery Perpetual Fund	2021 Actuals May	2021 Adopted Budget	% Complete
Beginning Fund Balance	147,661	147,661	
<u>Revenues:</u>			
Miscellaneous Revenue	4,091	900	454.5%
Earnings on Investment	31	400	7.7%
Total Operating Revenues	<u>4,121</u>	<u>1,300</u>	317.0%
<u>Expenditures:</u>			
Operations & Maintenance	-	-	
Capital Outlay	-	-	
Transfers Out	-	-	
Total Expenditures	<u>-</u>	<u>-</u>	
Excess (Deficiency) of Revenues and Other Sources over Expenditures	<u>4,121</u>	<u>1,300</u>	
Ending Fund Balance*	<u>151,782</u>	<u>148,961</u>	

* - Unaudited

41% of the fiscal year has elapsed



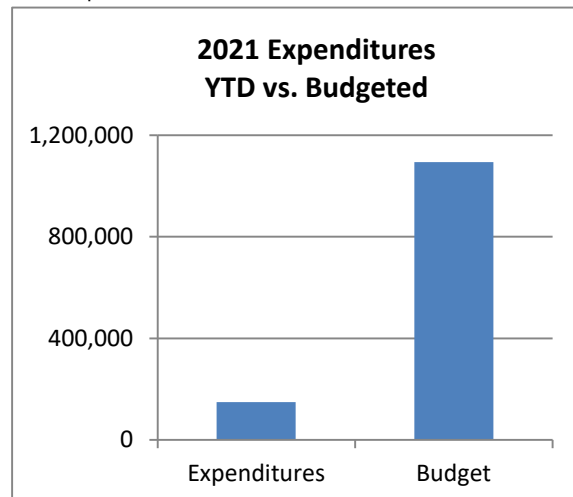
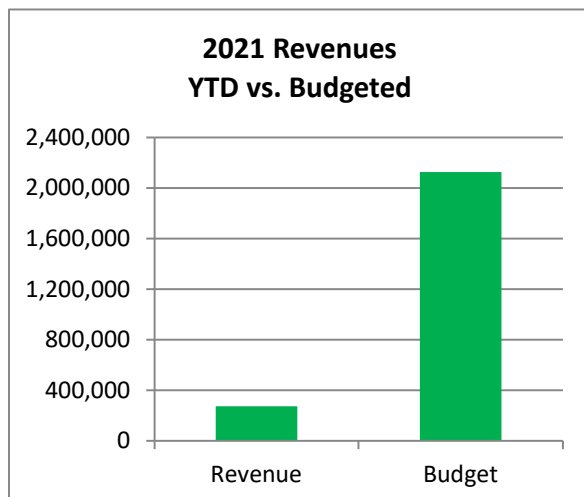
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Library Fund
Period Ending May 31, 2021
Unaudited

Item #4.

Library Fund	2021 Actuals May	2021 Adopted Budget	% Complete
Beginning Fund Balance	5,252,070	5,252,070	
<u>Revenues:</u>			
Intergovernmental	78,470	703,095	11.2%
Miscellaneous Revenue	-	11,000	0.0%
Capital Investment Fees	110,208	215,000	51.3%
Interest	28	60,000	0.0%
<i>Transfers In</i>	85,222	1,137,657	7.5%
Total Operating Revenues	273,928	2,126,752	12.9%
<u>Expenditures:</u>			
Operations	148,394	1,094,500	13.6%
Capital Outlay	-	-	0.0%
Total Expenditures	148,394	1,094,500	13.6%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	125,534	1,032,252	
Ending Fund Balance*	5,377,604	6,284,322	

* - Unaudited

41% of the fiscal year has elapsed



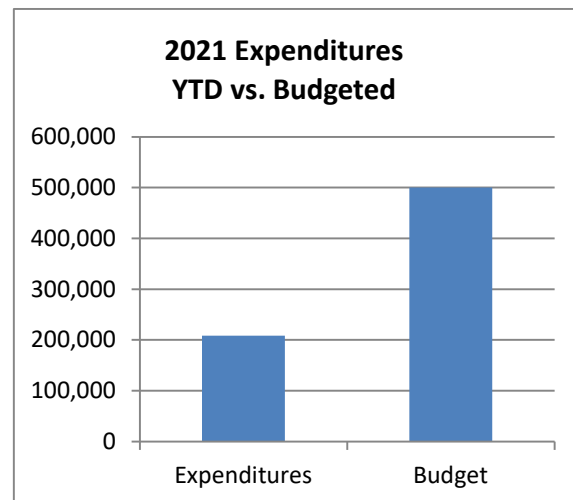
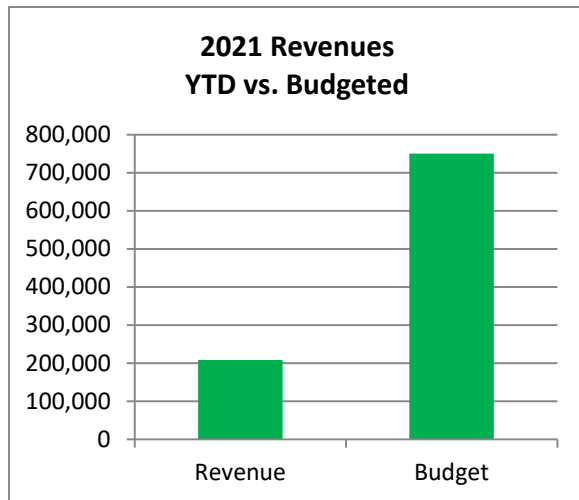
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Recreation Center Fund
Period Ending May 31, 2021
Unaudited

Item #4.

Recreation Center Fund	2021 Actuals May	2021 Adopted Budget	% Complete
Beginning Fund Balance	0	0	
<u>Revenues:</u>			
Transfers In	208,333	750,000	27.8%
Earnings on Investment	-	-	
Total Operating Revenues	208,333	750,000	27.8%
<u>Expenditures:</u>			
Operations & Maintenance	208,333	500,000	0.0%
Capital Outlay	-	-	
Total Expenditures	208,333	500,000	41.7%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(0)	250,000	
Ending Fund Balance*	(0)	250,000	

* - Unaudited

41% of the fiscal year has elapsed





Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: June 21, 2021

SUBJECT: Ordinance 2021-198 Amending Article XIV Regarding Central Business CB District – To Permit Single Family Homes as a Permitted Use

ACTION PROPOSED: Consider Final Approval of Ordinance No. 2021-198

ATTACHMENTS: 1. Ordinance 2021-198

PRESENTED BY: Kim Meyer, Planning & Development Director

AGENDA ITEM DESCRIPTION:

The proposed ordinance would update the Central Business (CB) Zoning District within the Johnstown Municipal Code to permit single family homes as a permitted use. CB is the “downtown” zoning utilized on both sides of South 1st Street and generally follows the railroad tracks north on the east and west to create a downtown triangle of this district. The residential uses permitted would comply with the lot sizes, setbacks, and parking requirements comparable to those found in the two existing single-family zones in the code, SF-1 and SF-2. The intent is to acknowledge the existing, historical, and on-going use of numerous structures & properties within this CB district, and to allow a historically-residential structure to convert to a commercial or office use and then back to the original single family residential use without the current requirement of obtaining a Conditional Use Grant.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

Approve the Ordinance as presented upon second reading.

Reviewed and Approved for Presentation,

Town Manager

The Community That Cares

www.TownofJohnstown.com

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

TOWN OF JOHNSTOWN, COLORADO**ORDINANCE NO. 2021-198****AN ORDINANCE AMENDING ARTICLE XIV OF CHAPTER 16
OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING THE
CENTRAL BUSINESS DISTRICT**

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, Article XIV of Chapter 16 of the Johnstown Municipal Code (“Code”) concerns the Central Business CB District; and

WHEREAS, the Town staff recommends that Article XIV of Chapter 16 of the Code be revised to reflect that: (i) single-family residential uses, in structures originally built as detached single-family dwellings and otherwise in compliance with the Single-Family Residential SF-1 District or the Single-Family Attached Residential SF-2 District, be permitted as a use by right in the Central Business CB District and (ii) the Planning and Zoning Commission have the authority to reduce or otherwise adjust the off-street parking requirements as part of the site plan review process by up to fifty percent (50%); and

WHEREAS, based on the recommendations of the Town staff, the Town Council desires to amend Article XIV of Chapter 16 of the Code; and

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

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

Section 1. Section 16-241. Section 16-241 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended in full to read as follows:

Sec. 16-241. - Statement of intent.

This district is intended to provide for the development of a concentration of commercial, office, recreational, cultural, entertainment and governmental facilities serving as the center of community activity with the walkable character, activity and concentration of development found in a traditional downtown area. It is the further intent of this district to conserve and enhance the historic qualities of existing central business area for the benefit of the community as a whole. Specialized housing for elderly residents is

encouraged to take advantage of walkability for shopping and services. Single-family residential uses may continue to co-exist with commercial interests within the district as they have historically co-existed.

Section 2. Section 16-242(1). Subsection (1) of Section 16-242 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended to add subpart (q) and shall read as follows:

Sec. 16-242. - Use regulations.

...

(1) Principal uses permitted by right:

...

(q) Single-family residential uses, in structures originally built as detached single-family dwellings and in accordance with the requirements contained in the SF-1 or SF-2 district.

Section 3. Section 16-242(4). Subpart (d) of subsection (4) of Section 16-242 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended to read as follows:

Sec. 16-242. - Use regulations.

...

(4) Conditional uses. The following uses shall be permitted in this district upon approval of a conditional use grant as provided in Article VII of this Chapter:

...

(d) Residential uses, except those otherwise permitted by Section 16-242(1)(q) .

Section 4. Section 16-244. Section 16-244 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended in full to read as follows:

Sec. 16-244. - Building location.

There are no minimum or maximum setbacks in this district. There is no minimum offset in this district. Notwithstanding the foregoing, residential uses permitted by Section 16-242(1)(q) shall meet the minimum lot size, setback and offset requirements in accordance with the requirements contained in the SF-1 or SF-2 district.

Section 5. Section 16-245. Section 16-245 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended in full to read as follows:

Sec. 16-245. - Open space.

There is no minimum required open space in this district, regardless of whether a building includes one (1) or more dwelling units. Notwithstanding the foregoing, residential uses permitted by Section 16-242(1)(q) shall meet the minimum requirements in accordance with the requirements contained in the SF-1 or SF-2 district.

Section 6. Section 16-246. The last sentence of Section 16-246 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended to read as follows:

Sec. 16-246. - Special off-street parking requirements.

. . . The Planning and Zoning Commission shall have the authority to reduce or otherwise adjust the off-street parking requirements as part of the site plan review process, provided that the adjustment does not exceed fifty percent (50%).

Section 7. 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 8. 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 9. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town's Home Rule Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance shall be 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 June, 2021.

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 _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____

Diana Seele, Town Clerk

By: _____

Gary Lebsack, Mayor



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: June 21, 2021

SUBJECT: Water and Sewer Service Agreement – Trade at 2534 Lot 1 / Building 1 (4201 Ronald Reagan Blvd.)

ATTACHMENTS: 1. Water and Sewer Service Agreement with Exhibits

PRESENTED BY: Kim Meyer, Planning and Development Director

ITEM DESCRIPTION:

The Trade at 2534 (United Properties) “Building 1” project is a development including a 72,392 SF proposed building including multi-tenant office and warehouse space, in the 2534 Development on a 4.849-acre lot (Replat of Lot 4, Block 7, 2534 Filing No. 9, Lot 1).

The project demand is anticipated at 0.33 AF/Yr for indoor (potable), and will use 1.90 AF/Yr of non-potable water to irrigate the landscaping. Raw water is provided by the 2534 Master Association Water Bank (The Gerrard Family Partnership & Thompson Ranch Development Company) and allocated from that water bank via Exhibit B of the agreement.

The water court transfer fee was paid previously, at the time of dedication.

LEGAL ADVICE:

The agreement was prepared by the Town Attorney.

FINANCIAL ADVICE :

N/A

The Community That Cares

www.TownofJohnstown.com

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

WATER AND SEWER SERVICE AGREEMENT

THIS WATER AND SEWER SERVICE AGREEMENT is made and entered into this 3rd day of JUNE, 2021, by and between **JOHNSTOWN 1 INDUSTRIAL OWNER, LLC** a Minnesota limited liability company (“Developer”) and **THE TOWN OF JOHNSTOWN**, a Colorado municipal corporation, (“Town”), collectively sometimes referred to as the “Parties.”

WITNESSETH:

WHEREAS, the Developer owns an interest in land within the Northeast ¼ of Section 14, Township 5 North, Range 67 West of the 6th P.M., also known as Replat of Lot 4, Block 7, 2534 Filing No. 9, Lot 1, more specifically described in the attached Exhibit A (“Subject Property”); and

WHEREAS, the Subject Property has been annexed to the Town and was the subject of an Annexation Agreement dated November 3, 2006; and

WHEREAS, the Subject Property is being developed as a warehouse and office facilities with a floor space of 72,392 ft², known as United Properties Trade at 2534 Lot 1 (“Project”); and

WHEREAS, the Developer and the Town desire to set forth their agreement concerning water rights dedication, preliminary projections of water and sewer demand and a current commitment by the Town for water and sewer service for the Project.

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

1. Water and Sewer Demand Studies. In compliance with the Town Water Rights Dedication Ordinance (“Ordinance”), Developer has submitted to the Town a preliminary Water and Sewer Demand Analysis for the Project dated February 15, 2021. Said analysis was received by the Town and is on file with the Town and as modified by the Town’s Water Engineer by memorandum dated March 31, 2021, is hereby accepted by the Town. The analysis provided by Developer addresses the projected water and sewer demands for the Project as follows:

Development Component	Demand (AF/YR)	Consumption (AF/YR)
In-Building	0.33	0.02
Landscape Irrigation (non-potable)	1.90	1.62
Total	2.23	1.64

2. **Water Rights Dedication.**

a. Potable Supply. As a result of prior dedications of raw water credit, there is currently a surplus dedication credit with the Town sufficient to supply the potable water demands of the Project from the 2534 Master Association Water Bank. The Gerrard Family Partnership, LLLP and Thompson Ranch Development Company have agreed that this credit shall be applied to meet the potable water demands of the Project. Evidence of the agreement is attached hereto and incorporated herein by reference as Exhibit B.

b. Non-Potable Supply. As a result of prior dedications of raw water credit, there is currently a surplus dedication credit with the Town sufficient to supply the non-potable water demands of the Project from the 2534 Master Association Water Bank. The Gerrard Family Partnership, LLLP and Thompson Ranch Development Company have agreed that this credit shall be applied to meet the non-potable water demands of the Project. Evidence of the agreement is attached hereto and incorporated herein by reference as Exhibit B.

3. Commitment to serve. Subject to Developer's performance of all the covenants contained herein and payment of all required fees, the Town commits to provide to the Project up to 0.33 acre-feet per year of potable water supply together with the corresponding sewer service and up to 1.90 acre-feet per year non-potable water supply for landscape irrigation.

4. Future review of water usage and dedication requirements. In accordance with the Ordinance, the Town reserves the right to review actual water usage within the Project, at a point in time after water usage has been established, to confirm the adequacy of the water demand projections made by the Developer, and to require additional water rights dedication and/or cash-in-lieu payments based on actual water usage.

5. Payment of Water Court Transfer fees. The Water Court transfer fee for both the potable water supply and non-potable water supply was previously paid to the Town as part of the 2534 Master Association Water Bank. However, in accordance with the Ordinance, additional fees may be required in connection with future development of any property to which all or any portion of the surplus dedication credit is subsequently assigned pursuant to a future mutual agreement of the parties in accordance with the Town's Ordinance.

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

TO DEVELOPER:

Ms. Megan Turner
 Johnstown 1 Industrial Owner, LLC
 1331 17th St., #604
 Denver, CO 80202

TO THE TOWN:

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

WITH A COPY TO
 THE TOWN ATTORNEYS:

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

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

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

8. Default. In the event of default by either Party hereunder the non-defaulting Party shall notify the defaulting Party in writing of such default(s), specifying the nature and extent thereof. If such default is not cured within thirty (30) days and the non-defaulting Party desires to seek recourse, the Parties shall participate in mediation, the costs of which shall be shared equally by both Parties. If mediation is not successful after a ninety-day period, either Party may then commence an action in a court of competent jurisdiction and shall be entitled to such remedies as are provided by law, including the Town's ordinances.

9. Successors and assigns. The benefits and burdens of this Agreement shall respectively inure to and be binding upon the successors and assigns of the Parties hereto. This agreement shall not be assigned without the prior written consent of the other party, which shall not be unreasonably withheld.

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

11. Attorney's fees and costs. If any judicial proceedings may hereafter be brought to enforce any of the provisions hereof, including an action for specific performance and/or damages, the Town, if the prevailing party, shall be entitled to recover the costs of such proceedings, including reasonable attorney's fees and reasonable expert witness fees.

12. Waiver. The waiver of any breach of any of the provisions of this Agreement by either Party shall not constitute a continuing waiver of any subsequent breach by said Party, concerning either the same or any other provision of this Agreement.

13. Headings for convenience only. Paragraph headings and titles contained herein are intended for convenience and reference only and are not intended to define, limit or describe the scope or intent of any provision of this Agreement.

14. Non severability. Each paragraph of this Agreement is intertwined with the others and is not severable unless by mutual consent of the Parties hereto.

15. Choice of laws. This Agreement and the rights and obligations of the Parties hereto shall be governed by the laws of the State of Colorado. Venue for any claim, proceeding or action shall be in Larimer or Weld County, State of Colorado.

16. Entire agreement and Authorization. This Agreement constitutes the entire agreement between the Parties related to the subject matter hereof and any prior agreements pertaining thereto whether oral or written have been merged or integrated into this Agreement. Each of the undersigned represents to the others that he/she is authorized by his/her respective entity to execute this Agreement on behalf of that entity.

17. No Presumption. Each Party acknowledges that it has carefully read and reviewed the terms of this Agreement. Each Party acknowledges that the entry into and execution of this Agreement is of its own free and voluntary act and deed, without compulsion. 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. The Parties agree that this Agreement reflects the joint drafting efforts of all Parties and 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.

18. Recordation. This Agreement may be recorded by the Town at Developer's expense in the office of the Clerk and Recorder of Larimer County, Colorado, and, effective as of the date of such recordation, this Agreement shall run with the Subject Property, shall be binding upon the Parties hereto and the permitted successors and assigns of the Developer and shall constitute notice of this Agreement to all persons or entities not parties hereto.

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

Signatures follow

Johnstown 2 Industrial Owner, LLC

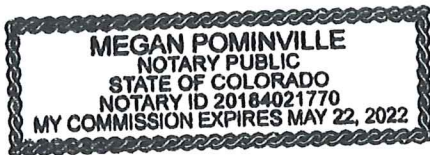
By: Megan E. Turner
Megan E. Turner

Title: Vice President

STATE OF COLORADO)
) ss
COUNTY OF DENVER)

SUBSCRIBED AND SWORN to before me this 3RD day of JUNE, 2021 by Megan E. Turner

Witness my hand and official seal.



Megan Pominville
Notary Public
3109 N. ELIZABETH ST.
DENVER CO 80205
Address
651-303-5833
Telephone

My Commission Expires: MAY 22, 2022

TOWN OF JOHNSTOWN, COLORADO,
a municipal corporation

By: _____
Gary Lebsack, Mayor

ATTEST:

By: _____
Diana Seele, Town Clerk

EXHIBIT A

LEGAL DESCRIPTION

Lot 1, 2534 Filing No. 9, 1st Replat, recorded 4/29/2021, at Reception No. 20210043112, County of Larimer, State of Colorado, and re-recorded 5/4/2021, at Reception No. 20210044493, County of Larimer, State of Colorado.

EXHIBIT B**RAW WATER CREDIT ALLOCATION ACKNOWLEDGMENT**

This is to acknowledge and agree that the Town of Johnstown may allocate raw water credit from the Gerrard Family Partnership, LLLP and Thompson Ranch Development Company raw water credit account held by the Town of Johnstown, known as the "2534 Master Association Water Bank," to provide water service to Johnstown 1 Industrial Owner, LLC, a Minnesota limited liability company ("Owner"), for the development known as the United Properties Trade at 2534 Lot 1 (the "Development") and any successor occupant of the premises pursuant to a Water and Sewer Service Agreement ("WSSA") to be executed between Owner and the Town. The amount of such allocated raw water credit is calculated to be 0.33 acre-feet per year for potable in-building use and 1.90 acre-feet per year for non-potable irrigation use, subject to adjustment pursuant to the terms of the WSSA and the Johnstown Municipal Code.

The undersigned certify that they are authorized to execute this Raw Water Allocation Acknowledgment on behalf of Gerrard Family Partnership, LLLP and Thompson Ranch Development Company.

THE GERRARD FAMILY PARTNERSHIP, LLLP



Nathan Gerrard, Managing Partner
The Gerrard Family Limited Partnership, LLLP

Dated: 6/9/2021

THOMPSON RANCH DEVELOPMENT COMPANY



Todd Williams, Vice President
Thompson Ranch Development Company

Dated: 6/9/2021



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: June 21, 2021

SUBJECT: Water and Sewer Service Agreement – Trade at 2534 Lot 2 / Building 2 (4151 Ronald Reagan Blvd.)

ATTACHMENTS: 1. Water and Sewer Service Agreement with Exhibits

PRESENTED BY: Kim Meyer, Planning and Development Director

ITEM DESCRIPTION:

The Trade at 2534 (United Properties) “Building 2” project is development including a 144,511 SF building including multi-tenant office and warehouse space, in the 2534 Development on a 7.317-acre lot (Replat of Lot 4, Block 7, 2534 Filing No. 9, Lot 2).

The project demand is anticipated at 0.44 AF/Yr for indoor (potable), and will use 1.38 AF/Yr of non-potable water to irrigate the landscaping. Raw water is provided by the 2534 Master Association Water Bank (The Gerrard Family Partnership & Thompson Ranch Development Company) and allocated from that water bank via Exhibit B of the agreement.

The water court transfer fee was paid previously, at the time of dedication.

LEGAL ADVICE:

The agreement was prepared by the Town Attorney.

FINANCIAL ADVICE :

N/A

The Community That Cares

www.TownofJohnstown.com

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WATER AND SEWER SERVICE AGREEMENT

THIS WATER AND SEWER SERVICE AGREEMENT is made and entered into this 3rd day of JUNE, 2021, by and between **JOHNSTOWN 2 INDUSTRIAL OWNER, LLC**, a Minnesota limited liability company (“Developer”) and **THE TOWN OF JOHNSTOWN**, a Colorado municipal corporation, (“Town”), collectively sometimes referred to as the “Parties.”

WITNESSETH:

WHEREAS, the Developer owns an interest in land within the Northeast ¼ of Section 14, Township 5 North, Range 67 West of the 6th P.M., also known as Replat of Lot 4, Block 7, 2534 Filing No. 9, Lot 2, more specifically described in the attached Exhibit A (“Subject Property”); and

WHEREAS, the Subject Property has been annexed to the Town and was the subject of an Annexation Agreement dated November 3, 2006; and

WHEREAS, the Subject Property is being developed as a warehouse and office facilities with a floor space of 144,511 ft², known as United Properties Trade at 2534 Lot 2 (“Project”); and

WHEREAS, the Developer and the Town desire to set forth their agreement concerning water rights dedication, preliminary projections of water and sewer demand and a current commitment by the Town for water and sewer service for the Project.

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

1. Water and Sewer Demand Studies. In compliance with the Town Water Rights Dedication Ordinance (“Ordinance”), Developer has submitted to the Town a preliminary Water and Sewer Demand Analysis for the Project dated February 15, 2021. Said analysis was received by the Town and is on file with the Town and as modified by the Town’s Water Engineer by memorandum dated March 31, 2021, is hereby accepted by the Town. The analysis provided by Developer addresses the projected water and sewer demands for the Project as follows:

Development Component	Demand (AF/YR)	Consumption (AF/YR)
In-Building	0.44	0.02
Landscape Irrigation (non-potable)	1.38	1.17
Total	1.82	1.19

2. **Water Rights Dedication.**

a. **Potable Supply.** As a result of prior dedications of raw water credit, there is currently a surplus dedication credit with the Town sufficient to supply the potable water demands of the Project from the 2534 Master Association Water Bank. The Gerrard Family Partnership, LLLP and Thompson Ranch Development Company have agreed that this credit shall be applied to meet the potable water demands of the Project. Evidence of the agreement is attached hereto and incorporated herein by reference as Exhibit B.

b. **Non-Potable Supply.** As a result of prior dedications of raw water credit, there is currently a surplus dedication credit with the Town sufficient to supply the non-potable water demands of the Project from the 2534 Master Association Water Bank. The Gerrard Family Partnership, LLLP and Thompson Ranch Development Company have agreed that this credit shall be applied to meet the non-potable water demands of the Project. Evidence of the agreement is attached hereto and incorporated herein by reference as Exhibit B.

3. **Commitment to serve.** Subject to Developer's performance of all the covenants contained herein and payment of all required fees, the Town commits to provide to the Project up to 0.44 acre-feet per year of potable water supply together with the corresponding sewer service and up to 1.38 acre-feet per year non-potable water supply for landscape irrigation.

4. **Future review of water usage and dedication requirements.** In accordance with the Ordinance, the Town reserves the right to review actual water usage within the Project, at a point in time after water usage has been established, to confirm the adequacy of the water demand projections made by the Developer, and to require additional water rights dedication and/or cash-in-lieu payments based on actual water usage.

5. **Payment of Water Court Transfer fees.** The Water Court transfer fee for both the potable water supply and non-potable water supply was previously paid to the Town as part of the 2534 Master Association Water Bank. However, in accordance with the Ordinance, additional fees may be required in connection with future development of any property to which all or any portion of the surplus dedication credit is subsequently assigned pursuant to a future mutual agreement of the parties in accordance with the Town's Ordinance.

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

TO DEVELOPER:

Ms. Megan Turner
 Johnstown 2 Industrial Owner, LLC
 1331 17th St., #604
 Denver, CO 80202

TO THE TOWN:

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

WITH A COPY TO
 THE TOWN ATTORNEYS:

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

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

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

8. Default. In the event of default by either Party hereunder the non-defaulting Party shall notify the defaulting Party in writing of such default(s), specifying the nature and extent thereof. If such default is not cured within thirty (30) days and the non-defaulting Party desires to seek recourse, the Parties shall participate in mediation, the costs of which shall be shared equally by both Parties. If mediation is not successful after a ninety-day period, either Party may then commence an action in a court of competent jurisdiction and shall be entitled to such remedies as are provided by law, including the Town's ordinances.

9. Successors and assigns. The benefits and burdens of this Agreement shall respectively inure to and be binding upon the successors and assigns of the Parties hereto. This agreement shall not be assigned without the prior written consent of the other party, which shall not be unreasonably withheld.

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

11. Attorney's fees and costs. If any judicial proceedings may hereafter be brought to enforce any of the provisions hereof, including an action for specific performance and/or damages, the Town, if the prevailing party, shall be entitled to recover the costs of such proceedings, including reasonable attorney's fees and reasonable expert witness fees.

12. Waiver. The waiver of any breach of any of the provisions of this Agreement by either Party shall not constitute a continuing waiver of any subsequent breach by said Party, concerning either the same or any other provision of this Agreement.

13. Headings for convenience only. Paragraph headings and titles contained herein are intended for convenience and reference only and are not intended to define, limit or describe the scope or intent of any provision of this Agreement.

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15. Choice of laws. This Agreement and the rights and obligations of the Parties hereto shall be governed by the laws of the State of Colorado. Venue for any claim, proceeding or action shall be in Larimer or Weld County, State of Colorado.

16. Entire agreement and Authorization. This Agreement constitutes the entire agreement between the Parties related to the subject matter hereof and any prior agreements pertaining thereto whether oral or written have been merged or integrated into this Agreement. Each of the undersigned represents to the others that he/she is authorized by his/her respective entity to execute this Agreement on behalf of that entity.

17. No Presumption. Each Party acknowledges that it has carefully read and reviewed the terms of this Agreement. Each Party acknowledges that the entry into and execution of this Agreement is of its own free and voluntary act and deed, without compulsion. 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. The Parties agree that this Agreement reflects the joint drafting efforts of all Parties and 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.

18. Recordation. This Agreement may be recorded by the Town at Developer's expense in the office of the Clerk and Recorder of Larimer County, Colorado, and, effective as of the date of such recordation, this Agreement shall run with the Subject Property, shall be binding upon the Parties hereto and the permitted successors and assigns of the Developer and shall constitute notice of this Agreement to all persons or entities not parties hereto.

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

Signatures follow

JOHNSTOWN 2 INDUSTRIAL OWNER, LLC

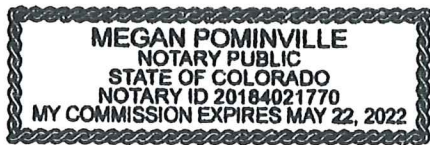
By: Megan Turner
Megan E. Turner

Title: Executive Vice-President

STATE OF COLORADO)
) ss
COUNTY OF DENVER)

SUBSCRIBED AND SWORN to before me this 3RD day of JUNE, 2021 by Megan E. Turner

Witness my hand and official seal.



Megan Pominville
Notary Public
3109 N. ELIZABETH ST.
DENVER CO 80205
Address
351-303-5833
Telephone

My Commission Expires: MAY 22, 2022

TOWN OF JOHNSTOWN, COLORADO,
a municipal corporation

By: _____
Gary Lebsack, Mayor

ATTEST:

By: _____
Diana Seele, Town Clerk

EXHIBIT A

LEGAL DESCRIPTION

Lot 2, 2534 Filing No. 9, 1st Replat, recorded 4/29/2021, at Reception No. 20210043112, County of Larimer, State of Colorado, and re-recorded 5/4/2021, at Reception No. 20210044493, County of Larimer, State of Colorado.

EXHIBIT B**RAW WATER CREDIT ALLOCATION ACKNOWLEDGMENT**

This is to acknowledge and agree that the Town of Johnstown may allocate raw water credit from the Gerrard Family Partnership, LLLP and Thompson Ranch Development Company raw water credit account held by the Town of Johnstown, known as the "2534 Master Association Water Bank," to provide water service to Johnstown 2 Industrial Owner, LLC, a Minnesota limited liability company ("Owner"), for the development known as the United Properties Trade at 2534 Lot 2 (the "Development") and any successor occupant of the premises pursuant to a Water and Sewer Service Agreement ("WSSA") to be executed between Owner and the Town. The amount of such allocated raw water credit is calculated to be 0.44 acre-feet per year for potable in-building use and 1.38 acre-feet per year for non-potable irrigation use, subject to adjustment pursuant to the terms of the WSSA and the Johnstown Municipal Code.

The undersigned certify that they are authorized to execute this Raw Water Allocation Acknowledgment on behalf of Gerrard Family Partnership, LLLP and Thompson Ranch Development Company.

THE GERRARD FAMILY PARTNERSHIP, LLLP



Nathan Gerrard, Managing Partner
The Gerrard Family Limited Partnership, LLLP

Dated: 6/9/2021

THOMPSON RANCH DEVELOPMENT COMPANY



Todd Williams, Vice President
Thompson Ranch Development Company

Dated: 6/9/2021



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: June 21, 2021

SUBJECT: **Public Hearing - First Reading** – Ordinance 2021-199, An Ordinance Amending Section 10-61 and Section 10-71 of the Johnstown Municipal Code Concerning the Jurisdictional Limit for Criminal Mischief and Theft

ACTION PROPOSED: Consider First Reading of Ordinance No. 2021-199

ATTACHMENTS: 1. Ordinance No. 2021-199
2. Copy of current municipal code

PRESENTED BY: Chief Phillips, Chief of Police
Avi Rocklin, Town Attorney

AGENDA ITEM DESCRIPTION: Article IV of Chapter 10 of the Johnstown Municipal Code (“Code”) regulates offenses against property, including theft and criminal mischief. Pursuant to the Code, the Johnstown Municipal Court may only exercise jurisdiction over theft when the value of the property at issue is less than Two Hundred Dollars (\$200.00). The Code does not contain a jurisdictional limit for criminal mischief.

The Johnstown Police Department currently issues summonses for petty theft for amounts more than \$200.00 into the county courts. Town Staff does not believe this is efficient and recommends that the jurisdictional limit for theft and criminal mischief be set in an amount that is less than Seven-Hundred and Fifty Dollars (\$750.00). With that increase, more matters will be able to be heard and tried in the Johnstown Municipal Court.

The proposed ordinance provides for the following amendments to theft and criminal mischief offenses:

- Section 10-71 - Petty Theft: “It shall be unlawful for any person knowingly to obtain or exercise control over anything of another where the value is less than seven hundred fifty (\$750.00) without authorization, by threat or deception or knowing said thing of value to have been stolen . . .”

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www.TownofJohnstown.com

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

- Section 10-61 - Criminal Mischief: “It shall be unlawful for any person to intentionally damage the real or personal property of one (1) or more other persons in the course of a single criminal episode, where the aggregate damage to the real or personal property is less than seven hundred fifty dollars (\$750.00).”

LEGAL ADVICE:

The Town Attorney prepared Ordinance No. 2021-199.

FINANCIAL ADVICE:

N/A

RECOMMENDED ACTION: Approve Ordinance No. 2021-199

SUGGESTED MOTIONS:

For Approval: I move to approve Ordinance No. 2021-199, an Ordinance Amending Section 10-61 and Section 10-71 of the Johnstown Municipal Code Concerning the Jurisdictional Limit for Criminal Mischief and Theft.

For Denial: I move to deny approval of Ordinance No. 2021-199, an Ordinance amending Section 10-61 and Section 10-71 of the Johnstown Municipal Code Concerning the Jurisdictional Limit for Criminal Mischief and Theft.

Reviewed and Approved for Presentation,



Town Manager

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2021-199

**AN ORDINANCE AMENDING SECTION 10-61 AND SECTION 10-71
OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING THE
JURISDICTIONAL LIMIT FOR CRIMINAL MISCHIEF AND THEFT**

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, Article IV of Chapter 10 of the Johnstown Municipal Code (“Code”) regulates offenses against property; and

WHEREAS, pursuant to Section 10-61 of the Code, the Johnstown Municipal Court exercises jurisdiction over the crime of criminal mischief, but a jurisdictional limit is not set forth therein; and

WHEREAS, pursuant to Section 10-71 of the Code, the Johnstown Municipal Court exercises jurisdiction over the crime of theft when the value of the property at issue is less than two hundred dollars (\$200.00); and

WHEREAS, Colorado statute permits municipal courts to exercise jurisdiction over theft in an amount exceeding the current limit; and

WHEREAS, the Town Council desires to set a jurisdictional limit for criminal mischief and increase the jurisdictional limit for theft, and permit the Johnstown Municipal Court to exercise jurisdiction over such violations when the value of the property at issue is less than seven hundred fifty dollars (\$750.00); and

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

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

Section 1. Section 10-61. Section 10-61 of Article IV of Chapter 10 of the Johnstown Municipal Code is hereby amended in full to read as follows:

Sec. 10-61. - Criminal mischief.

It shall be unlawful for any person to intentionally damage the real or personal property of one (1) or more other persons in the course of a single criminal episode, where the aggregate damage to the real or personal property is less than seven hundred fifty dollars (\$750.00).

Section 2. Section 10-71. Section 10-71 of Article IV of Chapter 10 of the Johnstown Municipal Code is hereby amended in full to read as follows:

Sec. 10-71. - Petty theft unlawful.

It shall be unlawful for any person knowingly to obtain or exercise control over anything of another where the value is less than seven hundred fifty dollars (\$750.00) without authorization, by threat or deception or knowing said thing of such value to have been stolen, when the person who so obtains or exercises control over such thing of such value:

[The remainder of the Section shall remain unchanged.]

Section 3. 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 4. 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 5. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town's Home Rule Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance shall be 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 _____, 2021.

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 _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

ARTICLE IV Offenses Against Property

Sec. 10-61. Criminal mischief.

It shall be unlawful for any person to intentionally damage the real or personal property of one (1) or more other persons in the course of a single criminal episode.

Sec. 10-62. Criminal trespass.

It shall be unlawful for any person to commit the offense of criminal trespass, as provided in this Section. For purposes of this Section, a person commits the crime of criminal trespass if he or she unlawfully enters or remains in or upon premises, whether enclosed in a manner designed to exclude intruders or fenced or not.

Sec. 10-63. Remaining on certain premises after request to leave prohibited.

- (a) It shall be unlawful for any person to congregate or remain in any place of business, school or private residence or on the grounds thereof within the Town against the will of the proprietor or the person in charge of such premises after having been requested by such person to vacate said premises.
- (b) For the purposes of this Section, the terms *grounds adjacent thereto* shall include but not be limited to any highway, street, alley or sidewalk within the Town adjacent to the property in question.

(Prior code 16-77)

Sec. 10-64. Criminal tampering.

It shall be unlawful for any person to commit the offense of criminal tampering as provided in this Section. For purposes of this Section, a person commits the crime of criminal tampering if, with intent to cause interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, he or she tampers with property of such utility or institution. In addition, a person commits the crime of criminal tampering if he or she tampers with property of another with intent to cause injury, inconvenience or annoyance to that person or to another, or if he or she makes unauthorized connections with property of a utility.

Sec. 10-65. Defacing or destruction of written instruments.

Every person who defaces or destroys any written instrument evidencing a property right, whether vested or contingent, with the intent to defraud shall be deemed guilty of defacing or destruction of written instruments.

Sec. 10-66. Defacing and destroying landmarks.

Anyone who intentionally cuts, fells, alters or removes any certain boundary tree, monument or other allowed landmark, to the damage of any person; or anyone who intentionally defaces, removes, pulls down, injures or destroys any location stake, side post, corner post, landmark or monument, or any other legal land boundary monument in this State, designating or intending to designate the location, boundary or name of any mining claim, lode or vein of mineral or the name of the discoverer, or date of discovery thereof, shall be deemed guilty of defacing and destroying landmarks.

Sec. 10-67. Defacing or destroying historical monuments.

It shall be unlawful for any person to destroy, deface, remove or damage any historical monument.

Sec. 10-68. Defacing or aiding in defacing public or private property.

- (a) It shall be unlawful for any person to deface or cause, aid in or permit the defacing of any public or private property without the consent of the owner of such property.
- (b) It shall be unlawful to mark, injure, damage, destroy or deface any public property owned by the Town, specifically but not limited to cemetery property, library property, water works property, sewer works property, Town Hall and storage buildings.

(Prior code 16-82)

Sec. 10-69. Defacing posted notice.

Any person who intentionally mars, destroys or removes any posted notice authorized by law shall be deemed guilty of defacing a posted notice.

Sec. 10-70. Criminal use of a noxious substance.

Any person who deposits on the land or in the building or vehicle of another, without his or her consent, any stink-bomb or device, irritant or offensive-smelling substance, with the intent to interfere with another's use or enjoyment of the land, building or vehicle shall be deemed guilty of criminal use of a noxious substance. This Section shall not apply to the reasonable use of noxious substances by a peace officer in the performance of his or her duties.

Sec. 10-71. Petty theft unlawful.

It shall be unlawful for any person knowingly to obtain or exercise control over anything, of the value of less than two hundred dollars (\$200.00), of another without authorization, by threat or deception or knowing said thing of such value to have been stolen, when the person who so obtains or exercises control over such thing of such value:

- (1) Intends to deprive such other person permanently of the use or benefit of such thing of value;
- (2) Knowingly uses, conceals or abandons such thing of value as to deprive such other person permanently of the use or benefit of the same;
- (3) Uses, conceals or abandons such thing of value, intending that such use, concealment or abandonment will deprive such other person permanently of the use or benefit of the same; or
- (4) Demands any consideration to which such person is not legally entitled, as a condition of restoring such thing of value to such other.

Sec. 10-72. Possession of burglary tools.

It shall be unlawful for any person to possess burglary tools. For purposes of this Section, a person commits possession of burglary tools if he or she possesses any explosive, tool, instrument or other article adapted, designed or commonly used for committing or facilitating the commission of an offense involving forcible entry



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: June 21, 2021

SUBJECT: Ordinance 2021-200 Approving PUD Outline Development Plan (ODP) for Purvis Farm

ACTION PROPOSED: Hold Public Hearing and Consider Ordinance 2021-200 on First Reading – Approving an Outline Development Plan (ODP) for Purvis Farm

ATTACHMENTS:

1. Ordinance 2021-200
2. Vicinity Map
3. Existing ODP for Purvis-Trembath
4. Proposed Outline Development Plan for Purvis Farm (#ZON20-0006)
5. Outside Referral Summary
6. Neighborhood Meeting Summary (April 22, 2021) & Applicant's Written Responses
7. PZC Agenda Memorandum
8. PZC Draft Minutes (April 28, 2021) and Public Comment Summaries

PRESENTED BY: Kim Meyer, Planning & Development Director

AGENDA ITEM DESCRIPTION:

The Planning & Zoning Commission (PZC) held a public hearing on April 28, 2021, to consider an Outline Development Plan (ODP) for the property associated with the Purvis-Trembath Planned Unit Development (PUD), comprising approximately 111 acres. The property under consideration extends east from Colorado Blvd (CR 13), north of South 1st Street (Hwy 60). (See Attachment 2). Based upon the materials submitted, analysis, and findings, the PZC approved a motion (5-0) to recommend to Town Council approval of the Outline Development Plan for Purvis Farm.

The current zoning of this property is PUD-MU (Mixed-Use), which was established at annexation in 2005. The existing and current Purvis-Trembath ODP is a general bubble diagram indicating the intent to develop the northern portion as mixed-use residential (mix of densities and housing types), with 15 acres intended for commercial/retail uses. Densities approved are noted at 3 to 5 DU/Acre (294 to 490 dwelling units on 98 acres). This ODP was prompted by the desire for less dense residential to the north, a smaller

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commercial area (given ~50 acres of commercial zoning at the other three corners of Colorado Blvd and Hwy 60), and mixing other housing types into that prior commercial/retail area.

There are two outparcels of individual residences adjacent to these parcels that remain outside of this PUD/ODP. The western parcel appears to have been annexed and zoned in 2005 with this Purvis-Trembath project, but is excluded from the current ODP and anticipated development. The southern parcel containing a single-family residence, accessed from S 1st Street, remains in the county.

The proposed ODP for Purvis Farm would supersede the existing Purvis-Trembath ODP, and provide for the smaller 12.5 acres of commercial at the SW corner; about 13 acres of residential with 5.7-7 DU/acre proposed; and 75 acres along the north for single family lot at a density of ~3.5 DU/acre – max of around 265 homes. The Concept Plan illustrates a total of 387 units – 238 single family homes; 52 duplex; and 97 townhome units; with pocket parks and trails designed into the neighborhood. There are significant easements throughout the property which create natural perimeter setbacks/buffers and areas for landscaping and trails along Colorado Blvd. and the existing neighborhoods to the east – Rolling Hills Ranch and The Landings (Podtburg Village PUD).

The proposed ODP is further described in the attached PZC Agenda Memorandum attached (see Attachment 7) and provides additional information about the property and project, including additional detail on development standards such as setbacks and building height, infrastructure needs for this future development, and other project details.

Public Comments:

A Neighborhood meeting was held on April 22nd with Planning & Zoning Commission the following week on April 28th. Significant feedback was received and is documented in Attachments 6, 7 and 8.

Topics of Main Concerns:

- Drainage issues and reported flooding of residents along the western edge of both Rolling Hills Ranch and The Landings. Additional impervious surface poses a concern for stormwater flows.
- Traffic is a widespread concern from multiple residents, with questions related to increase in traffic, needed improvements and the timing of those.
- Compatibility related to density and lot sizes was voiced, as there are some larger lots in Rolling Hills Ranch in this adjacent area in the north. View-obstruction was also noted.
- Infrastructure capacities related to impacts on raw water/water and sewer, schools, parks, and streets.

Project Review Referrals:

Internal “Johnstown Review Committee”: Public Works, Town Engineer, Town Traffic Engineer, Town Water Engineer, Front Range Fire District.

Outside Referrals: Weld County Planning, Weld RE-5J School District, Little Thompson Water District, Aims Community College, Northern Colorado Water Conservancy District, Thompson River Parks & Rec District. Weld County noted some items to consider as more detailed development and construction plans, and subdivision plats, move forward.

Staff Summary

This property is annexed and zoned PUD-MU, with a simple bubble Outline Development Plan indicating basic uses of residential versus commercial, summarized above. In coordination with Town Staff, and in an effort to better clarify uses, and replace some of the commercial zoning seen as excessive for this commercially-zoned corner, the Applicant chose to develop an updated ODP, meeting current review standards that require high-level engineering reports and plans related to utilities, traffic and drainage. Staff believes that these reports and plans, as well as land use guidance from the *Johnstown Area*

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Comprehensive Plan indicate that this level of density and intensity is appropriate and feasible for this location. Staff believes the proposed Purvis Farm ODP provides a less intense use of this land than what is permitted under the existing Purvis-Trembath ODP.

With the significant easements that limit development on the east and west perimeters of this property for 70 to 100-foot widths, Staff believes that there will be generous buffering adjacent to existing homes and neighborhoods. The ODP illustrates single-family homes neighboring other single-family homes, albeit some of those being attached units. For a more knowledgeable comparison, when considering the density and lot sizes, Staff did some informal analysis of the adjacent neighborhoods. The Landings was built as a single-family PUD and has typical lot sizes of $\pm 5,400$ SF. The 53 “estate” lots of Rolling Hills Ranch, located along the north portion of the eastern boundary of Purvis Farm do have larger lots of $\pm 18,000$ SF (with larger cul-de-sac-angled lots interspersed). Of those 53 lots, 12 of those are on the perimeter of that estate area, and sit across the street from lots including 4950 SF (Trailcrest Ct.), 4500 SF (Windsong Dr.), and 6500 SF (Fox Meadow Ln). Staff feels that the proposed density and sizes for single family lots in Purvis Farm is compatible with these neighborhoods, and in keeping with the comprehensive plan, prior zoning and may offer better compatibility than the current ODP for this site.

Colorado Boulevard is anticipated to be a major 4-lane arterial, and is considered a regionally-significant transportation corridor; and CO Hwy 60 is also designed to carry significant amounts of traffic. Specifics of access and intersection locations, and required transportation improvements, will be reviewed as more detailed plans are submitted to the Town with preliminary and final development plans and subdivision plats. Similarly, stormwater facility design will be rigorously reviewed for conformance with the Town’s engineering standards as this development continues to move through the Town’s development review process. Staff believes that future design and ultimate improvements for the Purvis Farm stormwater management and detention system will relieve many of the existing flooding and runoff conditions that are reportedly exacerbated by current conditions on this property. Proposed utilities are reviewed only for overall anticipated demands, system capacity, and general feasibility; development plans and construction drawings submitted with proposed subdivisions plats will provide significantly more detail on intended improvements and development, which is likely to be proposed in a phased approach.

Staff appreciates a better understanding of the neighborhood concerns and current situation. Staff continues to support approval and believes that the Purvis Farm Outline Development Plan will further the intent and goals of the Johnstown Area Comprehensive Plan and is able to meet all required standards, codes, and specifications as more detailed development plans and subdivision plats are forthcoming. Staff feels this neighborhood is compatible with the area and will provide a high quality and livable neighborhood for future Johnstown residents.

The Planning and Zoning Commission voted 4-0 to recommend that the Town Council approve the Purvis Farm ODP.

LEGAL ADVICE:

Ordinance was prepared by the Town Attorney.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

Approve Ordinance 2021-200 approving the Outline Development Plan (ODP) for Purvis Farm on First Reading.

SUGGESTED MOTIONS:

For Approval

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I move that the Town Council approve Ordinance 2021-200 approving the Outline Development Plan (ODP) for Purvis Farm on First Reading.

For Denial

I move that the Town Council deny Ordinance 2021-200 regarding the Outline Development Plan (ODP) for Purvis Farm on First Reading.

Reviewed and Approved for Presentation,



Town Manager

**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2021-200**

**APPROVING P.U.D. OUTLINE DEVELOPMENT PLAN FOR PURVIS FARM
LOCATED IN THE SOUTH HALF OF SECTION 6, TOWNSHIP 4 NORTH,
RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF
JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO, CONSISTING
OF APPROXIMATELY 111.0 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, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, 6037 Johnstown LLC, a Colorado corporation, submitted an application to the Town for approval of a P.U.D. Amended Outline Development Plan for a subdivision known as Purvis Farm, located in the South Half of Section 6, Township 4 North, Range 67 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 111.0 acres; and

WHEREAS, on April 28, 2021, the Planning and Zoning Commission held a public hearing and recommended approval of the Purvis Farm P.U.D. Outline Development Plan; and

WHEREAS, on June 21, 2021, the Town Council held a public hearing concerning approval of the Purvis Farm P.U.D. Outline Development Plan; 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 Purvis Farm P.U.D. Outline Development Plan is consistent with, and furthers the goals of, the *Johnstown Area Comprehensive Plan* goals and is compatible with all other applicable Town standards and regulation; and

WHEREAS, based on the foregoing, Town Council desires to approve the Purvis Farm P.U.D. Outline Development Plan.

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 Purvis Farm P.U.D. Outline Development Plan, located in located in South Half of Section 6, Township 4 North, Range 67 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado,

consisting of approximately 111.0 acres ("Property"), attached hereto and incorporated herein by reference as Exhibit A, is hereby approved.

Section 2. Supersede and Replace Prior Outline Development Plan. The Purvis Farm P.U.D. Outline Development Plan adopted herein shall supersede and replace the Purvis-Trembath Outline Development Plan approved concurrently with the annexation of the Property on July 18, 2005, by Ordinance 2005-744.

Section 3. Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town's Home Rule Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Town's Home Rule 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 _____, 2021.

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 _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

EXHIBIT A

PROPERTY DESCRIPTION

A parcel of land situate in the South Half of Section Six (6), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.) being more particularly described as follows:

ALL OF THE N 1/2 OF THE SW 1/4 AND ALL OF THE SW 1/4 OF THE SW 1/4 OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO

EXCEPT THAT PART OF THE SW 1/4 OF THE SW 1/4 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 6, 519 FEET NORTH OF THE SW CORNER THEREOF; THENCE EAST 252 FEET;

THENCE NORTH 346 FEET;

THENCE WEST 252 FEET;

THENCE SOUTH 346 FEET TO THE PLACE OF BEGINNING, AND AS CONVEYED BY DEED RECORDED MARCH 12, 1907 IN BOOK 273 AT PAGE 300, WELD COUNTY RECORDS:

AND FURTHER EXCEPTING CONVEYANCES TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, AS RECORDED MAY 10, 1957 IN BOOK 1477 AT PAGE 299, 301 AND 303, WELD COUNTY RECORDS; AND TO PERMANENT EASEMENTS FOR IRRIGATION DITCH AS CONVEYED TO DEPARTMENT OF HIGHWAYS, STATE OF COLORADO BY INSTRUMENTS RECORDED MAY 10, 1957 IN BOOK 1477 AT PAGE 307, 308 AND 309, WELD COUNTY RECORDS; AND FURTHER EXCEPTING THAT PART OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 6 CONVEYED BY DEED RECORDED FEBRUARY 23, 1951 IN BOOK 1295 AT PAGE 477, WELD COUNTY RECORDS

AND

THAT PORTION OF THE SE 1/4 OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS: CONSIDERING THE SOUTH LINE OF SAID SE 1/4 OF SECTION 6 AS BEARING N 81° 06' 55" W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT THE SW CORNER OF THE SE 1/4 OF SAID SECTION 6;

THENCE N 03° 23' 56" E ALONG THE WEST LINE OF THE SE 1/4 OF SAID SECTION 6, A DISTANCE OF 1326.67 FEET TO THE NW CORNER OF ROLLING HILLS RANCH PHASE-1 SAID POINT BEING THE POINT OF BEGINNING:

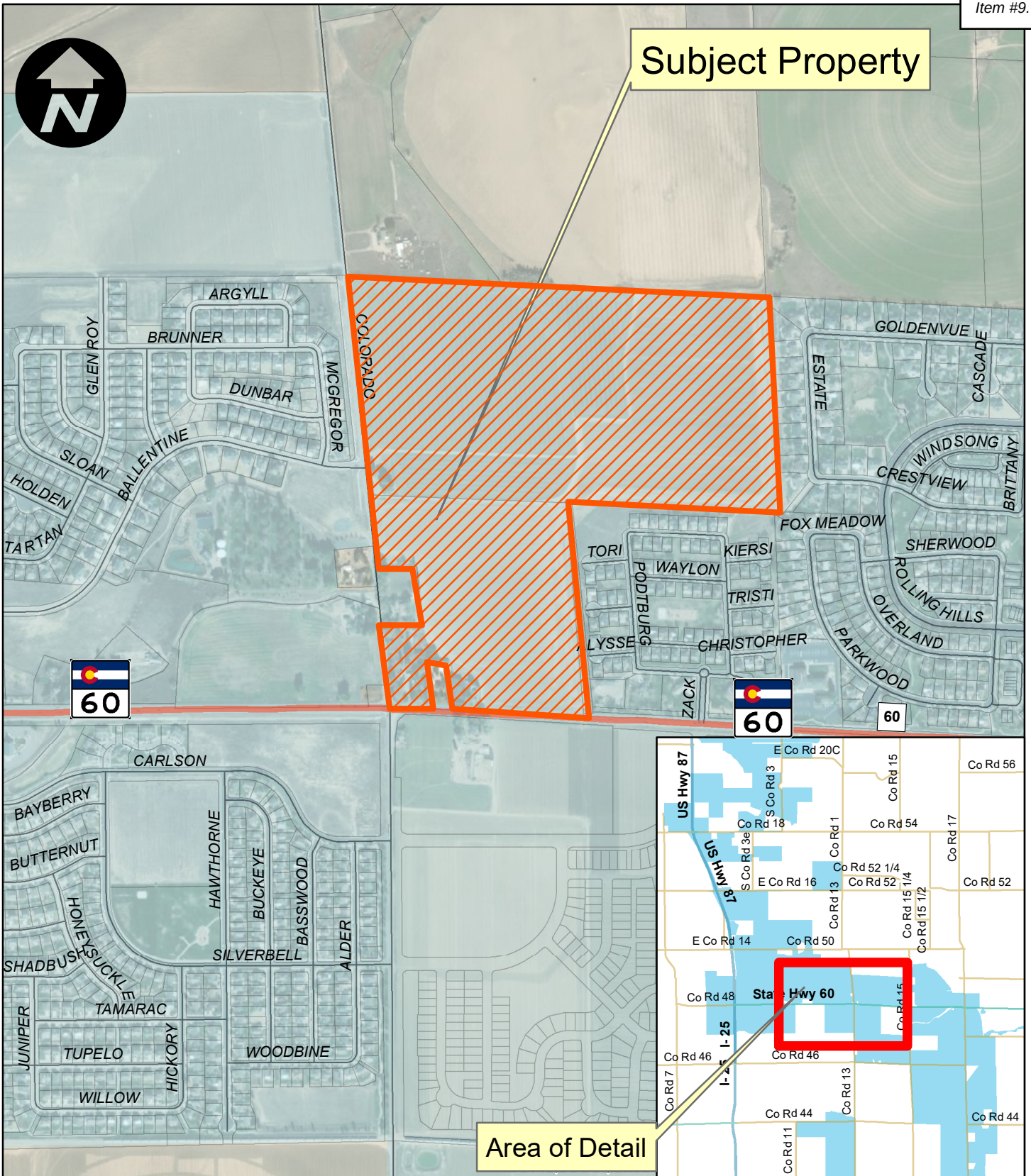
THENCE S 80° 54' 20" E, ALONG THE NORTH LINE OF SAID PHASE-1 A DISTANCE OF 47.06 FEET;

THENCE N 02° 47' 49" E, A DISTANCE OF 1328.21 FEET TO A POINT ON THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 6;

THENCE N 81° 12' 35" W, A DISTANCE OF 33.02 FEET TO THE NW CORNER OF SAID SE 1/4;

THENCE S 03° 23' 56" W, ALONG THE WEST LINE OF SAID SE 1/4, A DISTANCE OF 1326.57 FEET TO THE POINT OF BEGINNING.

Subject Property



LOCATED IN THE SOUTH ONE-HALF OF SECTION 6
TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE PRINCIPAL
MERIDIAN, WELD COUNTY, COLORADO

LEGAL DESCRIPTION:

A portion of the South One-half of Section 6, Township 4 North, Range 6 West, of the Sixth Principal Meridian, County of Weld, State of Colorado, more particularly described as follows;

Considering the West line of the Southwest Quarter of said Section 6 as bearing South 05°29'05" East between the monuments shown and described hereon, with all bearings contained herein relative thereto;

Beginning at the Northwest corner of the Southwest Quarter of said Section 6, said point being the POINT OF BEGINNING;

thence South 05°29'05" East, along the West line of said Southwest Quarter a distance of 2,622.60 feet to a point on a non-tangent curve on the North right-of-way line of Colorado State Highway number 60;

thence Easterly, along said North right-of-way line, along the arc, of said non tangent curve to the right, the center of which bears South 00°45'05" West, and having a radius of 5,770.00 feet and a central angle of 02°29'24", an arc distance of 250.76 feet, the chord of said curve bears South 88°00'12" East, a distance of 250.74 feet to the Southwest corner of that certain parcel of land as described in a deed recorded in Book 1295 at page 477 of Weld County Records;

thence along the boundaries of said parcel the following three (3) courses and distances:

- 1.) North 05°29'05" West, a distance of 249.91 feet;
- 2.) South 86°04'12" East, a distance of 124.00 feet;
- 3.) South 05°29'05" East, a distance of 249.20 feet to a point on the North right-of-way line of Colorado State Highway number 60;

thence along said North right-of-way line, South 86°13'32" East, a distance of 938.51 feet to a point on the Easterly line of that certain parcel of land as described in a Quit Claim deed recorded January 27, 2003 in reception number 3027358 of Weld County Records; thence along said Easterly line the following three (3) courses and distances:

- 1.) North 04°59'14" West, a distance of 547.47 feet;
- 2.) North 05°14'30" West, a distance of 487.57 feet;
- 3.) North 05°13'16" West, a distance of 258.71 feet to a point on the North boundary line of the Podtburg Village P.U.D. as recorded February 27, 1997 at Book 1593 as Reception No. 2535265;

thence South 86°23'36" East, along said North boundary line and its easterly prolongation, a distance of 1,279.77 feet to the Easterly line of that certain parcel of land as described in a quit claim deed as recorded November 27, 2000 as Reception No. 2809071;

thence North 02°40'58" West, along said Easterly line, a distance of 1,326.29 feet to a point on the North line of the South one-half of said Section 6;

thence North 86°41'50" West, along said North line, a distance of 2,595.34 feet to the POINT OF BEGINNING.

SURVEYOR'S INFORMATION:

Survey information was provided by Michael J. DeDecker, Colorado PLS 20676, for and on behalf of CDS Engineering Corp.

OWNER/APPLICANT:

PURVIS PROPERTIES, LLC
VIRGINIA PURVIS, MANAGER,
PURVIS PROPERTIES, LLC
625 ARMSTRONG AVE.
FORT COLLINS, CO 80521

OWNER/APPLICANT:

PURVIS PROPERTIES, LLC
BARBARA PURVIS, MANAGER,
PURVIS PROPERTIES, LLC
710 SOUTH GARFIELD STREET
DENVER, CO 80209

OWNER/APPLICANT:

C.M. AND RUBY TREMBATH
23118 COUNTY ROAD 13
JOHNSTOWN, CO 80534

SERVICE AND UTILITY PROVIDERS:

AMBULANCE:	WELD COUNTY AMBULANCE SERVICE
CABLE TV:	U.S. CABLE
ELECTRIC/GAS:	XCEL
FIRE:	JOHNSTOWN FIRE PROTECTION DISTRICT
LIBRARY:	WELD COUNTY LIBRARY DISTRICT
POLICE:	TOWN OF JOHNSTOWN POLICE DEPARTMENT
RECREATION:	THOMPSON RIVERS RECREATION DISTRICT
SCHOOLS:	WELD COUNTY SCHOOL DISTRICT RE-5J
TELEPHONE:	AIMS JUNIOR COLLEGE DISTRICT
TRASH:	QWEST
WATER:	TOWN OF JOHNSTOWN WASTE MANAGEMENT
	TOWN OF JOHNSTOWN

LAND USE TABLE.

LAND USE	ACRES	%
MIXED USE RESIDENTIAL	98 AC.	87%
COMMERCIAL/RETAIL	15 AC.	13%
TOTAL	113 AC.	100%

PROJECT TITLE
PURVIS FARM
OUTLINE
DEVELOPMENT
PLAN

JOHNSTOWN, CO

PREPARED FOR

OWNER:
JOHNSTOWN
LLC144 North Mason Street
Fort Collins CO 80524

REVISIONS	DATE
Staff Comments	03.02.21
Staff Comments	04.12.21

DATE
December 30, 2020SHEET TITLE
OUTLINE
DEVELOPMENT
PLAN

SHEET INFORMATION

Sheet Number: 2

Of: 5

Density:

ANTICIPATED RESIDENTIAL DENSITIES ARE SPECIFIED WITHIN EACH PARCEL. THE FINAL DENSITY SHALL BE DETERMINED AT THE TIME OF PLATTING.

- PLANNING AREAS B AND C SHALL HAVE A MINIMUM DENSITY OF 5 D.U./ACRE AND A MAXIMUM DENSITY OF 10.0 D.U./ACRE.
- PLANNING AREA A SHALL HAVE A MAXIMUM DENSITY OF 5.0 D.U./ACRE.
- PLANNING AREA D SHALL HAVE A MINIMUM DENSITY OF 10.0 D.U./ACRE WITH NO MAXIMUM DENSITY.

Planning Area Index:

PLANNING AREA (PA)	APPROX. ACREAGE	ANTICIPATED USES
PA - A	+/- 75.6 AC	RESIDENTIAL USES
PA - B	+/- 9.2 AC	RESIDENTIAL USES
PA - C	+/- 4.0 AC	RESIDENTIAL USES
PA - D	+/- 12.5 AC	MIXED USES

Development Standards: Residential

SINGLE FAMILY DETACHED	
MINIMUM LOT SIZE	4,500 SF
MAXIMUM HEIGHT	30'
FRONT SETBACK TO BUILDING HABITABLE SPACE	15'
FRONT SETBACK TO GARAGE	20'
FRONT SETBACK TO SIDE LOADED GARAGE	10'
SIDE YARD SETBACK	5'
REAR YARD SETBACK (FRONT LOADED)	10'
REAR YARD SETBACK (ALLEY LOADED)	5'
SIDE (CORNER) SETBACK	10'

* 5' ENCROACHMENT ALLOWED FOR COVERED PORCHES.

SINGLE FAMILY ATTACHED (DUPLEX LOTS)	
MINIMUM LOT SIZE	3,500 SF
MAXIMUM HEIGHT	35'
FRONT SETBACK TO BUILDING HABITABLE SPACE	20'
FRONT SETBACK TO GARAGE	20'
FRONT SETBACK TO SIDE LOADED GARAGE	10'
SIDE YARD SETBACK	0'
REAR YARD SETBACK (FRONT LOADED)	10'
REAR YARD SETBACK (ALLEY LOADED)	5'
SIDE (CORNER) SETBACK	10'
BUILDING SEPARATION	PER TOWN BUILDING CODE

* 5' ENCROACHMENT ALLOWED FOR COVERED PORCHES.

SINGLE-FAMILY ATTACHED (TOWNHOME LOTS)	
MINIMUM LOT SIZE	1,950
MAXIMUM HEIGHT	35' (OR 50' WITH CONDITIONAL USE APPROVAL)
FRONT SETBACK TO BUILDING HABITABLE SPACE	15'
MINIMUM FRONT SETBACK TO GARAGE	15'
FRONT SETBACK TO SIDE LOADED GARAGE	10'
REAR YARD SETBACK (FRONT LOADED)	10'
REAR YARD SETBACK (ALLEY LOADED)	5'
SIDE (CORNER) SETBACK	10'
BUILDING SEPARATION	PER TOWN BUILDING CODE

* 5' ENCROACHMENT ALLOWED FOR COVERED PORCHES.

NOTES:

- ZERO LOT LINES MAY BE UTILIZED WHEN A MAINTENANCE EASEMENT AND SIDE YARD EASEMENTS ARE EXECUTED.
- IF THE TOWN OF JOHNSTOWN DEVELOPMENT STANDARDS ARE REVISED, THE MORE RESTRICTIVE STANDARDS SHALL APPLY. FOR ANY STANDARDS NOT ADDRESSED IN THIS ODP, TOWN CODES, GUIDELINES, AND STANDARDS WILL BE DEFAULT.
- PORCHES ARE CONSIDERED PART OF THE BUILDING FOR THE PURPOSE OF SETBACK REQUIREMENTS.
- GARAGES AND ACCESSORY BUILDINGS SHOULD BE AN INTEGRAL PART OF BOTH THE RESIDENCE AND THE OVERALL SITE. GARAGES AND GARAGE DOORS SHOULD BE DESIGNED SO THAT THEY ARE NOT THE DOMINANT ARCHITECTURAL FEATURES OF THE RESIDENCE. DESIGNS THAT CREATE OPEN-SPACE ENCLOSURES SUCH AS COURTYARDS, ENCLOSED PATIOS, AND PARKING COURTS ARE ENCOURAGED. GARAGES AND ACCESSORY BUILDINGS SHOULD BE CONNECTED TO THE MAIN RESIDENCE THROUGH THE USE OF BREEZEWAYS, PERCOLAS, AND COVERED WALKWAYS. THERE SHALL BE A MAXIMUM OF THREE CAR SPACES IN A GARAGE THAT IS ATTACHED AND FULLY ENCLOSED.
- THE LANDSCAPE IN COMMON AREAS THROUGHOUT THE COMMUNITY SHOULD EMPHASIZE DROUGHT-TOLERANT AND NATIVE PLANT SPECIES. HOMEOWNERS AND BUILDERS ARE ENCOURAGED TO CONTINUE THIS STYLE OF DESIGN AND USE OF PLANT MATERIALS IN THE YARDS AROUND THE HOMES. LANDSCAPE IMPROVEMENTS ARE STRONGLY ENCOURAGED TO BE DESIGNED WITH WATER EFFICIENCY AS A MAJOR GOAL. THE FOLLOWING DESIGN TREATMENTS SHOULD BE KEPT IN MIND WHEN DESIGNING A WATER EFFICIENT LANDSCAPE:
 - APPROPRIATE TURF SELECTION
 - USE OF MULCH TO MAINTAIN SOIL MOISTURE
 - ZONING OF PLANT MATERIALS ACCORDING TO THEIR LIGHT AND WATER NEEDS
 - IMPROVEMENT OF THE SOIL WITH ORGANIC MATTER
 - EFFICIENT IRRIGATION SYSTEMS
 - PROPER MAINTENANCE AND IRRIGATION SCHEDULES
 - RECIRCULATION OF WATER FOR DECORATIVE WATER FEATURES
- NO RECREATIONAL VEHICLES, CAMPERS, BOATS, TRAILERS, MOTOR HOMES SHALL BE STORED OR PARKED IN SUCH A MANNER AS TO BE VISIBLE FROM ANY OTHER PROPERTY FOR LONGER THAN 72 HOURS IN A SEVEN (7) DAY PERIOD. SUCH VEHICLES SHALL BE KEPT ONLY WITHIN GARAGES OR ENCLOSED STRUCTURES.

PLANNING AREA D USES:

CONDITIONAL USES:

- FAST FOOD RESTAURANT WITH OR WITHOUT DRIVE-THROUGH FACILITIES
- COFFEE SHOP
- BANK
- VEHICLE REPAIR
- CHILD CARE CENTER
- LIMITED INDOOR RECREATION ESTABLISHMENT
- GROCERY STORE
- EQUIPMENT RENTAL ESTABLISHMENT
- SMALL-SCALE RECEPTION CENTER
- ENTERTAINMENT FACILITY
- RETAIL STORE WITH VEHICLE SERVICING
- VEHICLE MINOR REPAIR
- CONVENIENCE RETAIL STORE WITH FUEL SALES

USES NOT ALLOWED:

- OUTDOOR STORAGE
- ENCLOSED MINI STORAGE
- AGRICULTURAL OPERATIONS
- ANIMAL AGRICULTURE
- PRISON OR DETENTION CENTER
- KENNEL, INCLUDING OUTDOOR ANIMAL USE AREAS
- RECREATIONAL VEHICLE PARK
- SHOOTING RANGE
- HEAVY MANUFACTURING
- WORKSHOPS AND CUSTOM SMALL INDUSTRY USES

Land Use Summary:

LAND USE	ACRES
RESIDENTIAL DEVELOPMENT:	88.8 AC
MIXED-USE DEVELOPMENT:	12.5 AC
TOTAL	108.5 AC

Planning Area Boundaries:

PLANNING AREA ACREAGES AND BOUNDARIES ARE PRELIMINARY AND SUBJECT TO CHANGE WITH DETAILED PLANNING. PLANNING ACREAGE MAY CHANGE UP TO 30% WITHOUT A MAJOR AMENDMENT TO THIS PUD DOCUMENT.

Development Standards: Commercial

MAXIMUM HEIGHT	35' (OR 50' WITH CONDITIONAL USE APPROVAL)
LOT COVERAGE	50% BUILDING
LOT COVERAGE	20% LANDSCAPING
SETBACK FROM ARTERIAL	15'
PARKING SETBACK FROM ARTERIAL	50'

NOTES:

- ADDITIONAL DESIGN REQUIREMENTS FOR COMMERCIAL DEVELOPMENT PER THE DESIGN GUIDELINES TO BE PRESENTED AT FINAL PLAT.
- THE PLANNING DIRECTOR MAY APPROVE ADJUSTMENTS TO COMMERCIAL SETBACKS THAT MAY BE NECESSARY DUE TO PARCEL SIZE, CONFIGURATION OR OTHER CONSTRAINT.

Open Space, Parks & Walks/Trails:

- OPEN SPACE:
- 30% OPEN SPACE WILL BE REQUIRED (OVERALL DEVELOPMENT)
 - PUBLIC AND/OR PRIVATELY OWNED LAND WILL BE COUNTED TOWARDS OPEN SPACE REQUIREMENTS
 - PORTIONS OF DETENTION PONDS WILL BE COUNTED TOWARDS OPEN SPACE REQUIREMENTS AND PARK SPACE CALCULATIONS.
 - PARK SPACE WILL BE COUNTED TOWARDS THE OPEN SPACE REQUIREMENTS
 - OPEN SPACE MAY BE A LANDSCAPED AREA, A RECREATION AREA, SIDEWALKS AND/OR TRAILS, PLAZAS OR PLAYGROUNDS OR OTHER AREAS THAT ARE ACCESSIBLE TO THE RESIDENTS OF THE SUBDIVISION OR THE PUBLIC. OPEN SPACE AREAS LOCATED WITHIN A PRIVATE LOT WILL BE ACCESSIBLE TO THE RESIDENT OF THAT LOT ONLY.

PARKS:

- 10% PARKS WILL BE REQUIRED BASED ON THE GROSS LAND AREA.
- PARK LOCATIONS ARE CONCEPTUAL AND WILL BE FINALIZED AT THE TIME OF SUBDIVISION PLAT.
- PARKS MAY BE PRIVATELY OR PUBLICLY OWNED, TO BE DETERMINED AT THE TIME OF FINAL PLAT.
- ALL PARKS AND OPEN SPACES ARE ACCESSIBLE TO ALL INDIVIDUALS, REGARDLESS OF RESIDENCE WITHIN THE PURVIS FARM ODP.

PEDESTRIAN CONNECTIVITY:

- CONCRETE WALKS WILL BE PROVIDED ALONG ALL STREETS.
- ADDITIONAL WALKS AND/OR TRAILS TO BE DETERMINED AT THE TIME OF MORE DETAILED DESIGN AND/OR SUBDIVISION PLATTING.
- DEVELOPMENT SHALL INCORPORATE ELEMENTS AND CONNECTIVITY FROM PARKS AND TRAILS MASTER PLAN AND THE JOHNSTOWN COMPREHENSIVE PLAN.

Parcel Design Intent:

PARCELS A, B, AND C:

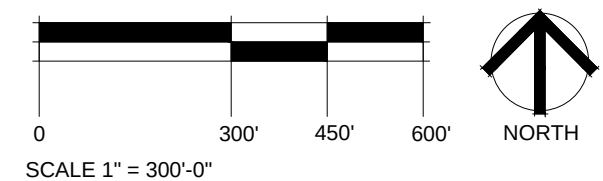
THE DESIGN INTENT FOR PLANNING AREAS A, B, AND C IS TO ALLOW FOR RESIDENTIAL DEVELOPMENT. RESIDENTIAL DEVELOPMENT COULD INCLUDE SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED, TOWNHOMES OR MIXED-USE DEVELOPMENT. OTHER RESIDENTIAL USES NOT LISTED ABOVE WILL BE CONSIDERED/APPROVED BY THE PLANNING DIRECTOR.

PARCEL D:

THE DESIGN INTENT FOR PLANNING AREA D IS TO ALLOW FOR A WIDE RANGE OF DEVELOPMENT USES, INCLUDING NEIGHBORHOOD SCALE COMMERCIAL, WHICH COULD INCLUDE A CONVENIENCE STORE WITH FUEL SALES, RETAIL, RESTAURANTS, NEIGHBORHOOD SERVICES, OFFICE/FLEX OR SIMILAR USES. COMMERCIAL AND/OR MIXED-USE DEVELOPMENT IS STRONGLY ENCOURAGED IN THESE PARCELS.

Site Legend:

- PROPERTY BOUNDARY
- DEVELOPMENT PARCEL BUBBLES (FOR GRAPHICAL PURPOSES ONLY)
- RIGHT OF WAY
- ◆ CONCRETE TRAIL
- ← POTENTIAL ACCESS POINT - FULL MOVEMENT
- ← POTENTIAL ACCESS POINT - RIGHT IN/RIGHT OUT
- ☼ POSSIBLE PARK LOCATIONS
- JOHNSTOWN TOWN LIMITS



PROJECT TITLE

PURVIS FARM
OUTLINE
DEVELOPMENT
PLAN

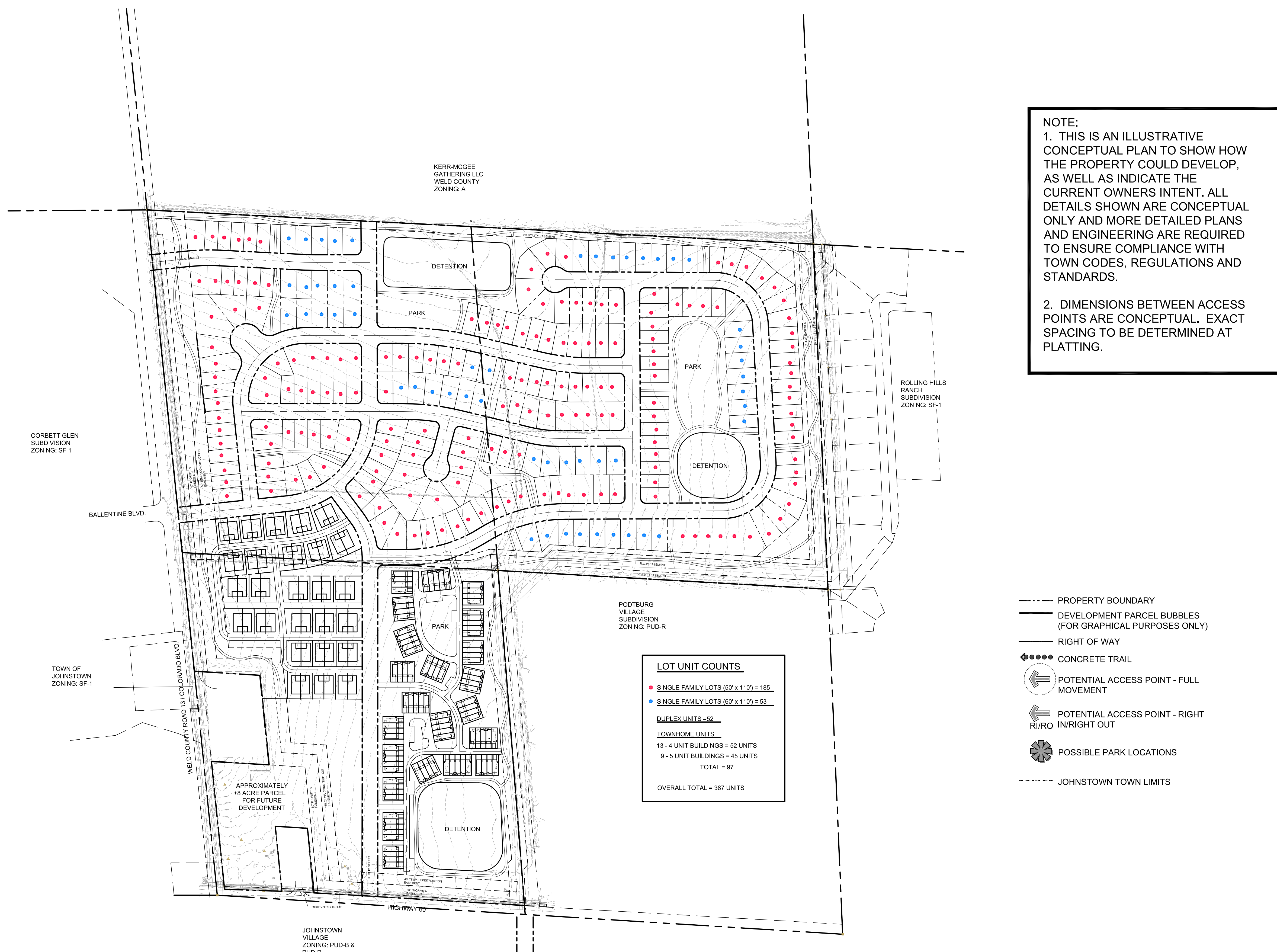
JOHNSTOWN, CO

PREPARED FOR

OWNER:

**JOHNSTOWN
LLC**

144 North Mason Street
Fort Collins CO 80524



NOTE:

1. THIS IS AN ILLUSTRATIVE CONCEPTUAL PLAN TO SHOW HOW THE PROPERTY COULD DEVELOP, AS WELL AS INDICATE THE CURRENT OWNERS INTENT. ALL DETAILS SHOWN ARE CONCEPTUAL ONLY AND MORE DETAILED PLANS AND ENGINEERING ARE REQUIRED TO ENSURE COMPLIANCE WITH TOWN CODES, REGULATIONS AND STANDARDS.

2. DIMENSIONS BETWEEN ACCESS POINTS ARE CONCEPTUAL. EXACT SPACING TO BE DETERMINED AT PLATTING.

-  PROPERTY BOUNDARY
-  DEVELOPMENT PARCEL BUBBLES
(FOR GRAPHICAL PURPOSES ONLY)
-  RIGHT OF WAY
-  CONCRETE TRAIL
-  POTENTIAL ACCESS POINT - FULL
MOVEMENT
-  POTENTIAL ACCESS POINT - RIGHT
IN/RIGHT OUT
-  POSSIBLE PARK LOCATIONS
-  JOHNSTOWN TOWN LIMITS

[illegible]

DATE _____

December 30, 2020

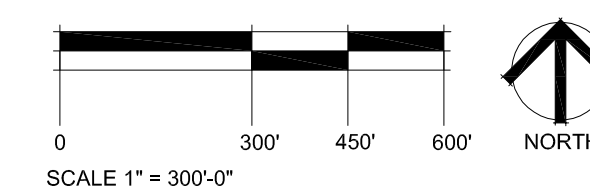
SHEET TITLE

CONCEPT PLAN

SHEET INFORMATION

Sheet Number: 3

Of: 5



PROJECT TITLE

**PURVIS FARM
OUTLINE
DEVELOPMENT
PLAN**

JOHNSTOWN, CO

PREPARED FOR

OWNER:
**JOHNSTOWN
LLC**

144 North Mason Street
Fort Collins CO 80524

REVISIONS DATE

STAFF COMMENTS 03/02/21

DATE

DECEMBER 30, 2020

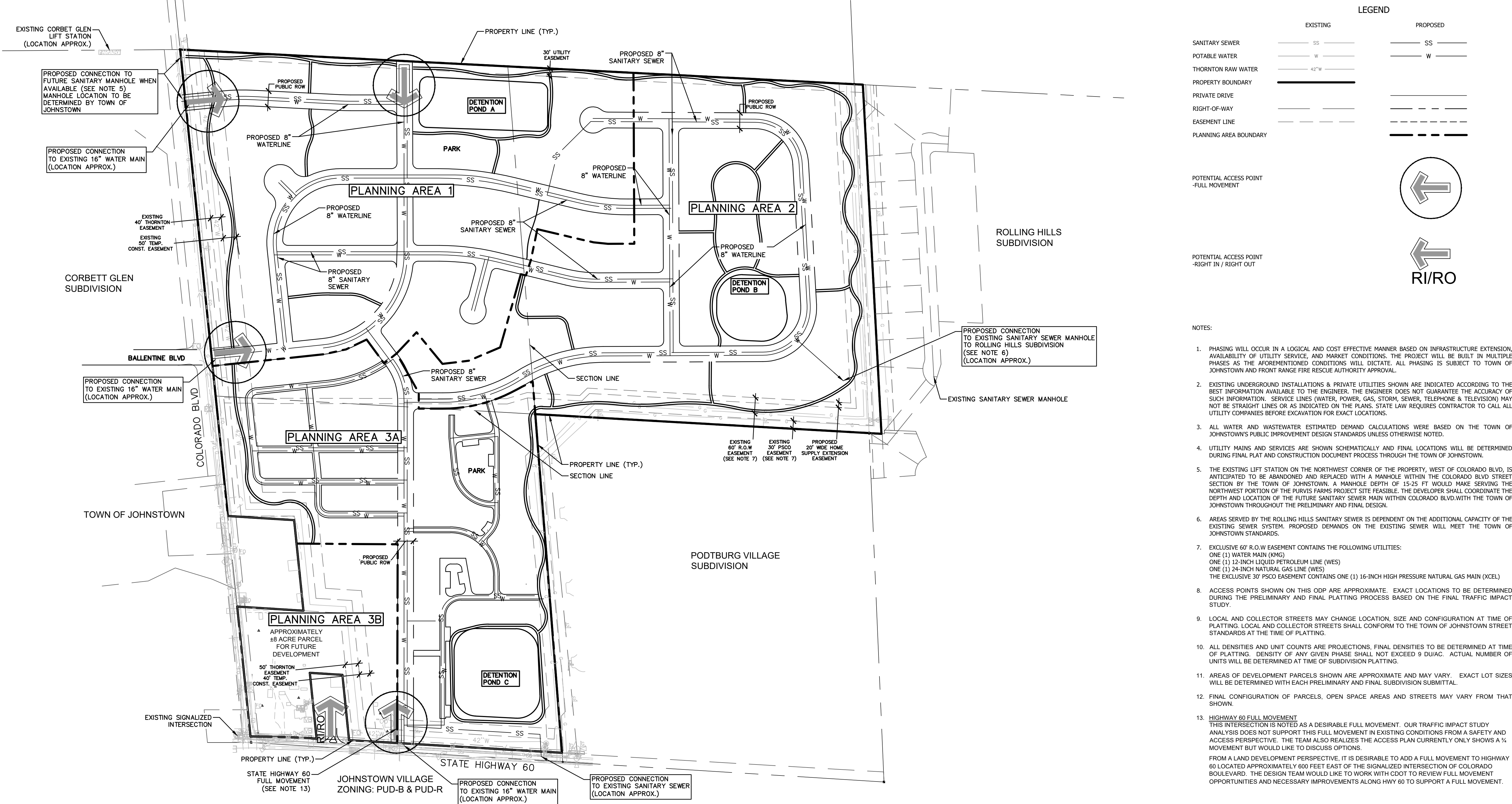
SHEET TITLE

**MASTER UTILITY &
ACCESS
LOCATIONS PLAN**

SHEET INFORMATION

Sheet Number: 4

Of: 5



ESTIMATED WATER DEMAND						
Planning Area	Anticipated Uses	Units	Gross Area (ac)	SFE or Building Area (SF)	Average Day Demand (gpm)	Peak Hour Demand (gpm)
1 & 2	Single-Family	238	N/A	238	74.4	1648.8
3A	Multi-Family	149	N/A	149	46.6	1593.1
3B	Commercial	50% Coverage	8.17	177943	24.9	1549.8
TOTALS					145.8	1791.7

ESTIMATED WASTEWATER FLOW						
Planning Area	Anticipated Uses	Units	Gross Area (ac)	SFE or Building Area (SF)	Average Flow (gpm)	Peak Flow (gpm)
1 & 2	Single-Family	238	N/A	238	36.4	141.4
3A	Multi-Family	149	N/A	149	22.8	95.4
3B	Commercial	50% Coverage	8.17	177943	24.7	102.2
TOTALS					83.8	339.0

WASTEWATER ASSUMPTIONS:

RESIDENTIAL AVERAGE FLOW (Q_R)
COMMERCIAL AVERAGE FLOW (Q_C)
PEAKING FACTOR

= 220 GPD/SFE
= 200 GPD/1,000 SF BUILDING AREA (DENVER STANDARDS, MARCH 2008, ASSUMING OFFICE/SMALL BUSINESS/BIG BOX STORE USES)
= $2.6 \times Q_R^{0.4}$

WATER ASSUMPTIONS:

RESIDENTIAL AVERAGE DAY DEMAND (ADD)
COMMERCIAL AVERAGE DAY DEMAND (ADD)
FIRE FLOW AVAILABILITY
MAXIMUM DAY DEMAND (MDD)
PEAKING HOUR DEMAND

= 150 GPCD (ASSUME 3 PEOPLE PER UNIT)
= 201.6 GPD/1,000 SF OF BUILDING AREA (GREELEY STANDARDS, JUNE 2008, ASSUMING OFFICE/SMALL BUSINESS/BIG BOX STORE USES)
= 1,500 GPM
= 2 x ADD
= 1.5 x MDD



200 100 0 200 400
SCALE: 1" = 200'

JOHNSTOWN, CO

PREPARED FOR

144 North Mason Street
Fort Collins CO 80524

[illegible]

DATE _____

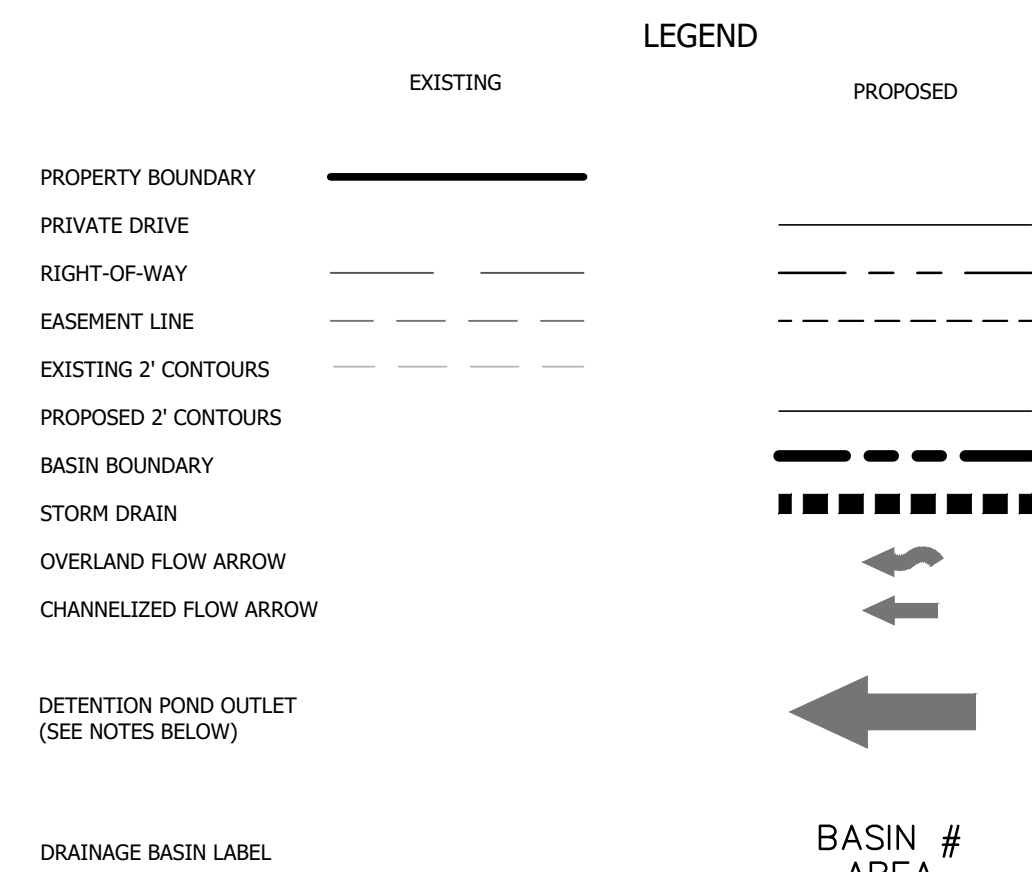
DECEMBER 30, 2020

SHEET TITLE

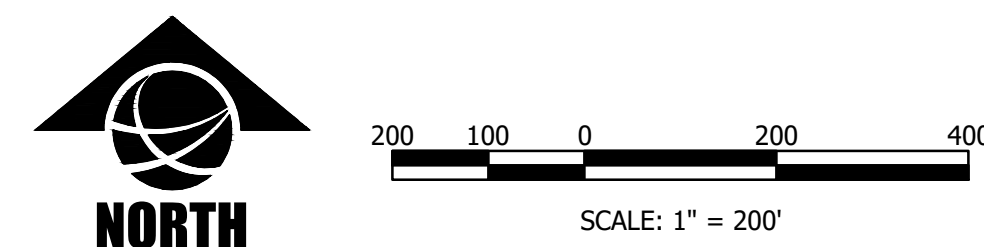
SHEET INFORMATION

Sheet Number: 5

Of: 5



- NOTES:
1. PHASING WILL OCCUR IN A LOGICAL AND COST EFFECTIVE MANNER BASED ON INFRASTRUCTURE EXTENSION, AVAILABILITY OF UTILITY SERVICE, AND MARKET CONDITIONS. THE PROJECT WILL BE BUILT IN MULTIPLE PHASES AS THE AFOREMENTIONED CONDITIONS WILL DICTATE. ALL PHASING IS SUBJECT TO TOWN OF JOHNSTOWN AND FRONT RANGE FIRE RESCUE AUTHORITY APPROVAL.
 2. ALL DRAINAGE ELEMENTS ARE CONCEPTUAL IN NATURE AND FINAL DETERMINATIONS OF THE DRAINAGE SYSTEM, TO INCLUDE THE PLACEMENT OF DETENTION/RETENTION PONDS, CHANNELS, AND STORM SEWER, WILL BE MADE DURING THE PRELIMINARY AND FINAL DRAINAGE REPORTS AND DURING THE PRELIMINARY DEVELOPMENT PLAN PROCESS AS PART OF THE FINAL SUBDIVISION PLATTING.
 3. GRADING AND FINISHED GRADE CONTOURS ARE CONCEPTUAL AND GENERALLY SHOW INTENT AND APPROXIMATE FLOW PATHS. FINAL GRADING WILL BE DETERMINED DURING FINAL DESIGN.
 4. REQUIRED DETENTION VOLUMES AND PEAK DISCHARGES WILL BE CALCULATED PER THE TOWN OF JOHNSTOWN STORM DRAINAGE CRITERIA IN CONJUNCTION WITH NOAA ATLAS 14 RAINFALL DATA & MILE HIGH FLOOD DISTRICT DETENTION SOFTWARE.
 5. THE SURVEY OF THE PROJECT SITE WAS COMPLETED OCTOBER 19, 2020 BY MAJESTIC SURVEYING, LLC.





Town of Johnstown

OUTSIDE AGENCY REFERRAL

DATE: January 5, 2020

TO: ☐ Mead ☐ Milliken ☐ Berthoud ☐ Loveland ☐ Greeley ☐ Windsor
☐ Larimer Co ☒ Weld Co ☒ Aims CC ☐ CDOT ☐ CPW ☒ TRPR
☒ Weld RE-5J ☐ TSD ☒ LTWD ☒ NC Conserv. ☒ BT Conserv. ☐ HB Ditch Co.

FROM: Darryll Wolnik, *Planner II*
dwolnik@TownofJohnstown.com

Applicant: Cathy Mathis, TB Group, representing Johnstown LLC

Project: Purvis Farm ODP

Location: Parcel #s 105906300040 and 105906000005

Description: Outline Development Plan for residential PUD

Reply by: *Monday, February 1, 2021*

This referral is submitted for your comments due to the proximity of the project to your municipal boundaries or GMA, or it otherwise affects your agency or its mission.

If additional documentation is needed to complete a review, please email me at the address above.

☐ NO Comments.

☐ Comments (attach additional sheets if needed):

By: _____ Date: _____

The Community That Cares

www.TownofJohnstown.com

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

**DEPARTMENT OF PLANNING SERVICES**

Item #9.

1555 N. 17th Ave

Greeley, CO 80631

Website: www.weldgov.comEmail: jflesher@weldgov.com

Phone: (970) 400-3552

Fax: (970) 304-6498

Via email to dwolnik@townofjohnstown.com

January 18, 2021

Darryll Wolnik, Planner II
Town of Johnstown
PO Box 609
Johnstown, CO 80543

Subject: Purvis Farm ODP

Dear Darryll:

The Weld County Department of Planning Services has reviewed this proposal and submits the following comments for your consideration.

The property to the north of the subject property is shown as Kerr-McGee Gathering, but the adjacent parcel at 23574 Colorado Blvd is owned by Margaret O. Collins. This property contains a County-approved Use by Special Review for vehicle sales and repair (USR-1107).

We recommend showing the existing access onto SH 60 just east of Colorado Blvd as "To be closed and reclaimed" if that is the intent. The same would apply to the access east of 6043 SH 60.

The intersection at Ballentine Blvd appears to be slightly offset and should be aligned with the existing road to the west.

General comments:

There is no County commitment to upgrade County roads and bridges to accommodate municipal developments.

The present zoning of adjacent and surrounding unincorporated properties are predominantly Agricultural. Owners of property in the area of this proposal should be made aware that agricultural uses, even when done in a manner consistent with good agricultural practices, may generate impacts such as noise, dust, flies, odors, aerial spraying, and slow-moving equipment on County roadways. It is important for future residents to note that adjacent properties may be in unincorporated Weld County and that Weld County has adopted a Right-to-Farm Statement and a Right to Extract Mineral Resources Statement and recommends they be placed on all plats adjacent to unincorporated areas:

Right-to-Farm Statement

Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to

assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved "out of the way" of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high-speed traffic, sand burs, puncture vines, territorial farm dogs and livestock and open burning present real threats. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood.

Weld County Right to Extract Mineral Resources Statement

Weld County has some of the most abundant mineral resources, including, but not limited to, sand and gravel, oil, natural gas, and coal. Under title 34 of the Colorado Revised Statutes, minerals are vital resources because (a) the State's commercial mineral deposits are essential to the State's economy; (b) the populous counties of the state face a critical shortage of such deposits; and (c) such deposits should be extracted according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the populous counties of the state.

Mineral resource locations are widespread throughout the County and persons moving into these areas must recognize the various impacts associated with this development. Often times, mineral resource sites are fixed to their geographical and geophysical locations. Moreover, these resources are protected property rights and mineral owners should be afforded the opportunity to extract the mineral resource.

Thank you for the opportunity to comment on this proposal. This response addresses general requirements, concerns, or issues and is intended to assist in your community's decision-making process regarding this land use proposal. Weld County respectfully reserves the right to make further comment on information or issues as they are discovered.

Sincerely,

Jim Flesher, AICP
Long-Range Planner
Weld County



Town of Johnstown

OUTSIDE AGENCY REFERRAL

DATE: January 5, 2020

TO: ☐ Mead ☐ Milliken ☐ Berthoud ☐ Loveland ☐ Greeley ☐ Windsor
☐ Larimer Co ☒ Weld Co ☒ Aims CC ☐ CDOT ☐ CPW ☒ TRPR
☒ Weld RE-5J ☐ TSD ☒ LTWD ☒ NC Conserv. ☒ BT Conserv. ☐ HB Ditch Co.

FROM: Darryll Wolnik, *Planner II*
dwolnik@TownofJohnstown.com

Applicant: Cathy Mathis, TB Group, representing Johnstown LLC

Project: Purvis Farm ODP

Location: Parcel #s 105906300040 and 105906000005

Description: Outline Development Plan for residential PUD

Reply by: *Monday, February 1, 2021*

This referral is submitted for your comments due to the proximity of the project to your municipal boundaries or GMA, or it otherwise affects your agency or its mission.

If additional documentation is needed to complete a review, please email me at the address above.

☒ NO Comments.

☐ Comments (attach additional sheets if needed):

By: Kris Thompson, Inclusion Specialist Date: 1/6/2021
Northern Colorado Water Conservancy District

The Community That Cares

www.TownofJohnstown.com

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



Town of Johnstown

MEETING SUMMARY

Type of Meeting: Neighborhood meeting for Purvis Farm Amended ODP (via Zoom)

Date: Thursday, April 22, 2021

Time: 7:00 p.m.

Facilitator: Darryll Wolnik, Planner II

Attendees: Applicant's representatives (5)

Approximately 20 community members logged in at any given time

Summary:

Due to ongoing complications related to COVID-19, and with the desire to create as safe and welcoming an environment as possible, this meeting was held remotely via Zoom. Approximately 20 community members were logged into the meeting, though because of the remote nature, no sign-in sheet was provided.

Staff gave a short presentation on local government and the planning process. The project was introduced and the applicant's representatives proceeded to outline the project for attendees.

Below are concern and questions posed by those in attendance.

1. Concerns about drainage, specifically due to flooding of area recently
2. Concerns this development will displace more water on adjacent properties
3. Concerns about density
4. Will there be enough sewer capacity
5. Where does all the water for this project come from
6. Increases in population will lead to more crime
7. Traffic on 60, especially approaching I-25; can't 60 handle any more traffic
8. Height of homes adjacent to existing development
9. Does this fit with the area
10. How does this change the character of Johnstown
11. Will this be enough park space
12. Don't want smaller lots, some community members believe this leads to more crime

The Community That Cares

www.TownofJohnstown.com

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

13. Do the schools have sufficient capacity
14. Who will pay for expansion of Colorado Blvd and/or 60
15. Who will pay for improvements along those roads

Meeting completed at approximately 8:45 p.m.

TO: Town of Johnstown Planning Department
 FROM: Cathy Mathis, TB Group
 DATE: May 25, 2021

RE: Summary of Neighborhood Concerns and Responses

Below is a summary of the primary issues discussed during the Purvis Planning and Zoning Commission meeting. This meeting was held on Thursday April 28, 2021 via zoom meeting.

1. **Concern: 412 Estate Drive.** Is the 60-70' setback to from the property line or from the oil easement? Will this be under an HOA or a metro district?

Response: The setbacks are all from the property lines. To be clear, the back of the existing easement west of the Rolling Hills lots is 90-ft wide. Additionally, there is a 50-ft wide easement on the back of the Rolling Hills lots. Currently there is a 110-ft wide open space planned between the back of the new lots and the east property line of the subdivision.

We are not sure currently if HOA or metro district.

2. **Concern: 2304 Brianna Court.**

- a) Why does the mixed-use area go down in area from commercial?

Response: The market conditions have changed and there are also several commercial areas planned for this area in other developments.

- b) How will traffic be addressed along 60 – entrance on 60 is close between CO Blvd and – another light?

Response: Highway 60 traffic and design of improvements will meet the CDOT approved access plan. In addition, traffic analyses are performed to account for background growth and development-based growth. The developer is responsible to help fund necessary improvements to provide an acceptable level of service.

- c) Lights seem excessive.

Response: Traffic signals are determined by warrants based upon the Manual of Uniform Traffic Control Devices. All future traffic modeling (for five and twenty years in the future) did not show any needed traffic signals at any of the Purvis Farm access points. All traffic signals will meet the Town's code when this develops.

- d) Bubble SE corner of the area – TH area. How tall are those buildings proposed to be? And why TH in that area? Close to Landings neighborhood – overshadowing house along that edge.

Response: The buildings are expected to be two stories at this time. There is at least a 50' buffer along the property line due to the existing easement and more that 100' between the proposed development and the nearest home.

3. **Concern: 318 Estate Drive.**

- a) Point out that neighbors showed up to neighborhood meeting. Nothing has changed in the plan.

Response: The plan had not changed because the applicant was waiting to get feedback from the P & Z commission.

- b) Ruining our view. Put park behind the estate lots. Match estate lots & housing in the back side.

Response: Applicant pointed out that there are buffers and the lot sizes that are proposed are what the market and homebuilders are telling us they want. The existing Purvis Trembath ODP that was approved is a much denser at 3-5 d.u./ acre. We are proposing 4 d.u./acre.

- c) Drainage from the farm, basements flooding with mud and water.

Response: Design of the stormwater management facilities will be in accordance with the Johnstown Drainage Master Plan and the Town's design criteria. An aspect of this design will be to analyze downstream existing conditions and issues and take those into consideration during design. However, this project cannot analyze all the previously designed and constructed improvements downstream of the site nor will it be responsible for fixing issues that are offsite. The intent is to not make things worse downstream. Typically, the introduction of sub-surface stormwater infrastructure will lower the water table. There are also piezometers on site that are allowing the monitoring of groundwater through the peak groundwater season.

4. **Concern: 2223 Podtburg Circle.**

- a) Hwy 60 entrance, nobody thought about that traffic at all. Put entrance right in front of the subdivision, not feasible to have a light. (Johnstown Village) Only entrance to the Landings... No additional connection into the neighborhood.

Response: As a part of the review and approval process, the site must mimic the approved CDOT access plan which was approved by Johnstown and CDOT. This project reviews access relative to that plan. A Traffic Impact Study (TIS) was performed to model analyze existing traffic conditions in addition to future (5 years and 20 years) conditions. The purpose of a TIS is to perform a non-biased analysis of the development's impact on traffic. All analyses are required to show how an acceptable level of service can be provided. None of the analyses resulted in a mandated traffic signal at the access to Purvis Farm from Highway 60. The signal at Zach Place is a separate project (Johnstown Village) and not related to this development.

- b) Water – Town of Johnstown water can barely sustain people who live here? Water retention has water from farm onto Hwy 60, west side of Landings – basements flood. More mud, mosquitos, “No one's thinking about that.”

Response: The proposed project will have detention ponds. They are designed to release stormwater at a pre-development release rate. This is required by state law and per the Town's drainage criteria. Typically, the detention pond collects the 100-year storm event and is designed to release all water within 72 to 120 hours. It is anticipated that the

proposed stormwater best management practices will reduce the surface water flowing to the Purvis Farm eastern property lines that currently collect a significant amount of irrigation tail water. With site stabilization, water quality/detention structures, the requirement of the town is that this cannot increase sedimentation downstream.

5. **Concern: 2004 Golden View Dr.**

- a) 1/4 of park is underwater – detention pond is saturated in RHR now. Taking pervious surfaces and making them pavements and rooftops – all that water will drain “somewhere” – all coming into RHR. Would like to see the engineering in RHR area – was designed for all this new water.

Response: Review of downstream drainage reports will be a part of the design process. Although more volume of water will move through downstream stormwater facility, the intent is to slow the flowrate through RHR detention facilities to help allow these RHR facilities to better handle the upstream flows. The Town’s drainage masterplan would have anticipated additional stormwater flowing through the RHR subdivision at the time it was approved.

- b) Feels like all neighborhoods need to have more diversity of lot sizes.

Response: There is a diversity of lots size and building types with two single-family detached lot sizes, alley-loaded duplex lots and alley-loaded townhome lots.

6. **Concern: 324 Estate Drive.**

- a) Drainage is an issue – farmer vs private vs Town. Neighbors are clearing the ditch grate and unplugging. Drainage plans indicate that water will move through this neighborhood.

Response: Intentional flow to the existing tailwater ditch will not be part of the Purvis Farm design. This project intends to capture and detain a majority of developed flows adjacent to the back of the lots along the east property lines. Based on this design solution, it is anticipated the referenced grate, west of RHR, will no longer be needed for irrigation tailwater. The irrigation tailwater issue will continue to be reviewed through preliminary and final design. It is also anticipated that if the grate should remain in place, discontinued farming activities will eliminate dirt and crop debris from plugging the grate. Downstream drainage conditions and stormwater management reports will be evaluated and reviewed with the intent to not make issues worse.

- b) Affordable housing is admirable, but this likely is not affordable. This plan shows no low density – those are medium density SF. Do not want to be like Frederick or Firestone. Need services, grocery, new schools. Traffic along 60.

Response: The prices of the lots and homes in this project will be market driven.

7. **Concern: 2221 Podtburg Circle.** what experts and engineers does the developer & Town use to help ensure these plans work?

Response: The developer has hired our office as a civil engineer and traffic engineer to design the necessary infrastructure to support water, sewer,

stormwater management, and traffic improvements that meet the requirements of the Town and generally good practice. The Town can better summarize who they have hired for review. However, to date our office has interacted with the Town, CDOT, FHU-Town, IMEG-Town, the irrigation ditch company, and the various oil and gas companies that are impacted by this development. They have all offered and will continue to be required to review and approve our team's design. The Town can elaborate.

8. **Concern: 2228 Podtburg Circle.** What is going to be done about drainage in this area? Why is a detention pond being looked at if the tailwater in ag is no longer in equation?

Response: Even though the farming tailwater will go away, it is typical that a developed property, without a regional detention pond, provides on-site detention. This is the requirement for the Purvis Farm development.

9. **Concern: 327 Estate Drive.** Who is owner of drainage pipe on west side of RHR that drains into RH Park? What is plan if economy goes bad? Priority of construction areas?

Response: Typically, drainage pipes along lot lines within drainage easements and within rights-of-way are publicly owned. This will be verified by the Town.

10. **Concern: 406 Estate Drive.** With granary development and mallard ridge and others, having many SF units., is this kind of dense fast growth ok for school district, recently stepped up for new school, and increasing traffic.

Response: As the Town indicated at the hearing, the school district is aware, and all new development gets reviewed by the district.

Stormwater and Traffic Questions:

1. Stormwater & drainage - (and let's avoid - at all costs - mention of "praying" that the design works; we design & review to known and accepted standards using best engineering information & practices)

- a. Current situation & issues raised at the neighborhood meeting
- b. Proposed solution & ultimate impact on neighboring lot
 - i. Impact to the ditch neighbors clear of debris currently
 - ii. Flooding & mud in basements

Summary:

The existing condition west of Rolling Hills Ranch is a field that is currently irrigated and farmed. Approximately $\frac{1}{3}$ of the field sheet flows to the western side of Rollings Hills Ranch to a tailwater ditch and to an inlet and drainage pipe that runs along the shared east/west property line of lots

8 and 9 of Rolling Hills Ranch Phase 8. It is understood that on occasion this inlet and pipe may become clogged and cause flooding. The proposed project will develop the field and eliminate irrigation and manage stormwater by providing water quality and detention facilities to control the minor and major design storm events per the Town's design standards and reviewed and approved by the Town. The design will be based on survey information and standard engineering design principals. As the site is developed, the field irrigation eliminated, and the detention ponds are constructed (including outlet structures for sediment and flow rate control), the flows in the downstream pipe will be more managed and controlled. The design standards and process required by the Town are intended to mitigate downstream impact due to increased development upstream.

3(c) Response: Design of the stormwater management facilities will be in accordance with the Johnstown Drainage Master Plan and the Town's design criteria. An aspect of this design will be to analyze downstream existing conditions and issues and take those into consideration during design. However, this project cannot analyze all the previously designed and constructed improvements downstream of the site nor will it be responsible for fixing issues that are offsite. The intent is to not make things worse downstream. Typically, the introduction of sub-surface stormwater infrastructure will lower the water table. There are also piezometers on site that are allowing the monitoring of groundwater through the peak groundwater season.

4(b)Response: The proposed project will have detention ponds. They are designed to release stormwater at a pre-development release rate. This is required by state law and per the Town's drainage criteria. Typically, the detention pond collects the 100-year storm event and is designed to release all water within 72 to 120 hours. It is anticipated that the proposed stormwater best management practices will reduce the surface water flowing to the Purvis Farm eastern property lines that currently collect a significant amount of irrigation tail water. With site stabilization and water quality/detention structures, the requirement of the Town is to prevent an increase of sedimentation downstream.

5(a) Response: Review of downstream drainage reports will be a part of the design process. Although more volume of water will move through downstream stormwater facility, the intent is to slow the flowrate through RHR detention facilities to help allow these RHR facilities to better handle the upstream flows. The Town's Drainage Masterplan would have anticipated additional stormwater flowing through the RHR subdivision at the time it was approved.



6(a) Response: Intentional flow to the existing tailwater ditch will not be part of the Purvis Farm design. This project intends to capture and detain a majority of developed flows adjacent to the back of the lots along the east property lines.

Based on this design solution, it is anticipated the referenced grate, west of RHR, will no longer be needed for irrigation tailwater. The irrigation tailwater issue will continue to be reviewed through preliminary and final design. It is also anticipated that if the grate should remain in place, discontinued farming activities will eliminate dirt and crop debris from plugging the grate. Downstream drainage conditions and stormwater management reports will be evaluated and reviewed with the intent to not make issues worse.

8 Response: Even though the farming tailwater will go away, it is typical that a developed property, without a regional detention pond, shall provide its own on-site detention. This is the requirement for the Purvis Farm development.

9 Response: Typically, drainage pipes along lot lines within drainage easements and within rights-of-way are publicly owned. This will be verified by the Town.

2. Traffic

- a. Current ODP vs Proposed re: volumes.
- b. Signalization at 60/Colorado expected - other lane configuration or improvements may be needed.

Summary:

The proposed development is following the currently approved CDOT access control plan for Hwy 60. The traffic impact study (TIS) analyzes existing traffic conditions and future traffic conditions. The future traffic conditions include ambient growth of traffic, traffic generated by known projects in development review or under construction, and traffic generated by this development. The TIS does not suggest additional traffic signals should be constructed by this project. Per the access code, a new access is allowed from Hwy 60. Additionally, two accesses will be added along Colorado Boulevard and those will be constructed similar to the existing access at Colorado Boulevard and Ballentine Boulevard. The improvements to Hwy 60 will be per the Town's and CDOT's standards. The improvements may include addition of through and/or turn lanes and changes to signal timing to better support the function of the signal at Colorado Boulevard and Hwy 60. The design will be reviewed and approved by the Town and CDOT.

2(c) Response: Traffic signals are determined by warrants based upon the Manual of Uniform Traffic Control Devices. All future traffic modeling (for five and twenty years in the future) did not show any needed traffic signals at any of the Purvis Farm access points. All traffic signals will meet the Town's code when this develops.

4(a) Response: As a part of the review and approval process, the site must mimic the approved CDOT access plan which was approved by Johnstown and CDOT. This project reviews access relative to that plan. A Traffic Impact Study (TIS) was performed to model analyze existing traffic conditions in addition to future (5 years and 20 years) conditions. The purpose of a TIS is to perform a non-biased analysis of the development's impact on

traffic. All analyses are required to show how an acceptable level of service can be provided. None of the analyses resulted in a mandated traffic signal at the access to Purvis Farm from Highway 60. The signal at Zach Place is a separate project (Johnstown Village) and not related to this development.



Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

ITEM:	Public Hearing for Purvis Farm PUD Outline Development Plan (ODP)
DESCRIPTION:	Proposed Outline Development Plan (ODP) for 108 acres for a mix of single-family lots, and a mixed-use area of higher density housing and commercial uses
LOCATION:	Northeast corner of Colorado Blvd. and CO Highway 60; a parcel of land situate in the South Half of Section Six (6), Township Four North (T.4N.), Range Sixty-seven West (R.67W.)
APPLICANT:	Johnstown, LLC (Post Modern Development) Representative: Cathy Mathis, TB Group
STAFF:	Darryll Wolnik, Planner II
HEARING DATE:	April 28, 2021

BACKGROUND & SUMMARY

The applicant, Johnstown, LLC, is requesting approval of Purvis Farm Outline Development Plan for the south ½ of Section 7, Township 4 North, Range 68 West. More precisely, the property is bounded by Colorado Blvd. to the west, Colorado Highway 60 (SH-60) to the south, The Landings (Podtburg Village) and Rolling Hills Ranch subdivisions to the east, and undeveloped agricultural land to the north. The proposed ODP updates zoning regulations for the property, and supercedes the previous ODP for the property.

Surrounding land uses are mostly residential. The Landings and Rolling Hills Ranch subdivisions are to the east and are primarily single-family neighborhoods. To the west, across Colorado Blvd., is the Johnstown Water Plant, the cemetery, an 18-acre parcel of commercially-zoned land, and Corbett Glen, another single-family residential development. To the southwest is the Clearview PUD, a development made up of mostly single-family detached residential, but also several multi-family buildings on the north side along SH-60. A 12-acre parcel of undeveloped land at Colorado Blvd. and SH-60 is zoned for commercial uses. Property south across SH-60 is under development as part of the overall Johnstown Village PUD. Detached single-family residential homes are under construction, and multi-family buildings are in preliminary planning stages on the northern portions of the property. Like Clearview PUD, this PUD also reserved some lands (approx 20 acres) at the intersection of Colorado Blvd. and SH-60 for commercial uses. Finally,

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lands to the north are in unincorporated Weld County, and are primarily use for agricultural purposes. There is an oil & gas development on the property to the north(??) – or this subject parcel?.

HISTORY

The subject property was annexed into the Town of Johnstown on July 18, 2005, with Ordinance 2005-743. The annexation was known as the Purvis-Trembath Annexation. An ODP, known as the Purvis-Trembath ODP, was approved concurrently with the annexation on July 18, 2005, with Ordinance 2005-744. The zoning placed on the property at that time was PUD-MU, a mixed use zoning district.

ATTACHMENTS

- 1- Vicinity Map
- 2- Application
- 3- Proposed Purvis Farm ODP
- 4- Neighborhood Meeting Summary 4-22-2021

NOTICE

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, April 8, 2021. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Courtesy notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the proposed annexation and zoning.

A neighborhood meeting was held for this project on Thursday, April 22, 2021. See Attachment 4 for a meeting summary.

ANALYSIS

Johnstown Comprehensive Plan Alignment

P.2-5: The area in question is marked as a “Village Center”. Such centers are expected to have additional community amenities and increased densities, as they sit at major intersections. This project is proposing higher densities nearest that center, and lower densities for the areas marked 3 dwelling-units/acre.

Goal CF-2: Beautiful Town gateways and entries at major intersections - Gateways.

This ODP sits at the intersection of Colorado Blvd. and SH-60. Both of these are significant roadways; Colorado Blvd. runs from Thornton to Windsor, and SH-60 connects downtown with I-25. The Purvis Farm ODP would further enhance this high visible and important intersection.

Goal CC-1: Walkable, mixed-use economic centers – market driven centers.

The proposed ODP sets aside over 12.5 acres of mixed-use zoning at the intersection of Colorado Blvd. and SH-60. Such zoning allows for both flexibility to decide what best fits in the future, and the ability to use such an important intersection as a commercial center and area of higher density and intensity overall. This is consistent with the neighboring Clearview and Johnstown Village PUDs.

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Goal DD-1: Diversifies economic base with employment opportunities available to the region – District mix.

The proposed ODP provides flexible zoning for a wide array of housing densities and use types, and incorporates the opportunity for commercial development.

Zoning

The present zoning for the property is PUD-MU, which was assigned at annexation via ODP as previously described in this report. The 15 acres at the intersection of Colorado Blvd. and SH-60 is zoned for commercial development, while the remaining 98 acres are set aside for residential development at 3-5 dwelling units/acre. Purvis Farm ODP proposes modification of the current zoning framework into four Planning Areas, designated A-D.

The most significant change is the elimination of straight “commercial” zoning. Realizing there is some amount of land already set aside for commercial at this intersection on the adjoining three corners, Purvis Farm ODP proposes changing the designation to mixed-use. Further, that area, known as Planning Area D, is being reduced to 12.5 acres. Such a change allows greater flexibility in uses, while still encouraging and allowing for commercial development.

Planning Areas A, B, and C are zoned for a variety of housing types and densities of residential development. Planning Areas B and C allow for more dense residential development, bordering the mixed-use area in Planning Area D and Colorado Blvd. Minimum and maximum densities were used to determine the intensity of development in the area. Area A shall have a maximum density of 5 dwelling-units/acre, but will have no minimum. Planning Areas B and C shall have a maximum density of 10 dwelling-units/acre, with a minimum required density of 5 dwelling-units/acre. The mixed-use area, Planning Area D, shall have a minimum density of 10 dwelling-units/acre, with no cap on the density. While there is no maximum, even with the tallest buildings possible, as close as possible, parking, open space, and other requirements will restrict density adequately based on the size of the parcel.

Johnstown Municipal Code requires at least 30% open space in any PUD. Purvis Farm ODP proposes to meet this requirement. Further, 10% parks dedication, as required, is proposed. Those locations and amounts will be determined during reviews of more detailed subdivision plats and development plans.

Development Standards

This ODP sets forth some basic development standards regarding setbacks, building heights, and lot sizes. Lot standards allow smaller lots here than in other areas of Town, but in line with more recent Town development approvals. The Town has been encouraging development to consider how to preserve water by reducing irrigated areas. Water is an important and expensive resource, and smaller lots allow smaller yards and landscape areas, which can significantly reduce water needs. In addition, this

important intersection, and the proximity to I-25, lends itself to more compact development opportunities.

Residential building heights and side setbacks adhere to standard 30'-35' heights and 5' side setbacks (offsets). However, front setbacks would be reduced to 15' to the habitable area, with the opportunity for attached porches to encroach 5' into that setback. Allowing porches to encroach in this manner makes them the focal point while creating an interesting and aesthetically-pleasing streetscape. Garages will be set a minimum of 20' back, allowing ample space to park a vehicle as required by JMC 16-143(5).

Commercial development standards are included in this document as well. Buildings in this area are allowed up to a max height of 50'. Commercial buildings have the option of applying for a conditional use grant if they desire any height between 50' and 70'. Such a provision recognizes the need for adaptability in commercial development, while at the same time respecting the potential impacts of such development in proximity to residential development.

Buildings on commercial lots shall constitute no more than 50% of the lot, and are required to have a minimum of 20% landscaping. Landscaping shall be covered by live ground cover or mulch. Commercial buildings will be setback from SH-60 and Colorado Blvd. 15'; parking must be setback at least 50'.

Architectural and landscape standards will be expounded upon during the platting and more detailed development design review process; modified standards must meet or exceed Town standards and specifications

Infrastructure

Currently Little Thompson Water District serves the few residences in the area, several of which are still located in unincorporated Weld County. Town water mains run along Colorado Blvd. (12"-18") and SH-60 (dual 16" lines), allowing for easy tie-in to water for future development.

Sewer service will be provided by the Town of Johnstown, via the new central sewer interceptor. That interceptor is anticipated to be completed in the next few years, as part of the Town's overall sewer infrastructure improvements. The Central Wastewater Treatment Plant is also expected to be expanded in the next couple of years. Both of these projects will provide adequate capacity to handle the proposed development. Currently there is minimal (~100 single-family equivalents) sewer capacity available on a first come, first serve basis. However, it is expected the new sewer upgrades will be completed in time for future development on this property.

Regarding transportation networks in the area there are multiple major arterials that border this proposed project. Colorado Blvd., a regionally-significant major arterial that stretches from Thornton to Windsor, bounds this project to the west. Colorado Blvd. intersects with SH-60, a major arterial and CDOT

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road. Colorado Blvd. also intersects Weld County Road 50 to the north. The traffic impact study (TIS) calls for numerous improvements relating to turn lanes and acceleration/deceleration lanes in the area, that would be required as development occurs.

Easements / Oil & Gas

There are no oil and gas facilities, either abandoned or active, on the subject property. A few of these facilities are located offsite, in relatively-close proximity to this property. There is a single plugged and abandoned well on the Podtburg Village development less than 200' from the boundary of this property, to the southeast. An additional pair of plugged and abandoned wells are located in Rolling Hills Ranch, roughly 600' to the east. To the north, there is a single producing well approximately 600' from the property. As a reminder to the Planning & Zoning Commission, the Colorado Oil & Gas Conservation Commission does not legislate reciprocal setbacks, as they have no jurisdiction to impose regulations on development outside of oil and gas. Further, there are no Town standards or regulations relating to setbacks for new development from existing oil and gas facilities. We therefore rely on Front Range Fire Rescue and the Town Engineer to evaluate setbacks on a case-by-case basis.

The property is encumbered by numerous easements, two of which relate to Thornton's water line. The first is a permanent 40' easement along Colorado Blvd. running north-south. This easement contains Thornton's water pipeline. This other is a 50' access and construction easement, located just east of the permanent pipeline easement. This easement is temporary in nature, and expires 18 months after the NOI (notice of intent) to begin construction.

An additional easement is a 40' ROW and pipeline easement held by Kerr McGee (Reception #4145179). This easement runs along the property lines to the east, running south from the northeast corner and turning hard west with the property line, and then hard south with the property line and down to Highway 60. Of particular interest for this easement is the identification of a few existing pipelines in the area. Said pipelines are not shown on the applicant's materials, and will need to be definitely located and identified on and reviewed with future plats.

The Public Service Company of Colorado holds a 30' easement (Reception # 3788683) that runs along the boundaries of the property starting in the northeast corner and following the property line south, then hard west, where it terminates near the property line corner at the southeast. There appears to be a duplicate easement recorded two years later for this same purpose (Reception #3655455). This same company holds an easement beginning at the southeast corner of this property and Highway 60, running approximately 1000 feet north.

This proposed ODP was reviewed by the Johnstown Review Committee (JRC) comprised of Planning & Development and Public Works staff, and the Town's contract Town Engineer, Town Traffic Engineer, and the Front Range Fire District. Additional referrals were sent to: Weld RE5-J school district, Aims

Community College, Weld County Planning, Thompson River Parks and Rec district, LTWD, Northern Colorado Water Conservancy district, and the Big Thompson Conservation district. Future development plans and plats will also be coordinated with CDOT for accesses within 1/4-mile of Hwy 60 and intersection improvements.

Staff Concerns

Staff has no concerns relating to the zoning and ODP for this property that would preclude the ability to approve or develop the property. One item that does bear noting, even just for informational purposes, is the presence of the two excluded parcels along the property boundaries. While their inclusion cannot be forced or coerced in any way, staff would encourage the applicant to approach those property owners and determine if they would like to be included in the ODP or any future development plans. Provisions can be written into the ODP that allow for continuation of current uses, which would allow the excluded property owners to maintain the status quo while planning for future uses. Future access to these properties may also need to be considered with review of more detailed development plans as this area moves forward with development.

There is a confusing network of easements and pipelines. The Kerr-McGee easement documents show some existing pipelines near the subject property's boundaries. It is unclear if these pipelines are on the subject property. Staff will require the provision of an ALTA survey at preliminary plat to fully locate and identify all easements and pipelines.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

Findings:

1. The proposed ODP is in agreement with the Johnstown Area Comprehensive Plan and its Future Land Use Map.
2. The proposed ODP is serviceable by Town services and utilities, with required improvements as noted in this memo.
3. The proposed ODP is in compliance with all Town codes, regulations, and standards and specifications.

Recommended Motion

Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that The Purvis Farm ODP furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council approval of The Purvis Farm ODP based upon the findings as stated in the staff report.

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Alternate Motions

- A. Motion to Approve with Conditions: "I move that the Commission recommend to Town Council approval of The Purvis Farm ODP with the following conditions..."
- B. Motion to Deny: "I move that the Commission recommend to the Town Council denial of The Purvis Farm ODP based upon the following..."

Planner:



Darryll Wolnik

Planner II

Reviewed by:



Kim Meyer

Planning & Development Director

File Name: S:\PLANNING\20020 Land Use Projects\ZON20-0006 Purvis ODP\Hearings – PZC Staff Report 04-28-21.docx



Town of Johnstown

PLANNING & ZONING COMMISSION MEETING

7:00 PM, Wednesday, April 28, 2021

Remote Hearing Held VIA Zoom

SUMMARY MINUTES - DRAFT

Chairman Weber was absent. Commissioner Grentz nominated Commissioner Kiovsky to serve as acting chairperson for this meeting. Seconded Storm. Vote was unanimous.

Meeting called to Order by Acting Chair Kiovsky at 7:02 P.M. Roll call attendance was taken; present were Commissioners Flores, Grentz, Kiovsky, and Storms. Commissioner Boccella and Weber were absent.

Unanimous approval of Agenda.

Minutes for PZC hearings and meetings of:

- November 18, 2020 – Motion (M) by Storms / Flores (2nd) to Approve, passed 4-0
- Revised minutes of March 10, 2021 - M Flores / Grentz, to Approve, passed 3-0, Storms abstain
- April 14, 2021 - M Storms / Flores, to Approve, passed 4-0.

There were no public comments regarding items not included on the agenda.

The first Public Hearing was Case #ZON20-0006 for Purvis Farm Outline Development Plan (ODP). Darryll Wolnik, Planner II, provided the staff report and a brief presentation with an overview of the project. The proposal is for a 108-acre master outline development plan, located east of Colorado Blvd., and north of CO Hwy 60. The property is zoned PUD-MU and is covered by a prior ODP, which is being superseded with this ODP. This development plan is a large bubble diagram with general uses, acreages, and maximum densities shown, with a conceptual site plan that provides an idea of what this could look like once developed. There are significant open spaces over existing easements that separate the proposed development areas from existing neighborhoods. Based on surrounding, existing development no direct street connections are proposed in existing neighborhoods, and future connection opportunities are created to properties to the north.

Commissioner questions –

Storms – Current ODP is still in force that included Low/Medium/High density residential and commercial zoning. Clarifying that the amend ODP largely affects the removal/reduction of the commercial uses/zoning to allow more mixed use in that area. Wolnik confirmed that statement.

Cathy Mathis, TB Group (Berthoud), represented the Applicant and provided a more detailed presentation on the outline development plan. A loop trail system connects the open spaces to and through the neighborhood. All intended to be for-sale products, accommodating stormwater, parks, and trails throughout. Gross density is 3.5 DU/ac.

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Commissioner question summary:

- Flores asked how those adjacent [outparcel] owners being taken into account with this development. Wolnik answered that the applicant will need to address that outreach as future plans for improvements, access, sidewalks proceed. The Town encourages developers to reach out to those folks early to coordinate that.
- Kiovsky inquired as to the timeframe to begin/construction. John Tufte, owners' engineer, indicated the intention to move forward with development plans and begin construction asap. Construction would happen in several phases as infrastructure is in place.
- Storms noted the trail and landscape area along the east side of property / west side of RHR; and asked the width of those areas. Cathy Mathis noted they are 60-70' wide. CORRECTED LATER – 100' wide from back of lot to back of lot. At the north side of the Landings? Mathis noted widths of 70-90 feet.
- Flores inquired about Area A, regarding thoughts on landscaping, and any water conservation being taken into account. Mathis commented they will be looking at that utilizing conservation methods on lots, open space, clarifying what is irrigated vs non-irrigated.
- Kiovsky asked for clarity about the exact question/decision before the Commission. Wolnik clarified that the ODP, and the bubble diagram and associated development standards are scope of the items before the Commission.

Public Comment:

- Jenn Jara – 412 estate Dr. – 60-70' from property or from oil easement? New dev will be under a MD or HOA?
- Alethia Fenney – 2304 Brianna Ct. – Why mixed-use area goes down in area from commercial? How will traffic be addressed along 60 – entrance on 60 is close between CO Blvd and – another light? Number of lights would then seem excessive. How tall are townhomes (TH) proposed to be? And why TH in that area? Close to Landings neighborhood – overshadowing house along that edge.
- Dianne Morris – 318 Estate Dr. – Point out that neighbors showed up to neighborhood meeting and comments, but nothing has changed in the plan. Ruining our view. Put park behind the estate lots. Match estate lots & housing on the back side. Concerned about minimum lot sizes. Increased people, increased crime, taxation on our infrastructure. Drainage from the farm has resulted in basements flooding with mud and water. Drainage ditch for irrigation is an issue. No one seems to care about the citizens.
- Roy Moore – 2223 Podtburg Circle – Hwy 60 entrance, nobody thought about that traffic at all. Put entrance right in front of the subdivision, not feasible to have a light. (Johnstown Village) Only entrance to the Landings, with no additional connection into the neighborhood. Town of Johnstown water can barely sustain people who live here. Stormwater retention has water from farm onto Hwy 60, west side of Landings – basements flood. Concerned about more mud, mosquitos, “No one's thinking about that.” Adding people to a small town – concerned that the Town is only concerned with tax revenue. Mr. Purvis did not want land developed at all.
- Terry Jones – 2004 Golden View Dr. – 1/4 of park is underwater – detention pond is saturated in RHR now. Taking pervious surfaces and making them pavements and rooftops – all that water will drain “somewhere” – all coming into RHR. Would like to see the engineering in RHR area – was it designed for all this new water. Feels like all neighborhoods need to have more diversity of lot sizes.
- Connie Denner – 324 Estate Dr. – Agrees with other comments. Drainage is an issue – farmer vs private vs Town. Neighbors are clearing the ditch grate to unplug. Drainage plans indicate that water will move through this neighborhood. This plan shows no low density – those are medium density

SF. Don't want to be like Frederick or Firestone. Need services, grocery, new schools. Traffic along 60 is a concern.

- Madeline Saraduke – 2221 Podtburg Circle – what experts and engineers does the developer & Town use to help ensure these plans work?
- In Chat (see transcript attached)

Acting Chair Kiovsky consolidated these comments into main topics –

1. Traffic – Kerry Childress clarified the process of traffic studies and indicated the Applicant is working with Town and CDOT. CDOT has an Access Control Plan for Hwy 60 already, and they use that. No traffic signal will be provided for the Hwy 60 access. They look at short term future and long-term future in their analysis.
 - a. Kim Meyer noted that the traffic signal comments are more related to a prior project – Johnstown Village, being marketed as Mallard Ridge.
2. Water availability – Staff noted that water dedication is required with each final plat, by the Developer.
3. Stormwater – detention – John Tufte, Applicant engineer. High level planning so far shows three detention ponds, discharging to the planned outlet locations master-planned by the Town. More detailed engineering work will occur and be reviewed as the development plans move forward – addressing controlled release at historic rates, and water quality elements. Groundwater – Geotech consultant is providing soil samples and monitoring wells –collecting data since last Fall.
 - a. Storms asked Tufte to clarify his “pray” comment – Tufte noted that the Town provides information to the engineers, the engineer verifies the information provided, and design from that point. Designs are to the 100 yr storm, and based on some base information that is provided by others.
4. Schools & Infrastructure
5. Reduced commercial uses – Applicant noted that right now the market seems to like an 8 AC commercial node, and otherwise that area may be better for a mix of uses and densities of housing.
6. Density, diversity, & compatibility – Cathy Mathis noted townhomes would likely be a two-story product. The market is generally seeking the 5500 to 6600 SF lots.
7. Expertise – Darryll Wolnik detailed the members of Johnstown Review Committee team.

Acting Chair Kiovsky closed the public hearing at 8:40 PM. Commissioner Storms notes that this ODP is an amendment to the prior ODP that permitted a mix of residential uses, that this is more higher-level zoning, land uses, and some standard development requirements. He feels the proposed development does fit into the community. Flores notes that after hearing from the applicant, staff, and public, he feels this provides some guidance for the next level of development. He noted appreciation for the public input. Grentz noted concerns brought forward will make the developers and town staff more aware of concerns and existing issues as the plans for the development proceed.

C. Grentz made a motion to recommend approval with findings as stated in the staff memo. C. Flores seconded. Vote was unanimous 4-0 for approval of the motion.

Kim Meyer gave a brief departmental report.

Motion to adjourn by Commissioner Storm / Flores at 9:00 PM. Motion carried 4-0.

Respectfully Submitted: Kim Meyer, Director

Approved & Accepted: Patricia Kiovsky, Acting Chair



DRAFT

Time	Zoom chat box comments PZC 4/28/2021 - Purvis Farm ODP amendment
7:17:59 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : What are you going to do about drainage in this area? I hope you address this but between retention ponds, ditch, and
7:19:22 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : 2228 Podtburg Circle
7:19:30 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : Amanda Jaksha
7:24:30 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : and also, why a
7:25:57 PM	From Ralph Ferrara to Jamie Desrosier, Communications(Direct Message) : Ralph Ferrara, Rollins Hills: Who is the owner of the drainage pipe on the west side of Rolling Hills Estate , east side of
7:27:25 PM	From Ralph Ferrara to Jamie Desrosier, Communications(Direct Message) : 327 Estate Drive
7:31:08 PM	From Ralph Ferrara to Jamie Desrosier, Communications(Direct Message) : What would be your plan if the economy (hopefully not) goes bad bad, would this PUD be started?
7:35:59 PM	From Ralph Ferrara to Jamie Desrosier, Communications(Direct Message) : Is there any priority of the various construction areas shown on the bubble slide for development?t
7:40:43 PM	From Ralph Ferrara to Jamie Desrosier, Communications(Direct Message) : Sue Powell 406 Estate Dr. With the Granary development planning 950 single family units and Mallard Ridge and others in the planning stages having large number of single family units ...is this kind of dense, fast growth going to be a problem for the schools and town services to keep up with and not overtax the citizens
7:41:41 PM	From Judy Jones to Jamie Desrosier, Communications(Direct Message) : This is Terry Jones in Rolling
7:51:51 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : He does understand
7:56:59 PM	From Deb Ferrell to Jamie Desrosier, Communications(Direct Message) : 1. Would like to see either a park adjacent to the Estate Lots or larger lots instead of the smaller lots.
7:59:20 PM	From Deb Ferrell to Jamie Desrosier, Communications(Direct Message) : Please disregard first
8:00:26 PM	From Jamie Desrosier, Communications to Deb Ferrell(Direct Message) : Please include your
8:05:44 PM	From Garrett to Jamie Desrosier, Communications(Direct Message) : Is there a contingent plan for
8:07:30 PM	From Alethia Fenney to Jamie Desrosier, Communications(Direct Message) : Correct there are not
8:07:43 PM	From Alethia Fenney to Jamie Desrosier, Communications(Direct Message) : But with the access point on the south across from Zack I expect that there will be a need
8:07:54 PM	From Roy to Jamie Desrosier, Communications(Direct Message) : There is only 1 way in and out of
8:08:00 PM	From Alethia Fenney to Jamie Desrosier, Communications(Direct Message) : And saying that they won't need a left hand signal into the new development is insane.
8:08:53 PM	From Roy to Jamie Desrosier, Communications(Direct Message) : How about another way out for
8:09:05 PM	From Shilo to Jamie Desrosier, Communications(Direct Message) : I do not think you guys realize how hard it is to get out of the Landings with all the high traffic that Hwy 60 already gets.
8:10:03 PM	From Roy to Jamie Desrosier, Communications(Direct Message) : of course. I brought this up in my
8:10:14 PM	From Jamie Desrosier, Communications to Shilo(Direct Message) : I will pass your comment onto the Planning Department. The time for public comment has passed for this meeting.
8:10:27 PM	From Dianne Morris to Jamie Desrosier, Communications(Direct Message) : Is the traffic study include the homes being built and currently added in by homes in Mallard Ridge and over by the
8:13:08 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : not looking for payers - do have some information from the landings to share from our state water rep
8:14:11 PM	From Alethia Fenney to Jamie Desrosier, Communications(Direct Message) : However the difference between the monitoring over the last year is the land usage. Farmland vs residential.
8:15:41 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : That is a misrepresentation of our issues. I look forward to working with you to better understand our issues.
8:17:07 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : yes and if I wasn't care
8:19:26 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : You have HOAs you
8:19:37 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : detention
8:20:23 PM	From Dianne Morris to Jamie Desrosier, Communications(Direct Message) : We have had it flood
8:20:25 PM	From Amanda Jaksha to Jamie Desrosier, Communications(Direct Message) : Please reach out to me

8:42:02 PM	From Jamie Desrosier, Communications to Kim Meyer(Direct Message) : Heads up, more comment had come in during that discussion and someone raised their hand like right at the last second (Dianne Morris). Just wanted to give you a heads up - I had told participants that public comment
8:44:23 PM	From Roy to Jamie Desrosier, Communications(Direct Message) : Way to talk down to the people
8:44:46 PM	From Roy to Jamie Desrosier, Communications(Direct Message) : you should open comments back
8:46:38 PM	From Shilo to Jamie Desrosier, Communications(Direct Message) : our comments do not matter
8:46:49 PM	From Roy to Jamie Desrosier, Communications(Direct Message) : I know you're not listening but you

Additional public input/questions/concerns received via Town email:

From: Shawn York [REDACTED]
Sent: Wednesday, April 21, 2021 10:17 AM
To: planning <planning@townofjohnstown.com>
Subject: Purvis Farms Questions/Concerns

Hi-

Here are some of the questions we would like addressed in the 4/28 zoom meeting regarding the Purvis Farms development.

Traffic: Will there be any traffic lights installed on 13? Because of the increased traffic, will the speed limit be raised? Traffic already consistently exceeds the current speed limit and raising the limit would only make this worse.

Will there be streetlights installed on 13?

Will the new development have a set-back of ~50ft like Corbett Glen does? Will there be a requirement for landscaping like there is for Corbett Glen?

Are there plans to keep the 3 large cottonwood trees across from Ballentine? What about the stand of trees at the north end of this area. All these trees support many forms of wildlife.

Timeline? Which areas are being built out first/second/third

Hour of construction?

When will detailed plans of placement for SFR/duplexes/townhomes be made public?

Thanks

From: [REDACTED]
Sent: Tuesday, April 20, 2021 6:13 PM
To: planning <planning@townofjohnstown.com>
Subject: Outline development plan for purvis farm

My name is Patrick Lee I live and own the property at 6043 State highway 60 Johnstown Colorado 80534. I have a few questions regarding the development plan.

1) Traffic study how much increase in traffic / noise there will be in front of my property and West of my property?

2) When is each phase scheduled to begin and how long will each phase be expected to last?

3) What are the plans to keep blowing dust / dirt to a minimum during construction?

4) A construction Access road directly north of my property, how long will that be open and plans to keep the noise / dirt at a minimum? What's the plan for that area after development is completed?

5) Where is the roundabout being planned in relation to my property?

6) Will I be offered access to the public sewer and storm drainage, if so will that cost be covered by the developer?

7) What are the plans for irrigation ditches that flow to the North and East of my property?

8) Will there be any kind of fencing surrounding the development property that will be adjacent to my property lines, where and what type?

9) What will the street lights being installed on the highway 60 entrance and the road into the development look like and how much light will be directed onto my property?

10) Will the development property have security access or will it be open to the public?

The the above I mentioned questions are my concerns regarding the development. Please address them.

Thank you,

Sincerely,

Patrick Lee

Sent: Friday, April 23, 2021 2:05 PM
 To: Darryll Wolnik <dwolnik@townofjohnstown.com>
 Subject: Re: Purvis ODP

Hi Darryll,

Thanks for moderating the meeting last night on Purvis farms. My audio wasn't working, but I wanted to pass on some thoughts.

1. I conducted some physical measurements today. I went out to 100' (60' is proposed) with a 12' pole just to see the sightlines from the Estates house. Mountain views are 100% obstructed. The only houses (2) that will retain their view are the two story house and only from the second level as they will lose their one floor view.
2. We bought into the neighborhood about 1-1/2 years ago and were re-assured by the owners and agent (before spending \$525k) that Johnstown planning was putting a large green buffer between our property and any buildout and that house would be single story. Nothing in writing, but I think all the residents had this same understanding. Just FYI, a big factor in us purchasing this house was the large lot and views. We enjoy Longs Peak in the morning changing colors and are able to see weather moving in, etc. Losing this would be a tragedy for all the houses along the east side of the development. Many of us are getting older, so moving isn't an option, plus there is nowhere to go along the front range that's not already high priced.
3. Related to #2 above, views of the mountains or ocean are a major selling point with houses. Communities in CA work hard to preserve views. With that said, a mountain view increases the price of any house. The applicant needs to understand that they are taking money out of our pockets by de-valuing our properties.
4. Related to #1, the only way to reduce the impact (although view is still gone), would be to put the park space in between estate drive properties and the development. Maybe widen it a bit. A large buffer.
5. Related #1, perhaps lowering the grade may be an option to further lessen the impact of sight lines.
6. The water drainage is a serious challenge, but could be solved. It may require major infrastructure upgrades. I am a licensed Professional Engineer :)
7. It would seem that larger lots would reduce the pressure on water usage and allow for more water to soak naturally into the soil. For example, if you say 300 gallons a day x 300 houses = ~90,000 gallons a day. If you make larger lots, say 200 hours on the same property, water usage goes down to 60,000 gallons a day. Just an example, but it gives you an idea of house high density housing puts more pressure on water supplies and of course on drainage/run off challenges.
8. Another option to mitigate or make right, would be for the developer to fund adding the second story on the affected houses along Estate Drive. I would see just coming up with a number for each house, say \$150k (rough est only, same for all houses), not ones that are already two stories. We would still lose out level one views, but this would be a way for the applicant to make things right. Seemly a tad expensive, but in the world of developers, this may be a reasonable option and a way to offset the devaluation of the properties.
9. On crime. It will increase. The smaller houses and townhomes will attract a different crowd and other folks who will use Johnstown as just a bedroom community. It is well documented that when the population in a community goes up, crime and conflict follow. We moved out of Lakewood for this very reason. Lakewood's character changed when the population maxed out and then MJ was legalized. They are still dealing with the large influx of homeless people, urban campers and street thugs. Tough situation in and around Denver. That is why the people on your Zoom call were so passionate about retaining the character of Johnstown that attracted them in the first place.

10. As a retired professional firefighter and fire marshal/FPE, I know that these types of developments are challenging for the fire department to respond to and operate around. I did read through the FD comments, which are just standard code language as their hands are tied to force wider streets, etc. Fire codes are a bare minimum as are other codes, so meeting code does necessarily mean the situation/project is adequate. With houses this close together, one fire will spread quickly to other units and threaten people and families. In the end, fire departments will do their job and deal with any development or buildings that architects or developments come up with, that's just how they roll.
11. Finally, I don't want to see anyone lawyer up. When that happens, as we all know the lawyers are the only ones that win. I heard no talk of this, but after last night I could see some long time residents are pretty upset.

I would like to continue to participate in constructive input on the Purvis Farms project, and although biased, I am an engineer and trained to think logically. I am going to ping you soon on other developments in Johnstown, so I perhaps could provide constructive input as well.

Please pass this on to the applicant and Architect as you see fit.

Thank you,
 Glen Saraduke, PE
 400 Estate Drive
 Johnstown, CO 80534
 303-489-1859

Mr Darryll Wolnik,

I and many of my neighbors in the Corbitt Glen and Carlson Farm neighborhood would really like to see a bike path or connecting roadway from Ballentine at Cty Rd 13 going east to the next neighborhood maybe connecting to Fox Meadow. We have kids especially and others that ride bicycles uptown and would like to be able to stay off of hwy 60. Maybe this idea has already been thought of and included into the plans. I just wanted to make sure this request gets considered and brought up in the project plans.

Kind Regards,
 Wayne Liedtke
 3047 Brunner Blvd
 970-222-8740



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: June 21, 2021

SUBJECT: **Public Hearing Ordinance 2021-201:** An Ordinance Amending Section 13-151(C) Of The Johnstown Municipal Code Concerning Level 2 Drought Restrictions; And Declaring An Emergency.

ACTION PROPOSED: Consider Approval Ordinance 2021-200 Declaring an Emergency as Presented

ATTACHMENTS: 1. Ordinance 2021-201

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Enclosed for your review and consideration is Ordinance 2021-201 which will amend Section 13-151(c) of the Johnstown Municipal Code. The sections specifically modified are Subsections 13-151(c)(1) and (2) of Article IV of Chapter 13. These sections of the Municipal Code address a Level 2 Drought Condition and provisions for the conservation of water. The result and need for this ordinance revision is two fold:

1. The Town's Water Treatment Plant has a permitted level of 5 MGD and we are currently operating a daily flow of 4.7 MGD. As part of the operation of the water plant, we have a peak demand (1 hour time period) currently of 6 MGD. Currently with these high water use levels we want to try and control the water use during each day to ensure we have proper pressures on the system.
2. The Town's current code in the sections referenced above only provide for watering of odd and even homes respectively for two (2) days per week. During the Town work session on Monday June 14, 2021, Staff discussed the current water situation with Council. Council during the discussion recommended providing for every other day to control volume spikes and usage in the system and evaluate the situation as the extreme heat continues.

The changes specifically to the ordinance will provide for the following updates:

1. Watering of lawns with spray irrigation from 9:00 p.m. – 2:00 a.m. Hand spray irrigation will be permissible during the hours of 6:00 p.m. - 10:00 a.m.

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2. Irrigation of any type shall only occur at a property on an even- or odd-numbered address corresponding to the date of the month where “even addresses” may only water on even dates of the calendar month and “odd addresses” may only water on odd dates of the calendar month. The last digit of the address of the property shall determine whether an address is even- or odd-numbered.

As a final note, the Ordinance presented is provided as an emergency ordinance and in order to be approved will required the affirmative vote of five (5) member from Council. The ordinance is emergency in nature due to the fact that we are reaching our peak limits for water production. Council and the community should note that the Town is moving forward with an expansion of our water treatment plant and looking toward installation of a new water trunk line from Lone Tree Reservoir to the water treatment plant to meet future demands.

LEGAL ADVICE:

The Ordinance presented was drafted by the Town Attorney.

FINANCIAL ADVICE:

This may have an impact on water revenues in the water fund for 2021.

RECOMMENDED ACTION: Approve the Ordinance as presented

SUGGESTED MOTIONS:

For Approval: I move to approve Ordinance No. 2021-201, an Ordinance Amending Section 13-151(C) Of The Johnstown Municipal Code Concerning Level 2 Drought Restrictions; And Declaring An Emergency.

For Denial: I move we deny Ordinance No. 2021-201, an Ordinance Amending Section 13-151(C) Of The Johnstown Municipal Code Concerning Level 2 Drought Restrictions; And Declaring An Emergency.

Reviewed and Approved for Presentation,



Town Manager

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TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2021-201

AN ORDINANCE AMENDING SECTION 13-151(C) OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING LEVEL 2 DROUGHT RESTRICTIONS; AND DECLARING AN EMERGENCY.

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

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

WHEREAS, Article IV of Chapter 13 of the Johnstown Municipal Code regulates water conservation and Section 13-151(c) contained therein addresses Level 2 drought conditions; and

WHEREAS, the Town’s water treatment plant is permitted to produce five million gallons per day of potable water and, given the extreme heat, is nearing permit levels; and

WHEREAS, to conserve water and ensure a sufficient supply of potable water for the citizens of the Town, the Town Council desires to impose outdoor watering restrictions and, in connection therewith, desires to modify the restrictions associated with Level 2 drought conditions to, rather than twice per week, allow persons to water outdoor lawns every other day; and

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

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

Section 1. Section 13-151(c): Subsections 13-151(c)(1) and (2) of Article IV of Chapter 13 of the Johnstown Municipal Code are hereby amended in full to read as follows:

Sec. 13-151. – Levels of drought condition.

...

- (c) Level 2 shall be a moderate drought year limiting outdoor irrigation as hereinafter provided and shall become effective as provided by resolution adopted by the Town Council. Under Level 2 conditions, no person or property owner shall utilize water from Town's water system for the purpose of spray irrigation or hand-watering of lawns, gardens or other landscapes unless such usage complies with all of the following restrictions:

- (1) Spray irrigation shall occur only between the hours of 9:00 p.m. on the appropriate watering day and 2:00 a.m. the following morning. Hand-watering shall occur only between the hours of 6:00 p.m. on the appropriate watering day and 10:00 a.m. the following morning;
 - (2) Spray irrigation and hand-watering shall occur only on the designated property watering days indicated by either an even- or odd-numbered address. The last digit of the address of the property shall determine whether an address is even- or odd-numbered. Except as otherwise provided by resolution adopted by the Town Council, “even addresses” may only water on even dates of the calendar month and “odd addresses” may only water on odd dates of the calendar month;
-

Section 2. Repeal. Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

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

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

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY MEASURE on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2021, by a vote of five (5) Councilmembers of the Town Council of the Town of Johnstown.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: June 21, 2021

SUBJECT: Consider Appointment of Councilmember

ACTION PROPOSED: Appoint Councilmember

ATTACHMENTS: 1) Bill Steven Application
2) Kristin Snow Application

PRESENTED BY: Avi Rocklin, Town Attorney
Diana Seele, Town Clerk

AGENDA ITEM DESCRIPTION:

Councilman Kevin Lemasters resigned from the Town Council effective June 5, 2021. Section 2.6.A (Vacancies) of the Town Charter provides in part for the following:

“Appointment by Council if the vacancy occurs more than ninety (90) days before the next municipal election. The appointee shall be selected by a majority vote of the remaining members of the Council and such appointment shall be made within thirty (30) days after such vacancy occurs. All appointments shall continue until a successor is elected and qualified at the next general municipal election”

The position vacancy was posted on the Town’s web site and also advertised in the local newspaper. Two (2) applications were received for the vacancy prior to the May 26, 2021 deadline. The applicants were interviewed by the Town Council on June 16, 2021.

LEGAL ADVICE:

The appointment will continue until a successor is elected and qualified at the next general municipal election which is scheduled for April, 2022.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

Appoint Councilmember

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SUGGESTION MOTIONS:**For Approval**

I move we appoint (name of appointee) as Councilmember.

For Denial

I move we deny the appointment of a Councilmember.

Reviewed and Approved for Presentation,



Town Manager



Town of Johnstown

TOWN OF JOHNSTOWN APPLICATION FOR TOWN COUNCIL POSITION

(Please type or use black ink)

Qualifications to apply for Town Council position:

- Shall be a Citizen of the United States
- Shall be a registered elector and resident of the Town for a period of at least twelve (12) consecutive months
- Must not have been convicted of a felony

Name: Bill Stevens

Mailing Address: 4934 Silverwood Dr
Johnstown, CO 80534

E-Mail Address: [REDACTED]

Phone Number: Home: [REDACTED] Cell: [REDACTED]
Work: 970-541-9673

Length of Johnstown residency: Over 3 1/2 years (Since Sept 2017)

Occupation & employer: Lead Pastor at The Well

Education: _____

Please see following page. The fillable form was not working correctly (making extra large or extra small print)

Professional/Community Activities: _____

Please see following page.

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Education:

- B.S. Business Administration/Marketing: NSU, Natchitoches, LA, 1991.
- B.S. Computer Information Systems: NSU, Natchitoches, LA, 1991.
- Masters, Non-Profit/Church Admin. (Professional Communications.) New Orleans Theological Seminary, 1995-1999.
- Doctorate in Ministry: New Orleans Theological Seminary, 2002-2007.

Professional/Community Activities:

I lead The Well Ministries and we help hurting families and those going through difficult times especially in our immediate area as well as the greater NoCo area. We also have hosted large community events like the Easter Egg Hunt in TRR where over 1000 people came including 400 kids and 80 community volunteers primarily from our neighborhood.

I have also served on the Thompson River Ranch District 4 Metro-District Board, where I helped lead out in some progress by refinancing the bond (lowered taxes by up to 10mils), budgeting transparency, increased community communications with managing district, and a creating Community Advisory committee to help speak into the MetroDistrict Management of TRR. I have also served on the Johnstown BBQ Festival committee for two years. I also had the tremendous honor of being Johnstown Citizen of the Year in 2018.

(1) Describe why you are interested in serving on the Town Council:

My goal is to simply serve our community where I can. If I am chosen to fill the position then I will gladly serve to help our community grow and prosper.

2) Are you presently serving on a Town Board or Commission? If so, which one(s)?

No. _____

3) Are you committed to attending night meetings? Yes.**4) Please specify any activities which might create a conflict of interest if you should be appointed to the Town Council:**

I do not know of any that would interfere.

5) What interests you most/least about the Town Council position?

The least interesting thing is "Politics." I am not a politician. I don't want to be either.

The most interesting thing is the people I get to serve with and our community's well being.

6) What do you like most/ least about the Town of Johnstown?

I dislike what most people dislike, the growing pains our town is experiencing. The thing I like the most is the growth! I love seeing new businesses begin whether it is a national business chain but I especially love to see our residents starting their own businesses. As a former high-school business teacher, I love to see the entrepreneurial spirit in our community.

7) What would you like to see the Town accomplish in the next two (2) years?

I would like to see us facilitate, incubate, and encourage local business owners and those who start their own businesses. We have so many residents who have their own businesses but need some coaching and as a town council member I would love to see how we could encourage and help equip our local business owners and startups.

8) What is your philosophy on growth? Slow and steady wins the race. In the long run we need employers in the greater Johnstown area that not only tap into the tourism but will be essential employers in spite of a pandemic like we have just experienced.

9) What changes would you like to see occur in the Town of Johnstown?

I do not have a list or an agenda, but I would like to see us as council members, if I am so chosen, to facilitate a greater sense of unity and community belonging between "new" and "old" Johnstown.

10) Why should you be appointed to the Town Council?

I am committed to our community and love it, but I am very connected to a large section of the Johnstown population in Thompson River Ranch. I believe my background and equipping as well as my connections to our residents in this area will help bring Johnstown together in greater unity.

Bill Stevens

May 2020

MARKETING SKILLS

- Professional Communications: written, oral, digital, video.
- Market research and analysis.
- Developing multi-channel marketing campaigns to increase business traffic and revenue. (Digital, direct mail, events, and other contemporary avenues)
- Digital Marketing Solutions: Website design, social media advertising, content delivery, email marketing.
- Strategic sales funnel development.
- Branding and telling your story in order to elicit investors and new business partners.
- Fluent in digital design and marketing automation software solutions.
- Responsible for marketing, communication, and public relations for non-profits for the past 25 years.

CORPORATE TRAINING:

- Taught sales and marketing to in-house or field representatives.
- Teach *Resolving Everyday Conflict* to increase workplace harmony.
- Teach Personal Learning Styles and Personality for increased sales and workplace harmony.

PERSONAL VALUES

- | | |
|---|----------------------------------|
| • People, unity, & community. | • Patience. Enthusiasm. |
| • Respecting the cultural values of the organization and community. | • Service-minded. |
| • Community relationships. | • Safety conscious. |
| • Hard work & Positive attitude. | • Goal oriented & Collaboration. |
| | • Stewardship. |

RECENT EXPERIENCE

- January 2017-Present – Director of The Well Ministries.
- January 2108-May 2018 – Business Teacher – Mountain View High School, Loveland, CO. I developed curriculum and taught five business classes including Entrepreneurship, Social Media & Advertising, Introduction to Business and Marketing, and Business Law.
- Stevens Business Group LLC. Digital Marketing. Sept. 2014-July 2017.
- 25 Years of Marketing and Public Relations experience.

EDUCATION

- B.S. Business Administration/Marketing: NSU, Natchitoches, LA, 1991.
- B.S. Computer Information Systems: NSU, Natchitoches, LA, 1991.
- Masters, Non-Profit/Church Admin. (Professional Communications.) New Orleans Theological Seminary, 1995-1999.
- Doctorate in Ministry: New Orleans Theological Seminary, 2002-2007.



Town of Johnstown

TOWN OF JOHNSTOWN APPLICATION FOR TOWN COUNCIL POSITION

(Please type or use black ink)

Qualifications to apply for Town Council position:

- Shall be a Citizen of the United States
- Shall be a registered elector and resident of the Town for a period of at least twelve (12) consecutive months
- Must not have been convicted of a felony

Name:

Kristin Snow

Mailing Address:

4371 Thompson Parkway
Johnstown CO 80534

E-Mail Address:

[REDACTED]

Phone Number:

Home:

[REDACTED]

Work:

Length of Johnstown residency:

14 years

Occupation & employer:

Realtor

The Group, Inc.

Education:

Bachelor of Arts, Psychology
San Diego State University

Professional/Community Activities:

Participant in Group Give's,
which donates time/funds to Habitat for humanity,
United way and much more. Member of CO Realtor Assoc.
LBAR Realtor Assoc.

Town of Johnstown

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1) Describe why you are interested in serving on the Town Council:

I am interested in Serving on the Johnstown Town Council to help set the Town's priorities, and be an ^{advocate} for the town's people and the Town itself.

2) Are you presently serving on a Town Board or Commission? If so, which one(s)?

No

3) Are you committed to attending night meetings?

Yes

4) Please specify any activities which might create a conflict of interest if you should be appointed to the Town Council:

None

5) What interests you most/least about the Town Council position?

I want to work on projects that will shape the future of the town.

6) What do you like most/ least about the Town of Johnstown?

I like the small town feel and large sense of community.

Town of Johnstown

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7) What would you like to see the Town accomplish in the next two (2) years?

I would like to see the town continue to grow at a pace that is only fast enough to maintain the small town feel. I would like to see our water situation improve and possibly a 2nd grocery store.

8) What is your philosophy on growth?

My philosophy on growth is in order to successfully grow in a positive manner one needs to review the past, learn from it and use those experiences to set plans for growth in the future.

9) What changes would you like to see occur in the Town of Johnstown?

Taxes ~~are~~ are on the rise and I would like to find ways to supplement the amount of taxes being paid by our residents.

10) Why should you be appointed to the Town Council?

I intend on representing our ~~residents~~ residents and spend the amount of time required & necessary to make informed decisions, whether difficult or simple, with the best interests of our town and residents in mind.



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: June 21, 2021

SUBJECT: Resolution No. 2021-19: Declaring Level 2 Drought Condition

ACTION PROPOSED: Consider Approval of Resolution 2021-19 as Presented

ATTACHMENTS: 1. Resolution 2021-19

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Enclosed for your review and consideration is Resolution 2021-19 which will officially declare a Level 2 Drought Condition. Adoption of this Resolution will in general require the following shown below with the assumption that Ordinance 2021-201 was approved as an emergency measure (represented below in italics).

Sec. 13-151. - Levels of drought condition.

(c) Level 2 shall be a moderate drought year limiting outdoor irrigation as hereinafter provided and shall become effective as provided by resolution adopted by the Town Council. Under Level 2 conditions, no person or property owner shall utilize water from Town's water system for the purpose of spray irrigation or hand-watering of lawns, gardens or other landscapes unless such usage complies with all of the following restrictions:

(1) Spray irrigation shall occur only between the hours of 9:00 p.m. on the appropriate watering day and 2:00 a.m. the following morning. Hand-watering shall occur only between the hours of 6:00 p.m. on the appropriate watering day and 10:00 a.m. the following morning;

(2) Spray irrigation and hand-watering shall occur only on the designated property watering days indicated by either an even- or odd-numbered address. The last digit of the address of the property shall determine whether an address is even- or odd-numbered. Except as otherwise provided by resolution adopted by the Town Council, "even addresses" may only water on even dates of the calendar month and "odd addresses" may only water on odd dates of the calendar month;

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- (3) No person or property owner shall utilize water from the Town's water system for the purpose of washing sidewalks, driveways, patios or similar hardscapes;
- (4) Vehicles may be washed only on a property owner's assigned watering days, but shall be washed with a bucket or a hose running with an automatic shut-off nozzle. If possible, persons are encouraged to park vehicles on their lawns while washing occurs, but such vehicles may be on the lawn only while they are being washed and shall be immediately removed from the lawn upon completion. Commercial vehicle washing facilities are exempt from this regulation;
- (5) There shall be no lawn watering from October 15 through April 15. Trees and shrubs may be watered on either a Saturday or Sunday in accordance with the Level 2 irrigation schedule;
- (6) Watering of newly planted grass shall only occur subject to a permit issued by the Town. The cost of the permit shall be the amount set forth by resolution of the Town Council in the Town Fee Schedule;
- (7) Irrigation with well water may occur subject to the premises being clearly posted with a notice visible from the street indicating that irrigation is with well water;
- (8) Only non-potable water may be used for construction purposes;
- (9) The Town Manager, when warranted, may provide appropriate measures for watering large areas, such as open space and parks by schools and homeowners associations;
- (10) In addition to the restrictions set forth herein, Town Council may by resolution impose time restrictions on the use of municipal water for irrigation purposes; and
- (11) The foregoing restrictions shall not apply to:
- a. Irrigation of land used for commercial agriculture; or
 - b. Irrigation of land using non-potable water sources that do not directly apply water from the treated municipal water utility system.

Implementation of the Level 2 Drought Condition is due to the fact that the Town's Water Treatment Plant has a permitted level of 5 MGD and we are currently operating a daily flow of 4.7 MGD. As part of the operation of the water plant, we have a peak demand (1 hour time period) currently of 6 MGD. Currently with these high water use levels we want to try and control the water use during each day to ensure we have proper pressures on the system.

LEGAL ADVICE:

The Resolution presented was drafted by the Town Attorney.

FINANCIAL ADVICE:

This may have an impact on water revenues in the water fund for 2021.

RECOMMENDED ACTION: Approve the Resolution as presented

SUGGESTED MOTIONS:

For Approval: I move to approve Resolution No. 2021-19: Declaring Level 2 Drought Condition as presented.

For Denial: I move we deny Resolution No. 2021-19: Declaring Level 2 Drought Condition as presented.

Reviewed and Approved for Presentation,



Town Manager

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2021-19**

DECLARING LEVEL 2 DROUGHT CONDITION

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

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

WHEREAS, the Town has been experiencing extreme heat that is forecasted to continue; and

WHEREAS, pursuant to Article IV of Chapter 13 of the Johnstown Municipal Code, regulating water conservation, the Town Council desires to declare a Level 2 drought condition and impose the water conservation measures set forth in Section 13-151(c); and

WHEREAS, the Town Council finds that this Resolution is in the best interests of the citizens of the Town.

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

1. The Town Council hereby finds, determines and declares that a Level 2 drought condition, as described in Section 13-151 of the Johnstown Municipal Code, exists.
2. Persons residing or owning property in the Town are hereinafter required to comply with the watering restrictions set forth in Section 13-151(c) of the Johnstown Municipal Code.
3. This Resolution shall be effective upon its passage and adoption and shall, absent additional action of the Town Council, expire on October 15, 2021.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS ____ day of June, 2021.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor



Town of Johnstown

INFORMATIONAL ITEMS ONLY

These items are for Town Council information. Any of these items can be discussed if a Councilmember desires.

The Community That Cares

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

PETITION FOR EXCLUSION OF LAND FROM LITTLE THOMPSON WATER DISTRICT

To the Board of Directors of Little Thompson Water District, State of Colorado, Boulder, Larimer and Weld Counties:

We, being all of the owners of the real property described below (hereinafter “Property”), which Property is now included within the boundaries of said District, hereby petition the Board of Directors of said Little Thompson Water District to exclude the Property from the boundaries of said District for the following reasons:

Property is not served by Little Thompson Water District. Service to be provided by the Town of Johnstown.

The undersigned owners, who constitute all of the fee owners of the Property, hereby request that the Property be excluded from the District and hereby assent to said exclusion.

The Property is legally described as follows:

Property Owner: Town of Johnstown
Parcel Number: 106101011001
Property Address: N/A
Legal Description: JOH 1RR TRACT A ROCKSBURY RIDGE 1ST FG, COUNTY OF WELD, STATE OF COLORADO

Property Owner: Town of Johnstown
Parcel Number: 106102001027
Property Address: 149 Alabaster Way, Johnstown, CO 80534
Legal Description: JOH 1RR TRACT B ROCKSBURY RIDGE 1ST FG, COUNTY OF WELD, STATE OF COLORADO

Property Owner: Town of Johnstown
Parcel Number: 106102400033
Property Address: 3957 W. South 1st St., Johnstown, CO 80534
Legal Description: JOH PT SE4 2-4-68 AND PT SW4 1-4-68 JOHNSTOWN RES DESC AS COM SW COR SEC 1 N89D21'E 669' N02D52'W 419' TO TPOB S89D28'W 969.15' S89D28'W 179.53' S55D36'W 148.03' S30D49'W 73.95' N71D31'W 648.70' N71D31'W 557.19' N02D46'E 516.35' N84D44'E 2122.47' S00D47'W 16.49' S20D18'E 342' N89D21'E 165.37' S02D52'E 600' TO TPOB, COUNTY OF WELD, STATE OF COLORADO

Property Owner: Town of Johnstown
Parcel Number: 106111200004
Property Address: N/A
Legal Description: PT NW4NW4 11-4-68 COMM NW COR S10D15E 768.56 TO POB THENCE S14D43W 221.45 S04D05W 303.59 N00D23W 261.78 N12D36E 261.52 N90D00E 22.69 TO POB, COUNTY OF WELD, STATE OF COLORADO

Dated this _____ day of _____, 20__.

Signature: _____
Authorized Signer for Town of Johnstown

STATE OF _____)
) ss
COUNTY OF _____)

The foregoing Petition was acknowledged before me this _____ day of _____ 20____, by

Print Name of Authorized Signer Town of Johnstown

Witness my hand and official seal.

Notary Public

My Commission expires: _____

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity¹ named _____, and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.
2. The type of entity is a:

☐ corporation ☐ nonprofit corporation ☐ limited liability company ☐ general partnership ☐ limited partnership ☐ _____	☐ registered limited liability partnership ☐ registered limited liability limited partnership ☐ limited partnership association ☐ government or governmental subdivision or agency ☐ trust ☐ _____
--	---
3. The entity is formed under the laws of _____.
4. The mailing address for the entity is _____.
5. The ☐ name ☐ position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is _____.
- 6.² The authority of the foregoing person(s) to bind the entity is ☐ not limited ☐ limited as follows: _____.
7. Other matters concerning the manner in which the entity deals with interests in real property: _____.

Executed this _____ day of _____, 2____.

 Signature (Type or Print Name Below)

STATE OF _____)
) ss.
 COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2____, by _____.

Witness my hand and official seal
 My commission expires:

 Notary Public

¹This form should not be used unless the entity is capable of holding title to real property.

²The absence of any limitation shall be prima facie evidence that no such limitation exists.

³The statement of authority must be recorded to obtain the benefits of the statute.

Matt LeCerf

From: Damien Berg <damien.berg@ymail.com>
Sent: Monday, June 14, 2021 11:20 AM
To: Matt LeCerf
Subject: Fw: Hosterman Art's Bid for Johnstown Memorial Project
Attachments: VFW J.M. Post #2585 Bid.pdf

Hey Man

Here is the details for the artist bid on the memorial contract.

We are getting another meeting on the books to sign an official contract and put down a deposit.

Here is a detailed breakdown from the attachment below. We are creating a website and working on a fundraising campaign very soon.

Foam Enlargements	\$2,400	
Sculpting Clay Over Foam	\$15,000	
Molds for Memorial	\$9,000	
Wax pour & wax chase	\$3,000	
Bronze Casting	\$11,400	
Weld and Metal Chasing	\$7,600	
Stainless Steel Flag Pole	\$3,000	
Patina finish with Highlights	\$2,000	
Total for this part of the project	\$53,400	
Need 1/3 deposit to start	\$17,800	
Other Spend Not Included		
Black Granite Base (Estimate)	\$10,000	
Bronze Service Disks (6 each@ \$750)	\$4,500	
Bolders (Working on Donation)	?	
Rock and Flowers Landscaping	?	
Town of Johnstown Signes	?	
Crain and Install	?	
Total Project Budget / Cost	\$67,900 - \$90,000	

D

----- Forwarded Message -----

From: matt bellows <matt0bellows@gmail.com>
To: Damien Berg <damien.berg@ymail.com>
Sent: Monday, May 24, 2021 07:57:49 PM MDT
Subject: Fwd: Hosterman Art's Bid for VFW J.M Post #2585

Matthew A. Bellows
Graphic Arts & Animation
970 402 0621

Item #14.

----- Forwarded message -----

From: CAREY HOSTERMAN <rockymtnbronze07@comcast.net>
Date: Mon, May 24, 2021 at 5:22 PM
Subject: Hosterman Art's Bid for VFW J.M Post #2585
To: matthew Bellows <matt0bellows@gmail.com>
Cc: damien.berg@ymail.com <damien.berg@ymail.com>

Hi Matt & Damien,

I have attached the bid for the Johnstown Veteran Memorial bronze sculpture project.

We wanted to make sure that you are both a part of this process and that we would make sure and have your approval when Carey after the clay is put on the enlargements. It will be important that you see the detail and see if there are any changes that need to be made. After we have approval from you that we can start this project we will have a contract for you with the total cost and production timeline. We would be happy to give a tour of our studio and explain the process and show different projects that we are working on. We would be happy to answer any question you might have.

Also, on the medallions for each branch of the Military, could we use the medallions that you have at the VFW to mold from? If we could use those to make the mold from it would help keep the cost down. The cost for 1 medallion to produce in bronze would be \$585.-\$600.

Please let us know if you would like to meet, we would be happy to answer any questions you may have.

With Warm Regards,

Amy Hosterman

Rocky Mountain Bronze Shop

546 8th St. S.E. A-2

Loveland, Co. 80537

Studio: 970.962.9637

Hosterman Art's

Carey Hosterman 970.962.9637

Client: VFW J.M. Post Club #2585

Project: "Johnstown Veteran Memorial" Flag 26" X 23" X 90"

Boots 20" X 20" X 8" Helmet 20" X 20" X 20" Rifle 7" X 19" X 68"

Foam Enlargements including the base \$2,400.

Sculpting clay over foam and adding detail work \$15,000.

All molds for Memorial \$9,000.

Wax pour & wax chase \$3,000.

Estimated Bronze Casting weight 600 lbs. @ 19.00 per pound on a 8-10 week schedule. Cost for bronze casting \$11,400 Weight is an estimate on this project.

Welding and Metal Chasing \$7,600.

Stainless steel structure for flag pole includes metal finishing \$3,000.

Patina/Traditional French Browns with highlights \$2,000.

Installation: We will deliver bronze to round about location off of I-25 and volunteer our time to help install the bronze sculpture.

Black granite stone 5ft tall, we are still waiting for a bid.

We ask to have a third down to cover the first initial cost to start this amazing project.

Thank you for the opportunity to give you a bid on your project. We are able to put in a order to start the foam enlargments upon receiving money down on the project. Total production will take an estimated 8 months from start to installation. We appreciate the opportunity to earn your business.



VETERAN
SCULPTURE

Town of
Johnstown



We are persuing the building and dedicating a Veterans Memorial in Johnstown at the Eastern roundabout on Highway 402 and I-25.

This will be a joint project with the Town of Johnstown and the local Veterans organizations.



Item #14.

NORTH VIEW





W E S T V I E W





When a serviceman or woman is lost in the battlefield, it has become customary to arrange their rifle pointing downward along with their boots and helmet. Surviving members of their squad gather around and memorialize their fallen comrades. Some of the troops will pray, others might recall personal stories, but make no mistake, this is a ceremony that is taken very seriously. Every service member knows the next ceremony might be

When a rifle with bayonet is downward into the ground, it is a memorial of a service member killed in action. It also signals a time for prayer, a break in the action to pay tribute to our friend and hero.

The helmet is also a symbol of this great sacrifice.

Combat boots represents the final march of the service members last battle.



A P P R O X I M A T E
M E A S U R E M E N T S

A S S E T S

Item #14.

There will be each branch of the military emblems forever displayed around the memorial as the drivers pass and of course the American Flag will forever wave tall above the memorial and will be seen from far and wide as you approach this entrance to Johnstown and Northern Colorado.

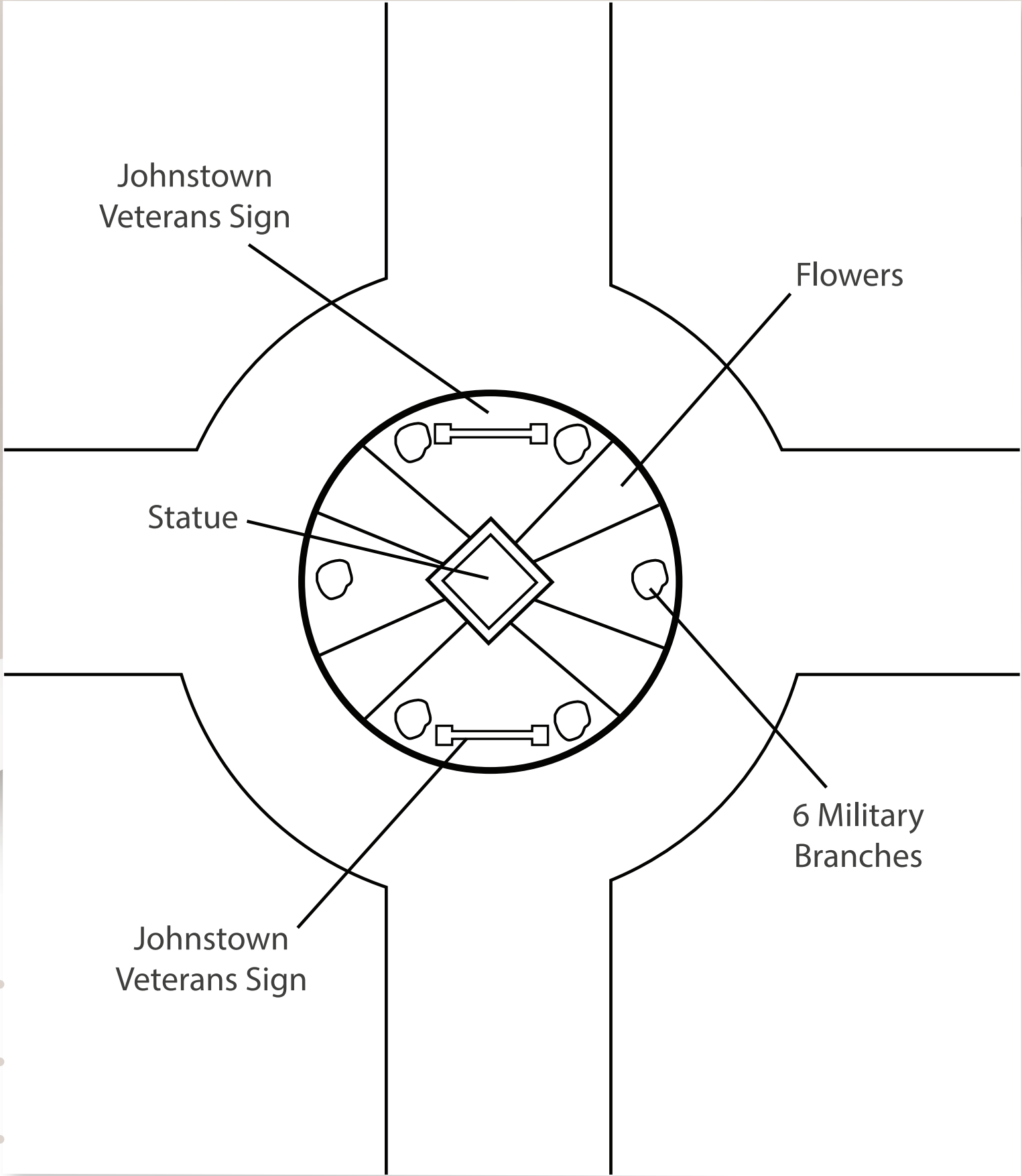


Johnstown/VFW signs
on west and east sides
of the round about

Statue in the
middle of the
round about

Rows of flowers
and rocks in between
each one of the rocks

6 rocks with a
medallion for each
branch of the military





T H A N K Y O U

We are looking for sponsors and donors so we can complete this very important memorial for the Citizens and Veterans of Johnstown and Northern Colorado with a goal of completing and dedicating it by the summer of 2021.