



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO
Monday, December 19, 2022 at 7:00 PM

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

AGENDA

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

AGENDA APPROVAL

SPECIAL PRESENTATIONS

1. Roosevelt High - Night of Champions

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 Public Hearing portion of the agenda. Citizen comments are limited to three (3) minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position.

CONSENT AGENDA

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

- [2.](#) December 5, 2022 Town Council Meeting Minutes
- [3.](#) December 12, 2022 Special Meeting Minutes
- [4.](#) Amend Owners Representative Agreement Between the Town of Johnstown and BlueWater Engineering Ltd. for Professional Services Related to the Water Treatment Plant Expansion
- [5.](#) November 2022 Financial Statements

TOWN MANAGER REPORT

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

TOWN ATTORNEY REPORT

OLD BUSINESS

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NEW BUSINESS

- [7.](#) Resolution 2022-52: A Resolution Accepting Conveyance of Real Property Situated in the Southwest Quarter of Section 9, Township 4 North, Range 67 West Of The 6th P.M., Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 61.966 Acres, from Post Modern Development, LLC to the Town of Johnstown
- [8.](#) Contract Award with L4 Environmental for Construction of the Little Thompson River Trail

PUBLIC HEARING

- [9.](#) Second Amendment To Intergovernmental Agreement Between Town of Johnstown and Weld County Reorganized School District RE-5J Concerning Annexations and School Site Dedication or Payments In Lieu For School Site Purposes

COUNCIL REPORTS AND COMMENTS

MAYOR'S COMMENTS

MAYOR'S COMMENTS

- [10.](#) Informational Items

ADJOURN

AMERICANS WITH DISABILITIES ACT NOTICE

In accordance with the Americans with Disabilities Act, and other applicable laws, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (970) 587-4664 no later than 48 hours before the meeting in order to request such assistance.



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO
Monday, December 05, 2022 at 7:00 PM

MINUTES

CALL TO ORDER

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

Pledge of Allegiance

ROLL CALL

Mayor Lebsack
Councilmember Dominguez
Councilmember Morris
Councilmember Mellon
Councilmember Young
Councilmember Molinar
Councilmember Berg

AGENDA APPROVAL

Councilmember Berg moved to approve the agenda.

Councilmember Morris provided the second and the motion passed.

SPECIAL PRESENTATIONS

1. Johnstown Downtown Development Association Annual Presentation

The Downtown Development Association gave their annual presentation to Council, reviewing events, workshops and upcoming projects.

PUBLIC COMMENT

Jim Hatfield requested items to be updated on the Council agendas.

Lorraine Brown spoke to xeriscapes.

CONSENT AGENDA

Mayor Lebsack noted a request to amend Resolution 2022-47 for the Public Hearing of the Rieder Annexation, by moving the hearing to January 18, 2022.

Councilmember Mellon moved to accept the consent agenda as amended.

Councilmember Molinar seconded and the motion passed unanimously.

2. November 21, 2022 Town Council Meeting Minutes.
3. Agreement to Provide Building Department Services Between Town of Johnstown and SafeBuilt Colorado, LLC
4. Resolution 2022-47 Finding Substantial Compliance and Setting a Public Hearing for the Rieder Farm Annexation

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5. November List of Bills

TOWN MANAGER REPORT

Matt LeCerf, Town Manager, noted the bonds for the Ledgerock project have closed. Mr. LeCerf also noted a request Johnstown Village Metropolitan District No. 2. Council requested the district come before Council and present their request.

6. Town Manager's Report

TOWN ATTORNEY REPORT

There was no Town Attorney report.

OLD BUSINESS

There was no old business on the agenda.

PUBLIC HEARING

7. Resolution 2022-48 Approving the Preliminary/Final Subdivision Plat for North Ridge

Mayor Lebsack opened the public hearing for the resolution approving the preliminary/final subdivision plat for North Ridge.

Kim Meyer, Planning and Development Director, presented this item noting the location and project history. A project overview was provided, and it was noted that the Planning and Zoning Commission did not have concerns at this time.

The representative for the applicant, Mark Hunter, noted the developer would encourage xeriscaping for the subdivision. Mr. Hunter stated that a convenience store with a coffee shop was slotted for a corner lot.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak for this item, for which there was none.

Mayor Lebsack opened the public hearing for comments against Resolution 2022-48 to this item.

A neighbor of the location spoke to construction issues during the summer.

Mayor Lebsack closed the public hearing.

Councilmember Molinar moved that the Town Council approve Resolution 2022-48 approving the North Ridge Preliminary/Final Subdivision Plat.

Councilmember Berg seconded and the motion passed.

8. Resolution 2022-49 Approving the North Ridge at TRR Preliminary/Final Subdivision Plat and Development Plan

Mayor Lebsack opened the public hearing for Resolution 2022-49.

Ms. Meyer noted the North Ridge at Thompson River Ranch and the project was proposed to create a buffer to existing residential. 196 single family lots are being proposed, with a low density townhome overview, with trails and a park being included in the plan.

The applicant, Greg Saia from Oakwood Homes, reviewed the developments plans. Council expressed concerns on drainage and parking.

Mayor Lebsack opened the public hearing for comments in favor Resolution 2022-49.

Jim Hatfield sought clarification on the retaining wall of the neighborhood.

Lorraine Brown asked a follow up question regarding the retaining wall.

Mayor Lebsack opened the public hearing for comments against Resolution 2022-49, to which there was none.

Mayor Lebsack closed the public hearing.

Councilmember Berg moved that the Town Council approve Resolution 2022-49 approving the North Ridge at TRR Preliminary/Final Subdivision Plat and Development Plan.

Councilmember Mellon seconded and the motion passed with one no vote.

9. Public Hearing - 2023 Proposed Budget

Mayor Lebsack opened the public hearing for the 2023 Proposed Budget.

Devon McCarty, Interim Finance Director, presented the third public hearing by overviewing the rules and laws the Town follows for the budget process, and noted the process staff follows for a yearly budget.

Mayor Lebsack opened the public hearing for comment for residents wishing to speak in favor of the proposed 2023 budget.

Jim Hatfield noted questions regarding the budget items of the Water Fund, the Parks and Open Space Fund.

Mayor Lebsack opened the public hearing for comments against the proposed 2023 budget.

Dee Anne Menzies emailed in a comment regarding growth.

Julie Geary emailed in a comment regarding a social media post claiming a budget deficit.

Mayor Lebsack closed the public hearing and noted Council would not take action at this meeting on the budget.

NEW BUSINESS

10. Subdivision Improvement and Development Agreement for North Ridge Subdivision, with CaliberCos, Inc.

Ms. Meyer brought forward the agreement and noted the exhibit B3 details additional substantive obligations of the developer.

Councilmember Berg moved to approve the Subdivision Development and Improvement Agreement with CaliberCos. Inc., for the North Ridge Subdivision.

Councilmember Young seconded and the motion passed with one no vote.

11. Subdivision Improvement and Development Agreement for North Ridge at TRR Subdivision, with Clayton Properties Group II, Inc.

Ms. Meyer clarified that this agreement is the property being prosed for development for single family homes in North Ridge at TRR. Ms. Meyer noted this agreement calls out the development of the pocket park to ensure it gets built as the neighborhood develops.

Councilmember Molinar moved to approve the Subdivision Development and Improvement Agreement with Clayton Properties Group II, Inc., for North Ridge at TRR.

Councilmember Berg seconded and the motion passed.

12. Water and Sewer Service Agreement for North Ridge at TRR, with Clayton Properties Group II, Inc.

Ms. Meyer reviewed the water demand and non-potable water.

Councilmember Mellon moved to approve the Water and Sewer Service Agreement for North Ridge at TRR.

Councilmember Young seconded and the motion passed.

13. Discussion on Frontage Road Closure

Troy White, Public Works Director, reviewed several upcoming road closures due to work on major arterial roadways.

Council asked for clarification on upcoming County road closures and construction. Staff noted the Town will reach out to the County for confirmation on closures and dates.

COUNCIL REPORTS AND COMMENTS

Councilmember Dominguez congratulated Roosevelt High for their State Championship.

Councilmember Young followed up with the Historical Society's annual holiday event.

Councilmember Mellon noted the MPO meeting and funding sources.

Councilmember Berg noted the upcoming Wreaths Across America campaign.

MAYOR'S COMMENTS

Mayor Lebsack noted the Hillsborough Ditch meeting and funds.

INFORMATIONAL ITEMS

Informational items were included in the packet.

14. Informational Items

EXECUTIVE SESSION

Councilmember Berg moved to recess into an executive session to discuss matters subject to negotiations and to instruct negotiators pursuant to C.R.S. Section 24-6-402(4)(e) regarding Project Arsenal, an economic development project incentive request and an executive session to receive legal advice from the Town Attorney pursuant to C.R.S. Section 24-6-402(4)(b) regarding acquisition of easements

Councilmember Mellon seconded and the motion passed.

Council moved into executive session.

15. An executive session to discuss matters subject to negotiations and to instruct negotiators pursuant to C.R.S. Section 24-6-402(4)(e) regarding Project Arsenal, an economic development project incentive request.
16. An executive session to receive legal advice from the Town attorney pursuant to C.R.S. Section 24-6-402(4)(b) regarding acquisition of easements

ADJOURN

Mayor Lebsack reconvene the Council meeting and noted nothing was discussed other than what was noted on the agenda and no action was taken.

Mayor Lebsack adjourned the December 5, 2022 Council meeting at 10:03 pm.

Gary Lebsack, Mayor

Hannah Hill, Town Clerk



Town of Johnstown

TOWN COUNCIL SPECIAL MEETING 450 S. Parish, Johnstown, CO December 12, 2022 at 6:00 PM

MINUTES

Mayor Protem Mellon called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present:

Councilmember Berg

Councilmember Mellon

Councilmember Molinar

Councilmember Young

Absent:

Mayor Lebsack

Councilmember Morris

Councilmember Dominguez

AGENDA APPROVAL

Councilmember Young moved to approve the agenda, with Councilmember Berg providing the second.

The motion passed unanimously.

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS

1. Resolution 2022-50 Adopting and Appropriating the 2023 Budget

Devon McCarthy, Interim Finance Director, presented the resolution adopting the 2023 budget. Ms. McCarthy noted previous presentations and the three public hearings held.

Staff recommended adoption of the resolution.

Councilmember Berg moved to approve Resolution No. 2022-50 A Resolution of Johnstown, Colorado, Summarizing Expenditures and Revenues for Each Fund and Adopting and Appropriating the Budget for the Calendar Year 2023.

Councilmember Molinar seconded and the motion passed unanimously.

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2. Resolution No. 2022-51, A Resolution Levying General Property Taxes for the Year 2022, to Help Defray the Cost of Government for the Town of Johnstown, Colorado for the 2023 Budget Year

Ms. McCarthy noted this resolution is to set the mill levy for General Fund operations. Staff recommends approval of Resolution No. 2022-51.

Councilmember Young moved to approve Resolution No. 2022-51 a Resolution Levying General Property Taxes for the Year 2022, to Help Defray the Cost of Government for the Town of Johnstown, Colorado, for the 2023 Budget Year.

Councilmember Berg seconded the motion and the motion carried.

COUNCIL REPORTS AND COMMENTS

There were no Council reports.

MAYOR'S COMMENTS

The Mayor Protem did not have a report.

ADJOURN

Mayor Protem Mellon adjourned the Special Meeting of December 12, 2022 at 6:08 pm.

Gary Lebsack, Mayor

Hannah Hill, Town Clerk



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: December 19, 2022

SUBJECT: Amend Owners Representative Agreement Between the Town of Johnstown and BlueWater Engineering Ltd. for Professional Services Related to the Water Treatment Plant Expansion

ACTION PROPOSED: Consider Approval of Amendment 1 to the Water Treatment Plant Owners Representative Agreement with BlueWater Engineering Ltd

ATTACHMENTS: 1. Amendment 1

PRESENTED BY: Ellen Hilbig, Utilities Director

AGENDA ITEM DESCRIPTION:

Enclosed for your review and consideration is a request to approve Amendment 1 to the project scope for the Water Treatment Plant (WTP) Owners Representative Agreement that was awarded to the engineering consultant, BlueWater Engineering Ltd, during the July 6, 2022 Council Meeting.

During the October 3, 2022 Council Meeting, Council approved Addendum 3 to the Design Engineer's Contract to shift from the original design of Ozone Biologically Activate Filtration (BAF) to Membranes and Granular Activated Carbon (GAC). This change was made in order to guarantee taste and odor treatment and minimize the potential for a taste and odor incidents to Town residents. The impacts of this change resulted in a time extension for the design completion from December 2022 to September 2023 as well as a scope change to include a 30% design effort for the Membranes and GAC design delivery. The additional design services and extended schedule to the WTP project scope resulted in a total additional cost of \$114,870.00 to Owners Representative agreement for the project.

Total Owner Representative Expenses:

Original Contract	\$345,830.00
<u>Addendum 1</u>	<u>\$114,870.00</u>
Total	\$460,700.00

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LEGAL ADVICE:

Amendment issued per approved and reviewed contract documents

FINANCIAL ADVICE:

Funds are available to accommodate this expenditure as proposed

RECOMMENDED ACTION: Approve Amendment 1 to the Water Treatment Plant Owners Representative Agreement with BlueWater Engineering Ltd.

SUGGESTED MOTIONS:

For Approval: I move to approve Amendment 1 to the Water Treatment Plant Owners Representative Agreement with BlueWater Engineering Ltd in the amount not to exceed \$114,870.00.

For Denial: I move to deny the Amendment 1 and have Staff reevaluate the Owners Representatives delivery method for the project.

Reviewed and Approved for Presentation,



Town Manager

This is **EXHIBIT K**, consisting of **[8]** pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated **[July 6, 2022]**.

AMENDMENT TO OWNER-ENGINEER AGREEMENT Amendment No. 1

The Effective Date of this Amendment is: October 12, 2022.

Background Data

Effective Date of Owner-Engineer Agreement: July 6, 2022

Owner: Town of Johnstown

Engineer: BlueWater Engineering Ltd.

Project: Johnstown WTP Expansion Owner's Representative Services

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- ☐ Additional Services to be performed by Engineer
- ☒ Modifications to services of Engineer
- ☐ Modifications to responsibilities of Owner
- ☒ Modifications of payment to Engineer
- ☒ Modifications to time(s) for rendering services
- ☐ Modifications to other terms and conditions of the Agreement

Description of Modifications:

These modifications reflect changes to the Engineer's scope of work, schedule and budget reflecting the Project's transition to design of a membrane ultrafiltration (UF) and granular activated carbon (GAC) along with other Project design changes. Modifications to the Engineer's OR Services are based on the following general changes to the Project:

- The OR Project schedule is extending from December 31, 2022, through September 30, 2023.
- Providing the Town with technical support and reviews during the DB's planned 40% design phase progress workshops.

- Assisting the Town with review and solicitation of treatment equipment procurement packages.
- Deleting Task 209 – Asset ID Numbering Management.
- Deleting Task 302 – Procurement and Construction Phasing. And,
- Deleting constructability reviews and preconstruction services by the OR Construction Management Lead.

All other scope and conditions for the original scope of services remain as described in the Engineer's (OR's) original scope.

Task-specific revisions are provided below for each noted Task:

101: Project Management

The OR Project Manager will continue to provide oversight and monitoring of the Project activities and coordinate with the Town to facilitate decisions, changes and correspondence with the DB, and coordinate the OR Team to perform its scope of work, activities and deliverables to be prepared during the Project.

- The schedule for the OR's design-phase services will extend from the current end-date of December 31, 2022, through September 30, 2023, based on the DB's approved design schedule.
- The estimated budget for this task assumes up to four (4) hours per week.

102: Coordination Meetings with Town

The OR Project Manager will continue to facilitate status meetings between the Town and OR Team through September 30, 2023.

- The OR Project Manager and Technical Lead will continue to meet (bi)weekly with the Town's Project Manager to review the status of the Project, exchange ideas, discuss issues or concerns, facilitate decisions, and coordinate correspondence with the DB and other independent consultants providing services to the Town for the Project.
 - The OR will provide a standing agenda and update Action Item and Decision Logs following the meetings.
 - Progress with design deliverables, schedule control and contract administration will be reviewed.
- The estimated budget for this task assumes up to two (2) hours per week for each the OR Project Manager and the Technical Lead.

203: Biweekly Design Workshops and Review Meetings

The OR Team will provide the following additional activities in coordination with the Town for overseeing design progression by the DB from the 30% Design Package through the 40% Design Workshops and deliverables:

- The following activities will extend from the current end-date of December 31, 2022, to coincide with the DB's approved design schedule through September 30, 2023.
 - The OR Project Manager and/or Technical Lead will virtually participate in biweekly project review meetings with the Town and DB to assist the Town with providing oversight of design progression, discuss major decisions, review scope and schedule, and provide input on design intent for the Town's and DB's consideration.

- The OR Project Manager and/or Technical Lead will participate in Biweekly Design Workshops hosted by the DB.
- The OR Discipline Leads will participate in up to nine (9) 40% Design Workshop meetings with the Town and DB; workshops will be planned and facilitated by the DB.
 - The OR Team will attend each meeting in-person or virtually to assist the Town with providing oversight of design progression, reviewing design concepts prepared by the DB, discuss major decisions, providing technical input on design intent for the Town's and DB's consideration, preparing discipline-specific meeting notes and recording discipline-specific action items.
 - The OR Team will assist the Town with reviewing Workshop meeting minutes and action item and decision logs prepared by the DB for consistency with the topics discussed, identifying additional design considerations or providing input to the Town for responding to DB, and tracking discipline decisions respective to Project budget and schedule for coordination with the Town.
 - The OR Team will assist the Town with identifying updates and responses to the Town's internal action item log for items to be coordinated between the Town and the OR Team for providing input or direction to the DB.
 - It is anticipated that the DB will provide an agenda to the Town and OR Team prior to each workshop to allow the OR Team to determine attendance by the OR Discipline Leads.
- The OR Team will participate in Design Workshops by attending in-person (IP) or virtually (V) [ref. Table 1 indicating attending OR Discipline Leads]. *The sequence of the workshops will be agreed to by the Town and DB and is assumed to consist of the following as presented by the DB:*
 - MF Selection and MF/GAC Layout
 - Site Civil and Early Work Package
 - Electrical Distribution and Backup Power Supply
 - Blending Vault and Distribution/Storage Pump Stations
 - Building and Architectural Considerations
 - Residuals Building
 - Administration Space and Disinfection Contact Basin
 - Pretreatment Building Modifications
- For in-person attendance, the OR Team assumes that workshop agendas and/or discipline-specific topics will be provided by the DB a minimum of three (3) weeks prior to the scheduled workshops to allow for the OR Team's scheduling of travel for reasonable costs.

204: Monthly Design Workshops Allowance

A budget allowance of \$7,430 has been allocated for Workshops to be attended by the OR Discipline Leads. The OR Team and Town will coordinate attendance with the DB to address specific discipline items requiring input by the OR Discipline Leads

Table 1 – Planned OR Attendance at 40% Design Workshops

Discipline Lead		Project Manager	Technical Lead	Process Lead	Process Engineer	Architecture Lead	Civil/Structural Lead	Hydraulics Engineer	Mechanical Lead	EIC Lead	Const Delivery Lead	Const Management Lead
40% Design Workshop (IP = in-person, V = virtual)	Date	Brian Daw	Karla Kinser	Chad Seidel	Anthony Kennedy	Lori Hanson	Darin Hawkes	Nick Graue	Alicia Thorpe	Ryan Pack	Bob Frachetti	Mike Fallentine
MF Selection and MF/GAC Layout	10/12/22	IP	IP	IP						V		
Building Layout, Site Civil and Early Work Package	10/28/22	IP	IP				V			V		
Electrical Distribution and Backup Power Supply	11/4/22	IP	IP							IP		
Disinfection Contact Basin, Distribution and Storage Pumping	11/30/22	IP	IP				V			V		
Building and Architectural Considerations	12/14/22	IP	IP			IP	IP		IP			
Blending Vault and Residuals Building	12/28/22	IP	IP				V			V		
Administration and Maintenance Spaces	1/11/23	IP	IP				V			V		
Pretreatment Building Modifications	1/25/23	IP	IP									
EIC Coordination	NS	IP	IP							IP		

205: 30% Design Package Review and Workshop (supplemental budget summarized as Task 205A – 40% Design Review and Workshops Allowance)

The OR Team will provide the following engineering discipline review services to support the Town with overseeing design progression by the DB from the 30% Design Package to the 40% Design workshops:

- Treatment Alternatives Evaluation: Coordinate with the Town and DB to review the Project's proposed design criteria to identify up to three (3) treatment options with consideration to the Town's budget:
 - Coordinate with the DB to review WQ data and the proposed design criteria used to identify reliable treatment options with consideration to the Town's budget.
 - Review treatment process alternatives proposed by DB.
 - Prepare recommended screening criteria for evaluating the identified treatment alternatives.
 - Participate in DB-led evaluation criteria review call with Town staff and ORC.
 - Review CAPEX and OPEX cost models for each of the proposed options.
 - Respond to DB recommendations, questions and clarifications of OPEX cost categories and estimating approaches.
 - Review DB summary of benefits and costs for the identified treatment options.
 - Prepare OR option rankings and clarified treatment alternatives with Town staff.
 - Review CAPEX cost models for the three (3) treatment options and provide comments/recommendations to the DB for costs to be included.
 - Review Alternative Evaluation/Selection slides prepared by DB for presentation to Town Council.

- The OR Team will provide discipline-specific reviews of the overall treatment facility layout and structures, systems, equipment and design criteria provided in the 40% Design progress drawings, and workshop materials prepared by the DB. The 40% Design will consist of the transition to a membrane-filtration (MF) and granular activated carbon (GAC) treatment process and incorporate other scope changes and value-engineering items identified during review of the 30% Design Package. Activities will consist of the following:
 - Review discipline-specific progress drawings prepared by the DB during the progression from the 30% design to the 40% redesign to MF/GAC.
 - Review discipline-specific technical specifications for equipment that are identified for early procurement packages and/or early construction packages.
 - Review updated BODR and OPC prepared by DB.

The OR Team assumes that the DB will provide workshop materials a minimum of three (3) business days ahead of the workshops.

208: Issued for Construction Design Package Review and Workshop

The OR will provide a general review of the IFC Design Package prepared by the DB, to be completed by the OR Project Manager, OR Technical Lead and the OR EIC Discipline Lead. Review will consist of conformance with Town requirements and previous design package review comments, and review of detailed design against design criteria established in the BODR, ~~and provide constructability reviews.~~ The OR will incorporate comments into a single electronic design tracking document for review with the Town. The OR will facilitate decisions required by the Town and track responses to the review comments with the DB.

The OR Project Manager and Project Technical Lead will attend the IFC Design Document review workshop hosted by the DB and discuss compiled OR/Town comments, providing input into the design basis as required. The OR assumes that the DB is responsible for leading the workshop and preparing meeting minutes per their authorized scope. The OR EIC Discipline Lead will virtually attend portions of the meeting relevant to their discipline, as the need arises.

The OR is expressly not providing QAQC review of design assumptions, calculations, or other documents for which the responsible engineer is required to provide and/or document for meeting applicable codes and regulations. The OR assumes that all such QAQC is completed by the DB through their quality management program and that the DB responsible engineers will provide all necessary seals and signatures for design documents.

209: Asset ID Management Coordination (DELETED)

~~The OR will prepare information on asset inventory numbering approaches as a basis for implementing throughout the Town's system(s). A review meeting will be facilitated by the OR to outline options for a plant wide inventory tagging system to be incorporated into the design by the DB. The OR will prepare a summary TM providing details for the plan to be completed in parallel with the 60% Design Documents.~~

302: Procurement and Construction Phasing (DELETED)

~~The project schedule provided by the DB will be reviewed for phasing of the construction to minimize interruptions to operations and meet the Town's goals for startup. Construction phasing suggestions will be reviewed with the DB at the schedule design workshops. The DB will modify the construction schedule and implement early construction or procurement packages as agreed upon with the Town.~~

- ~~* Coordinate with DB to identify long lead equipment and materials that may impact the timely construction of the Project. Prepare a list of proposed early procurement equipment and materials for the Town's consideration.~~
- ~~* Review the DB's schedule and prepare recommendations for procuring equipment to meet project schedules.~~

303: Procurement Package Reviews

The OR team will provide discipline-specific technical reviews of technical specifications prepared by the DB for procurement of equipment by the Owner. The review will be for general conformance with the agreed design basis for the equipment to be procured by the Owner, scope of supply recommended to be provided by the supplier, and consistency with the Owner's standardized equipment for its water and wastewater facilities. The DB has prepared a list of proposed procurements packages outlined below, for which Engineer indicates the OR Discipline Leads responsible for reviewing (in parentheses):

- MF-01 Membrane Filter System (Process-Mechanical, Electrical/Controls)
- GAC-01 GAC Contactor System (Process-Mechanical, Electrical/Controls)
- CHM-01 Chemical feed systems (Process-Mechanical, Electrical/Controls)
- ELE-01 Electrical gear, power panels, VFDs, MCCs (Electrical/Controls)
- ELE-02 Control panels (Electrical/Controls)
- GEN-01 Generators (Electrical/Controls)
- MOV-01 Motor operated valves (Site Civil, Process-Mechanical, Electrical/Controls)
- PMP-01 Vertical and inline centrifugal pumps (Pumping Systems, Electrical/Controls)
- PMP-02 Progressive cavity pumps (Pumping Systems, Electrical/Controls)
- PMP-03 Centrifugal pumps (Pumping Systems, Electrical/Controls)

- PMP-04 Sample and miscellaneous pumps (Pumping Systems, Electrical/Controls)
- TNK-01 Tanks (Process-Mechanical)

The OR team is expressly not providing QAQC review of design assumptions, calculations, or other documents for which the DB's responsible engineer(s) is required to provide and/or document for meeting applicable codes and regulations. The OR team assumes that all such QAQC is completed by the DB through their quality management program and that the DB responsible engineers will provide all necessary seals and signatures for design documents.

Agreement Summary:

Original agreement amount:	\$ <u>345,830</u>
Net change for prior amendments:	\$ <u>0</u>
This amendment amount:	\$ <u>114,870</u>
Adjusted Agreement amount:	\$ <u>460,700</u>
Change in time for services (days or date, as applicable):	<u>09/30/2023</u>

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

By: _____

Print

name: _____

Title: _____

Date Signed: _____

By: _____

Print

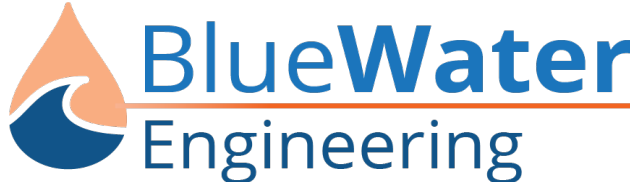
name: _____

Brian C. Daw

Title: _____

Principal

Date Signed: _____

 Key: Amendment 1 - Scope/Budget Modifications Amendment 1 - Task Costs Incurred to-Date		Town of Johnstown Johnstown WTP Expansion Project																	
		Estimated Budget for Owner's Representative Services																	
		Amendment No. 1																	
		October 12, 2022																	
TASKS AND SUBTASKS		Weeks	LEVEL OF EFFORT (hours)												Other		TOTAL FEE		
			Project Manager	Technical Lead	Process Lead	Architecture Lead	Civil/Structural Lead	Civil & Pumping Engineer	Mechanical Lead	EIC Lead	Const Delivery Lead	Const Management Lead	Project Coordinator		Total Labor Hours	Total Labor Cost		Travel Expenses	Direct Expenses
			Brian Daw	Karla Kinser	Chad Seidel	Lori Hanson	Darin Hawkes	Nick Graue	Alicia Thorpe	Ryan Pack	Bob Frachetti	Kevin Alcott	Ernestine Trujillo					1.0%	1.0%
Series 100	Program Coordination	65	333 \$64,940	129 \$27,090								52 \$5,200		514	\$97,230	\$1,242	\$1,242	\$99,720	
101	Project Management Services	65	226	32								32		290	\$53,990	\$810	\$810	\$55,610	
102	Coordination Meetings with Town (Kickoff/Weekly)	65	97	97								16		210	\$40,890	\$409	\$409	\$41,710	
103	Miscellaneous Meetings Allowance	65	10									4		14	\$2,350	\$24	\$24	\$2,400	
Series 200	Phase 1 Design OR Services	50	338 \$65,910	382 \$80,230	88 \$22,180	90 \$15,120	180 \$36,900	72 \$13,250	88 \$15,750	247 \$50,640		36 \$3,600		1521	\$303,580	\$8,316	\$3,262	\$315,170	
201	Design Integration Kickoff Meeting	2	6	6								4		16	\$2,830	\$28	\$28	\$2,890	
202	Town Operations/Engineering Coordination	15	16	16								4		36	\$6,880	\$69	\$69	\$7,020	
203	Biweekly Design Workshops	50	128	120	8		40			56		6		358	\$72,470	\$5,707	\$725	\$78,900	
204	Biweekly Design Workshops Allowance	20			8	6	8	8	6					36	\$7,210	\$144	\$72	\$7,430	
205	30% Design Review and Workshop	13	56.0	52	32		14			19				173	\$36,670	\$194	\$194	\$37,060	
205A	40% Design Review and Workshop Allowance	20	32	32	24	12	24	16	12	40		6		198	\$39,840	\$797	\$797	\$41,430	
206	60% Design Review and Workshop	4	60	100	16	48	70	28	46	80		12		460	\$90,130	\$901	\$901	\$91,930	
207	90% Design Review and Workshop	3	24	40		24	24	20	24	36		4		196	\$37,790	\$378	\$378	\$38,550	
208	IFC Review and Workshop (CDPHE Submittal)	3	16	16						16				48	\$9,760	\$98	\$98	\$9,960	
209	Asset ID Numbering Management																		
Series 300	Preconstruction Services	34	32 \$6,240	56 \$11,760	12 \$3,020		24 \$4,920			40 \$8,200	1 \$210	4 \$400		169	\$34,750	\$348	\$348	\$35,440	
301	Const Delivery Method Review	30	16	16							1	4		37	\$7,090	\$71	\$71	\$7,230	
302	Procurement and Construction Phasing																		
303	Procurement Package Review	36	16	40	12		24			40				132	\$27,660	\$277	\$277	\$28,210	
	2023 Rates Adjustment														\$10,370			\$10,370	
Project Fee Summary			Task Hours and Fees																
			703	567	100	90	204	72	88	287	1		92		2,204	\$445,930	\$9,910	\$4,850	\$460,700
			\$140,060	\$121,880	\$25,580	\$15,580	\$42,920	\$13,610	\$16,230	\$60,440	\$210		\$9,400						

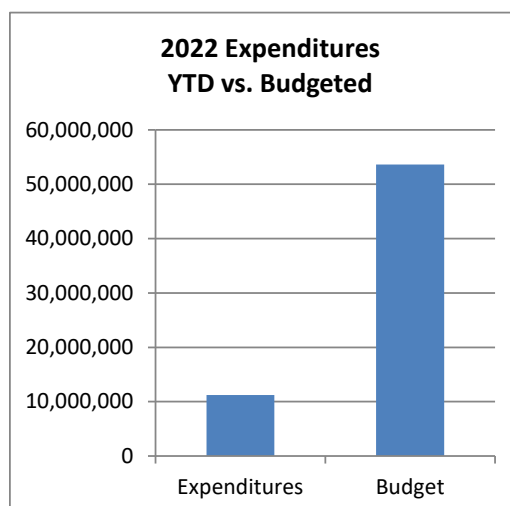
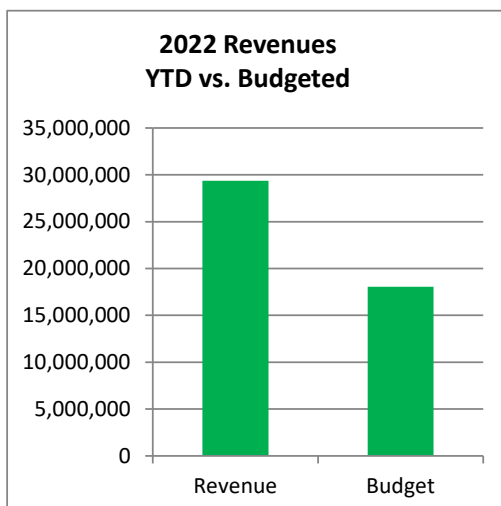
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - General Fund
Period Ending November 30, 2022
Unaudited

Item #5.

General Fund	2022 Actuals November	2022 Adopted Budget	% Complete
Beginning Fund Balance	68,989,739	68,989,739	
<u>Revenues:</u>			
Taxes & Fees	21,046,774	16,413,716	128.2%
Licenses & Permits	4,396,083	1,156,650	380.1%
Fines & Forfeitures	227,783	160,500	141.9%
Intergovernmental	246,707	25,000	986.8%
Earnings on Investment	328,113	52,500	625.0%
Miscellaneous Revenue	3,128,758	253,000	1236.7%
<i>Transfers In</i>	-	-	
Total Operating Revenues	29,374,218	18,061,366	162.6%
<u>Expenditures:</u>			
Legislative	2,349,383	932,500	251.9%
Town Manager	761,992	1,644,593	46.3%
Town Clerk	409,656	509,750	80.4%
Finance	321,826	417,510	77.1%
Planning	417,832	759,878	55.0%
Reimbursements	679,493	300,000	226.5%
Building Inspections	227,036	271,400	83.7%
Police	3,773,328	4,878,580	77.3%
Public Works	500,850	761,200	65.8%
Buildings	251,610	293,250	85.8%
<i>Transfers Out</i>	1,527,895	42,837,000	3.6%
Total Expenditures	11,220,900	53,605,661	20.9%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	18,153,319	(35,544,295)	
Prior Period Adjustment			
Ending Fund Balance*	87,143,058	33,445,444	

* - Unaudited

92% of the fiscal year has elapsed



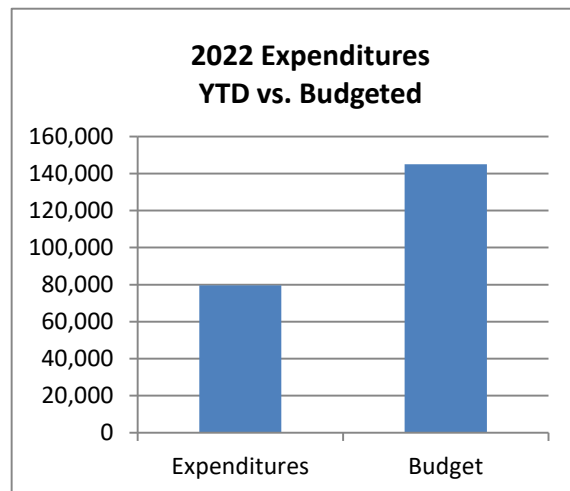
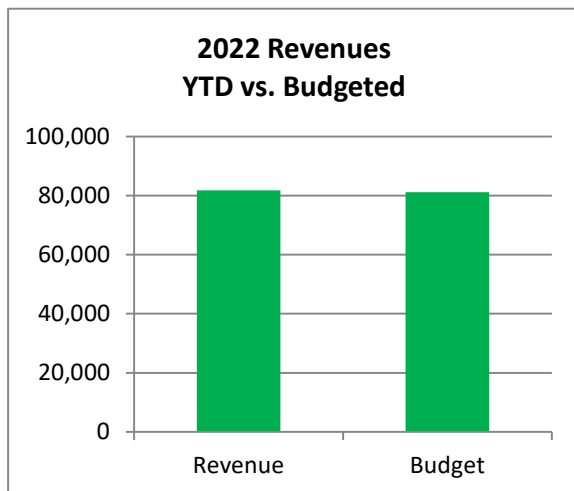
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Conservation Trust Fund
Period Ending November 30, 2022
Unaudited

Item #5.

Conservation Trust Fund	2022 Actuals November	2022 Adopted Budget	% Complete
Beginning Fund Balance	100,051	100,051	
Revenues:			
Intergovernmental	81,248	81,100	100.2%
Earnings on Investment	525	50	1050.8%
Total Operating Revenues	81,774	81,150	100.8%
Expenditures:			
Operations	-	-	
Capital Outlay	79,593	145,000	54.9%
Total Expenditures	79,593	145,000	54.9%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	2,181	(63,850)	
Ending Fund Balance*	102,232	36,201	

* - Unaudited

92% of the fiscal year has elapsed



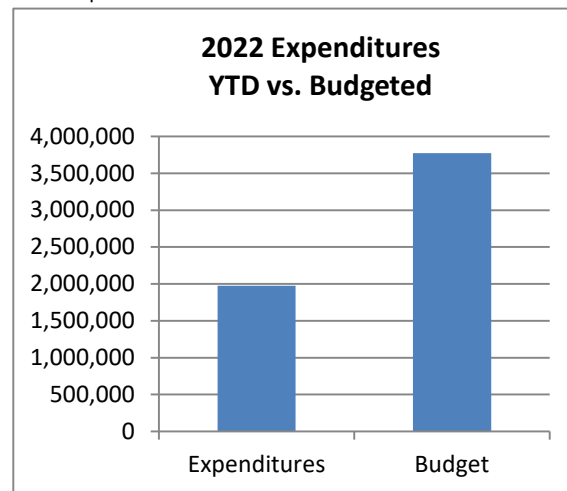
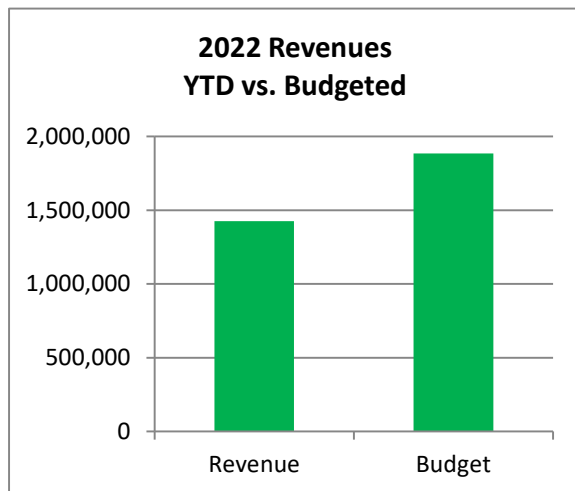
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Parks and Open Space Fund
Period Ending November 30, 2022
Unaudited

Item #5.

	2022 Actuals November	2022 Adopted Budget	% Complete
Parks and Open Space Fund			
Beginning Fund Balance	7,277,919	7,277,919	
<u>Revenues:</u>			
Taxes & Fees	1,263,672	498,150	253.7%
Miscellaneous Revenue	73,996	222,000	33.3%
Transfers In	50,000	1,162,000	4.3%
Total Operating Revenues	1,425,713	1,884,650	75.6%
<u>Expenditures:</u>			
Operations	467,743	1,037,550	45.1%
Capital Outlay	1,509,377	2,737,000	55.1%
Transfers Out	-	-	
Total Expenditures	1,977,120	3,774,550	52.4%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(551,407)	(1,889,900)	
Ending Fund Balance*	6,726,512	5,388,019	

* - Unaudited

92% of the fiscal year has elapsed



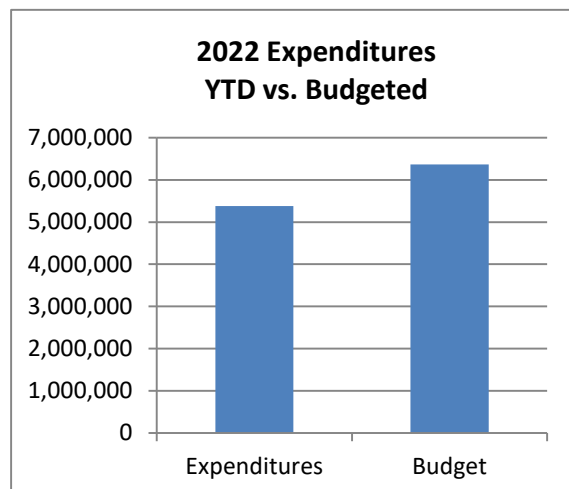
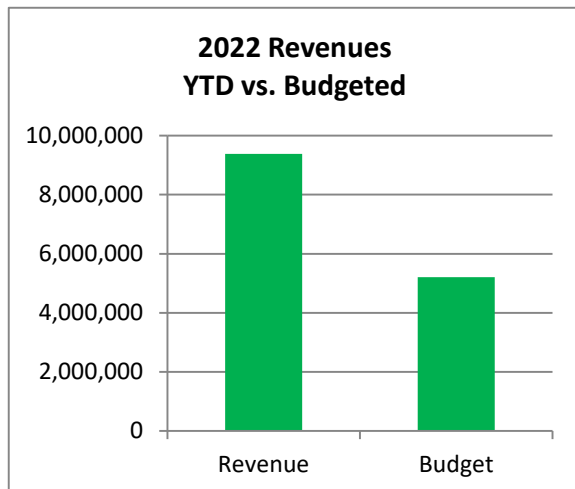
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Street and Alley Fund
Period Ending November 30, 2022
Unaudited

Item #5.

Street and Alley Fund	2022 Actuals November	2022 Adopted Budget	%
			Complete
Beginning Fund Balance	15,131,804	15,131,804	
<u>Revenues:</u>			
Taxes & Fees	4,897,953	3,191,400	153.5%
Intergovernmental	190,822	707,667	27.0%
Charges for Services	873,824	881,000	99.2%
Capital Investment Fees	3,323,290	420,550	790.2%
Earnings on Investment	92,606	2,000	4630.3%
Miscellaneous Revenues	1,235	-	0.0%
Total Operating Revenues	<u>9,379,730</u>	<u>5,202,617</u>	180.3%
<u>Expenditures:</u>			
Operations & Maintenance	2,449,533	3,599,400	68.1%
Capital	<u>2,930,631</u>	<u>2,769,000</u>	105.8%
Total Expenditures	<u>5,380,164</u>	<u>6,368,400</u>	84.5%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	<u>3,999,566</u>	<u>(1,165,783)</u>	
Ending Fund Balance*	<u>19,131,370</u>	<u>13,966,021</u>	

* - Unaudited

92% of the fiscal year has elapsed



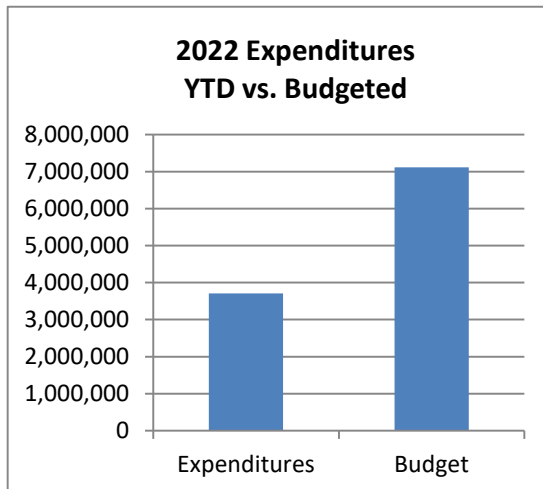
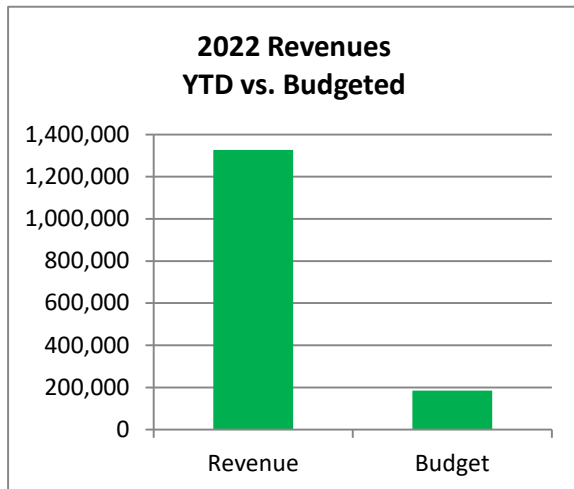
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Capital Projects Fund
Period Ending November 30, 2022
Unaudited

Item #5.

	2022 Actuals November	2022 Adopted Budget	% Complete
Capital Projects Fund			
Beginning Fund Balance	14,524,244	14,524,244	
<u>Revenues:</u>			
Taxes and Fees	1,200,101	240,000	500.0%
Miscellaneous Revenue	-	-	
Interest	127,021	4,500	2822.7%
<i>Transfers In</i>	-	(60,000)	0.0%
Total Operating Revenues	1,327,122	184,500	719.3%
<u>Expenditures:</u>			
Capital Outlay	3,707,077	7,111,500	0.0%
<i>Transfers Out</i>	-	-	0.0%
Total Expenditures	3,707,077	7,111,500	52.1%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(2,379,955)	(6,927,000)	
Ending Fund Balance*	12,144,288	7,597,244	

* - Unaudited

92% of the fiscal year has elapsed



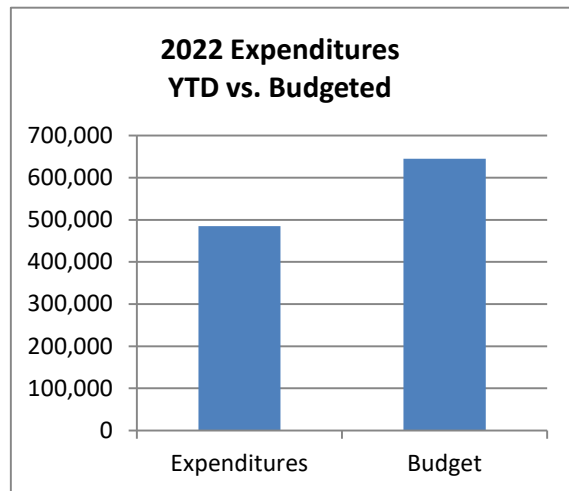
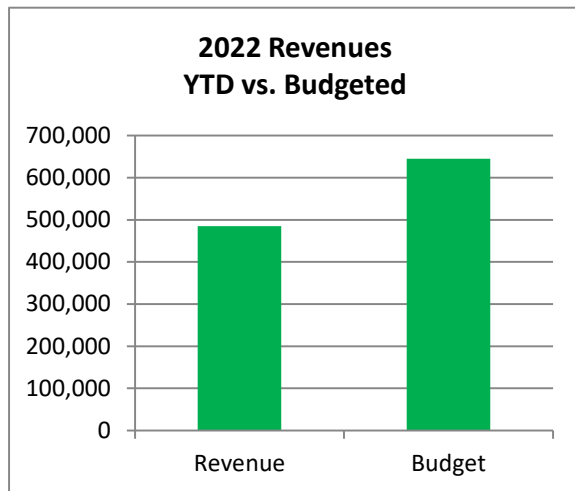
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Tax Allocation Fund
Period Ending November 30, 2022
Unaudited

Item #5.

Tax Allocation Fund	2022 Actuals November	2022 Adopted Budget	% Complete
Beginning Fund Balance	41,435	95,951	
<u>Revenues:</u>			
Taxes & Fees	484,918	645,000	75.2%
Earnings on Investment	-	50	0.0%
Total Operating Revenues	484,918	645,050	75.2%
<u>Expenditures:</u>			
Miscellaneous	484,918	645,050	75.2%
Total Expenditures	484,918	645,050	75.2%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	-	-	
Ending Fund Balance*	41,435	95,951	

* - Unaudited

92% of the fiscal year has elapsed



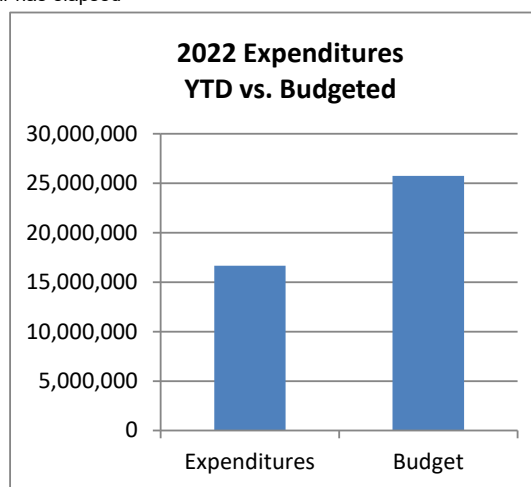
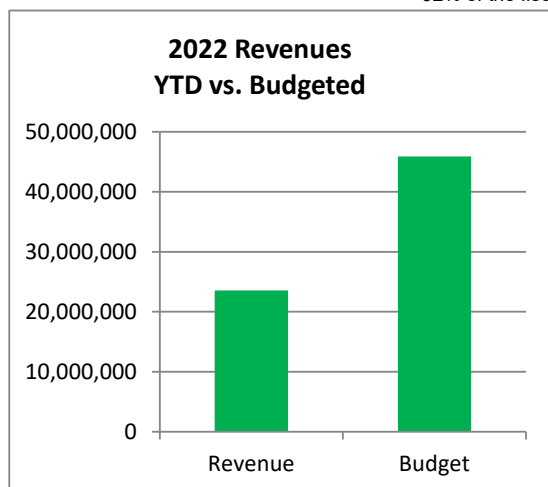
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Water Fund
Period Ending November 30, 2022
Unaudited

Item #5.

Water Fund	2022 Actuals November	2022 Adopted Budget	% Complete
Beginning Cash Balance	22,391,126	22,391,126	
<u>Revenues:</u>			
Charges for Services	5,100,543	3,838,700	132.9%
Total Operating Revenues	5,100,543	3,838,700	132.9%
<u>Expenses:</u>			
Administration	211,333	428,650	49.3%
Operations	2,871,795	3,968,650	72.4%
Capital Outlay	12,991,725	20,910,280	62.1%
Depreciation	579,719	425,000	136.4%
Transfers Out	-	-	
Total Operating Expenses	16,654,571	25,732,580	64.7%
Operating Income (Loss)	(11,554,029)	(21,893,880)	
<u>Non-Operating Revenues (Expenses)</u>			
Tap Fees	3,140,148	1,006,050	312.1%
Capital Investment Fees	3,042,575	850,650	357.7%
Misc. Revenues	12,087,310	40,179,550	30.1%
Interest Expense	201,244	6,900	2916.6%
Total Non-Operating Revenues (Expenses)	18,471,276	42,043,150	43.9%
Excess (Deficiency) of Revenues and Other Sources over Expenses	6,917,247	20,149,270	
Ending Cash Balance*	29,308,374	42,540,396	

* - Unaudited

92% of the fiscal year has elapsed



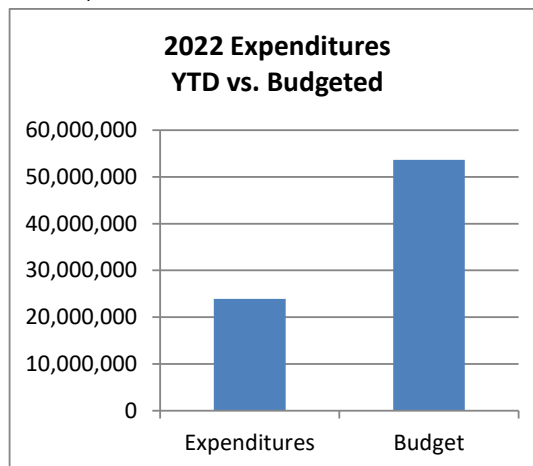
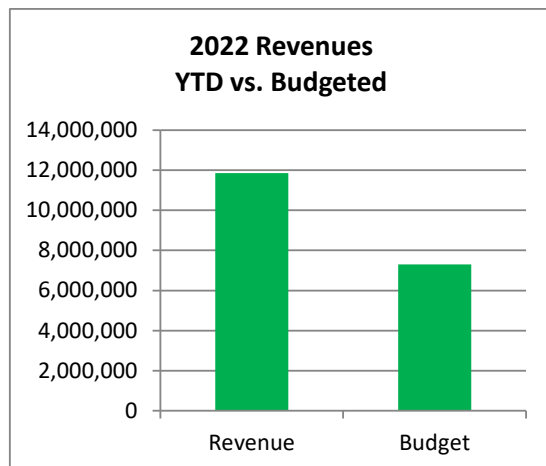
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Sewer Fund
Period Ending November 30, 2022
Unaudited

Item #5.

Sewer Fund	2022 Actuals November	2022 Adopted Budget	% Complete
Beginning Cash Balance	62,270,933	62,270,933	
<u>Revenues:</u>			
Charges for Services	2,754,557	2,984,000	92.3%
Total Operating Revenues	2,754,557	2,984,000	92.3%
<u>Expenses:</u>			
Administration	191,355	244,050	78.4%
Operations	1,295,191	1,991,800	65.0%
Capital Outlay	20,177,967	49,189,000	41.0%
Depreciation	306,023	245,000	124.9%
Debt Service	1,953,150	1,953,150	100.0%
Total Operating Expenses	23,923,686	53,623,000	44.6%
Operating Income (Loss)	(21,169,129)	(50,639,000)	
<u>Non-Operating Revenues (Expenses)</u>			
Capital Improvement Fees	8,021,925	2,396,740	334.7%
Misc. Revenues	303,045	1,915,000	15.8%
Interest Expense	780,080	1,200	65006.7%
Debt Proceeds	-	-	
Total Non-Operating Revenues (Expenses)	9,105,050	4,312,940	211.1%
Excess (Deficiency) of Revenues and Other Sources over Expenses	(12,064,079)	(46,326,060)	
Ending Cash Balance*	50,206,854	15,944,873	

* - Unaudited

92% of the fiscal year has elapsed



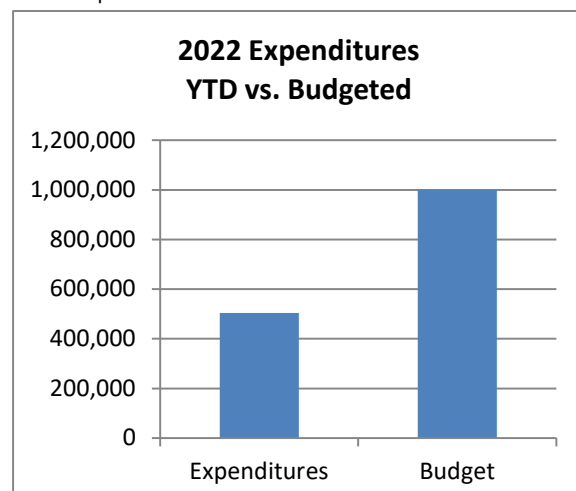
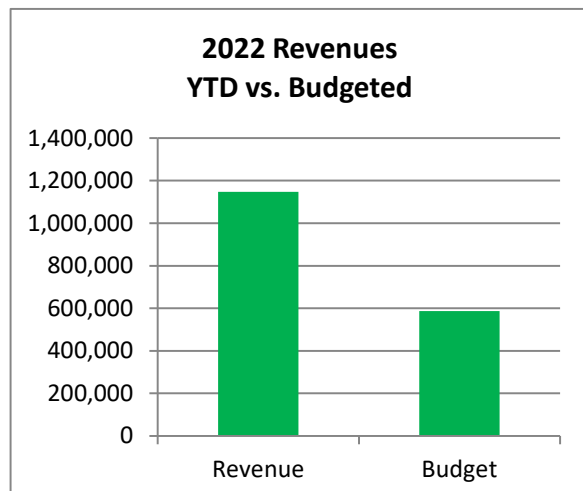
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Drainage Fund
Period Ending November 30, 2022
Unaudited

Item #5.

Drainage Fund	2022 Actuals November	2022 Adopted Budget	% Complete
Beginning Cash Balance	3,515,563	3,515,563	
<u>Revenues:</u>			
Charges for Services	458,356	475,900	96.3%
Total Operating Revenues	458,356	475,900	96.3%
<u>Expenses:</u>			
Administration	125,184	156,765	79.9%
Operations	162,894	364,100	44.7%
Capital Improvements	215,536	480,000	44.9%
Transfer Out	-	-	
Total Operating Expenses	503,614	1,000,865	50.3%
Operating Income (Loss)	(45,258)	(524,965)	
<u>Non-Operating Revenues (Expenses)</u>			
Capital Revenues	662,082	110,000	601.9%
Misc. Revenues	-	-	
Interest Expense	26,744	1,000	2674.4%
Total Non-Operating Revenues (Expenses)	688,826	111,000	620.6%
Excess (Deficiency) of Revenues and Other Sources over Expenses	643,569	(413,965)	
Ending Cash Balance*	4,159,132	3,101,598	

* - Unaudited

92% of the fiscal year has elapsed



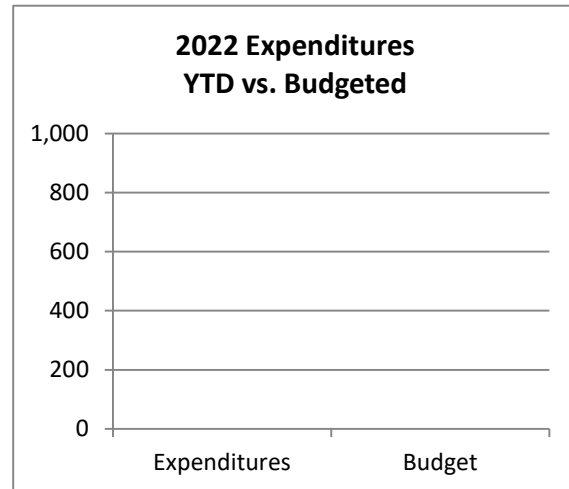
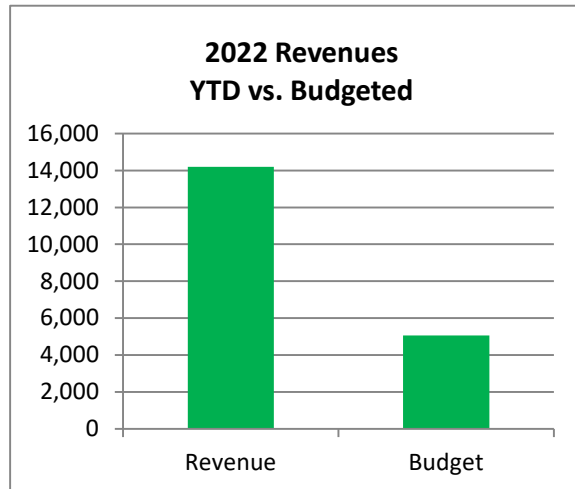
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Cemetery Perpetual Fund
Period Ending November 30, 2022
Unaudited

Item #5.

Cemetery Perpetual Fund	2022 Actuals November	2022 Adopted Budget	% Complete
Beginning Fund Balance	153,817	153,817	
<u>Revenues:</u>			
Miscellaneous Revenue	12,656	5,000	253.1%
Earnings on Investment	1,548	60	2579.3%
Total Operating Revenues	14,203	5,060	280.7%
<u>Expenditures:</u>			
Operations & Maintenance	-	-	
Capital Outlay	-	-	
Transfers Out	-	-	
Total Expenditures	-	-	
Excess (Deficiency) of Revenues and Other Sources over Expenditures	14,203	5,060	
Ending Fund Balance*	168,020	158,877	

* - Unaudited

92% of the fiscal year has elapsed



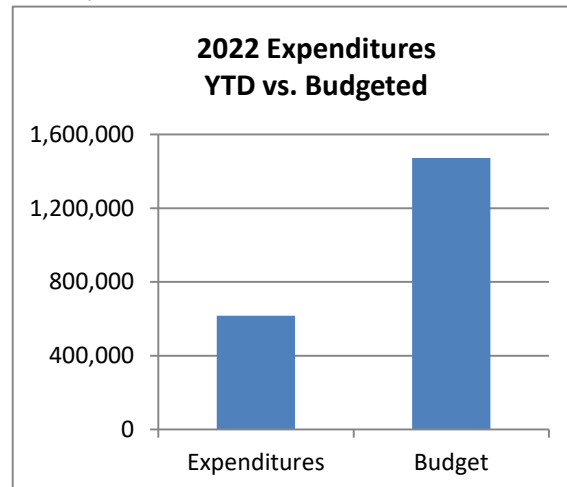
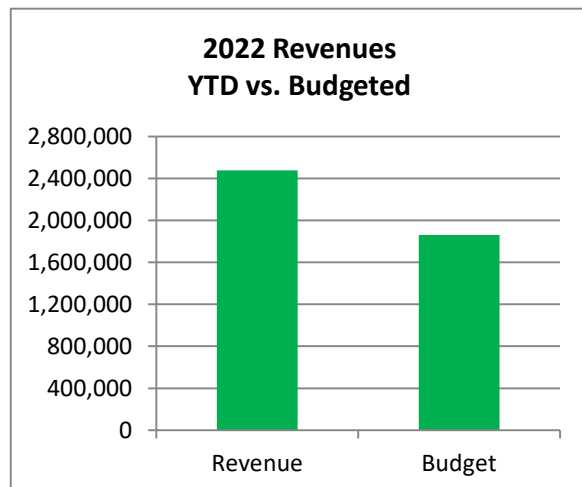
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Library Fund
Period Ending November 30, 2022
Unaudited

Item #5.

Library Fund	2022 Actuals November	2022 Adopted Budget	% Complete
Beginning Fund Balance	6,665,722	6,665,722	
<u>Revenues:</u>			
Intergovernmental	486,564	488,959	99.5%
Miscellaneous Revenue	2,416	11,000	22.0%
Capital Investment Fees	707,604	215,000	329.1%
Interest	71,090	5,000	1421.8%
<i>Transfers In</i>	1,208,494	1,140,000	106.0%
Total Operating Revenues	2,476,168	1,859,959	133.1%
<u>Expenditures:</u>			
Operations	617,159	1,472,000	41.9%
Capital Outlay	-	-	0.0%
Total Expenditures	617,159	1,472,000	41.9%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	1,859,008	387,959	
Ending Fund Balance*	8,524,731	7,053,681	

* - Unaudited

92% of the fiscal year has elapsed



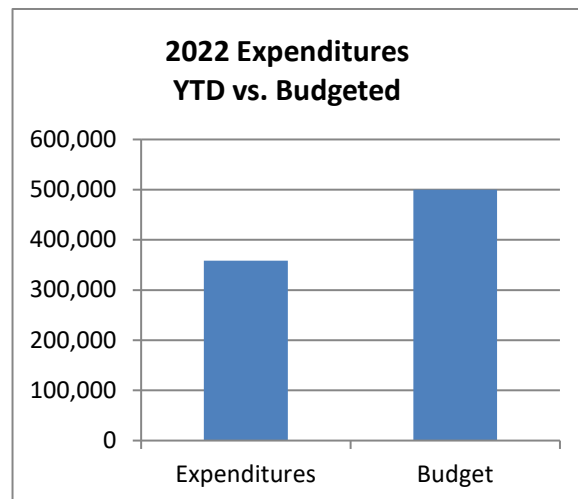
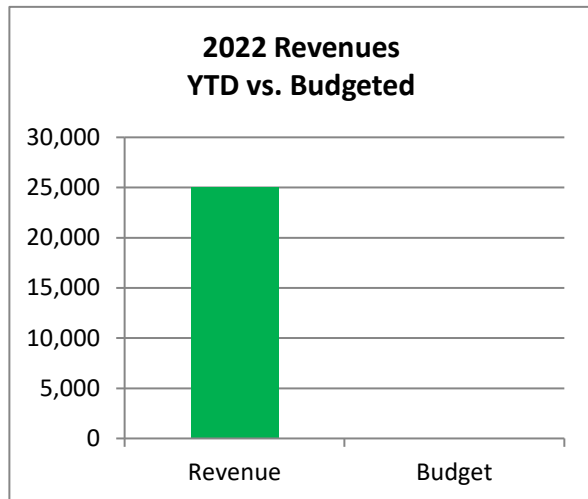
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Recreation Center Fund
Period Ending November 30, 2022
Unaudited

Item #5.

	2022 Actuals November	2022 Adopted Budget	% Complete
Recreation Center Fund			
Beginning Fund Balance	922,738	922,738	
<u>Revenues:</u>			
State Grants	25,000	0	
Transfers In	-	-	
Earnings on Investment	-	-	
Total Operating Revenues	25,000	-	
<u>Expenditures:</u>			
Operations & Maintenance	358,333	500,000	0.0%
Capital Outlay	-	-	
Total Expenditures	358,333	500,000	71.7%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(333,333)	(500,000)	
Ending Fund Balance*	589,405	422,738	

* - Unaudited

92% of the fiscal year has elapsed





Town of Johnstown

MEMORANDUM

TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: December 19, 2022

CC: Town Staff
Local Media

SUBJECT: Town Manager's Report

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

- 12/19/2022 – Regular Council Meeting
- 01/04/2023 – Regular Council Meeting
- 01/09/2023 – Work Session – Strategic Planning Update
- 01/18/2023 – Regular Council Meeting
- 01/23/2023 – Work Session – Land Use Code Update

Administration, Finance, Planning, & Human Resources

- *Certification of Tax Levies* – DLG 70 forms have been completed and will be submitted to both Larimer and Weld Counties on December 13 after the conclusion of the Council meeting on December 12, 2022. Once submitted, the mill levy will be certified and set for the 2023 budget year.
- *Downtown Johnstown Branding & Wayfinding Project Update* – Kristin, from Michael Baker International, presented to Council on November 21. The presentation focused on the 6 key themes that came out of the community outreach and survey responses during Phase 1 of the project. The presentation and full report can be found on the project

The Community That Cares

johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

webpage at johnstown.colorado.gov/DowntownIdentity. We have now begun Phase 2 of the project which will design the brand identity. It was initially discussed to bring brand options to Council during a work session in November, but staff has rescheduled this to January to provide more adequate time to develop and strategize the downtown brand. Staff plans during Phase 2 to meet with Council to present the brand options and the community during a ‘brand week’ sometime in January/February. We will post updates regarding schedule/timing on the project webpage to keep the public informed. We also encourage residents and visitors to visit the Town’s social media accounts for updates on the project.

- *New Retail Business Alert* – Mary’s Mountain Cookies officially opened for business on November 25. The community is excited to welcome a locally owned business to the downtown corridor; located at 16 S. Parish Avenue.
- *Municipal Court* – Court processed 106 cases in November 2022.
- *Liquor Licensing* – Café Mexicali Johnstown, LLC applied for a Hotel & Restaurant Liquor License Renewal.
- *Hiring* – The Town is currently searching for a Parks Maintenance worker and a Backflow and Water Quality Specialist. Interviews are underway for two Police Officers to start in 2023. We are in processing with another Utility Operator, two Planners, and two Police Officers who will start in December. We are also working to fill a Police Sergeant role internally.
- *Customer Service Training* – The Town is in the process of designing and implementing an in-depth customer service training program. The training will emphasize customer focus, teamwork, improved communication, strategies for goodwill, and skills for managing a variety of customer interactions.
- *Community Survey* – The Town’s Community Survey is currently underway. The open participation portion is expected to begin within a week. The anticipated closing date for the entire survey is January 3, 2023.
- *Strategic Planning* – Staff has been working on drafting the foundation of a strategic plan for Council review. The draft plan will be presented to Council during a work session in January.
- *Cable Franchise Agreement* – Staff is working with counsel to update the Town’s cable franchise agreement.
- *Land Use Code Rewrite* – Council held a Work Session on December 12, with a public open house held at the YMCA on December 13 to review and discuss some of the larger issues the community wants to ensure we capture and address in the updated code document being drafted. Staff anticipates a Public Working Draft of the proposed Land Use & Development Code to be available around the end of the month.
- *Planning & Zoning Commission (PZC)* – The PZC held a meeting on December 14 for public hearings and a discussion of code updates and the annual review of the commission’s bylaws. Upcoming meetings are anticipated for January 11 and 25, pending items ready for hearings.
- *Weld RE-5J Long Range Planning Task Force* – The task force held its final meeting on December 6th providing recommendations to the School Board for consideration on long

range facility planning. The group discussed and considered projected growth and enrollment numbers, boundaries, existing and needed facilities and improvements. The intent would be to create a standing committee/task force that meets several times a year to continue monitoring enrollment and changing district needs and is able to make timely recommendations to the school board.

- *Ditch Company Annual Board Meetings* – The Town Manager represented the Town at both the Home Supply and Big Thompson Manufacturing Ditch Company Annual Board Meetings. At both meetings, the board members previously appointed and the share assessment fees remained the same.
- *Staffing During Holidays* – Staffing during the holiday season will more than likely be lower than normal due to vacation requests. During this time, we do not anticipate any inconvenience to the community members as they enter and contact personnel at the Town. As a reminder, the Town offices will be closed on Friday December 23 and Monday December 26 for the Christmas Holiday.

Police Department

Community Policing, Outreach & Miscellaneous Items:

- *Escort* – JPD escorted the RHS football team out of town as they traveled to Pueblo to win the state championship.
- *Johnstown Jingle* – Officers provided event security for the Johnstown Jingle community event. No issues reported.

Public Works and Utilities

- Crews completed 44 work orders this review period that included filling potholes, crack sealing streets, road sign repairs and installs, holiday flags hung along Parish, and a variety of other street related work.
- *Inspections:*
 - Water line inspected – 1,700’
 - Sewer line inspected – 4,273’
 - Manholes inspected – 9
 - Subgrade for new roads inspected – 19,000 lineal feet
 - New asphalt roadway inspected – 13,000 lineal feet
- *Charlotte Street Improvements* – Contractor is installing storm drain and reworking sidewalks and driveways. Sidewalks and driveways will be installed as they work on each side of the street and will be replaced as they go. This process will ensure the project is completed orderly and with far less disruption to residents.
- *Traffic Signal Design for Carlson Blvd and State Highway 60* – Town Staff is waiting on approval of the Request for Proposal by the Colorado Department of Transportation so the project can bid out.
- *State Highway Feasibility Study* – The Final Highway 60 Report will be issued to Colorado Department of Transportation for final approval.
- *Little Thompson River Trail* – The project bid closed, and the apparent low bidder is L4 Environmental. Approval is scheduled for Council on December 19, 2022. The Notice to

Proceed is anticipated to be given on January 5, 2022. The dates provided are subject to CDOT concurrence of the bid award recommendation.

- *Raw Water Transmission* – Town Staff is working with the design engineer to put together options to determine the best routing and location for a new pipeline. Over the next several months, the design engineer will be putting together design options and preliminary cost estimates.
- *South Water Tank* – Welding crews have finished welding the Tank. Painting crews have mobilized to finish painting the inside and outside of the roof, however, the cold front is currently preventing the contractor from painting until the low temperatures rise. If the cold temperatures continue, the painting crews will likely need to come back in the Spring to finish.
- *South Water Tank Distribution Pipeline* – The contractor is working on installing mainline along WCR 13. The contractor is working north to south between WCR46 and WCR 44 for the next several weeks. Town Staff has obtained the necessary easements and agreements with the Hillsborough Ditch Company, Little Thompson Water District, and several property owners to complete the project.
- *Water Treatment Plant Expansion* – An RFP has been issued to solicit proposals from several membrane manufacturers. The membrane selection will allow the design to keep progressing forward. The Town received three proposals for prospective CMAR contractors which are currently being reviewed by Town Staff and our Owner's Representative. Town Staff is looking to award the CMAR contract for pre-construction services by the end of the year.
- *Central Interceptor Phase 2* – The contractor has completed the mainline on WCR 46 between CR 15 and CR 13. The contractor must complete a portion of main line between CR 46 and the railroad tracks. Once this mainline is installed, the Clearview lift station will be abandoned, and Central Phase 2 will be complete.
- *North Interceptor* – The contractor is ordering long lead items to ensure that the project is completed on time. In addition, Town Staff is continuing to coordinate with property owners to acquire all necessary easements. The contractor is continuing to install the shoring system for the new lift station. The contractor anticipates having the shoring complete by mid-December and will start installing the concrete slabs in early January.
- *Low Point Sewer Expansion* – Masonry work is complete on the Membrane Bioreactor (MBR) building and roofing is nearly complete. The contractor has begun installing equipment in the MBR building as it arrives on site. The electrical transformer for the site was installed the week of December 12.
- *Central Plant Design* – The Design Engineer is currently preparing the 90% construction plans. Town Staff, the design engineer and the CMAR will work on value engineering as the design progresses and look at developing the Final GMP. Town Staff is also working with the adjacent property owner to acquire an easement for the construction of a new outfall pipe.



Staff training on Grader



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: December 19, 2022

SUBJECT: Resolution 2022-52: Resolution Accepting Conveyance of Real Property Situated in the Southwest Quarter of Section 9, Township 4 North, Range 67 West of the 6th P. M., Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 61.966 Acres, from Post Modern Development, LLC to the Town of Johnstown

ACTION PROPOSED: Resolution 2022-52 acceptance the property of Johnstown Farms Filing Number 2

ATTACHMENTS:

1. Resolution 2022-52
2. Vicinity Map
3. Subdivision Plat

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Enclosed for your review and your review and consideration is Resolution 2022-52. The property owner Post Modern Development, LLC would like to donate the property to the Town. The benefit for the current property owner is the tax benefit that the entity may realize. The resolution would accept the donation of approximately 61.966 acres from Post Modern Development, LLC to the Town of Johnstown.

The subject property of this donation was recently platted during a regular Town Council meeting on October 17, 2022. The plat was for Johnstown Farms Filing #2. Enclosed is a vicinity map and the plat that was submitted as part of the public hearing and approval process from the October 17 meeting.

The transfer of this property will be done by special warranty deed in a form approved by the Town Attorney. It is important to note that this property is dry, meaning there is no water being donated associated with the property donation. This property has significant potential that the

The Community That Cares

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Town can use for its desired purposes and outcomes which may include the use of the property as a regional park.

LEGAL ADVICE:

The Resolution was prepared by the Town Attorney.

FINANCIAL ADVICE:

Not Applicable.

RECOMMENDED ACTION: Approve Resolution 2022-52 as presented.

SUGGESTED MOTIONS:

For Approval

I move we approve Resolution 2022-52 accepting donation of the property from Post Modern Development, LLC to the Town of Johnstown consisting of approximately 61.966 acres.

For Denial

I move we deny Resolution 2022-52 not accepting donation of the property from Post Modern Development, LLC to the Town of Johnstown consisting of approximately 61.966 acres.

Reviewed and Approved for Presentation,



Town Manager

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2022-52**

**RESOLUTION ACCEPTING CONVEYANCE OF REAL PROPERTY
SITUATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4
NORTH, RANGE 67 WEST OF THE 6TH P.M., TOWN OF JOHNSTOWN,
COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF
APPROXIMATELY 61.966 ACRES, FROM POST MODERN DEVELOPMENT,
LLC TO THE TOWN OF JOHNSTOWN**

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, Post Modern Development, LLC, a Colorado limited liability company, desires to convey real property situated in the Southwest Quarter of Section 9, Township 4 North, Range 67 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 61.966 acres (“Property”), to the Town; and

WHEREAS, the Town Council desires to accept the conveyance of the Property on behalf of the Town; and

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

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

Section 1: The Town hereby accepts the conveyance of the Property from Post Modern Development, LLC.

Section 2: The Property shall be conveyed by a proper instrument of conveyance in a form approved by the Town Attorney.

Section 3: The Town Manager is hereby authorized to take all reasonable and necessary actions to effectuate the conveyance of the Property from Post Modern Development, LLC to the Town.

Section 4: If the Property is conveyed to the Town as contemplated herein, Post Modern Development, LLC shall not be obligated to pay the storm water system development charge required by Section 13-173 of the Johnstown Municipal Code.

Section 5: This Resolution shall be effective upon adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS ____ day of December, 2022.

ATTEST:

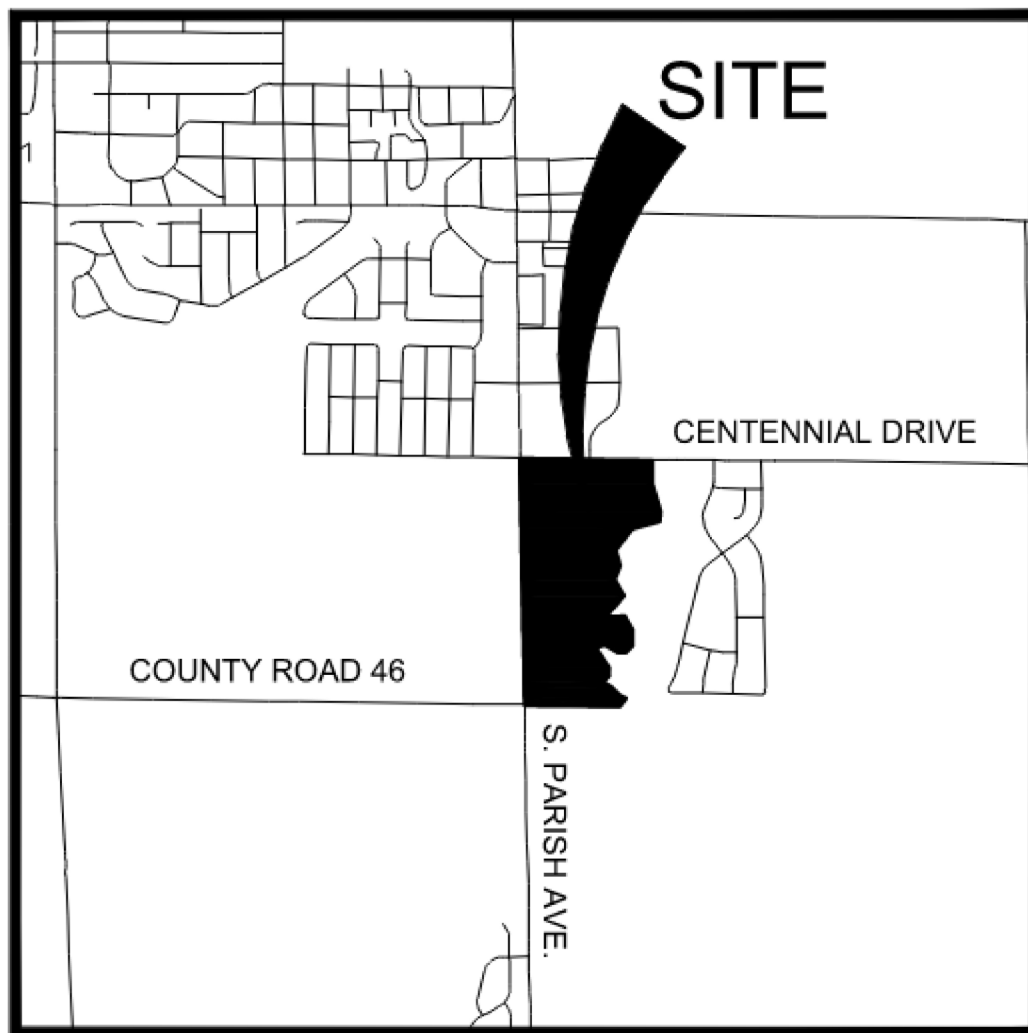
TOWN OF JOHNSTOWN, COLORADO

By: _____
Hannah Hill, Town Clerk

By: _____
Gary Lebsack, Mayor

VICINITY MAP

Johnstown Farms Filing No. 2



JOHNSTOWN FARMS FILING NO. 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH,
RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT POST MODERN DEVELOPMENT, LLC a Colorado limited liability company, being the sole owner(s) in fee of:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 9, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 9, BEARS SOUTH 89°24'30" EAST, A DISTANCE OF 2711.57 FEET, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, SOUTH 89°24'30" EAST, A DISTANCE OF 1400.63 FEET TO THE WESTERLY LINE OF JOHNSTOWN FARMS FILING NO. 3 RECORDED AT RECEPTION NO. 4568150, IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY;

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING TWENTY-TWO (22) COURSES:

1. SOUTH 00°35'30" WEST, A DISTANCE OF 243.05 FEET;
2. SOUTH 17°05'56" EAST, A DISTANCE OF 312.42 FEET;
3. SOUTH 08°16'54" WEST, A DISTANCE OF 101.30 FEET;
4. SOUTH 73°48'58" WEST, A DISTANCE OF 301.18 FEET;
5. SOUTH 38°14'03" WEST, A DISTANCE OF 293.89 FEET;
6. SOUTH 18°23'04" EAST, A DISTANCE OF 163.95 FEET;
7. SOUTH 22°16'35" WEST, A DISTANCE OF 164.82 FEET;
8. SOUTH 34°51'09" EAST, A DISTANCE OF 193.10 FEET (SEE NOTE 13);
9. SOUTH 39°39'32" WEST, A DISTANCE OF 314.41 FEET;
10. NORTH 86°13'22" EAST, A DISTANCE OF 210.38 FEET;
11. SOUTH 29°49'13" EAST, A DISTANCE OF 160.73 FEET;
12. SOUTH 00°51'36" EAST, A DISTANCE OF 178.22 FEET;
13. SOUTH 48°25'30" WEST, A DISTANCE OF 98.93 FEET;
14. NORTH 90°00'00" WEST, A DISTANCE OF 75.86 FEET;
15. NORTH 59°40'57" WEST, A DISTANCE OF 166.01 FEET;
16. SOUTH 68°44'13" WEST, A DISTANCE OF 104.57 FEET;
17. SOUTH 34°32'15" EAST, A DISTANCE OF 252.50 FEET;
18. SOUTH 00°00'00" EAST, A DISTANCE OF 84.23 FEET;
19. SOUTH 38°13'50" WEST, A DISTANCE OF 97.60 FEET;
20. SOUTH 61°02'08" EAST, A DISTANCE OF 96.44 FEET;
21. SOUTH 46°04'50" EAST, A DISTANCE OF 124.78 FEET;
22. SOUTH 62°56'25" EAST, A DISTANCE OF 71.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE GREAT WESTERN RAILROAD AS EXCEPTED IN BOOK 221 AT PAGE 72 IN SAID RECORDS;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 36°08'54" WEST, A DISTANCE OF 101.74 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9;

THENCE ALONG SAID SOUTH LINE, NORTH 89°11'03" WEST, A DISTANCE OF 1014.97 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, NORTH 00°52'28" WEST, A DISTANCE OF 2613.54 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION PREPARED BY:

SHAUN D. LEE, PLS 38158
FOR AND ON BEHALF OF:
AZTEC CONSULTANTS INC.

Said described parcel of land contains 2,699,261 square feet, or 61.966 acres, more or less (±).

shown on the attached map as embraced within the heavy exterior lines thereon, has (have) subdivided the same into Lots, Blocks, and Outlots, as shown on the attached map; and does (do) hereby set aside said portion or tract of land and designate the same JOHNSTOWN FARM FILING NO. 2, and does (do) dedicate to the public, the streets and all easements over and across said lots at locations shown on said map; and does (do) further certify that the width of said streets, dimensions of the lots and blocks (or building envelopes) and the names and numbers thereof are correctly designated upon said map.

Owner: Post Modern Development, LLC

By: _____
JD Padilla

STATE OF COLORADO)
COUNTY OF WELD) ss

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by JD Padilla as _____ of Post Modern Development, LLC.

WITNESS my Hand and Official Seal.

Notary Public

My commission expires: _____.

TOWN COUNCIL:

This Plat, to be know as JOHNSTOWN FARM FILING NO. 2, is approved and accepted by the Town of Johnstown, by Resolution Number _____.

Passed and adopted on Final Reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado held on the _____ day of _____, 2022.

By: _____
Gary Lebsack, Mayor

ATTEST: _____
Hannah Hill, Town Clerk

SURVEYOR NOTES:

1. The lineal unit of measurement for this survey is U. S. Survey Feet.
2. The Basis of Bearings is the West quarter-section line, bearing South 88°59'45" East (an assumed bearing), and monumented as shown on drawing.
3. For all information regarding easements, right-of-way or title of record, Northern Engineering relied upon Order No. ABD25177100, dated 10/20/2020, prepared by Land Title Guarantee Company.
4. Northern Engineering or the Professional Land Surveyor listed hereon, does not have the expertise to address mineral rights, and recommends the owner retain an expert to address these matters. Northern Engineering or the Professional Land Surveyor listed heron assumes no responsibility for the mineral rights upon the subject property.
5. A copy of the title commitment and the documents contained therein were provided to the owner, client and those entities listed under the surveyor's certification for their use and review.
6. For easements created by separate document and shown hereon refer to record document for specific terms.
7. A prescriptive 60-foot right of way Weld County road 46 1/2 was shown on the subdivision plat of Johnstown Farms Filing No. 3, recorded at reception no. 4568150 with Weld County Clerk and Recorder. Said plat also shows the 60-foot right of way as being attributed to Book 86 Page 283 of the Weld County records. However, the document at Book 86 Page 283 only calls for 60-foot rights of way on section lines, while Weld County road 46 1/2 is along a quarter section line. This survey does not address whether there was a prescriptive 60-foot right of way prior to the platting of Johnstown Farms Filing No. 3.
8. Not all documents listed in title commitment are plottable or definable. Those easements that are definable by their descriptions are shown hereon. Owner, Client and others should refer to the title commitment and those documents listed therein for a true understanding of all rights of way, easements, encumbrances, interests and title of record concerning the subject property.
9. The word "certify" or "certification" as shown and used hereon is an expression of professional opinion regarding the facts of the survey, and does not constitute a warranty or guaranty, expressed or implied. DORA Bylaws and Rules (4 CCR 730-1).
10. Easements and other record documents shown or noted hereon were examined as to location and purpose and were not examined as to restrictions, exclusions, conditions, obligations, terms, or as to the right to grant the same.
11. Adjacent property owner information per the Weld County Property Portal
12. The Professional opinion of the Surveyor is not a determination of law, nor a matter of fact.
13. This bearing appears to have a scrivener's error and should instead read South 30° 51' 09" East, per the plat of Johnstown Farms Filing No. 3 recorded at Reception No. 4568150 by Shaun D. Lee, PLS 38158 for and on behalf of Aztec Consultants Inc., being the same PLS that created this legal description. This survey reflects the aforementioned bearing of South 30° 51' 09" East.
14. A current title commitment was not provided to the surveyor. The surveyor has used the above listed title commitment as the best available evidence to determine rights and encumbrances that may or may not impact the subject property. The surveyor is not responsible for those rights or encumbrances of record or existing not listed in said title commitments. This survey is subject to all easements, rights-of-way, and encumbrances as recorded or existing.
15. A current title commitment will be provided to the surveyor prior to final submittal. This note will be removed prior to finalizing survey.
16. Said described property is located within an area having a Zone Designation AE by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 08069C1410G, Panel 1410, with a date of identification of January 15, 2021, for Community No. 080250, in Town of Johnstown, County of Larimer, State of Colorado, which is the current Flood Insurance Rate Map for the community in which said premises is situated.
17. It is unlawful under Colorado State Statute to knowingly disturb, deface, remove, or destroy a land survey monument.
18. This survey is a draft. Monuments have not been set. Monuments will be set or upgraded prior to finalizing survey. *THIS NOTE WILL BE REMOVED PRIOR TO FINALIZING THE SURVEY*

PLAT NOTES AS REQUESTED BY THE TOWN OF JOHNSTOWN:

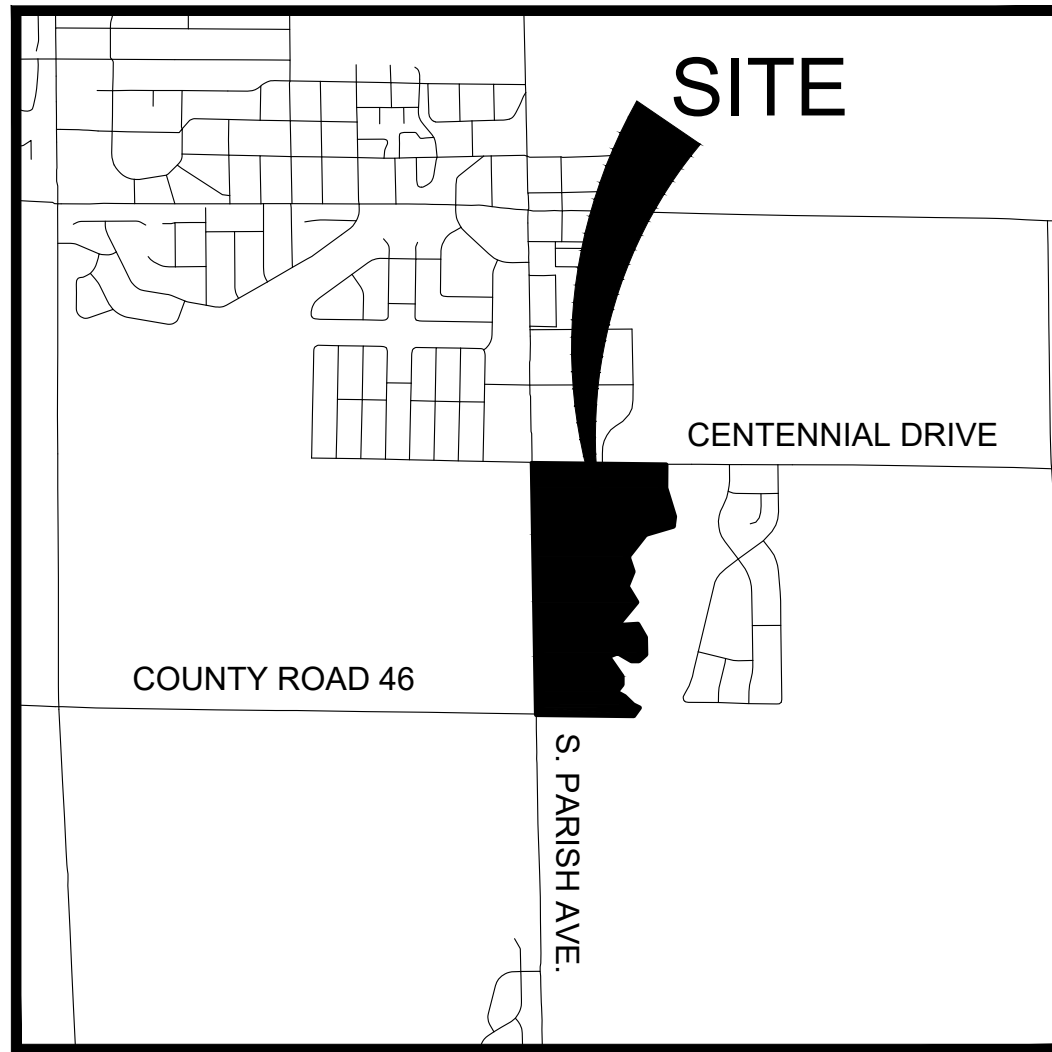
Notes as requested by the Town of Johnstown and listed hereon are being required as a condition of approval by the Town of Johnstown. The notes, as listed hereon, were provided to Northern Engineering by the Town of Johnstown.

- No construction or building may occur on-site until all Final Development Plans, Engineering Plans and Reports, Development Agreement, and the Water/Sewer Service Agreement have received Town approval and construction acceptance, as appropriate.

SURVEYOR'S STATEMENT

I, Robert C. Tessely, a Colorado Registered Professional Land Surveyor do hereby state that this Subdivision Plat was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon were found or set as shown, and that the foregoing plat is an accurate representation thereof, all this to the best of my knowledge, information and belief.

For and on Behalf of Northern Engineering
Robert C. Tessely
Colorado Registered Professional Land Surveyor No. 38470

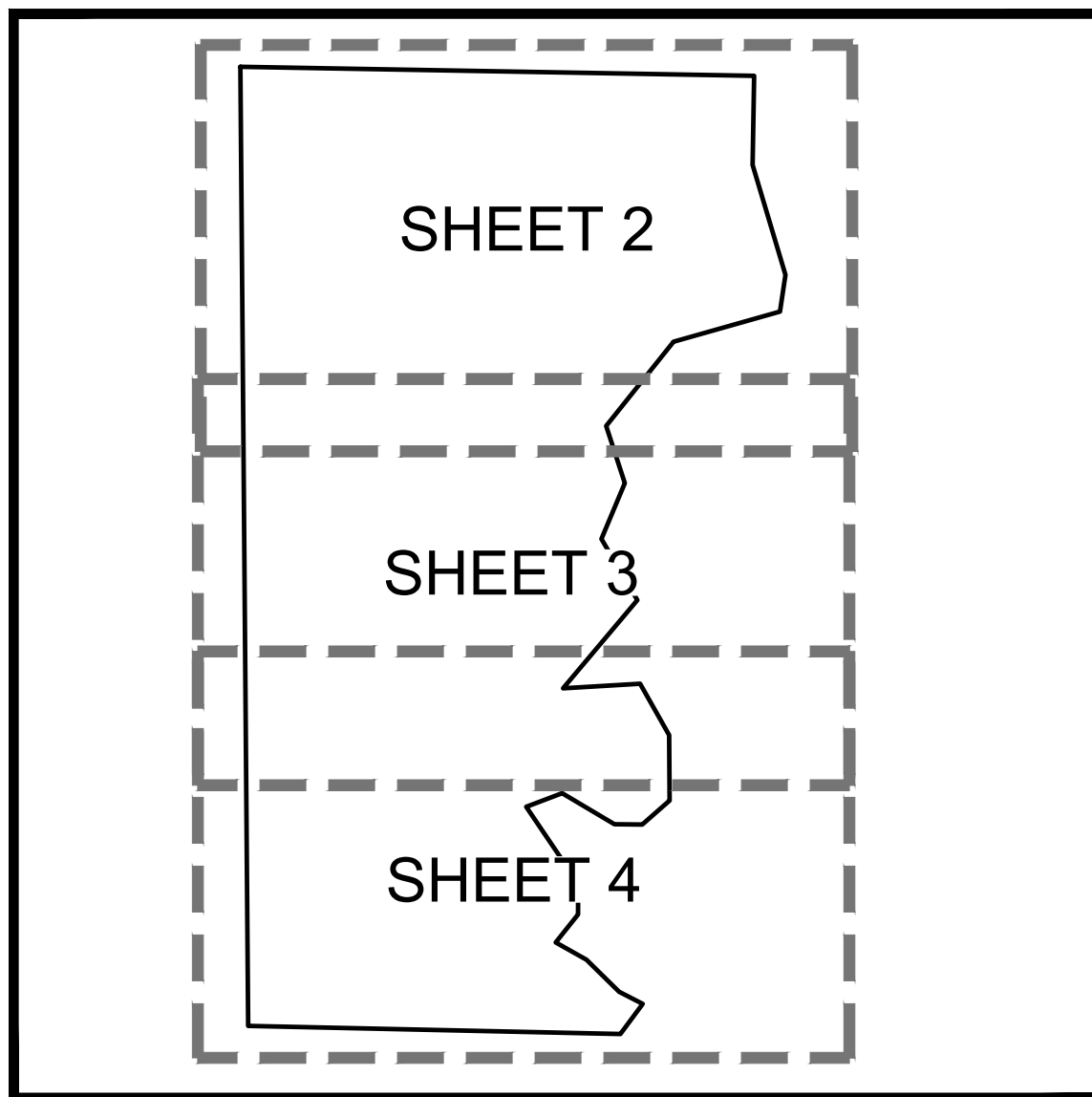


OWNER/DEVELOPER/APPLICANT

POST MODERN DEVELOPMENT, LLC
a Colorado limited liability company
144 N. Mason Street #4
Fort Collins, CO 80524

SURVEYOR

Northern Engineering Services, Inc.
Robert C. Tessely, PLS
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158



SHEET INDEX

1"=500'

NOTICE:

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION:

9

TOWNSHIP:

4N

RANGE:

67W

of the 6th PM



DATE:

9/15/22

SCALE:

As shown

REVIEWED BY:

R. Tessely

PROJECT:

1204-008

CLIENT:

POST MODERN DEVELOPMENT

DRAWN BY:

L. Smith

JOHNSTOWN FARMS FILING NO. 2
TOWN OF JOHNSTOWN
STATE OF COLORADO

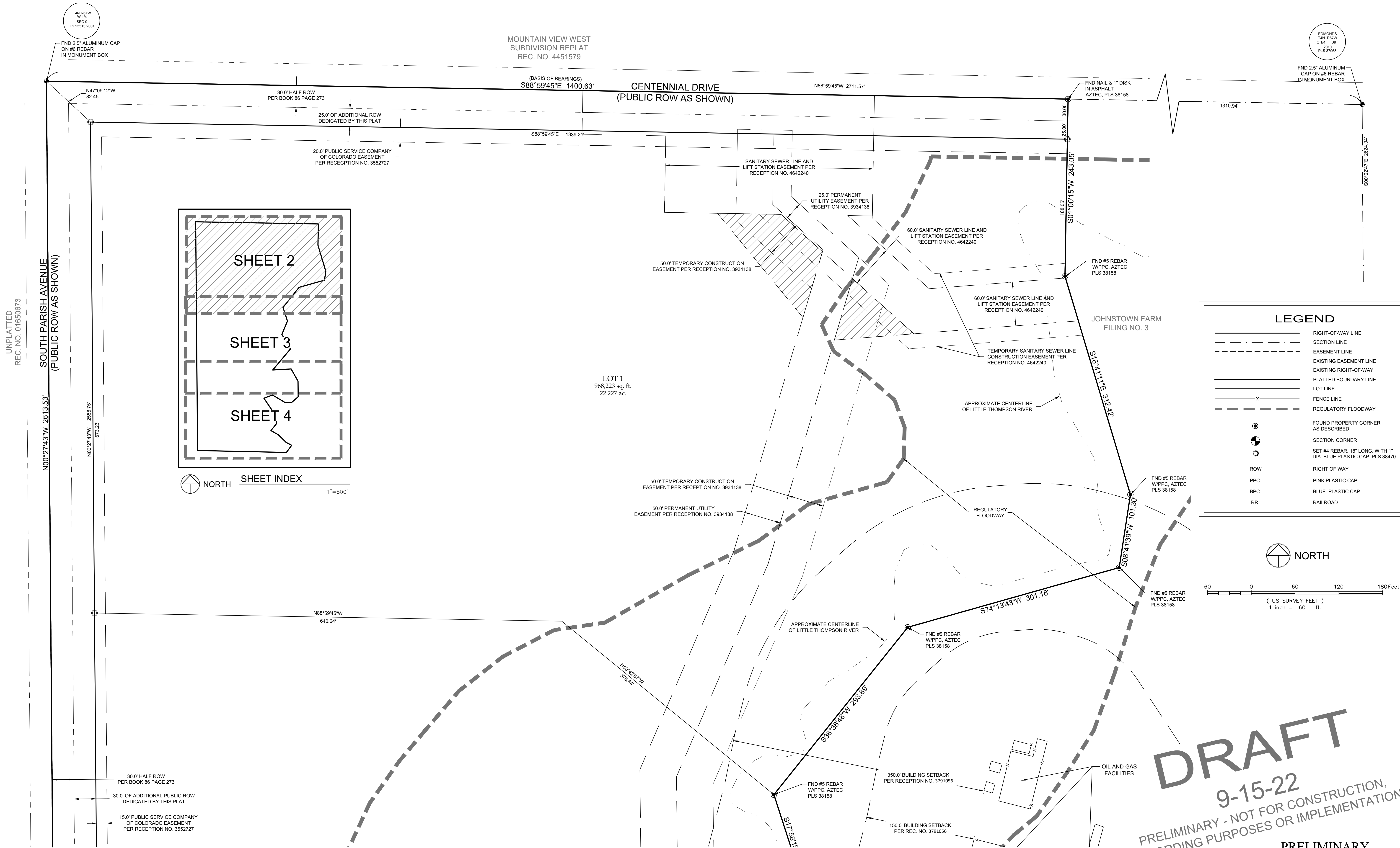
Sheet

1

Of 4 Sheets

JOHNSTOWN FARMS FILING NO. 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH,
RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO



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SECTION:
9
TOWNSHIP:
4N
RANGE:
67W of the 6th P.M.

NORTHERN ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
FORT COLLINS | GREELEY 970.221.4188 NORTHERNENGINEERING.COM

DATE: 9/15/22
SCALE: 1" = 60'
REVIEWED BY: R. Tessey
PROJECT: 1204-008
CLIENT: POST MODERN DEVELOPMENT
DRAWN BY: L. Smith

JOHNSTOWN FARMS FILING NO. 2
TOWN OF JOHNSTOWN
STATE OF COLORADO

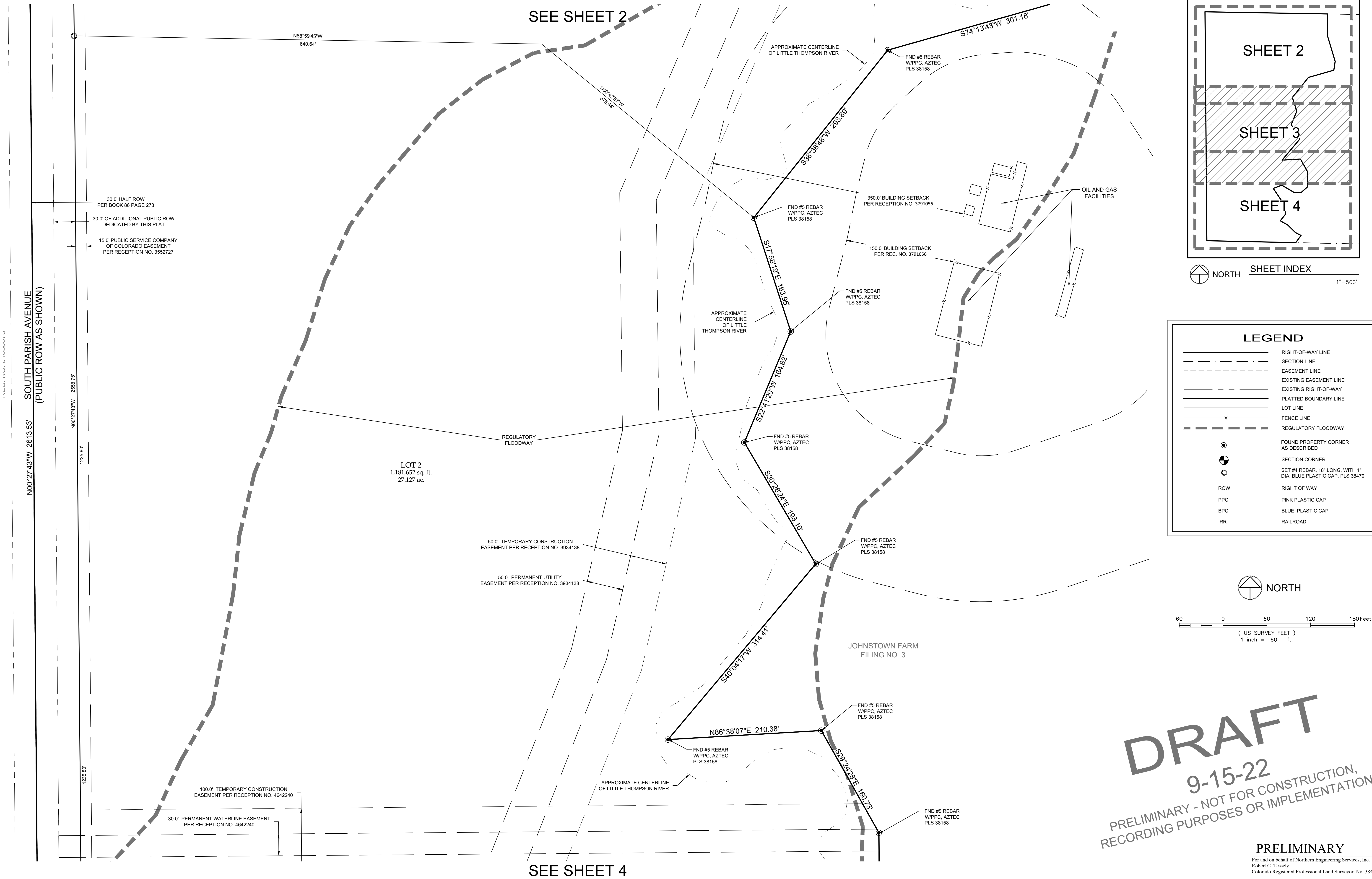
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2
Of 4 Sheets

DRAFT
9-15-22
PRELIMINARY - NOT FOR CONSTRUCTION,
RECORDING PURPOSES OR IMPLEMENTATION

PRELIMINARY
For and on behalf of Northern Engineering Services, Inc.
Robert C. Tessey
Colorado Registered Professional Land Surveyor No. 38470

JOHNSTOWN FARMS FILING NO. 2

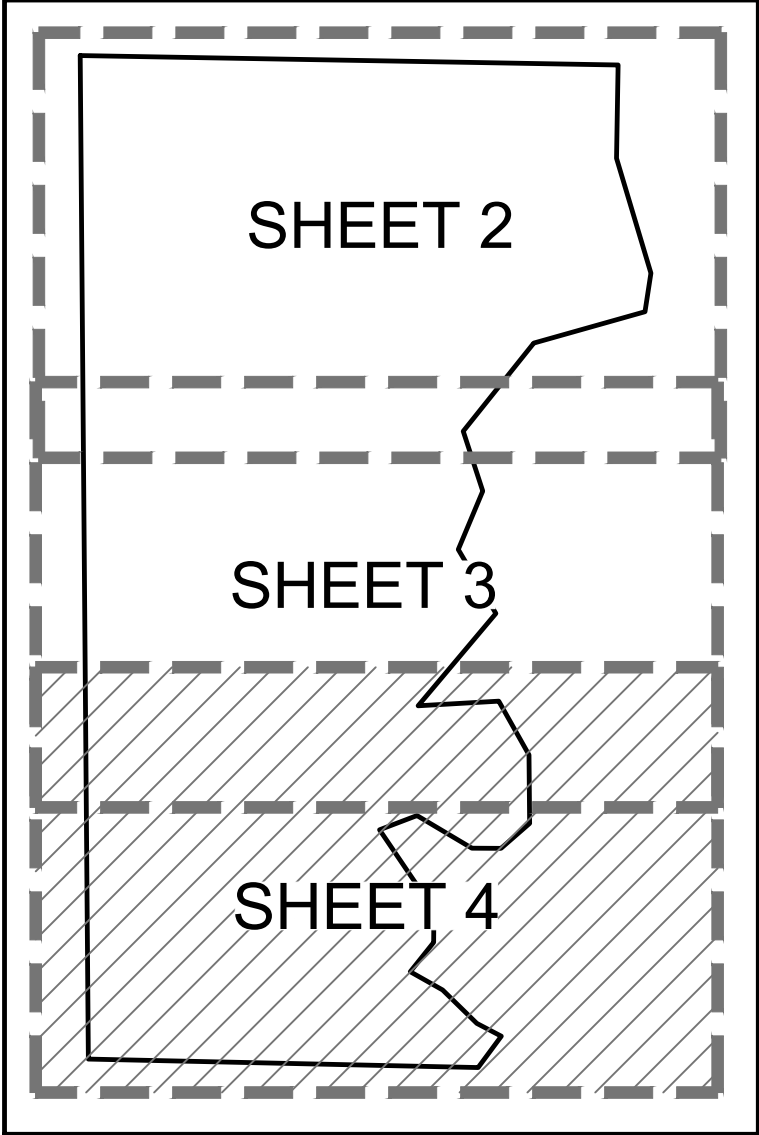
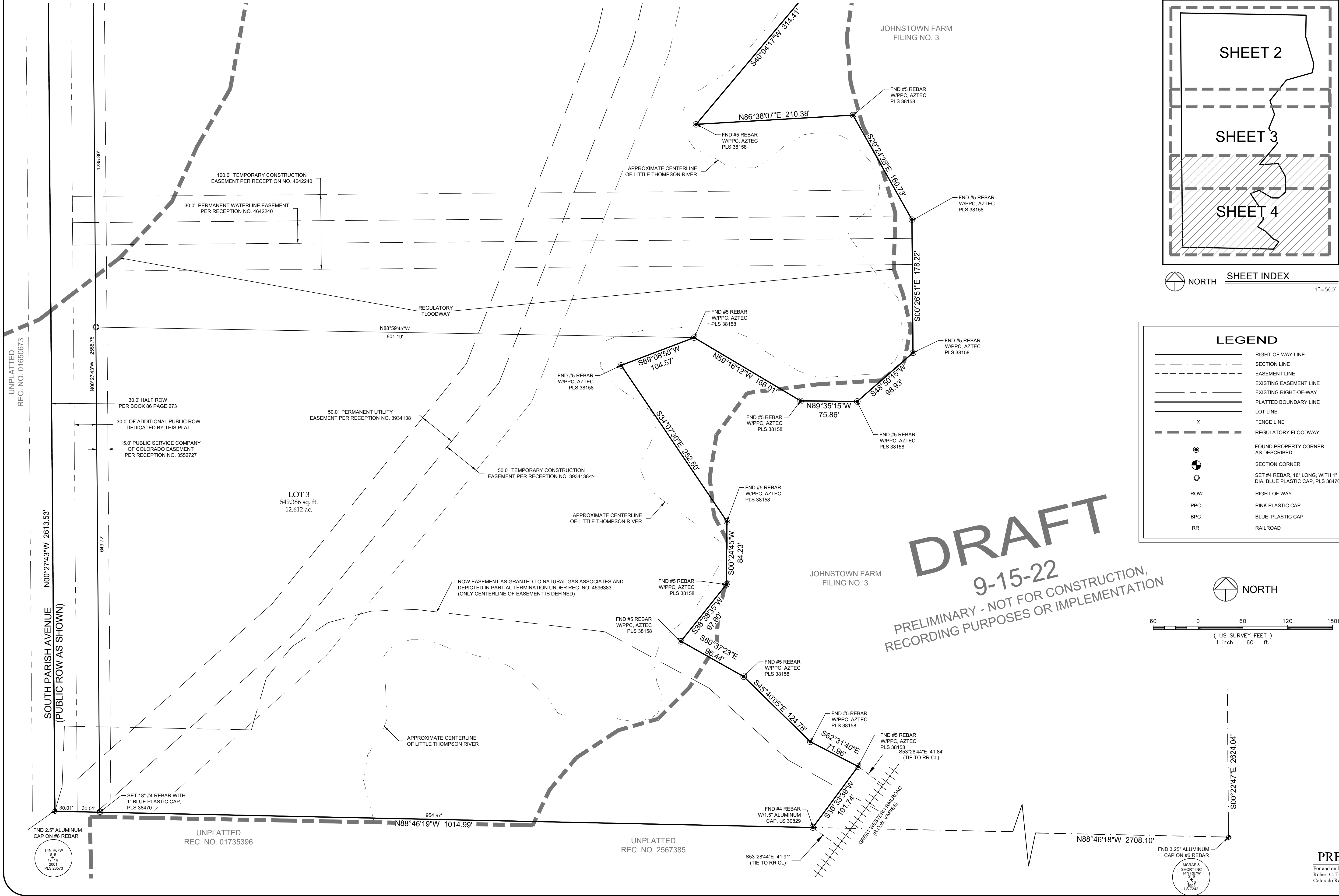
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RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO



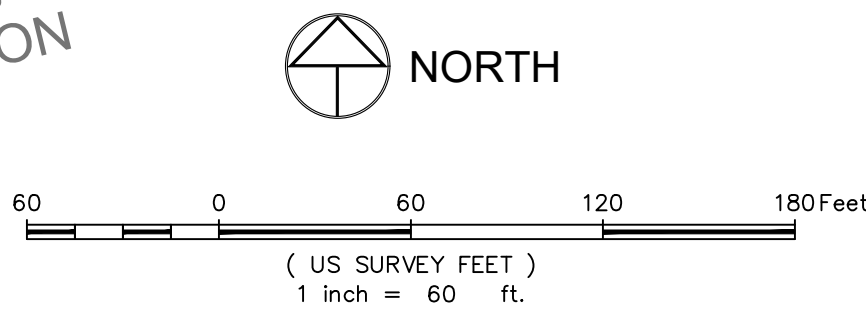
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RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

SEE SHEET 3



LEGEND	
	RIGHT-OF-WAY LINE
	SECTION LINE
	EASEMENT LINE
	EXISTING EASEMENT LINE
	EXISTING RIGHT-OF-WAY
	PLATTED BOUNDARY LINE
	LOT LINE
	FENCE LINE
	REGULATORY FLOODWAY
	FOUND PROPERTY CORNER AS DESCRIBED
	SECTION CORNER
	SET #4 REBAR, 18" LONG, WITH 1" DIA. BLUE PLASTIC CAP, PLS 38470
	ROW
	PPC
	BPC
	RR
	RIGHT OF WAY
	PINK PLASTIC CAP
	BLUE PLASTIC CAP
	RAILROAD



DRAFT
9-15-22
PRELIMINARY - NOT FOR CONSTRUCTION,
RECORDING PURPOSES OR IMPLEMENTATION

PRELIMINARY

For and on behalf of Northern Engineering Services, Inc.
Robert C. Tessey
Colorado Registered Professional Land Surveyor No. 38470

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SECTION:	TOWNSHIP:	RANGE:
9	4N	67W

NORTHERN ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
FORT COLLINS | GREELEY
970.221.4188
NORTHERNENGINEERING.COM

PROJECT:	DATE:	SCALE:	REVIEWED BY:
1204-008	9/15/22	1" = 60'	R. Tessey
CLIENT:	MODERN DEVELOPMENT	DRAWN BY:	
		T. Kish	

JOHNSTOWN FARMS FILING NO. 2
TOWN OF JOHNSTOWN
STATE OF COLORADO



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE:	December 19, 2022
SUBJECT:	Contract with L4 Environmental for Construction of the Little Thompson River Trail
ACTION PROPOSED:	Consider a Contract with L4 Environmental
ATTACHMENTS:	1. Site Map 2. Engineer's Estimate 3. Bid Sheet
PRESENTED BY:	Troy White, Public Works Director

AGENDA ITEM DESCRIPTION:

The Town of Johnstown, in conjunction with the Colorado Department of Transportation (CDOT), will construct a pedestrian trail along the Little Thompson River. The project area is bounded by County Road 19 on the east, County Road 46 ½ on the south, vacant, undisturbed land on the west, and the Little Thompson River to the north. The action area is characterized as uplands dominated by active and fallow agricultural land and by the drainage corridor along the Little Thompson River, including a narrow riparian vegetation community. A majority of the uplands and portions of the wetland and riparian vegetation community are dominated by non-native species. The proposed trail would be largely constructed within upland areas with no impacts on waters, wetlands, riparian vegetation communities, or native animal habitat in the area. The proposed trail would be constructed outside of riparian vegetation with a fence installed parallel to the trail to discourage human encroachment into suitable Preble's meadow jumping mouse habitat. There will be an approximate 5-foot buffer between riparian habitat and the trail.

The project bid was issued on November 17, 2022 and closed on December 8, 2022. L4 Environmental was the low bidder with the amount of \$679,376.29. A copy of both the engineer's estimate and the bid tab sheet is included with this correspondence. The Town is currently in development of the final contract documents. Staff is expecting to release the Notice to Proceed on January 5, 2023 subject to authorization to award from CDOT and is asking Council to authorize the Town Manager to sign the final contract. The Project must be complete by May 1, 2023, to avoid disrupting the Preble Mouse Habitat. Therefore, time is of the essence.

Due to the Preble Mouse habitat, the Town will be responsible for the following:

- The Town will inspect the trail fencing on a monthly basis to verify that the fencing and signs are in place and is functioning as intended to prevent access to the PMJM habitat.

The Community That Cares

www.TownofJohnstown.com

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

- Repair or maintenance work that is expected to create high levels of noise only be performed in the PMJM inactive period (October 15 to May 1).

Funding for the project is supported by a Federal Transportation Alternative Program (TAP) Grant in the amount of \$250,000. From this grant amount, \$94,444 was allocated to assist with design of the project and the remaining balance of \$155,556 will be utilized for construction purposes. Also awarded was the construction management contract last month in the amount of \$79,785. No grant dollars are allocated for the construction management scope of work. The total amount budgeted for this project in FY 2023 is \$850,000.

LEGAL ADVICE:

Legal will review the final contract.

FINANCIAL ADVICE:

The funding for the project is included in the 2023 Fiscal Year Budget.

RECOMMENDED ACTION: Staff recommends approval of a Contract with L4 Environmental in the amount of \$679,376.29 and requests authorization for the Town Manager to sign the final contract upon concurrence from CDOT authorizing the award.

SUGGESTED MOTIONS:

For Approval

I move to approve the contract with L4 Environmental in the amount of \$679,376.29 and authorize the Town Manager to sign and award the final contract. The award is subject to authorization and concurrence to award by the Colorado Department of Transportation.

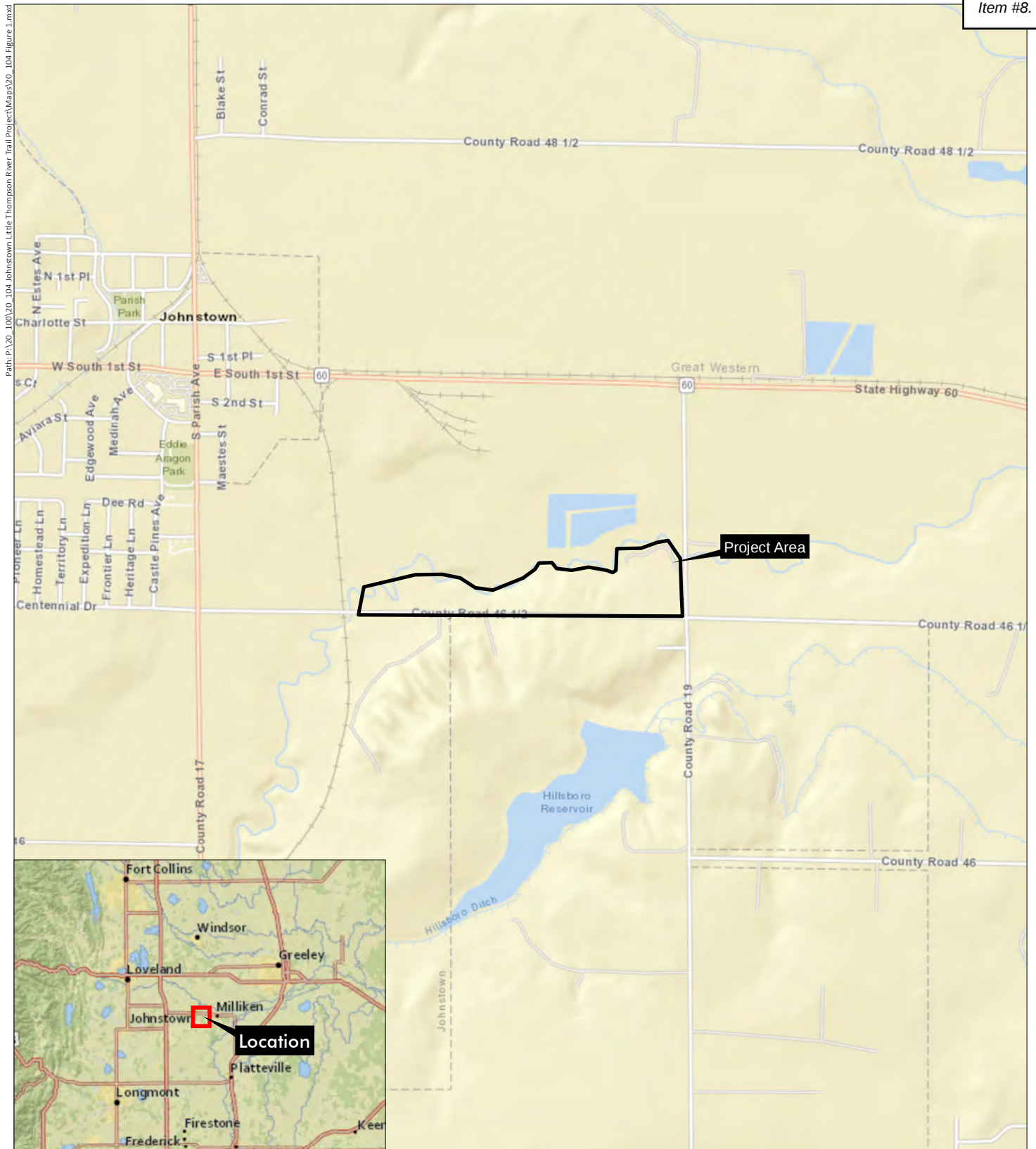
For Denial

I move to not approve the Contract with L4 Environmental in the amount of \$679,376.29.

Reviewed and Approved for Presentation,



Town Manager



Johnstown Little Thompson River Trail Project

Section 9, T4N, R67W; 6th PM

UTM NAD 83: Zone 13N; 509156mE, 4464156mN

Longitude 104.892220°W, Latitude 40.327890°N

USGS Johnstown, CO Quadrangle

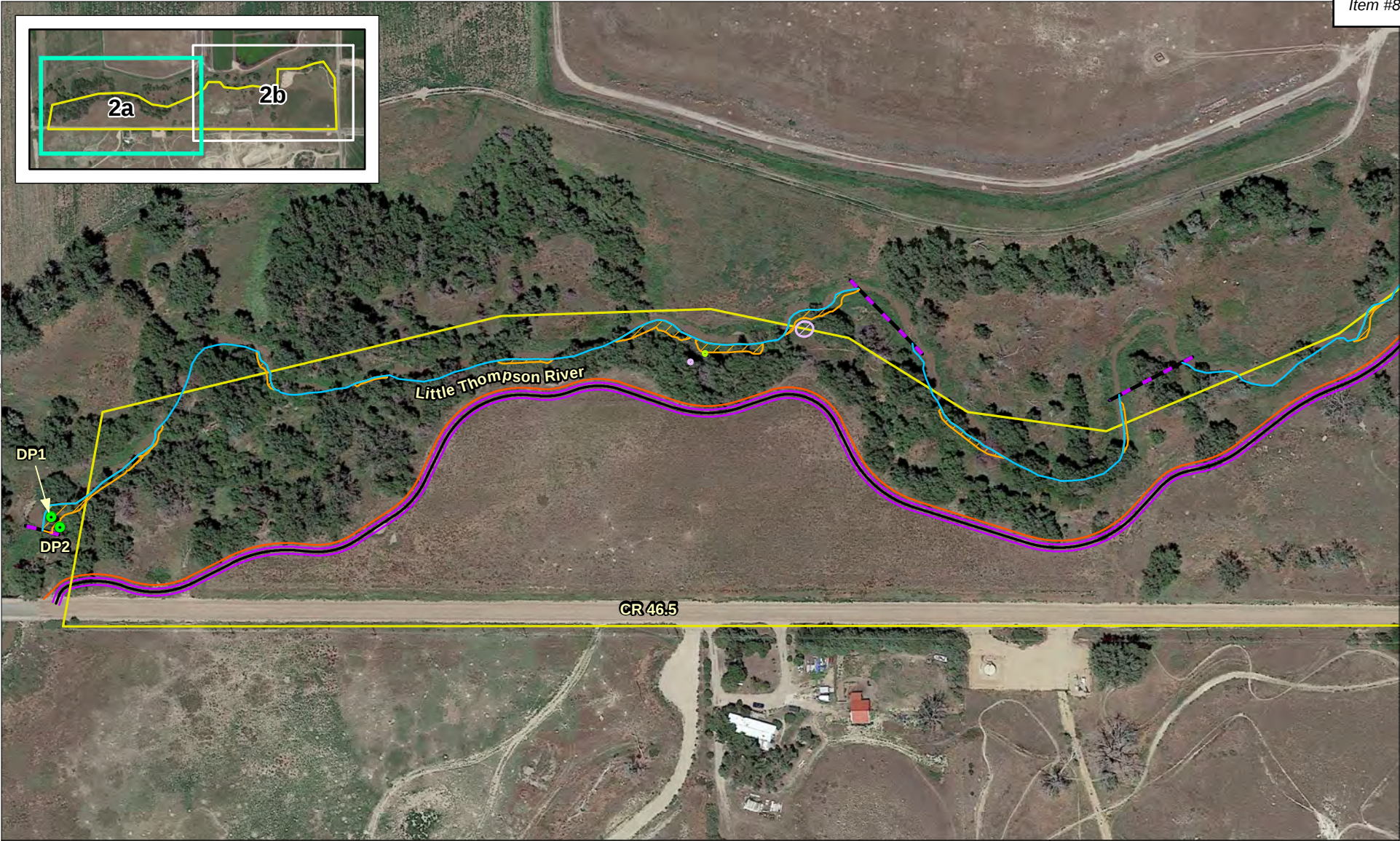
Weld County, Colorado

Figure 1
Vicinity Map

Prepared for: Otak
File: 20_104 Figure 1.mxd (GS)
July 1, 2020

ERO
ERO Resources C

Path: P:\20_104\20_104 Johnstown Little Thompson River Trail Project\Map\NR\20_104 Figures 2a & 2b.mxd



Johnstown Little Thompson River Trail Project

- | | | | |
|--------------------------|--------------------|------------------|--------------------------|
| Data Point | Wetland (0.286 ac) | Trail Centerline | Environmental Study Area |
| Ordinary High Water Mark | Canada Thistle | Trail Edge | |
| Limit of Delineation | Musk Thistle | Trail Fence | |

Image Source: Google Earth®, July 2019

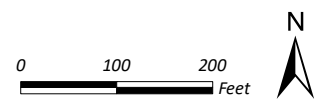


Figure 2a
Existing Conditions

Prepared for: Otak
File: 20_104 Figures 2a & 2b.mxd (GS)
July 9, 2021

ERO
ERO Resources C

Path: P:\20_104\20_104 Johnstown Little Thompson River Trail Project\Map\NR\20_104 Figures 2a & 2b.mxd



Johnstown Little Thompson River Trail Project

- | | | | |
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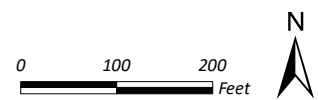


Figure 2b
Existing Conditions

Prepared for: Otak
File: 20_104 Figures 2a & 2b.mxd (GS)
July 9, 2021





Otak, Inc.
 371 Centennial Parkway
 Suite 210
 Louisville, CO 80027
T:303-444-2073
 otak.com

Project: LITTLE THOMPSON RIVER TRAIL

Otak No.: 19658

Project No.: TAP M690-001, SA21992

By: Scott Belonger

FINAL Quantities & Cost Estimate

Date: 9/21/2022

ITEM	CONTRACT ITEM	UNIT	UNIT COST	QUANTITY	COST
201-00000	CLEARING AND GRUBBING	L S	\$ 10,000.00	1	\$ 10,000.00
202-00010	REMOVAL OF TREE	EACH	\$ 500.00	2	\$ 1,000.00
202-00000	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L S	\$ 1,500.00	1	\$ 1,500.00
203-00010	UNCLASSIFIED EXCAVATION (COMPLETE IN PLACE)	CY	\$ 30.00	1,543	\$ 46,290.00
203-01597	POTHOLING	HOURL	\$ 250.00	16	\$ 4,000.00
207-00700	TOPSOIL (ONSITE)	CY	\$ 12.00	2,292	\$ 27,504.00
207-00210	STOCKPILE TOPSOIL	CY	\$ 7.00	2,292	\$ 16,044.00
208-00002	EROSION LOG TYPE 1 (12 INCH)	LF	\$ 6.00	6,630	\$ 39,780.00
208-00045	CONCRETE WASHOUT STRUCTURE	EACH	\$ 4,000.00	2	\$ 8,000.00
208-00070	VEHICLE TRACKING PAD	EACH	\$ 3,000.00	2	\$ 6,000.00
208-00103	REMOVAL AND DISPOSAL OF SEDIMENT (LABOR)	HOURL	\$ 50.00	8	\$ 400.00
208-00105	REMOVAL AND DISPOSAL OF SEDIMENT (EQUIPMENT)	HOURL	\$ 100.00	8	\$ 800.00
208-00107	REMOVAL OF TRASH	HOURL	\$ 60.00	12	\$ 720.00
208-00207	EROSION CONTROL MANAGEMENT	DAY	\$ 400.00	15	\$ 6,000.00
212-00100	TREE RETENTION AND PROTECTION	L S	\$ 2,500.00	1	\$ 2,500.00
212-00700	ORGANIC FERTILIZER	LB	\$ 1.50	849	\$ 1,274.00
212-00701	COMPOST (MECHANICALLY APPLIED)	CY	\$ 50.00	184	\$ 9,200.00
212-00703	HUMATE	LB	\$ 2.50	509	\$ 1,273.00
212-00704	MYCORRHIZAE	LB	\$ 25.00	23	\$ 575.00
212-00706	SEEDING (NATIVE) DRILL	ACRE	\$ 1,500.00	2,8300	\$ 4,245.00
213-00004	MULCHING (WEED FREE STRAW)	ACRE	\$ 1,100.00	2,8300	\$ 3,113.00
213-00061	MULCH TACKIFIER	LB	\$ 5.00	566	\$ 2,830.00
304-06007	AGGREGATE BASE COURSE (CLASS 6)	CY	\$ 60.00	804	\$ 48,240.00
603-30018	18 INCH STEEL END SECTION	EACH	\$ 600.00	2	\$ 1,200.00
603-10180	18 INCH CORRUGATED STEEL PIPE	LF	\$ 140.00	30	\$ 4,200.00
607-01055	FENCE WIRE WITH TREATED WOODEN POSTS	LF	\$ 10.00	6,470	\$ 64,700.00
607-11525	FENCE (PLASTIC)	LF	\$ 5.00	5,720	\$ 28,600.00
608-00026	CONCRETE BIKEWAY (6 INCH)	SY	\$ 80.00	4,808	\$ 384,640.00
608-00015	DETECTABLE WARNINGS	SF	\$ 75.00	36	\$ 2,700.00
614-00011	SIGN PANEL (CLASS I)	SF	\$ 30.00	5	\$ 150.00
620-00020	SANITARY FACILITY	EACH	\$ 3,500.00	1	\$ 3,500.00
625-00000	CONSTRUCTION SURVEYING	L S	\$ 20,000.00	1	\$ 20,000.00
626-00000	MOBILIZATION	L S	\$ 50,000.00	1	\$ 50,000.00
SUBTOTAL OF MAJOR ITEMS					\$800,978
CONSTRUCTION BID ALLOWANCES					
700-70010	F/A MINOR CONTRACT REVISIONS	F A		1	\$ 50,000.00
700-70016	F/A FUEL COST ADJUSTMENT	F A		1	\$ 5,000.00
700-70023	F/A ON-THE-JOB TRAINEE	F A		1	
700-70380	F/A EROSION CONTROL	F A		1	\$ 5,000.00
SUBTOTAL OF BID ALLOWANCES					\$60,000
TOTAL BID ESTIMATE				\$	860,978
ADDITIONAL PROJECT COSTS					
SUBTOTAL OF ADDITIONAL PROJECT COSTS					\$0
TOTAL ESTIMATED PROJECT COST				\$	860,978

In providing opinions of probable construction cost, the Client understands that Otak, Inc. has no control over costs of the price of labor, equipment or materials, or over the Contractor's method of pricing, and that the opinions of probable construction costs provided herein are to be made on the basis of our qualifications and experience. Otak, Inc. make no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

Project: 2022 Little Thompson River Trail
TAP M690-001

CDOT Project No. 21992

Local Agency: Town of Johnstown

Summary of Contractor Bid Tabulations

Item No.	Contract Item	Unit	Quantity	L4 Construction		JAGS Enterprises		Connell Resources		Colorado Paving		NorthStar Concrete		Lawson Construction		Duran Excavating		L and M Enterprises	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
201-00000	Clearing and Grubbing	LS	1	\$20,100.00	\$20,100.00	\$9,500.00	\$9,500.00	\$13,500.00	\$13,500.00	\$30,000.00	\$30,000.00	\$50,000.00	\$50,000.00	\$22,550.00	\$22,550.00	\$16,885.00	\$16,885.00	\$11,558.00	\$11,558.00
202-00010	Removal of Tree	EACH	2	\$3,600.00	\$7,200.00	\$500.00	\$1,000.00	\$3,500.00	\$7,000.00	\$2,500.00	\$5,000.00	\$2,500.00	\$5,000.00	\$2,100.00	\$4,200.00	\$7,000.00	\$14,000.00	\$1,372.00	\$2,744.00
202-00000	Removal of Structures and Obstructions	LS	1	\$12,800.00	\$12,800.00	\$1,500.00	\$1,500.00	\$2,200.00	\$2,200.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$3,500.00	\$3,500.00	\$3,600.00	\$3,600.00	\$955.00	\$955.00
203-00010	Unclassified Excavation (Complete in Place)	CY	1543	\$14.80	\$22,836.40	\$25.00	\$38,575.00	\$12.70	\$19,596.10	\$42.00	\$64,806.00	\$60.00	\$92,580.00	\$38.50	\$59,405.50	\$80.00	\$123,440.00	\$31.00	\$47,833.00
203-01597	Potholing	HOURL	16	\$460.00	\$7,360.00	\$250.00	\$4,000.00	\$400.00	\$6,400.00	\$350.00	\$5,600.00	\$400.00	\$6,400.00	\$650.00	\$10,400.00	\$365.00	\$5,840.00	\$326.00	\$5,216.00
207-00700	Topsoil (onsite)	CY	2292	\$4.54	\$10,405.68	\$17.00	\$38,964.00	\$5.00	\$11,460.00	\$8.70	\$19,940.40	\$8.00	\$18,336.00	\$39.00	\$89,388.00	\$8.00	\$18,336.00	\$15.00	\$34,380.00
207-00210	Stockpile Topsoil	CY	2292	\$3.00	\$6,876.00	\$6.50	\$14,898.00	\$12.25	\$28,077.00	\$10.90	\$24,982.80	\$5.00	\$11,460.00	\$6.50	\$14,898.00	\$2.00	\$4,584.00	\$5.00	\$11,460.00
208-00002	Erosion Log Type 1 (12 inch)	LF	6630	\$4.80	\$31,824.00	\$8.00	\$53,040.00	\$5.90	\$39,117.00	\$5.00	\$33,150.00	\$4.70	\$31,161.00	\$9.00	\$59,670.00	\$5.50	\$36,465.00	\$4.00	\$26,520.00
208-00045	Concrete Washout Structure	EACH	2	\$3,200.00	\$6,400.00	\$1,500.00	\$3,000.00	\$1,400.00	\$2,800.00	\$1,000.00	\$2,000.00	\$900.00	\$1,800.00	\$3,750.00	\$7,500.00	\$3,400.00	\$6,800.00	\$1,918.00	\$3,836.00
208-00070	Vehicle Tracking Pad	EACH	2	\$3,200.00	\$6,400.00	\$1,200.00	\$2,400.00	\$2,150.00	\$4,300.00	\$3,000.00	\$6,000.00	\$2,250.00	\$4,500.00	\$5,500.00	\$11,000.00	\$3,600.00	\$7,200.00	\$2,793.00	\$5,586.00
208-00103	Removal and Disposal of Sediment (Labor)	HOURL	8	\$63.00	\$504.00	\$75.00	\$600.00	\$65.00	\$520.00	\$120.00	\$960.00	\$50.00	\$400.00	\$80.00	\$640.00	\$50.00	\$400.00	\$191.00	\$1,528.00
208-00105	Removal and Disposal of Sediment (Equipment)	HOURL	8	\$42.00	\$336.00	\$150.00	\$1,200.00	\$150.00	\$1,200.00	\$250.00	\$2,000.00	\$125.00	\$1,000.00	\$180.00	\$1,440.00	\$176.00	\$1,408.00	\$266.00	\$2,128.00
208-00107	Removal of Trash	HOURL	12	\$83.00	\$996.00	\$85.00	\$1,020.00	\$155.00	\$1,860.00	\$325.00	\$3,900.00	\$55.00	\$660.00	\$125.00	\$1,500.00	\$462.00	\$5,544.00	\$698.00	\$8,376.00
208-00207	Erosion Control Management	DAY	15	\$76.00	\$1,140.00	\$250.00	\$3,750.00	\$300.00	\$4,500.00	\$275.00	\$4,125.00	\$140.00	\$2,100.00	\$475.00	\$7,125.00	\$138.00	\$2,070.00	\$396.00	\$5,940.00
212-00100	Tree Retention and Protection	LS	1	\$2,200.00	\$2,200.00	\$1,200.00	\$1,200.00	\$5,625.00	\$5,625.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,700.00	\$5,700.00	\$4,537.00	\$4,537.00	\$12,744.00	\$12,744.00
212-00700	Organic Fertilizer	LB	849	\$2.70	\$2,292.30	\$2.60	\$2,207.40	\$0.35	\$297.15	\$2.59	\$2,198.91	\$3.00	\$2,547.00	\$1.10	\$933.90	\$2.75	\$2,334.75	\$3.00	\$2,547.00
212-00701	Compost (Mechanically applied)	CY	184	\$68.84	\$12,666.56	\$40.00	\$7,360.00	\$60.00	\$11,040.00	\$28.62	\$5,266.08	\$55.00	\$10,120.00	\$69.50	\$12,788.00	\$55.00	\$10,120.00	\$46.00	\$8,464.00
212-00703	Humate	LB	509	\$3.72	\$1,893.48	\$1.25	\$636.25	\$0.60	\$305.40	\$4.29	\$2,183.61	\$2.00	\$1,018.00	\$0.95	\$483.55	\$2.00	\$1,018.00	\$3.00	\$1,527.00
212-00704	Mycorrhize	LB	23	\$78.55	\$1,806.65	\$20.00	\$460.00	\$21.35	\$491.05	\$154.30	\$3,548.90	\$20.00	\$460.00	\$14.95	\$343.85	\$16.50	\$379.50	\$35.00	\$805.00
212-00706	Seeding (native) Drill	ACRE	2.83	\$1,789.00	\$5,062.87	\$1,500.00	\$4,245.00	\$2,300.00	\$6,509.00	\$1,236.75	\$3,500.00	\$1,500.00	\$4,245.00	\$1,450.00	\$4,103.50	\$1,430.00	\$4,046.90	\$3,435.00	\$9,721.05
213-00004	Mulching (Weed Free Straw)	ACRE	2.83	\$1,343.00	\$3,800.69	\$1,100.00	\$3,113.00	\$1,465.00	\$4,145.95	\$1,236.75	\$3,500.00	\$1,800.00	\$5,094.00	\$910.00	\$2,575.30	\$1,760.00	\$4,980.80	\$1,769.00	\$5,006.27
213-00061	Mulch Tackifier	LB	566	\$6.23	\$3,526.18	\$5.25	\$2,971.50	\$5.00	\$2,830.00	\$1.76	\$996.16	\$3.00	\$1,698.00	\$4.00	\$2,264.00	\$2.75	\$1,556.50	\$5.00	\$2,830.00
304-06007	Aggregate Base Course (Class 6)	CY	804	\$44.00	\$35,376.00	\$55.00	\$44,220.00	\$57.45	\$46,189.80	\$72.14	\$58,000.56	\$95.00	\$76,380.00	\$82.69	\$66,482.76	\$88.00	\$70,752.00	\$190.00	\$152,760.00
603-30018	18 inch steel End Section	EACH	2	\$1,151.00	\$2,302.00	\$395.00	\$790.00	\$277.00	\$554.00	\$1,000.00	\$2,000.00	\$750.00	\$1,500.00	\$1,900.00	\$3,800.00	\$880.00	\$1,760.00	\$819.00	\$1,638.00
603-10180	18 inch corrugated Steel Pipe	LF	30	\$114.00	\$3,420.00	\$90.00	\$2,700.00	\$132.00	\$3,960.00	\$95.00	\$2,850.00	\$100.00	\$3,000.00	\$315.00	\$9,450.00	\$137.00	\$4,110.00	\$110.00	\$3,300.00
607-01055	Fence Wire with Treated Wooden Post	LF	6470	\$6.83	\$44,190.10	\$8.70	\$56,289.00	\$7.50	\$48,525.00	\$7.87	\$50,918.90	\$7.50	\$48,525.00	\$8.60	\$55,642.00	\$7.80	\$50,466.00	\$11.00	\$71,170.00
607-11525	Fence (Plastic)	LF	5720	\$1.93	\$11,039.60	\$4.00	\$22,880.00	\$3.00	\$17,160.00	\$2.50	\$14,300.00	\$3.00	\$17,160.00	\$6.00	\$34,320.00	\$3.75	\$21,450.00	\$3.00	\$17,160.00
608-00026	Concrete Bikeway (6 inch)	SY	4808	\$54.40	\$261,555.20	\$64.00	\$307,712.00	\$74.25	\$356,994.00	\$60.32	\$290,018.56	\$85.00	\$408,680.00	\$66.25	\$318,530.00	\$78.00	\$375,024.00	\$103.00	\$495,224.00
608-00015	Detectable Warning	SF	36	\$71.53	\$2,575.08	\$65.00	\$2,340.00	\$57.40	\$2,066.40	\$85.00	\$3,060.00	\$50.00	\$1,800.00	\$115.00	\$4,140.00	\$72.00	\$2,592.00	\$48.00	\$1,728.00
614-00011	Sign Panel (Class 1)	SF	4.5	\$337.00	\$1,516.50	\$60.00	\$270.00	\$128.00	\$576.00	\$67.00	\$301.50	\$250.00	\$1,125.00	\$425.00	\$1,912.50	\$165.00	\$742.50	\$222.00	\$999.00
620-00020	Sanitary Facility	EACH	1	\$2,375.00	\$2,375.00	\$600.00	\$600.00	\$3,550.00	\$3,550.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$2,650.00	\$2,650.00	\$2,200.00	\$2,200.00	\$1,464.00	\$1,464.00
625-00000	Construction Surveying	LS	1	\$30,100.00	\$30,100.00	\$9,500.00	\$9,500.00	\$18,800.00	\$18,800.00	\$12,000.00	\$12,000.00	\$22,000.00	\$22,000.00	\$20,500.00	\$20,500.00	\$22,550.00	\$22,550.00	\$42,704.00	\$42,704.00
626-00000	Mobilization	LS	1	\$56,500.00	\$56,500.00	\$30,000.00	\$30,000.00	\$33,500.00	\$33,500.00	\$76,760.00	\$76,760.00	\$50,000.00	\$50,000.00	\$65,000.00	\$65,000.00	\$93,000.00	\$93,000.00	\$46,169.00	\$46,169.00
700-70010	F/A Minor Contract Revisions	FA	1	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
700-70016	F/A Fuel Cost Adjustment	FA	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
700-70023	F/A On-The-Job Trainee	FA	1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
700-70380	F/A Erosion Control	FA	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
	Total Bid				\$679,376.29		\$732,941.15		\$765,648.85		\$810,367.39		\$956,749.00		\$964,835.86		\$980,191.95		\$1,106,020.32

Project:

2022 Little Thompson River Trail

CDOT Project No.

TAP M690-001

Local Agency:

21992

Town of Johnstown

Contractor Bid Variance

Contractor	Bid	Total Bid Variance	% Variance
L4 Construction LLC	\$679,376.29	-	
JAGS Enterprises, Inc	\$732,941.15	\$53,564.86	7.88%
Connell Resources, Inc	\$765,648.85	\$86,272.56	12.70%
Colorado Paving	\$810,367.38	\$130,991.09	19.28%
RCD Construction, Inc	\$887,679.89	\$208,303.60	30.66%
NorthStar Concrete	\$956,749.00	\$277,372.71	40.83%
Lawson Construction Co	\$964,835.86	\$285,459.57	42.02%
Duran Excavating, Inc	\$980,191.95	\$300,815.66	44.28%
L and M Enterprises, Inc	\$1,106,020.32	\$426,644.03	62.80%

Average Bid

\$875,978.97

The main differences between the three low bidders is their unit prices for ABC and Concrete Bikeway

Item No.	Contract Item	Unit	Quantity	L4 Construction		JAGS Enterprises		Connell Resources	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
304-06007	Aggregate Base Course (Class 6)	CY	804	\$44.00	\$35,376.00	\$55.00	\$44,220.00	\$57.45	\$46,189.80
608-00026	Concrete Bikeway (6 inch)	SY	4808	\$54.40	\$261,555.20	\$64.00	\$307,712.00	\$74.25	\$356,994.00
				\$296,931.20		\$351,932.00		\$403,183.80	
Difference in ABC and Bikeway Cost				-		\$55,000.80		\$106,252.60	
Difference in Overall Bids						\$53,564.86		\$86,272.56	



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: December 19, 2022

SUBJECT: Second Amendment to Intergovernmental Agreement
Between Town of Johnstown and Weld County
Reorganized School District RE-5J Concerning
Annexations and School Site Dedication for Payments In-
Lieu of School Site Purposes

ACTION PROPOSED: Public Hearing Only – No Action

ATTACHMENTS:

1. Intergovernmental Agreement (IGA) – Second Amendment
2. Exhibit A
3. Exhibit B
4. Cash In-Lieu Memo to Board
5. Western Demographics Cash In-Lieu Analysis Report
6. Cash In-Lieu Rates Presentation

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

This is a Public Hearing only agenda item and no action is to be taken this evening. Enclosed for your review and consideration is the Second Amendment to the IGA between the Town of Johnstown and the RE-5J School District. This Amendment is designed to adjust the cash in-lieu fees assessed and collected by the RE-5J School District for the purposes of school expansions and site acquisitions related to meeting the needs and the demands of our youth, as it relates to their education. The Town and the RE-5J School District recently met during a work session. During the work session, the Town was presented by the RE-5J School District with information related to the increase to the cash in-lieu fee. The information provided at that work session is also provided here today and is available to be shared with the Community. The purpose of this action currently is to only conduct the public hearing. Following the public hearing, the agenda item will be brought back before the Town Council on January 4, 2023 for formal consideration and approval. At the time of approval in January the fees would go into effect immediately. Enclosed you will also see the proposed rate scheduled based on the various housing types that would be assessed. While there is a noticeable increase in the fee, it is also valid to recognize that

The Community That Cares

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property values and construction costs have increased for new facilities to meet the educational demands of our community.

LEGAL ADVICE:

The IGA was drafted by the Town Attorney.

FINANCIAL ADVICE:

Not Applicable.

RECOMMENDED ACTION: This is a public action only, no action is to be taken this evening.

Reviewed and Approved for Presentation,



Town Manager

SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT
BETWEEN TOWN OF JOHNSTOWN AND WELD COUNTY REORGANIZED
SCHOOL DISTRICT RE-5J CONCERNING ANNEXATIONS AND SCHOOL
SITE DEDICATION OR PAYMENTS IN LIEU FOR SCHOOL SITE PURPOSES

This Second Amendment to Intergovernmental Agreement Concerning Annexations and School Site Dedication or Payments in Lieu for School Site Purposes (“Second Amendment”) between the Town of Johnstown, a Colorado home rule municipality (“Town”), and the Weld County Reorganized School District RE-5J, a political subdivision of the State of Colorado (“School District”) (collectively, the “Parties”), is executed this ____ day of January, 2023.

RECITALS

WHEREAS, on or about January 1, 1999, the Parties entered into an Intergovernmental Agreement Concerning Annexations and School Site Dedication or Payments in Lieu for School Site Purposes (“Agreement”); and

WHEREAS, pursuant to the Agreement, the Town agreed, except in limited circumstances, to collect cash payments from certain developers in lieu of requiring such developers to dedicate land for school sites; and

WHEREAS, the amount of the cash in lieu payments was based on agreed-upon School Planning Standards and School District Methodology, as the terms are defined in the Agreement and set forth on Exhibits A and B attached thereto; and

WHEREAS, the Agreement provides that the cash in lieu payments should be reviewed periodically and adjusted when appropriate; and

WHEREAS, the Agreement further provides that, before revising cash in lieu payments based on a change in the School Planning Standards or School District Methodology, the Town shall hold a public hearing; and

WHEREAS, on or about February 4, 2019, subsequent to a public hearing, the Parties entered into the First Amendment to the Agreement, adjusting the cash in lieu payments (“First Amendment”); and

WHEREAS, based on a report by Western Demographics, Inc., a Colorado corporation, dated September 9, 2022, the School District is requesting that the Town agree to further adjust the amount of the cash in lieu payments to accommodate the increased market values and costs associated with development of school sites; and

WHEREAS, the School District’s request reflects a change in the School Planning Standards and School District Methodology by differentiating between, and seeking different cash in lieu payments for, single-family detached, single-family attached, apartments and mobile homes; and

WHEREAS, the Town held a public hearing related to the School District’s request on December 19, 2022; and

WHEREAS, after review of the Agreement and the evidence presented at the public hearing, the Town desires to enter into this Second Amendment and approve the School District's request to increase the cash-lieu payments; and

WHEREAS, the Town finds that this Second Amendment is in the best interests of the citizens of the Town of Johnstown.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and stipulations hereinafter set forth, it is agreed as follows:

1. Recitals. The Recitals are incorporated herein and shall be deemed to be terms of this Second Amendment as if fully set forth herein.

2. Terms. Unless otherwise defined or set forth herein, the terms of this Second Amendment shall have the meaning set forth in the Agreement.

3. School Planning Standards and School District Methodology. The School Planning Standards, attached hereto and incorporated herein by reference as Exhibit A, and School District Methodology, attached hereto and incorporated herein by reference as Exhibit B, are hereby adopted. Exhibit A and Exhibit B shall replace and supersede the exhibits attached to the First Amendment.

4. Headings. The paragraph headings are for the convenience and reference of the Parties and are not intended to define or limit the scope or intent of this Second Amendment.

5. Validity of Agreement. Except as expressly provided in this Second Amendment, the Agreement has not been amended, supplemented or altered in any way by this Second Amendment and the Agreement shall remain in full force and effect in accordance with its terms. If there is any inconsistency between the terms of the Agreement and the terms of this Second Amendment, the provisions of this Second Amendment will govern and control.

DONE AND DATED this ____ day of January, 2023.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Hannah Hill, Town Clerk

By: _____
Gary Lebsack, Mayor

WELD COUNTY REORGANIZED SCHOOL
DISTRICT RE-5J

ATTEST:

By: _____
_____, Secretary

By: _____
_____, Board of Education President

**Weld County School District RE-5J
Johnstown/Milliken, Colorado**



**Exhibit A
School District Planning Standards**

		Single Family Detached	Single Family Attached	Mobile Home	Apartment
i.	Student Yields				
	Elementary School	0.301	0.106	0.469	0.187
	Middle School	0.148	0.053	0.224	0.091
	High School	0.170	0.071	0.306	0.123
	Total	0.619	0.230	0.999	0.401
ii.	School Facility Enrollment Capacities				
	Elementary School	640			
	Middle School	930			
	High School	1350			
iii.	School Site Acreage Requirements				
	Elementary School	10			
	Middle School	23			
	High School	40			
iv.	Developed Land Value per Acre (Including Basic Infrastructure)				
	\$171,681				

Revised 11/04/2022 based on information provided by Western Demographics, Inc.

**Weld County School District RE-5J
Johnstown/Milliken, Colorado**



**Exhibit B
School District Methodology**

Based on the School District Planning Standards, contained in Exhibit A, calculation of land dedication or in-lieu payments uses the following procedures:

	Student Yield	Acres per Student Capacity	Acres Required per Housing Unit	Per Acre Value	Cash in Lieu Amount Per Unit
Single Family Detached					
Elementary	0.301	0.05	0.0047	\$ 171,681	\$ 807
Middle	0.148	0.02	0.0037	\$ 171,681	628
High School	0.170	0.02	0.0050	\$ 171,681	866
Total	0.619		0.0134		\$ 2,301
Single Family Attached					
Elementary	0.106	0.02	0.0017	\$ 171,681	\$ 284
Middle	0.053	0.01	0.0013	\$ 171,681	225
High School	0.071	0.01	0.0021	\$ 171,681	362
Total	0.230		0.0051		\$ 871
Apartment					
Elementary	0.187	0.03	0.0029	\$ 171,681	\$ 502
Middle	0.091	0.01	0.0023	\$ 171,681	386
High School	0.123	0.01	0.0036	\$ 171,681	626
Total	0.401		0.0088		\$ 1,514
Mobile Home					
Elementary	0.469	0.07	0.0073	\$ 171,681	\$ 1,258
Middle	0.224	0.02	0.0056	\$ 171,681	951
High School	0.306	0.03	0.0091	\$ 171,681	1,557
Total	0.999		0.0220		\$ 3,766

Revised 11/04/2022 based on information provided by Western Demographics, Inc.



Date: November 9, 2022
To: Weld RE-5J School Board Members
Cc: Karen Trusler, Superintendent of Schools
From: Michael Everest, Chief Financial Officer
Re: Update to District School Planning Standards and Methodology

At the September 21, 2022 Weld County School District RE-5J Board of Education Meeting, Mr. Shannon Bingham from Western Demographics, Inc. presented an updated report for the district's land dedication requirements using the same formula that has been used in the past. Weld RE-5J's requirements were last updated in 2018. These calculations have been updated since the September report to change the district's enrollment capacity for its high schools from 975 to 1,350. This reflects the capacity at the New Roosevelt High School that is currently under construction.

The updated values from the Western Demographics report are based off the costs associated with developed land that already has basic infrastructure: street frontage, water, sewer, storm sewer, electric, gas, and telephone/broadband. The below chart compares the district's current rates with the proposed rates.

Proposed Cash in Lieu Rate Comparison

	Current 2018 Rate	Proposed 2022 Rate
Single Family Detached	\$ 924	\$ 2,301
Single Family Attached	\$ 353	\$ 871
Apartment/Multifamily	\$ 613	\$ 1,514
Mobile Home	\$ 1,530	\$ 2,301

The analysis from Western Demographics calculates the cash in lieu rate for mobile homes to be \$3,766 due to the number of school-aged children a mobile home demographically generates. This is by far the highest rate of the different types of property. Many districts set the cash in lieu rate for mobile homes to be the same as single family detached homes to lessen this burden. District administration proposes that Weld RE-5J adopt this approach as well as reflected in the proposed rates above.

While the proposed rates are significantly higher than the current rates set in 2018, they are in line with surrounding school districts:

Single Family Detached Rates

Weld RE-2 (Eaton)	\$ 2,253
Weld RE-3J (Keenesburg)	\$ 2,235
Weld RE-4 (Windsor)	\$ 2,916
Weld RE-5J (Johnstown-Milliken)	\$ 2,301
Weld RE-6 (Greeley-Evans)	\$ 2,498
Weld RE-7 (Kersey)	\$ 1,723



Item #9.

District administration is seeking board approval to begin discussions with the district's municipalities using the updated report from Western Demographics as the basis to realign the district's cash in lieu rates with updated financial and demographic information. The proposed rate changes will put the district more in-line with neighboring districts. Once discussions have concluded, district administration will seek board approval on the agreed upon rates.

Land Dedication Fee-in-Lieu Analysis – Weld Re-5J School District

Western Demographics, Inc. - 9/9/22

Introduction – This report updates the land dedication requirements for Weld Re-5J School District using the same formula that the district has historically used. This formula is commonly used in other rapidly-developing school districts. New values have been used for developed land value based on current samples of recent land sales and current infrastructure costs needed to construct new schools. The updated values propose a fee of **\$2,633.19**. This report identifies specific variables used in the fee calculations and illustrates the updated calculations as proposed by Western Demographics Inc. (Western), an acknowledged expert on the topic in the State of Colorado.

History – The majority of Front Range school districts have had land dedication or fee-in-lieu of land dedication systems for decades. These systems have been adopted by many City and County Jurisdictions and are intended to collect land for school sites or fees to facilitate the purchase of school sites and the provision of other capital needs. Two Colorado school districts (SD27 and Douglas County), have voluntary capital cost recovery fees, which also collect revenue for actual school construction in addition to funds for land acquisition. Given the smaller size of most land developments along the Front Range, the majority of Front Range school districts collect fee-in-lieu instead of receiving school land. This revenue is consolidated so that appropriate sites may be purchased in the best locations to serve student growth needs.

Figure 1 - Sample List of Front Range Districts Collecting Fee-In-Lieu

- Adams 12 (Thornton)
- Aurora Public Schools
 - Boulder Valley
 - Cherry Creek
- Colorado Springs District 11
 - Douglas County
- Poudre School District
- St. Vrain (Longmont)
 - Thompson Valley
- SD27J (Brighton, Thornton)

Figure 2 - Single Family Detached and Single Family Attached Units Under Construction



Current and Proposed Developments in Weld RE-5J – There is a significant amount of active and proposed new development in the Weld RE-5J area during the coming decades. The following table displays new developments slated for Johnstown and Milliken during the next 20 years.

Figure 3
Weld RE-5J Land Developments - DRAFT - 9/8/22

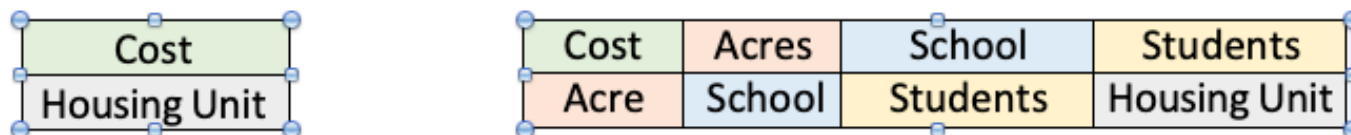
<u>Johnstown</u>	<u>Density</u>	<u>Count</u>	
Mallard Ridge	Detached	263	
Mallard Ridge	Townhome	138	
Mallard Ridge	Apartment	208	
Johnstown Farms	Detached	241	
Great Plains Village (Granary)	Detached	1039	
Great Plains Village (Granary)	Townhome	1115	
Keto / Maplewood Estates	Detached	960	
Subtotal		3964	
<u>Milliken</u>	<u>Density</u>	<u>Count</u>	<u>Acres</u>
Brookstone	Townhome	64	
Lot Holdings - Sunfield (IV)	Detached	86	150
Lot Holdings - Pheasant Hills (VI, VII)	Detached	?	257
Lot Holdings - Prairie Sky (VIII)	Detached	625	360
Lot Holdings - Trapper's Village (IX)	Detached	?	38
Lot Holdings - Golf Course (X)	Detached	?	624
Subtotal		775	

Western Demographics Methodology – Western’s formula uses developed land cost which is more consistent with school district needs. Many districts spend millions of dollars to extend roads, water and sewer lines to sites that are not proximate to municipal infrastructure. The cost per acre to convert raw land into developed sites viable for an institutional building adds to the cost of an acre of school land. The majority of front range districts use developed land cost. Western has estimated a cost of **\$126,804** per acre to provide street frontage, water, sewer, storm sewer, electric, gas and telephone / broadband to a site. These cost figures are considered conservative given the recent escalation in the cost of construction which continues to make developing school sites an expensive proposition.

Basics of the Existing Formula – The calculation for school site acreage and cost is relatively simple and includes the following: 1) A land value is collected from comparable sales or appraisal method to establish cost per acre for potential sites; 2) The desired school site size is established to determine the acreage needed; 3) The desired school enrollments are added to establish the number of students that will be housed in a school; and 4) The student yield or average number of students from housing completes the formula.

The following diagram illustrates the variables and how the various units cancel out as the formula is completed and cost per housing unit is established. Residential densities are differentiated based upon the acreages assessed for single family homes, townhomes, apartments and mobile homes.

Figure 4 – Simplified School Site Acreage / Fee Formula



School Size and Student Yield Variables – The school enrollment and preferred site size metrics for Weld RE-5J that have been historically used continue in use in this fee calculation. Student yield statistics have been collected from sampling of existing developments. Mobile home developments are typically the leading producer of students in most Weld County school districts and that trend exists in Weld RE-5J with almost one student produced by each mobile home. There have been very few new mobile home park developments in the past decade.

Figure 5 – School Size Metrics

School Level	Elementary School	Middle School	High School
Desired School Enrollment	640	930	975
Necessary Acreage	10	23	40

Student Yield Per Dwelling Unit	Elementary School	Middle School	High School	Total
Single Family Detached	0.301	0.148	0.17	0.619
Single Family Attached	0.106	0.053	0.071	0.23
Mobile Home	0.469	0.224	0.306	0.999
Apartment	0.187	0.091	0.123	0.401

Fee-in-Lieu of Land Dedication Calculation – Raw Land - The fee-in-lieu element of the calculation converts the acreage needed per housing unit into a cost per acre of developed land that would support a school. The land sales used for comparable sales were conveyed during the past six years. Given the 9 comparable sites available, an average cost of \$44,559 was obtained. Older sales were inflated to current value at an expected appreciation of five percent per year consistent with land value cost escalation in Colorado and specifically in the Weld County area. Figure 6 illustrates the comparable sales and the calculation of the average raw land cost.

Figure 6

Weld RE-5J - Raw Land Comps - 8-30-22

PARCEL	ACCTTYPE	SALEPRICE	SALEDATE	GIS_Acres	Price_Per_Acre	Prior_Years	Formula_5%	Inflated_Price
95717300025	Agricultural	\$ 650,000.00	1/31/22 0:00	35.6	\$ 18,253.00	0	1	\$ 650,000.00
95717300026	Agricultural	\$ 600,000.00	11/10/21 0:00	35.1	\$ 17,102.00	1	1.05	\$ 630,000.00
95717300027	Agricultural	\$ 650,000.00	10/27/21 0:00	35.5	\$ 18,330.00	1	1.05	\$ 682,500.00
95718400053	Agricultural	\$ 375,000.00	4/14/17 0:00	32.7	\$ 11,482.00	5	1.25	\$ 468,750.00
105718000039	Commercial	\$ 1,000,000.00	6/15/22 0:00	17.2	\$ 58,288.00	0	1	\$ 1,000,000.00
105903000028	Agricultural	\$ 1,164,200.00	6/27/19 0:00	17.1	\$ 68,237.00	3	1.15	\$ 1,338,830.00
105905400014	Agricultural	\$ 2,500,000.00	2/22/22 0:00	40.9	\$ 61,077.00	0	1	\$ 2,500,000.00
105906300040	Agricultural	\$ 3,030,000.00	2/15/19 0:00	33.0	\$ 91,738.00	3	1.15	\$ 3,484,500.00
105912001001	Vacant Land	\$ 950,000.00	5/1/17 0:00	21.0	\$ 45,211.00	5	1.25	\$ 1,187,500.00
	Total	\$ 10,919,200.00	Total	268.0	\$ 40,742.43	Average	Total	\$ 11,942,080.00
	Raw Land		Inflated Average Per Acre		\$ 44,559.07			

Developed Land Cost – \$126,804 / Acre - Details – Developed land costs were calculated using the average costs from RLH Engineering based on current construction projects. Cost data were extracted from RS Means cost estimation manuals for institutional construction and compared to recent local school construction projects including Tointon K-8 Academy (Greeley), Roosevelt High School (Johnstown) and ElWell Elementary School (Johnstown). RS Means is the primary cost estimation source used in litigation for change orders and contract disputes in the construction industry. RLH Engineering (a regional authority on Colorado institutional construction costs) collected this data and provided it to Western. Linear footage-based costs in four major categories were converted into the \$126,804 per acre figure.

Figure 7 – Developed Land Data – RLH Engineering - 2022

Utility Service Provider	LF Unit Price from RS Means inflated to 2022 using ENR Inflation Factors	Elementary School (10 Acres)				Middle School / PK8 (25 Acres)				High School (50 Acres)			
		.5 mile service	Road / utilities to 2 side of 10 acre site	Total LF of Infrastructure	Cost for Infrastructure	.5 mile service	Road / utilities to 3 side of 25 acre site	Total LF of Infrastructure	Cost for Infrastructure	.5 mile service	Road / utilities to 4 side of 50 acre site	Total LF of Infrastructure	Cost for Infrastructure
Electrical	\$ 15.00	2,140	1,320	3,460	\$ 51,900	2,140	3,132	5,272	\$ 79,080	2,140	5,904	8,044	\$ 120,660
Gas	\$ 20.00	2,140	1,320	3,460	\$ 69,200	2,140	3,132	5,272	\$ 105,440	2,140	5,904	8,044	\$ 160,880
Telephone / Data	\$ 10.00	2,140	1,320	3,460	\$ 34,600	2,140	3,132	5,272	\$ 52,720	2,140	5,904	8,044	\$ 80,440
Water	\$ 45.00	2,140	1,320	3,460	\$ 155,700	2,140	3,132	5,272	\$ 237,240	2,140	5,904	8,044	\$ 361,980
Sewer	\$ 40.00	2,140	1,320	3,460	\$ 138,400	2,140	3,132	5,272	\$ 210,880	2,140	5,904	8,044	\$ 321,760
Stormwater	\$ 50.00	2,140	1,320	3,460	\$ 173,000	2,140	3,132	5,272	\$ 263,600	2,140	5,904	8,044	\$ 402,200
Roads	\$ 350.00	2,140	1,320	3,460	\$ 1,211,000	2,140	3,132	5,272	\$ 1,845,200	2,140	5,904	8,044	\$ 2,815,400
Cost per LF for Infrastructure	\$ 530.00	2,140	1,320	3,460	\$ 1,833,800	2,140	3,132	5,272	\$ 2,794,160	2,140	5,904	8,044	\$ 4,263,320

Average Cost/Acre for \$ 126,804

Cost per Acre \$ 183,380

Cost per Acre \$ 111,766

Cost per Acre \$ 85,266

Fee-in-Lieu of Land Dedication Calculation – The fee-in-lieu calculation for Weld Re-4 School District is shown in the following table.

Figure 8 – LPSD Fee-in-Lieu of Land Development Fee Basis

Johnstown-Milliken RE5J School District - Initial Land Dedication Fee-In_Lieu Calculations - DRAFT				
Western Demographics, Inc. - 9/9/19 - Scenario #1				
Cost Element	Elementary School	Middle School	High School	Totals
A1 - Students per School - (SFD)	640	930	975	
A2 - Johnstown-Milliken RE5J SD Student Yeld Per SFD Dwelling Unit	0.301	0.148	0.170	0.619
A3 - Site Acreage by Level	10.0	23.0	40.0	
A4 - Developed Land Cost	\$171,681	\$171,681	\$171,681	
A5 - Cost Per Unit by Level - SFD	\$ 807.44	\$ 628.39	\$ 1,197.37	\$ 2,633.19
B2 - Johnstown-Milliken RE5J SD Student Yeld Per Single Family Attached Dwelling Unit	0.106	0.053	0.071	0.230
B5 - Cost Per Unit by Level - SFA	\$ 284.35	\$ 225.03	\$ 500.08	\$ 1,009.45
F2 - Johnstown-Milliken RE5J SD Student Yeld Per Mobile Home Dwelling Unit	0.469	0.224	0.306	0.999
F5 - Cost Per Unit by Level - MANUF HM	\$ 1,258.10	\$ 951.08	\$ 2,155.26	\$ 4,364.43
G2 - Johnstown-Milliken RE5J SD Student Yeld Per Apartment Unit	0.187	0.091	0.123	0.401
G5 - Cost Per Unit by Level - APT	\$ 501.63	\$ 386.37	\$ 866.33	\$ 1,754.33
Raw Land Cost / Acre Based on 10 Recent Sales - With Annual Inflation				\$44,877
Infrastructure Cost / Acre - Categories and Average				
Electrical				
Gas				
Telephone / Data	Costs Based on Samples			Samples
Water	Average Cost Per Acre - Elementary		\$183,380	EIWell ES
Sewer	Average Cost Per Acre - Middle		\$111,766	Tointon K-8
Stormwater	Average Cost Per Acre - High School		\$85,266	Roosevelt HS
Roads		Average Cost - Basic Infrastructure		\$ 126,804
Developed Land Cost Including Basic Infrastructure				\$171,681

Land Dedication Acreage Calculation ---- The methodology to obtain the land dedication acreage (as opposed to the fee) is illustrated in the following table.

Figure 9 – Land Dedication Acreage

Weld RE-5J School District - Land Dedication Acreage Calculations Western Demographics, Inc. - 9/8/22 - Scenario #1				
Calculation Element	Elementary School	Middle School	High School	Totals
A1 - Students per School - (SFD)	640	930	975	
A2 - Weld RE-5J SD Student Yield Per SFD Dwelling Unit	0.30	0.15	0.17	0.6190
A3 - Site Acreage by Level	10.0	23.0	40.0	
A6 - Acreage Per Unit by Level - SFD	0.0047	0.0037	0.0070	0.0153
B2 - Weld RE-5J SD Student Yield Per CD/TH/Duplex Dwelling Unit	0.11	0.05	0.07	0.2300
B6 - Acreage Per Unit by Level - CD/TH/Duplex	0.0017	0.0013	0.0029	0.0059
F2 - Weld RE-5J SD Student Yield Per Manufactured Home Dwelling Unit	0.47	0.22	0.31	0.9990
F6 - Acreage Per Unit by Level - MANUF HM	0.0073	0.0055	0.0126	0.0254
G2 - Weld RE-5J SD Student Yield Per Apartment Unit	0.19	0.09	0.12	0.4010
G6 - Acreage Per Unit by Level - APT	0.0029	0.0023	0.0050	0.0102

Adjacent Districts – The other Weld County school districts close to RE-5J are collecting fees that are close to the \$2,633.19 fee proposed for single family homes.

Figure 10

District	SFD Fee
Weld RE-2 (Eaton)	\$ 2,253
Weld RE-3J (Keenesburg / Lochbuie / Hudson)	\$ 2,235
Weld RE-4 (Windsor / Severance)	\$ 2,916
Weld RE - 6 (Greeley-Evans)	\$ 2,498
Weld RE-7 (Platt Valley / Kersey)	\$ 1,723

Conclusion – An average fee per single family detached unit of \$2,633.19 is reasonable given the various costs faced by Weld Re-5J School District as it continues to provide high quality school facilities for its students and families. This report confirms that this proposed fee uses reasonable, updated variables and a methodology consistent with common practice in the State of Colorado. The revenue collected will greatly assist the district with its efforts to construct needed schools as the community continues to grow.



Update to District School Planning Standards & Methodology

Karen Trusler

Superintendent of Schools

Michael Everest

Chief Financial Officer

Weld County School District RE-5J

November 9, 2022

Overview

- Weld RE-5J last updated its School District Planning Standards and Methodology in 2018.
- Board of Education presentation by Shannon Bingham from Western Demographics, Inc. on September 21, 2022.
- Planning Standards updated on November 4, 2022 to change high school enrollment from 975 to 1,350.
 - Reflects capacity of the New Roosevelt High School that is currently under construction.

Proposed Cash in Lieu Rate Comparison

- Updated values based off costs associated with developed land with basic infrastructure.
 - street frontage, water, sewer, storm sewer, electric, gas, and telephone/broadband

Proposed Cash in Lieu Rate Comparison

	Current 2018 Rate	Proposed 2022 Rate
Single Family Detached	\$ 924	\$ 2,301
Single Family Attached	\$ 353	\$ 871
Apartment/Multifamily	\$ 613	\$ 1,514
Mobile Home	\$ 1,530	\$ 2,301

Comparison with Neighboring Districts

- Proposed rates are significantly higher than 2018 rates.
- Proposed rates are comparable to neighboring districts.

Single Family Detached Rates

Weld RE-2 (Eaton)	\$	2,253
Weld RE-3J (Keenesburg)	\$	2,235
Weld RE-4 (Windsor)	\$	2,916
Weld RE-5J (Johnstown-Milliken)	\$	2,301
Weld RE-6 (Greeley-Evans)	\$	2,498
Weld RE-7 (Kersey)	\$	1,723

Requested Board Action

- District administration is seeking board approval to begin discussions with district's municipalities using the updated rates as presented.
- This change would realign the district's cash in lieu rates with updated financial and demographic information and make the district more in-line with neighboring districts.
- Once discussions have concluded, district administration will seek board approval on the agreed upon rates.

Matt LeCerf

From: Brian Phillips
Sent: Wednesday, December 7, 2022 12:39 PM
To: Matt LeCerf
Cc: Ryan Oglesby
Subject: Law Enforcement Support Office (LESO) Program Memorandum of Understanding
Attachments: SPO MOU.pdf; SPO Report View of STATE_PROPERTY_BOOK.xlsx

Matt,

This email will serve as the required notification to the "Civilian Governing Body" under the attached MOU once you have reviewed and forwarded to the Council :

On November 29, 2022, The Johnstown Police Department signed an addendum to the Law Enforcement Support Office (LESO) Program Memorandum of Understanding (MOU). This MOU is called the "State Plan of Operation" (SPO). The State Plan of Operation sets forth the terms and conditions with respect to excess Department of Defense (DOD) personal property transferred pursuant to 10 USC § 2576a, to promote the transfer of property and ensure the accountability of the same. The addendum to the MOU implements requirements found within Presidential Executive Order (EO) 14074 (section 12) directing a unilateral change to the State Plan of Operation.

I have attached this MOU for your review. Under section 9) ANNUAL CERTIFICATION; (b), The police department is required to provide our local Civilian Government Body (CGB) and local community a comprehensive list of controlled property transferred from the DOD to the Johnstown Police Department through the LESO program.

This email serves as the official notification to the Departments "Civilian Governing Body," as required. In addition to the attached addendum to the MOU, I have also attached the comprehensive list of all property transferred to and tracked by the Johnstown Police Department. This list of property will also be provided to the town's communications director to be placed on the department's website for public review.



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**DEFENSE LOGISTICS AGENCY
DISPOSITION SERVICES
74 WASHINGTON AVENUE NORTH
BATTLE CREEK, MICHIGAN 49037-3092**

GPL

August 15, 2022

**MEMORANDUM FOR LAW ENFORCEMENT SUPPORT OFFICE (LESO) PROGRAM
PARTICIPATING LAW ENFORCEMENT AGENCY (LEA)**

SUBJECT: Addendum to LESO Program State Plan of Operation (SPO)

This addendum amends the existing State Plan of Operation (dated February 2021) between the State and Law Enforcement Agency (LEA) and is herein referred to as the SPO Addendum. The SPO Addendum implements requirements found within Presidential Executive Order (EO) 14074 (Section 12), signed on May 25, 2022. In accordance with current SPO-Paragraph 17, notice is being provided of a unilateral change to the SPO. Unless an LEA takes immediate action to terminate the current SPO, the modifications or amendments will become binding.

1) ROLES AND RESPONSIBILITIES The State Shall:

- a) Ensure each LESO Program participating Law Enforcement Agency (LEA) has signed the LESO-approved SPO Addendum no later than January 1, 2023. The SPO Addendum will be signed by the Chief Law Enforcement Official (CLEO) (or assigned designee) and the current State Coordinator (SC) (or authorized State Point of Contact [SPOC]).
- b) Provide LESO with a comprehensive list of LEAs who do not sign the SPO Addendum by January 1, 2023. LESO will restrict the LEA to ensure LEA may not request or receive "controlled" property as defined within this addendum.

2) MODIFICATION TO DEFINITION OF "CONTROLLED" PROPERTY This SPO Addendum adds the below items to the "controlled" property definitions currently found in the 2021 SPO. These items are added pursuant to EO 14074 which reestablishes EO 13688. In 2017, the Law Enforcement Equipment Working Group (established by EO 13688), further added, deleted and refined the definitions of "controlled" items in their annual equipment list review. Provisions within the 2021 MOA applicable to "controlled" property apply to the items listed below (regardless of DEMIL and/or DEMIL Integrity Code). Title and ownership of the "controlled" property listed below remains with the DoD in perpetuity and will not be relinquished to the LEA (regardless of DEMIL and/or Integrity Code). The LESO retains final authority to determine what items qualify as "controlled" property. The below items listed in Section 1.2 of Law Enforcement Equipment Working Group (LEEWG) Recommendations (as modified in 2017), will be managed and issued as controlled property unless other restrictions or conditions are noted:

- a) *Manned Aircraft, Fixed Wing:* Powered aircraft with a crew aboard, such as airplanes, that use a fixed wing for lift. (Note: These items were previously listed as controlled in LESO Program. Any aircraft without commercial application are prohibited).
- b) *Manned Aircraft Rotary Wing:* Powered aircraft with a crew aboard, such as helicopters, that use a rotary wing for lift. (Note: These items were previously listed as controlled in LESO Program. Any aircraft without commercial application are prohibited).

c) *Unmanned Aerial Vehicles*: A remotely piloted powered aircraft without a crew onboard. (Note: These items are not currently issued in the LESO Program).

d) *Armored Vehicles, Wheeled*: Any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as a Mine-Resistant Ambush Protected (MRAP) vehicle or an Armored Personnel Carrier (APC). These vehicles are sometimes used by law enforcement personnel involved in dangerous operating conditions, including active shooter or similar high-threat situations. These vehicles often have weapon-firing ports. (Note: These vehicles were previously considered controlled due to DEMIL code and are now prohibited unless certification requirements in Section 3 are met).

e) *Tactical Vehicles, Wheeled*: A vehicle purpose-built to operate on- and off- road in support of military operations, such as a High Mobility Multi-purpose Wheeled Vehicle (HMMWV), 2.5-ton truck, 5-ton truck, or a vehicle with a breaching or entry apparatus attached. These vehicles are sometimes used by law enforcement in rough terrain or inclement weather for search and rescue operations, as well as other law enforcement functions. This excludes commercially available vehicles not tactical in nature, such as pick-up trucks or SUVs. (Note 1: This is LEEWG modified definition from 2017. Note 2: All tactical vehicles will now be considered controlled, and title will not pass. Note 3: Armored vehicles in this category will be considered prohibited unless certification requirements in Section 3 are met).

f) *Command and Control Vehicles*: Any wheeled vehicle either purpose-built or modified to facilitate the operational control and direction of public safety units responding to an incident. Command and control vehicles provide a variety of capabilities to incident Commander, including, but not limited to, the provision for enhanced communications and other situational awareness capabilities. Command and Control Vehicles are similar to a recreational vehicle and can accommodate multiple people at multiple workstations in the command center. This category does not include SUVs and is not intended for other types of vehicles that could serve as a command-and-control center. (Note 1: This is the LEEWG modified definition from 2017. Note 2: Armored vehicles in this category will be considered prohibited unless certification requirements in Section 3 are met).

g) *Specialized Firearms and Ammunition Under .50-Caliber (excludes firearms and ammunition designed for regularly assigned duties) and less lethal launchers*: Weapons and corresponding ammunition for specialized operations or assignment. This includes launchers specifically designed and built to launch less lethal projectiles. This excludes weapons such as service issued handguns, rifles or shotguns that are issued or approved by the agency to be used by all sworn officers/deputies during the course of regularly assigned duties. (Note 1: This is the LEEWG modified definition from 2017. Note 2: The LESO Program only issues weapons under .50 caliber that are designed for regularly assigned duties).

h) *Explosives and Pyrotechnics*: Includes “flash bangs” as well as explosive breaching tools often used by special operations units. (Note: These items were previously prohibited in the LESO Program and are now specifically prohibited in EO 14074).

i) *Breaching Apparatus*: Tools designed to provide rapid entry into a building or through a secured doorway. These tools may be mechanical in nature (a battering ram connected to a vehicle or a propellant), ballistic (slugs), or explosive. This category does not include dual purpose tools such as a sledgehammer or bolt cutter. (Note: This is the LEEWG modified definition from 2017).

j) *Riot/Crowd Control Batons*: Non-expandable of greater length (more than 24 inches) than service-issued types and are intended to protect its wielder during crowd control situations by providing distance from assailants. This category includes all batons with advanced features such as tear gas discharge, electronic or “stun” capabilities. (Note: This is the LEEWG modified definition from 2017).

k) *Riot Helmets*: Helmets designed to protect the wearer's face and head from injury during melees from projectiles including rocks, bricks, liquids, etc. Riot helmets include a visor which protects the face. (Note 1: The LEEWG removed these items from the controlled list in 2017. Note 2: LESO does not issue Kevlar helmets based on DoD policy).

l) *Riot/Crowd Control Shields*: Shields intended to protect wielders from their head to their knees in crowd control situations. Most are designed for the protection of the user from projectiles including rocks, bricks, and liquids. Some afford limited ballistic protection as well. (Note: This is the LEEWG modified definition from 2017).

3) PROHIBITED ITEMS THAT MAY BE ISSUED FOR LIMITED PURPOSES EO 14074 lists the below items as "prohibited" for issue under the LESO Program; however identifies specific authorized uses for these "prohibited" items if requested, utilized and annually certified as being used only in authorized manners. When utilized in an authorized manner (as indicated in the below example descriptions), the items are categorized as "controlled" property.

a) *Long Range Acoustic Devices (LRAD) that do not have commercial application*- LRADs are capable of directing sound over great distances at extreme volume in more geographical precision than an ordinary speaker. Certain LRAD capabilities which are aimed at dispersing individuals or groups as a kinetic use-of-force shall not be used. Examples of LRAD capabilities that shall not be used include (but are not limited to) attention commanding alert tones, powerful warning tones and/or deterrent tones.

i) *Authorized uses*- LRADs may only be utilized as a public address system for commercial purposes. Any other use is not authorized.

ii) *Annual Certification Requirements*- During the LESO Program annual inventory, LEAs with LRADs must certify that the LRAD is utilized exclusively as a public address system for commercial purposes. An LEAs signature on the SPO Addendum agreeing to these new terms will serve as initial certification.

iii) LEAs that do not have a current SPO Addendum on file by January 1, 2023 or who fail to annually certify the LRAD is being used in an authorized manner must return LRAD(s) to DLA Disposition Services.

b) *Vehicles that do not have commercial application*- This includes all tracked and armored vehicles, such as a Mine-Resistant Ambush Protected (MRAP), Armored Personnel Carrier (APC), or Armored HMMWV. (Note: This category excludes vehicles with commercial application, such as pick-up trucks, non-armored HMMWVs, 2.5-ton trucks, 5-ton trucks, or SUVs. The LESO Program identifies/defines vehicles with "commercial application" as items with a DEMIL Code of "A" or DEMIL "Q" (with an Integrity Code of 6) that may be sold to the general public under DoD sales programs).

i) *Authorized uses*- EO 14074 allows limited transfer of vehicles that do not have commercial application if the LEA certifies that the vehicle will be used exclusively for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief. Any other use of these vehicles is not authorized.

ii) *Annual Certification Requirements*- During the LESO Program annual inventory, LEAs with these vehicles must certify that the vehicle(s) is utilized exclusively for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief. An LEAs signature on the SPO Addendum agreeing to these new terms will serve as initial certification.

iii) LEAs that do not have a current SPO Addendum on file by January 1, 2023 or who fail to annually certify that the vehicle(s) use is exclusively for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief must return vehicle(s) to DLA Disposition Services.

4) ACQUIRING (OR RETAINING) CONTROLLED PROPERTY The State shall:

a) Review, verify and only submit to LESO for approval, requests for controlled property by LEAs who have current SPO and SPO Addendum on file with the state.

b) Ensure LEAs return controlled property to DLA Disposition Services if the Department of Justice (DOJ) determines or a Federal, State, Tribal, local, or territorial court enters a final judgment finding that the LEA has engaged in a pattern or practice of civil rights violations.

c) Ensure that prior to requesting/acquiring any controlled property, the LEAs:

i) Provide written or electronic notification to the local community of its intent to request controlled property. The notification must be translated into appropriate languages to inform individuals with limited English proficiency. The LESO Program would *recommend* that LEAs provide a notice of intent to request controlled property to the local community on or before January 1, 2023 and at the beginning of each fiscal year (October 1st) thereafter. This notification should include a comprehensive list of any controlled property that may be requested throughout the year. If this notice of intent does not include a specific controlled property item, such item may not be requested in the LESO Program until 30-days after an updated notice is published.

ii) Provide written or electronic notification to the city council or appropriate local Civilian Governing Body (CGB) of its intent to request controlled property and allow “reasonable opportunity to review” (normally 30-days). The LESO Program would *recommend* that LEAs provide a notice of intent to the CGB on or before January 1, 2023 and at the beginning of each fiscal year (October 1st) thereafter. This notification should include a comprehensive list of any controlled property that may be requested throughout the year. If this notice of intent does not include a specific controlled property item, such item may not be requested in the LESO Program until 30-days after an updated notice is published. Requests for controlled property must comport with all applicable approval requirements of the CGB.

(1) The above requirement includes elected Sheriff’s who also shall notify their CGB or city or county government within their jurisdiction.

(2) In cases of disagreement between requesting LEAs and CGB, the Governor appointed LESO Program State Coordinator (SC) will obtain an advisory opinion from the States Attorney General’s Office on whether CGBs are authorized by state law to deny the request.

iii) *Campus LEAs operating in Institutions of Higher Education (IHE)*- LEAs operating in IHEs otherwise referred to as “Campus Police” or “Campus LEAs” must also adhere to the requirements identified below:

(1) Obtain the IHE Board of Governors (or an equivalent body) *explicit approval* for the acquisition of controlled property. Such approval must be evidenced in the Campus LEAs request submitted to the LESO Program. Silence or inaction by the Campus LEAs Board of Governors does not constitute evidence of approval, and the “reasonable opportunity to review” (normally 30-days) standard does not apply to Campus LEA applications.

(2) Certify that their policies and training include specific provisions on using controlled property in a way that does not chill speech, is not disruptive to the educational environment, and does not foster a hostile climate among students.

(3) Campus LEAs who receive controlled vehicles are required to remove the militaristic appearance (i.e., painting the vehicle a different color).

5) REGIONAL SHARING AGREEMENTS LESO Program participants who are part of a regional sharing agreement must also adhere to the following requirements. LEAs shall:

a) Provide information regarding the size of the region, including the number and size of the LEA with access to the requested controlled property and the estimated population served.

b) Ensure any controlled property providing support in a regional sharing agreement is utilized in accordance with the LESO Program SPO and this SPO Addendum.

c) Ensure that only LESO Program participants within the regional sharing agreement utilize the controlled property. Agencies/activities who are not LESO Program participants may not utilize or direct the use of controlled property obtained via the LESO Program.

d) Obtain SC/SPOC approval to temporarily conditionally loan property to another LESO Program participant within the regional sharing agreement (if mission requires). If the SC/SPOC approves the temporary conditional loan, it shall be done using an acceptable Equipment Custody Receipt (ECR). At the end of the temporary conditional loan, the item (s) shall be returned to the original LEA for accountability. All requests for conditional loans will be based on bona fide law enforcement requirements.

i) The LESO Program participant with controlled property on their inventory must certify that the other LESO Program participant in the regional sharing agreement requesting the property under a conditional loan:

(1) Has adopted requisite protocols (in Section 6 below) or will adopt those protocols before their personnel use the controlled property,

(2) Have provided requisite training (in Section 7 below) or will provide that training before their personnel use the controlled property, and

(3) Will adhere to the information collection and retention requirements (in Section 8 below).

ii) The LEA conditionally loaning the controlled property will remain accountable to the LESO Program to ensure the above provisions are met.

6) POLICIES/PROCEDURES LEAs must establish policies/procedures that are consistent with the standards listed below, in order to request or maintain controlled property. LEAs must:

a) Adopt and comply with general policing standards.

i) *Community Policing*- LEA policies/procedures should reflect the concept that trust and mutual respect between police and the communities they serve are critical to public safety. Community policing fosters relationships between law enforcement and the local community which promotes public confidence in LEAs therefore increasing LEA ability to investigate crimes and keep the peace.

ii) *Constitutional Policing*- LEA policies/procedures must emphasize that all police work should be carried out in a manner consistent with the requirements of the U.S. Constitution and federal law. Policies/procedures must include First, Fourth, and Fourteenth Amendment principles in law enforcement activity, as well as compliance with Federal and State civil rights laws. LEA certified law enforcement officers receive training on the rights embodied by such Constitutional Amendments and how these amendments inform policing policies/procedures.

iii) *Community Input and Impact*- LEA policies/procedures must identify mechanisms that LEAs will use to engage the communities they serve to inform them and seek their input about LEAs actions, role in, and relationships with the community. LEAs should make particular efforts to seek the input of communities where controlled property is likely to be used so as to mitigate the effect that such use may have on public confidence in the police. This could be achieved through the LEAs regular interactions with the public through community forums, town halls, or meetings with the Chief, or community outreach divisions.

b) Adopt and comply with controlled property standards.

i) *Appropriate Use of Controlled Property*- LEA policies/procedures must define appropriate use of controlled property; officers who are authorized to use controlled property must be trained on these policies/procedures. LEAs should examine scenarios in which controlled property will likely be deployed, the decision-making processes that will determine whether controlled property is used, and the potential that both use and misuse of controlled property could create fear and distrust in the community. Policies/procedures should consider whether measures can be taken to mitigate that effect (i.e., keep armored vehicles at a staging area until needed) and any alternatives to the use of such property and tactics to minimize negative effects on the community, while preserving officer safety.

ii) *Supervision of Use*- LEA policies/procedures must specify appropriate supervision of personnel operating or utilizing controlled property. Supervision must be tailored to the type of controlled property being used and the nature of the engagement or operation during which the property will be used. Policies/procedures must describe when a supervisor of appropriate authority is required to be present and actively overseeing the property being used.

iii) *Effectiveness Evaluation*- LEA policies/procedures must articulate that the LEA will regularly monitor and evaluate the effectiveness and value of controlled property to determine whether continued deployment and use is warranted on operational, tactical, and technical grounds. LEAs should routinely review after-action reports and analyze any data on, for example, how often controlled property is used or whether controlled property is used more frequently in certain law enforcement operations or in particular locations or neighborhoods.

iv) *Auditing and Accountability*- LEA must establish policies/procedures that are designed to prevent misuse, unauthorized use and/or loss of controlled property. LEA will hold personnel accountable to agree and comply with State, local, Tribal and Federal controlled property use policies/procedures.

v) *Transparency and Notice*- LEA policies/procedures must articulate that LEA will engage the community regarding controlled property, policies/procedures governing its use, and review of "significant incidents" (as defined in Section 8), with the understanding that there are reasonable limitations on disclosures of certain information and law enforcement sensitive operations and procedures.

c) Must adopt and comply with record-keeping requirements for controlled property.

i) Upon LESO request, LEAs must provide a copy of the general policing standards and specific controlled property standards that were adopted, to include any related policies/procedures.

ii) *Record-Keeping Requirement*- LEAs must retain comprehensive training records, either in the personnel file of the officer who was trained or by the LEAs training division or equivalent entity, for a period of at least three (3) years, and must provide a copy of these records, upon LESO request.

7) TRAINING LEAs that request or have acquired controlled property via the LESO Program must establish written policies/procedures for controlled property use, and all personnel who are authorized to use the controlled property will be trained on these policies/procedures. LEAs must:

a) Provide annual training on general policing standards to personnel who may use the controlled property.

b) Provide annual training on property standards to personnel who may use the controlled property.

c) Provide controlled property operational and technical training to personnel and ensure personnel are proficient prior to using controlled property.

d) Provide scenario-based training to personnel that combines constitutional and community policing principles with controlled property specific training. LEA personnel authorizing or directing the use of controlled property should have enhanced scenario-based training to examine, deliberate, and review the circumstances in which controlled property should or should not be used.

8) DOCUMENTATION REQUIRED FOR “SIGNIFICANT INCIDENTS” LEAs must collect and retain the information (described below) when any law enforcement activity involves a “Significant Incident” which requires (or results in) the use of controlled property on the LEAs inventory. A “Significant Incident” is defined as any law enforcement operation or action that involves: 1) a violent encounter among civilians or between civilians and the police, 2) a use-of-force that causes death or serious bodily injury, 3) a demonstration or other public exercise of First Amendment rights, or 4) an event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is needed. LEAs must:

a) Collect and retain documentation for controlled property used in a “Significant Incident” for a minimum of three (3) years after the incident has occurred. The LEA must provide documentation to LESO upon request.

i) Documentation should also be made available to the community the LEA serves in accordance with applicable policies/procedures with exemptions made concerning the disclosure of any sensitive information.

b) No new report or format is required for “Significant Incident” reports so long as information is easily accessible and organized. The required information may already exist in a police report, operations plan, officer daily log, incident report, after-action report or described in a use-of-force report. If required information (annotated below) is contained in a pre-existing reports, the LEA must simply ensure that the report includes information that controlled property was used. Required information is listed below:

i) Name and quantity of controlled property used, including relevant details such as make/model/serial number of controlled property used.

- ii) Description of the LEA action/operation involving the controlled property.
- iii) Identification of LEA personnel who used and directed the use of the controlled property.
- iv) Identify or describe civilians who were the subject or target of LEA action/operation. For large crowds or multiple persons, the LEA must provide general description of the civilians (i.e., a crowd of approximately 250 people).
- v) Result of the action/operation in which controlled property was used (i.e., arrests, citations, injuries or fatalities, use-of-force, victim extraction, or property damage).

9) ANNUAL CERTIFICATIONS By signing the SPO Addendum, the LEA agrees to the below certification statements. In addition, the LEA must annually certify compliance with the below certification statements during the Annual LESO Program Inventory. LEAs must:

- a) Certify they have authorization from their CGB to participate in the LESO Program.
- b) Certify they have provided their CGB and local community a comprehensive list of controlled property that may be requested through the LESO Program.
 - i) Notification may be made electronically or in writing and must be translated into appropriate languages to inform individuals with limited English proficiency. It is recommended this notification be done on an annual basis.
 - ii) If controlled property is not identified in the comprehensive list provided to the CGB and local community, an updated notification to CGB and local community must be made. The CGB and local community will be afforded 30-days to review what additional items are being requested.
- c) Certify the request for controlled property comports/complies with all applicable approval requirements of the CGB.
- d) Certify they have adopted and comply with controlled property standards (i.e., appropriate use, supervision of use, effectiveness evaluation, auditing/accountability of use, transparency/notice of use, and record-keeping requirements).
- e) Certify they have provided annual training to personnel on the maintenance, sustainment, and appropriate use of controlled property, including respect for the rights of citizens under the Constitution of the United States and de-escalation of force.
- f) (*LEAs with LRADs*) Certify that the LRAD is utilized exclusively as a public address system for commercial purposes.
- g) Certify that controlled property vehicle(s) are utilized exclusively for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief.
- h) Certify that controlled property requiring a license (or other authorization), is only utilized by personnel who hold license (or other authorization) to operate such property.
- i) Certify that controlled property will be returned to DLA Disposition Services when no longer needed.
- j) Certify that they are abiding by the current LESO Program SPO and SPO Addendum, and maintain a signed copy of these documents on file.

k) Certify the Application for Participation on-file with LESO Program is current and accurately reflects the number of officers in the agency when fully staffed. (Note: If Application for Participation is not accurate, LEA must provide an updated Application for Participation to State Coordinators Office).

l) Certify they are compliant with LESO Program allocation limits. (Note: Property allocation limits are based on the number of officers at an LEA when fully staffed).

m) Certify that they agree to return the controlled property if the Department of Justice (DOJ) determines or a Federal, State, Tribal, local, or territorial court enters a final judgment finding that the LEA has engaged in a pattern or practice of civil rights violations.

n) *Campus LEAs (as described in Section 4)* must also certify that their policies and training include specific provisions on using controlled property in a way that does not chill speech, is not disruptive to the educational environment, and does not foster a hostile climate among students.

o) *Program participants who are part of a regional sharing agreement (as described in Section 5)*, must also certify that the other LESO Program participant in the regional sharing agreement requesting the property under a conditional loan: 1) Have adopted requisite protocols in (as described in Section 6) or will adopt those protocols before their personnel use the controlled property, 2) Have provided requisite training (as described in Section 7) or will provide that training before their personnel use the controlled property, and 3) Will adhere to the information collection and retention requirements (as described in Section 8).

10) SAVINGS CLAUSE/INTERPRETATION Nothing in this SPO Addendum shall be construed to impair or otherwise affect the requirements under the existing SPO between the State and LEA (dated February 2021), unless expressly amended herein. To the extent there is a disagreement concerning the interpretation of this SPO Addendum or the extent this SPO Addendum affects requirements under the existing SPO, the disagreement shall be resolved at the exclusive discretion of the LESO Program.

11) AGREEMENTS OF PARTIES By signing this SPO Addendum, the State and LEA acknowledges and accepts these changes. The SPO Addendum must be signed by LEAs no later than January 1, 2023 to remain eligible for LESO Program participation. The changes contained in this SPO Addendum are acknowledged and accepted by the following:

Governor-appointed State Coordinator State of Colorado

Title (Print): State Coordinator

Name (Print): Kellye Potocki

Signature (Sign): Kellye Potocki Date MM/DD/YYYY: 9-13-2022

Law Enforcement Agency Name: Johnstown Police Department

Chief Law Enforcement Official (CLEO) Title (Print): CHIEF OF POLICE

Name (Print): BRIAN PHILLIPS

Signature (Sign): [Signature] Date MM/DD/YYYY: 11/29/2022

-- COLORADO PROPERTY BOOK --

'CLOSED' PROPERTY NOT LISTED

STATION	TYPE	ACTIVE	COMMODITY	BOOK TYPE	STATUS	PROP NUM	REQ NUM
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	14028CO00065	W52H096239B493
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO006	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO009	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO011	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO010	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO014	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO005	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO013	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO012	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13288CO001	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO007	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO001	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13287CO004	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	WEAPON	TRACKED	ASSIGNED	13339CO077	W52H092019B492
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	ILLUMINATOR/LASER	TRACKED	ASSIGNED	14008CO00027	2YTF1Q30172898
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	ILLUMINATOR/LASER	TRACKED	ASSIGNED	14008CO00028	2YTF1Q30172898
CO JOHNSTOWN POLICE DEPT (2YTF1Q)	State	Y	NON/NV OPTIC	TRACKED	ASSIGNED	14076CO00004	2YTF1Q40703693

Run Time: November 30, 2022 7:16:36 AM CST

NSN	ITEM NAME	QTY	UI	UNIT COST	TOTAL VALUE	DMIL	DEMIL IC	SN	SN REQ	IMAGES
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	1933538	Y	2
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4437029	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4437349	Y	3
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4438974	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4439143	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4445116	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4460575	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4461691	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4461737	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4462716	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4465302	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4466187	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4466845	Y	1
1005000739421	RIFLE,5.56 MILLIMETER	1	Each	\$499.00	\$499.00	D	1	4470102	Y	1
5855014886563	ILLUMINATOR,INFRARED	1	Each	\$1,880.71	\$1,880.71	D	1	4475	Y	1
5855014886563	ILLUMINATOR,INFRARED	1	Each	\$1,880.71	\$1,880.71	D	1	4476	Y	2
6650014537551	BINOCULAR	4	Each	\$7,099.20	\$28,396.80	C	1	PNBI-184001	N	4

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SHIP DATE	DTID	DTID DATE	LAST CHANGE	LAST CHANGE
Sep 9, 1996			OGLESBY, RYAN (ERO00077)	Jul 1, 2022
Jan 23, 2012			OGLESBY, RYAN (ERO00077)	Jul 1, 2022
Jan 23, 2012			OGLESBY, RYAN (ERO00077)	Jul 1, 2022
Jan 23, 2012			OGLESBY, RYAN (ERO00077)	Jul 1, 2022
Jan 23, 2012			OGLESBY, RYAN (ERO00077)	Jul 1, 2022
Jan 23, 2012			OGLESBY, RYAN (ERO00077)	Jul 1, 2022
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Jan 23, 2012			OGLESBY, RYAN (ERO00077)	Jul 1, 2022
Jan 23, 2012			OGLESBY, RYAN (ERO00077)	Jul 1, 2022
Jan 23, 2013			OGLESBY, RYAN (ERO00077)	Jul 1, 2022
Jan 23, 2013			OGLESBY, RYAN (ERO00077)	Jul 1, 2022
Mar 12, 2014			OGLESBY, RYAN (ERO00077)	Jul 25, 2022
				v20190801



Town of Johnstown

MEMORANDUM

TO: Honorable Mayor Gary Lebsack and Town Councilmembers

FROM: Sarah Crosthwaite, Economic Development Manager

CC: Matt LeCerf, Town Manager

DATE: December 19, 2022

SUBJECT: Downtown Branding & Wayfinding Project – Quotable Quotes from Phase 1: Community Outreach & Research

The following quotes and comments have been pulled from the Community Survey that was launched earlier this year as part of the Downtown Johnstown Branding & Wayfinding Project. In general, the four questions listed below include quotes and comments from the public that had the most in-depth/informative responses.

What should Johnstown be known for?

- “A community that kept it’s small-town charm.”
- “A community where neighbors still know their neighbors no matter how big it gets.”
- “Perhaps capitalize on its connection to sugar beet industry which saved Colorado economy or some other historical base. Make it a historic tourism destination.”
- “I envision downtown Johnstown to be a destination location for a night out - dining, live music, and or an ice cream treat.”
- “Simply, truly make *“Parish, more than a Main Street.”*
- “It has potential for being a town full of nostalgia but keeping up with modern times. Patriotic, proud, good old fashion values of loving our country, God, and neighbors. It should be safe and attractive where people would be envious of the residents of our town to have such a gem right in our backyard.”
- “It will be forgotten if things don't change. If you can adapt, then let's be known as a fun place to take family and friends. But it needs to adapt!”
- “Johnstown should be known for its cool vibe, especially if some really great restaurants are brought in and advertised. I would like a reason to be excited for our downtown, but sadly, all I see are tired businesses, no interesting restaurants, and very few shops.”

The Community That Cares

www.TownofJohnstown.com

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

- “Johnstown should keep its small town feel but be known for its diversity.”

What could or should be done in Downtown Johnstown to get people to spend more time/money here?

- “You go downtown to ‘Grab a bite’ right now, but it would be awesome if you could ‘go downtown for the afternoon.’ Maybe get dinner, take in a movie or a show or do an activity.”
- Hays Market is not competing well with other grocery stores. I go get all my groceries elsewhere. If I got my daily/weekly groceries downtown, I would spend more time exploring the other shops. None of the small business eateries have been impressive enough for me to come back and eat there again. Lack of vegetarian/vegan cuisine.
- “We need places that you can gather with friends and just “be” for a few hours.
- “Maybe close off the road through downtown and re-route traffic.”
- “We want to be able to ride our bikes from West Johnstown all the way to Downtown Johnstown in a safe manner.”
- “Expand sidewalk paths to all new developments.”
- “Create a pedestrian only area where people can mingle and enjoy after their dinner, etc. Is a bypass warranted to maintain the small-town feel?”
- “Get a lighted memorial sign on Hwy 66 and Parish with business signs to showcase what businesses are there.”

What could or should be done to improve the quality of the experience in Downtown Johnstown?

- Elevate the pedestrian experience around the area.
- It would be nice if the town had sidewalks & bike paths consistently so residents could bike/walk in from outlying neighborhoods.
- We need more variety in restaurants & shops that have outdoor spaces and spaces that encourage neighbors meeting neighbors.
- Downtown Johnstown looks very old and tired, and very limited to only really one street with two blocks. The entire downtown needs to expand to allow additional businesses and shops to have a chance to succeed in the Downtown area.
- Make it walkable/bikeable from all neighborhoods.
- Parking is generally an issue that detracts from the experience.
- Improve limited nightlife options beyond a bar or burger, such as the new music hall being great for a “night out”. The town appears to “shut down” on Mondays and very early on weekdays which doesn’t provide a lot of options to skip through often making downtown a “one and done” experience.

Anything else you want to tell us in more detail that you didn't get to say?

- Johnstown is about helping everyone out, that’s what makes it memorable and honorable.

- I love Johnstown and love that it is very community driven, family oriented, and definitely a word-of-mouth town. I would love to see every small business succeed.