



# Town of Johnstown

## **TOWN COUNCIL REGULAR MEETING**

**450 S. Parish, Johnstown, CO  
Monday, August 01, 2022 at 7:00 PM**

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

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## **AGENDA**

### **CALL TO ORDER**

**Pledge of Allegiance**

### **ROLL CALL**

### **AGENDA APPROVAL**

### **SPECIAL PRESENTATIONS**

- [1.](#) 2021 Financial Audit Presentation

### **PUBLIC COMMENT**

*Members of the audience are invited to speak at the Council meeting. Public Comment is reserved for citizen comments on items not contained on the printed agenda. Citizen comments are limited to three (3) minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position.*

### **CONSENT AGENDA**

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

- [2.](#) July 18, 2021 Minutes
- [3.](#) Resolution 2022-33 regarding Findings of Fact and Conclusions related to the SunCatcher Annexation

### **TOWN ATTORNEY REPORT**

### **TOWN MANAGER REPORT**

- [4.](#) Manager's Report

### **PUBLIC HEARING**

- [5.](#) Ordinance 2022-234 regarding the SunCatcher Annexation
- [6.](#) Ordinance 2022-235 Approving PUD-MU Zoning for the property known as SunCatcher Annexation
- [7.](#) Ordinance 2022-236 Approving the P.U.D. Outline Development Plan for SunCatcher

### **NEW BUSINESS**

[8.](#) JHA Parking Lot

## **COUNCIL REPORTS AND COMMENTS**

## **MAYOR'S COMMENTS**

## **INFORMATIONAL ITEMS**

[9.](#) Informational Items

## **ADJOURN**

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### **AMERICANS WITH DISABILITIES ACT NOTICE**

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

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*The Community That Cares*

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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

**TOWN OF JOHNSTOWN, COLORADO**

**BASIC FINANCIAL STATEMENTS**

**December 31, 2021**

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## FINANCIAL SECTION



# JOHN CUTLER & ASSOCIATES

Honorable Mayor and Members of the Town Council  
Town of Johnstown  
Johnstown, Colorado

## INDEPENDENT AUDITORS' REPORT

### Report on the Financial Statements

#### *Opinions*

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Johnstown (the "Town") as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Johnstown as of December 31, 2021, and the respective changes in financial position and, where applicable, cash flows, thereof for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

#### *Basis for Opinions*

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town of Johnstown, and to meet our ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### *Responsibilities of Management for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

#### *Auditor's Responsibilities for the Audit of the Financial Statements*

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgement made by a reasonable user based on the financial statements

In performing an audit in accordance with GAAS, we:

- Exercise professional judgement and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures of the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion of the effectiveness of the Town's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgement, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and required budgetary and pension information on pages 34-38 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board (GASB) who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Supplementary and Other Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town's basic financial statements. The combining and individual fund financial schedules and State Compliance information as listed in the table of contents, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements.

The combining and individual fund financial schedules and State Compliance have been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund financial statements and schedules and State Compliance are fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

*John Luther & Associates, LLC*

July 8, 2022

# Management's Discussion and Analysis

This section of the annual financial report offers readers of the Town of Johnstown a discussion and analysis of the Town's financial performance during the year ended December 31, 2021. We encourage readers to consider the information presented here in conjunction with additional information furnished in the Town's financial statements, which immediately follow this section.

## Financial Highlights

- Assets and deferred outflow of resources for The Town exceeded liabilities and deferred inflow of resources by \$265 million, an increase of \$56.68 million, or 27 percent.
- As of December 31, 2021, net position for governmental activities was \$162.2 million, up \$22.2 million or 15.89 percent from December 31, 2020. Business type activities reported a net position of \$103.4 million, up \$34.4 million or 49.9 percent in the same time frame.
- General revenues account for \$28,762,045 or 42.06 percent of all revenues. The Town had \$39,611,866 in program specific revenues in the form of charges for services, operating grants and contributions, and capital contributions.
- The Town had \$13,675,280 in expenses related to governmental activities, of which \$7,130,184 were offset by program specific charges for services and operating grants, contributions. Taxes of \$27,388,022 and other general revenues of \$1,401,150 as shown on the statement of activities, offset the costs.
- The Town had water, sewer, and drainage charges for service income totaling \$8,326,070. Grants and capital contributions revenues for these funds totaled \$24,155,632. The cost of providing water, sewer, and drainage services totaled \$7,809,017.
- The Town's unassigned fund balance for the General Fund is \$68,686,911, the committed fund balance is \$250,000, and the restricted fund balance is \$1,017,000. The committed fund balance is intended to fund the operation of the Recreation Center. The unassigned portion of the Town's fund balance is available to meet the Town's reserve requirements and future spending at the Town's discretion.
- Outlays for capital assets were primarily related to infrastructure and equipment, but also included water rights and buildings. See the Capital Assets Section of the Financial Statements for detail.
- The Town's governmental funds only outstanding debt are accrued compensated absences totaling \$136,363 at December 31, 2021.
- The Town's business-type funds includes outstanding debt of accrued compensated absences totaling \$46,226 at December 31, 2021. It also includes the debt of the bonds issued for a total of \$56,617,227 at December 31, 2021.



## Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Town's basic financial statements. The basic statements are comprised of three components: 1) government-wide financial statements, 2) specific fund financial statements, and 3) notes to the financial statements.

### Government-Wide Financial Statements

The government-wide financial statements are designed to provide readers with a broad overview of the Town's finances in a manner similar to a private-sector business.

There are two government-wide financial statements:

**Statement of net position** – This statement presents information on all the Town's assets, liabilities, deferred inflows and deferred outflows, with the difference between them being reported as net position. Over time, the increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating.

**Statement of activities** – This statement presents information showing how the Town of Johnstown's net position changed during 2021. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses reported in this statement for some items will result in cash flows in future periods (e.g., uncollected taxes and earned but unused personal time).

The government-wide financial statements reflect three distinct activities:

**Governmental Activities** – These activities are primarily supported by taxes and intergovernmental revenues. The Governmental Activities of the Town of Johnstown include general government, public safety (police), public works, community development, cemetery, and recreation.

**Business-type Activities** - These activities are supported by user fees and service charges which are intended to recover all of their costs. The Business-type Activities of the Town of Johnstown include Water, Waste Water, and Drainage. Governmental activities and business-type activities combined comprise the primary government.

**Component Units** – The Town currently does not have any organizations that are legally separate and are reported separately from the primary government.

Governmental activities and business-type activities combine to comprise the primary government. The government wide financial statements begin on page 1 of this report.

### Fund Financial Statements

A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. Some funds are required to be established by State law and bond covenants; however, the Town Board establishes other funds to help control and manage money for particular purposes. All of the Town's funds can be divided into three categories: Governmental Funds, Proprietary Funds and Fiduciary Funds.



**Governmental Funds** – *Governmental funds* are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *short-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government’s short-term financing requirements. The accounting method used is *modified accrual* accounting.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental activities in the *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government’s short-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund and other major funds. The minor funds are combined in the *Other Governmental Funds* into a single, aggregated presentation. Individual fund data for each of these non-major governmental funds is provided in the form of combining statements elsewhere in this report.

Governmental fund financial statements begin on page 3 of this report.

**Proprietary Funds** – The Town of Johnstown maintains one type of proprietary fund. *Enterprise Funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements. The Town uses an enterprise fund to account for its Water, Waste Water, and Drainage Funds. These funds are considered major funds of the Town of Johnstown.

Proprietary fund statements begin on page 6 of this report.

## Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the Town and fund financial statements. The notes can be found on pages 9 to 33 of this report.

## Other Information

In addition to the basic financial statements and accompanying notes, this report also presents certain other supplementary information. This includes the required supplemental data required for non-major fund information and budgetary comparison schedules. The budgetary comparisons are included on pages 34 to 46 of this report.

## Financial Analysis of the Town as a Whole

As noted previously, net position may serve over time as a useful indicator of the Town’s financial position. For the year ending December 31, 2021, the Town’s combined assets exceeded liabilities and deferred inflows of resources by \$265,645,236.

**TOWN OF JOHNSTOWN, COLORADO**  
**CONDENSED STATEMENT OF NET POSITION**  
**2021/2020**

	<b>Governmental Activities</b>		<b>Business-Type Activities</b>		<b>Total</b>	
	<b>2020</b>	<b>2021</b>	<b>2020</b>	<b>2021</b>	<b>2020</b>	<b>2021</b>
<b>Assets</b>						
Current Assets	102,685,271	127,952,219	34,860,350	88,899,415	137,545,621	216,851,634
Capital Assets - Net	48,256,815	48,211,763	35,188,726	79,536,856	83,445,541	127,748,619
<b>Total Assets</b>	<b>150,942,086</b>	<b>176,163,982</b>	<b>70,049,076</b>	<b>168,436,271</b>	<b>220,991,162</b>	<b>344,600,253</b>
<b>Deferred Outflow of Resources</b>						
Related to Pensions	367,323	375,224	-	-	367,323	375,224
<b>Liabilities</b>						
Current Liabilities	2,856,876	5,659,976	1,029,491	7,005,960	3,886,367	12,665,936
Long-Term Liabilities	119,915	136,363	43,252	56,698,413	163,167	56,834,776
<b>Total Liabilities</b>	<b>2,976,791</b>	<b>5,796,339</b>	<b>1,072,743</b>	<b>63,704,373</b>	<b>4,049,534</b>	<b>69,500,712</b>
<b>Deferred Inflows of Resources</b>						
Related to Pensions	97,747	262,934	-	-	97,747	262,934
Deferred Property Tax Revenue	8,255,602	8,256,588	-	1,910,007	8,255,602	10,166,595
<b>Net Position</b>						
Net Investment in Capital Assets	48,256,815	48,211,763	35,188,726	80,136,856	83,445,541	128,348,619
Restricted	875,000	10,174,000	-	-	875,000	10,174,000
Unrestricted	90,847,454	112,994,582	33,787,607	23,285,035	124,635,061	136,279,617
<b>Total Net Position at December 31</b>	<b>139,979,269</b>	<b>162,223,345</b>	<b>68,976,333</b>	<b>102,821,891</b>	<b>208,955,602</b>	<b>265,045,236</b>
Total Increase in Net Position						56,089,634
Percent Increase in Net Position						26.84%

A portion of the Town of Johnstown's net position (48.3%) reflects its investment in capital assets (e.g., land, buildings, etc.), less any related debt still outstanding (current and long-term), that was used to acquire those assets. The Town uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Town's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

The restricted portion of net position (.3%) represents resources that are subject to external restrictions on how they may be used. The remaining balance of net position (\$136,279,617) is unrestricted and may be used to meet the Town's ongoing obligations to citizens and creditors.

The Town reports positive balances in all three categories of net position, for the government as a whole, as well as for its separate Governmental and Business-type Activities.



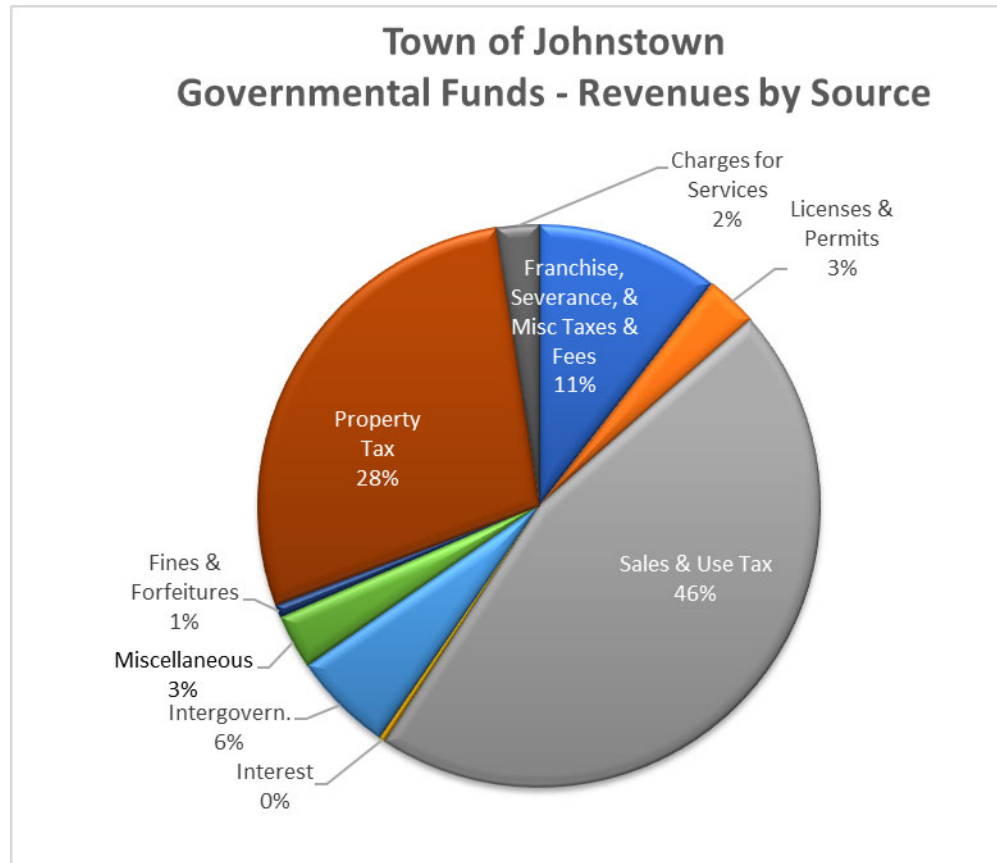
**TOWN OF JOHNSTOWN, COLORADO**  
**CONDENSED STATEMENT OF ACTIVITIES**  
**2021/2020**

Revenues	Governmental Activities		Business-Type Activities		Total	
	2020	2021	2020	2021	2020	2021
Program Revenues						
Charges for Services	5,852,528	5,054,897	6,406,289	8,326,070	12,258,817	13,380,967
Operating Grants and Contributions	1,374,493	551,516	-	-	1,374,493	551,516
Capital Grants and Contributions	2,424,233	1,523,771	4,962,982	24,155,632	7,387,215	25,679,403
General Revenues						
Property Taxes	8,896,180	10,161,097	-	-	8,896,180	10,161,097
Sales and Use Taxes	11,452,899	16,425,815	-	-	11,452,899	16,425,815
Franchise Taxes	499,702	521,849	-	-	499,702	521,849
Other Taxes	506,468	422,483	-	-	506,468	422,483
Interest	736,323	132,921	-	-	736,323	132,921
Other Revenues	1,162,949	1,125,007	-	-	1,162,949	1,125,007
Loss on Disposal of Assets	-	-	-	-	0	0
<b>Total Revenues</b>	<b>32,905,775</b>	<b>35,919,356</b>	<b>11,369,271</b>	<b>32,481,702</b>	<b>44,275,046</b>	<b>68,401,058</b>
Expenses						
General Government	3,959,268	2,880,399	-	-	3,959,268	2,880,399
Public Safety	3,361,350	3,348,147	-	-	3,361,350	3,348,147
Public Works	9,053,329	5,811,240	-	-	9,053,329	5,811,240
Health and Welfare	-	-	-	-	0	0
Culture and Recreation	2,331,483	1,635,494	-	-	2,331,483	1,635,494
Interest on Long-Term Debt	-	-	-	-	0	0
Water	-	-	2,848,798	4,156,365	2,848,798	4,156,365
Sewer	-	-	1,570,001	2,033,228	1,570,001	2,033,228
Drainage	-	-	341,537	420,746	341,537	420,746
Interest on Long-Term Debt	-	-	-	1,198,678	-	1,198,678
<b>Total Expenses</b>	<b>18,705,430</b>	<b>13,675,280</b>	<b>4,760,336</b>	<b>7,809,017</b>	<b>23,465,766</b>	<b>21,484,297</b>
Excess (deficiency) before transfers						
Transfers	220,000	-	(220,000)	(60,000)	0	\$ (60,000)
Prior Period Adjustment	-	-	-	9,800,000	0	9,800,000
					0	
<b>Change in Net Position</b>	<b>14,420,345</b>	<b>22,244,076</b>	<b>6,388,935</b>	<b>24,612,685</b>	<b>20,809,280</b>	<b>46,856,761</b>
NET POSITION, Beginning	125,558,924	139,979,269	62,252,349	68,641,284	187,811,273	208,620,553
NET POSITION, Ending	139,979,269	162,223,345	68,641,284	103,053,969	208,620,553	265,277,314

## Financial Analysis of the Town's Funds

**Governmental Activities.** The focus of the Town of Johnstown's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the Town's financing requirements. In 2020, the governmental funds for the Town were restructured to better reflect the functions and purposes of the fund and to allow users to better assess the accountability of the Town moving forward.

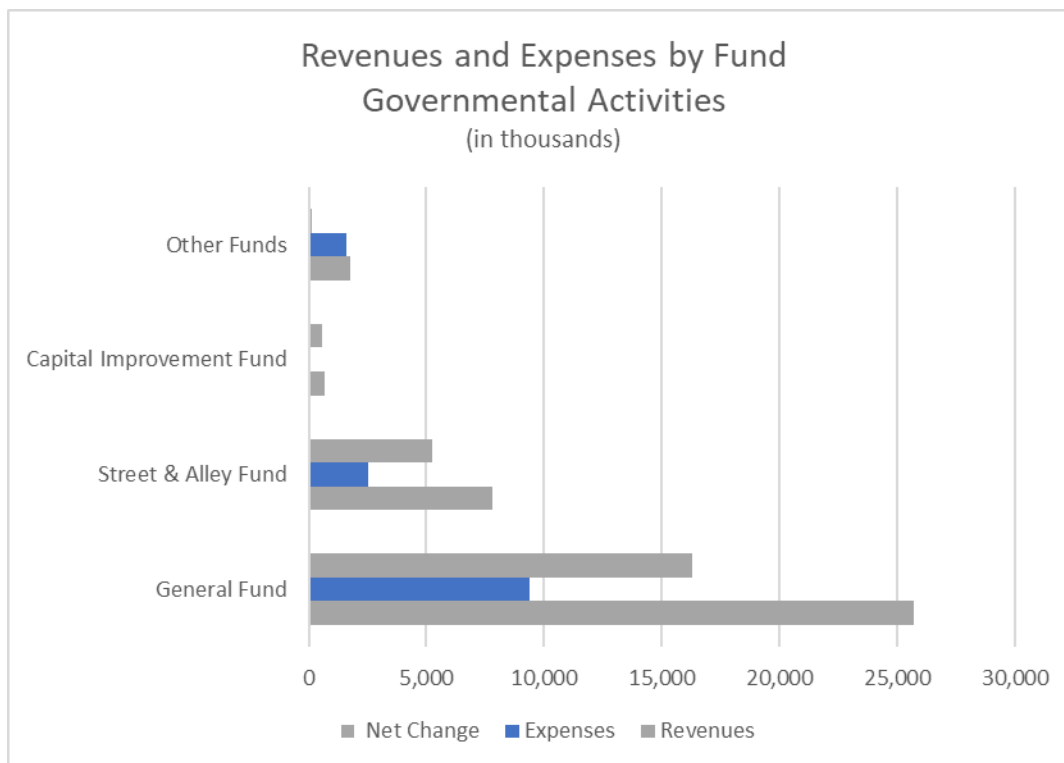
As of the end of the current fiscal year, the Town's governmental funds reported a combined ending fund balance of \$113,807,468, an increase of \$22,289,912. Overall revenue increased \$3.0 million or 9.1 percent. Areas of substantial revenue increase included taxes and fees \$4,892,264. The General Fund revenue increases, are primarily the result of an economy that continued to grow, despite the continuing COVID 19 pandemic, and the resulting sales tax collections.



Expenditures for the governmental funds for the current year decreased \$7,785,517 or 45.3%. Expenses for the General Fund decreased as capital outlay decreased \$8,208,807 as the construction of the new Recreation Center was completed in 2020. In 2021, the Street and Alley Fund recognized capital expenditures of \$373,014 for a Charlotte St. rehabilitation project. There were no notable increases in expenditures recognized in the General Fund or for the Governmental Funds in 2021.

The statement of net position reports a combined net position for governmental activities of \$162,223,345 an increase of \$22,244,076. The increase is primarily attributed to an increase in capital assets, cash, and receivables.

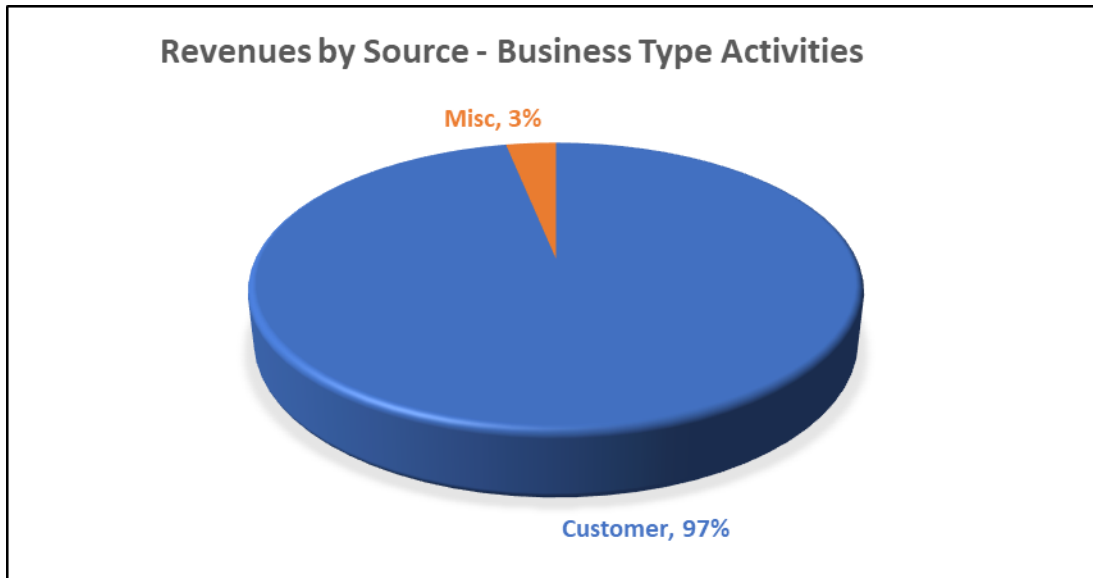
The graph below provides the program revenue and expenses (excluding transfers) for each governmental activity as well as providing net change.



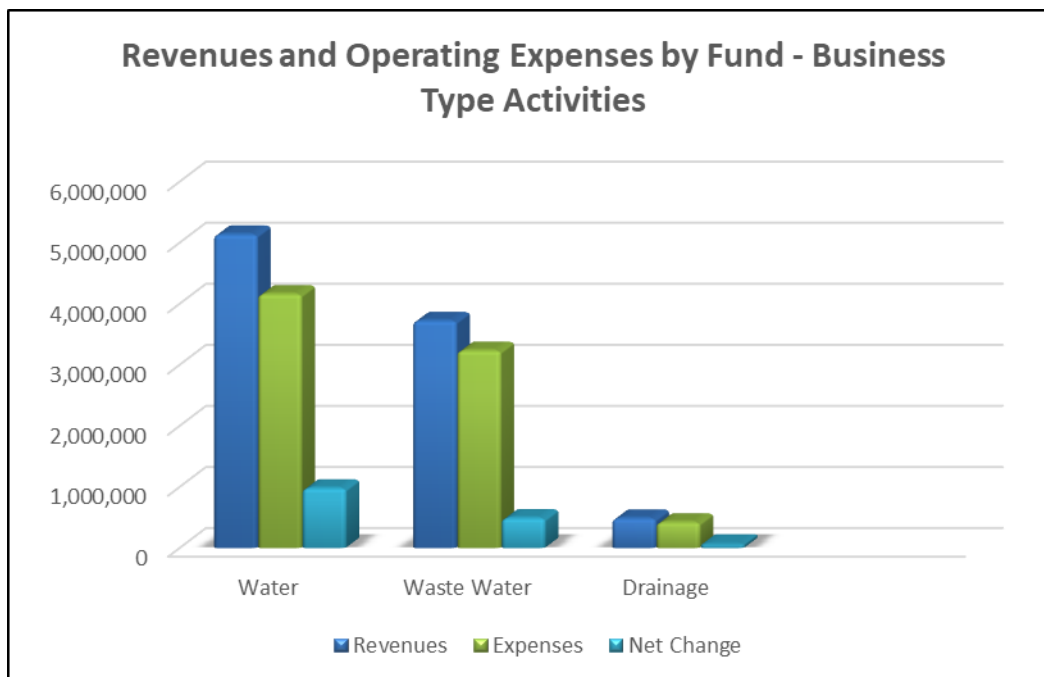
**Business-type Activities.** Net position of business-type activities increased by \$34.4 million primarily due to an increase in cash and capital assets in all business type funds. The Water Fund increased \$32,311,714, the Waste Water Fund increased \$1,670,048 and the Drainage Fund increased \$463,796. This net position is dedicated solely to finance the continuing operations of the water, waste water, and drainage operations.

Revenues for the Town's business-type activities, were \$8,326,070, a 29.9 percent increase compared to the previous year. The increase in revenues is largely attributed to an increase in volume of water sales. Charges for services for business-type activities increased \$2,045,066, and miscellaneous operating revenues decreased 125,285. The decrease in miscellaneous revenues is directly attributed to the COVID 19 pandemic. Total operating revenues increased \$1,919,781. Operating expenses increased \$1,850,003 across all funds. Water operation costs increased \$1,307,567 in 2021 primarily due to increases in materials costs and the costs associated with the GAC system. Waste water operations increased \$463,227 due to general cost increases for materials and repairs. Drainage Fund operating expenses increased \$79,209.

As you can see from the following graph, the primary source of revenue for business-type activities is customer charges.



The following graph provides program revenue and expenses (excluding transfers and capital contributions) for each of the Business-Type activities operated by the Town.



## *General Fund Budgetary Highlights*

The General Fund is the chief operating fund of the Town. It accounts for all of the general services provided by the Town. In 2021, total fund balance increased \$14,987,753. The unassigned fund balance of the General Fund at the end of 2021, totaled \$68,686,911 while the total fund balance totaled \$69,953,911. As a measure of the General Fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to General Fund expenditures. For 2021, unassigned fund balance represents approximately 7.30 times the total General Fund Expenditures, while total fund balance represents 7.44 times that same amount. While the General Fund has a healthy fund balance, the Town has a number of very large capital projects that are currently in the design and/or construction phase, which will decrease the fund balance significantly in 2022 and 2023. Preliminary estimates of the design and construction projects will move the unassigned fund balance from 7.30 times to 1 times the total General Fund Expenditures by 2025.

The Town budgeted for General Fund expenditures of \$21,125,510 for the year ended December 31, 2021 and actual expenditures were \$17,183,700. Expenditures were \$3,941,810 million less than budgeted as a result of capital projects that were not completed by the end of the year. Revenues, excluding transfers, for 2021 were budgeted at \$14,149,580 and actual revenues were \$21,195,540. Revenues from sales taxes, use taxes, permitting for new construction, and grants were much stronger than anticipated.

## **Capital Assets and Debt Administration**

### *Capital Assets*

By the end of 2021, the Town had invested \$128,348,622 net of accumulated depreciation, in a broad range of capital assets, including land, buildings, site improvements, infrastructure, vehicles and other equipment. This amount represents a net increase of \$44,903,082 or 53.8 percent increase from last year. Additional information on the Town's capital assets can be found in Note 4 of the financial statements. Total accumulated depreciation expense was \$8,839,956 in the governmental activities and \$10,590,805 in the business-type activities. There have been no significant changes in the condition level of the capital assets of the Town.

### *Long-Term Debt*

The Town's governmental funds have accrued compensated absences totaling \$136,363 at December 31, 2021.

The Town's business-type funds have long term debt totaling \$56,698,413 consisting of Bonds, Series 2021, with premium totaling \$56,547,628, a lease payable of \$104,558, and accrued compensated absences of \$46,226 at December 31, 2021.

Additional information on the Town's long-term debt can be found in Note 5 on page 22 of this report.

## Fiduciary Fund Activities

### *Cemetery Perpetual Fund*

The fund received \$9,207 in lot sales and investment revenues and recognized no expenditures. The fund balance at December 31, 2021, is \$153,816.

## Economic Factors and Next Year's Budgets and Rates

The annual budget ensures the efficient and effective uses of Town funds, as well as highlights the priority objectives. Direction for the upcoming year is established by the Council when the budget is adopted, funds are appropriated and resources are allocated.

The following factors were taken into account when adopting the budget for 2022:

- The Town has forecast most revenues as relatively steady from 2021 through 2022. Revenues from property taxes are expected to increase only slightly as 2022 is not a reassessment year. Revenues from sales taxes are projected to increase as a result of consistent residential and commercial growth. Building permit revenues are expected to increase as there are several new areas of Town in the planning stages of development.
- The Town has conservatively forecast new growth and the mill levy for property tax revenues has been set at 22.147.
- Expenditures in the General Fund are expected to be \$10,786,661. Capital projects planned for 2022 include a Downtown Improvement Plan, upgrades in AV equipment, new police vehicles, expansion design for the Police Department, a copier, and a generator.
- The Town's business-type activities are expected to have revenues that increase in 2022. A thorough review of the Town's business-type activity funds led to several changes that went into effect as of January 1, 2021 to ensure going concern. Customer classes were updated and restructured, the rate tiers were updated and restructured, and a water and waste water rate schedule with annual increases was adopted by Council.

## Contacting the Town's Financial Management

This financial report is designed to provide the Town's citizens, taxpayers, investors, and creditors with a general overview of the Town's finances and to demonstrate the Town's accountability for the money it receives. If you have questions about this report or need additional financial information, contact:

**Town of Johnstown Finance Department**  
450 S. Parish  
Johnstown, Colorado 80534  
(970) 587-4664



## **BASIC FINANCIAL STATEMENTS**

## STATEMENT OF NET POSITION

As of December 31, 2021

	GOVERNMENTAL	BUSINESS	TOTALS	
	ACTIVITIES	TYPE	2021	2020
		ACTIVITIES		
ASSETS				
Cash and Investments	\$ 114,904,050	\$ 88,016,818	\$ 202,920,868	\$ 124,321,682
Restricted Cash and Investments	705,054	-	705,054	376,599
Receivables				
Property Taxes	8,256,588	-	8,256,588	8,255,602
Sales and Other	3,835,127	-	3,835,127	3,693,285
Accounts	-	872,167	872,167	843,216
Prepaid Items	23,213	10,430	33,643	-
Net Pension Asset	228,187	-	228,187	55,237
Capital Assets, Not Depreciated	2,988,262	64,695,498	67,683,760	23,081,990
Capital Assets, Depreciated				
Net of Accumulated Depreciation	45,223,501	15,441,358	60,664,859	60,363,551
TOTAL ASSETS	176,163,982	169,036,271	345,200,253	220,991,162
DEFERRED OUTFLOWS OF RESOURCES				
Related to Pensions	375,224	-	375,224	367,323
LIABILITIES				
Accounts Payable	1,379,502	6,739,125	8,118,627	1,869,787
Retainage Payable	-	-	-	-
Accrued Salaries and Benefits	100,790	27,797	128,587	217,682
Lease Payable	-	-	-	-
Accrued Interest	-	162,763	162,763	-
Developer Escrow	4,179,684	-	4,179,684	1,686,436
Noncurrent Liabilities				
Deposits	-	76,275	76,275	112,462
Accrued Compensated Absences	136,363	46,226	182,589	163,167
Due within One Year	-	34,960	34,960	-
Due in More Than One Year	-	56,617,227	56,617,227	-
Net Pension Liability	-	-	-	-
TOTAL LIABILITIES	5,796,339	63,704,373	69,500,712	4,049,534
DEFERRED INFLOWS OF RESOURCES				
Related to Pensions	262,934	-	262,934	97,747
Deferred Revenues	-	1,910,007	1,910,007	-
Deferred Property Tax Revenue	8,256,588	-	8,256,588	8,255,602
TOTAL DEFERRED INFLOWS OF RESOURCES	8,519,522	1,910,007	10,429,529	8,353,349
NET POSITION				
Net Investment in Capital Assets	48,211,763	80,136,856	128,348,619	83,445,541
Restricted for Emergencies	1,017,000	-	1,017,000	875,000
Unrestricted	112,994,582	23,285,035	136,279,617	124,635,061
TOTAL NET POSITION	\$ 162,223,345	\$ 103,421,891	\$ 265,645,236	\$ 208,955,602

The accompanying notes are an integral part of the financial statements.



STATEMENT OF ACTIVITIES  
Year Ended December 31, 2021

FUNCTIONS/PROGRAMS	EXPENSES	PROGRAM REVENUES		
		CHARGES FOR SERVICES	OPERATING GRANTS AND CONTRIBUTIONS	CAPITAL GRANTS AND CONTRIBUTIONS
<b>PRIMARY GOVERNMENT</b>				
<b>Governmental Activities</b>				
General Government	\$ 2,880,399	\$ 1,698,912	\$ 10,440	\$ 314,035
Public Safety	3,348,147	516,381	-	-
Public Works	5,811,240	2,188,812	-	803,869
Health and Welfare	-	-	-	-
Culture and Recreation	1,635,494	650,792	541,076	405,867
Total Governmental Activities	13,675,280	5,054,897	551,516	1,523,771
<b>Business-Type Activities</b>				
Water	4,156,365	5,118,560	-	21,554,392
Wastewater	2,033,228	2,725,847	-	2,180,750
Drainage	420,746	481,663	-	420,490
Interest on Long Term Debt	1,198,678	-	-	-
Total Business-Type Activities	7,809,017	8,326,070	-	24,155,632
Total Primary Government	\$ 21,484,297	\$ 13,380,967	\$ 551,516	\$ 25,679,403

## GENERAL REVENUES

Sales Taxes

Property Taxes

Franchise Taxes

Other Taxes

Interest

Other

## TRANSFERS

TOTAL GENERAL REVENUES  
AND TRANSFERS

## CHANGE IN NET POSITION

Prior Period Adjustment

NET POSITION, Beginning

NET POSITION, Ending

The accompanying notes are an integral part of the financial statements.

NET (EXPENSE) REVENUE AND  
CHANGE IN NET POSITION

GOVERNMENTAL ACTIVITIES	BUSINESS-TYPE ACTIVITIES	TOTALS	
		2021	2020
\$ (857,012)	\$ -	\$ (857,012)	\$ (1,462,112)
(2,831,766)	-	(2,831,766)	(2,855,640)
(2,818,559)	-	(2,818,559)	(4,568,196)
-	-	-	-
(37,759)	-	(37,759)	(168,228)
(6,545,096)	-	(6,545,096)	(9,054,176)
-	22,516,587	22,516,587	4,868,526
-	2,873,369	2,873,369	1,300,192
-	481,407	481,407	440,217
-	(1,198,678)	(1,198,678)	-
-	24,672,685	25,871,363	6,608,935
(6,545,096)	24,672,685	19,326,267	(2,445,241)
16,425,814	-	16,425,814	11,452,899
10,161,097	-	10,161,097	8,896,180
521,849	-	521,849	499,702
279,262	-	279,262	506,468
132,921	32,873	165,794	1,071,372
1,268,229	-	1,268,229	1,162,949
-	(60,000)	(60,000)	-
28,789,172	(27,127)	28,762,045	23,589,570
22,244,076	24,645,558	48,088,312	21,144,329
-	9,800,000	9,800,000	-
139,979,269	68,976,333	208,955,602	187,811,273
\$ 162,223,345	\$ 103,421,891	\$ 266,843,914	\$ 208,955,602

BALANCE SHEET  
GOVERNMENTAL FUNDS  
As of December 31, 2021

	GENERAL FUND	STREET AND ALLEY FUND	CAPITAL IMPROVEMENT FUND	OTHER GOVERNMENTAL FUNDS
ASSETS				
Cash and Investments	\$ 70,786,762	\$ 14,507,496	\$ 15,267,275	\$ 14,342,517
Restricted Cash and Investments	696,895	-	-	8,159
Taxes Receivable	8,256,588	-	-	-
Accounts Receivable	2,540,226	1,064,206	36	230,659
Prepaid Items	18,532	3,155	-	1,526
TOTAL ASSETS	<u>\$ 82,299,003</u>	<u>\$ 15,574,857</u>	<u>\$ 15,267,311</u>	<u>\$ 14,582,861</u>
LIABILITIES, DEFERRED INFLOWS, AND FUND EQUITY				
LIABILITIES				
Accounts Payable	\$ 528,429	\$ 428,293	\$ 47,860	\$ 374,920
Accrued Liabilities	75,599	14,759	-	10,432
Developer Escrows and Deposits	3,484,476	-	695,208	-
TOTAL LIABILITIES	<u>4,088,504</u>	<u>443,052</u>	<u>743,068</u>	<u>385,352</u>
DEFERRED INFLOWS OF RESOURCES				
Deferred Property Tax Revenue	<u>8,256,588</u>	<u>-</u>	<u>-</u>	<u>-</u>
FUND EQUITY				
Fund Balance				
Restricted for Emergencies	1,017,000	-	-	-
Restricted for Culture and Recreation	-	-	-	6,665,722
Restricted for Parks & Recreation	-	-	-	7,377,971
Restricted for Capital Improvements	-	15,131,805	14,524,243	-
Restricted for Cemetery Maintenance	-	-	-	153,816
Committed for Recreation Center	250,000	-	-	-
Unassigned	<u>68,686,911</u>	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL FUND EQUITY	<u>69,953,911</u>	<u>15,131,805</u>	<u>14,524,243</u>	<u>14,197,509</u>
TOTAL LIABILITIES, DEFERRED INFLOWS, AND FUND EQUITY	<u>\$ 82,299,003</u>	<u>\$ 15,574,857</u>	<u>\$ 15,267,311</u>	<u>\$ 14,582,861</u>

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources and therefore, are not reported in the funds.

Long-term liabilities and related assets are not due and payable in the current period and are not reported in the fund. These include Accrued Compensated Absences (\$136,363), Net Pension Asset \$228,187, Deferred Outflows Related to Pensions \$375,224, and Deferred Inflows Related to Pensions of (\$262,934).

Net position of governmental activities

TOTAL GOVERNMENTAL FUNDS	
2021	2020
\$ 114,904,050	\$ 90,603,048
705,054	376,599
8,256,588	8,255,602
3,835,127	3,394,785
23,213	-
<u>\$ 127,724,032</u>	<u>\$ 102,630,034</u>
\$ 1,379,502	\$ 986,413
100,790	184,027
4,179,684	1,686,436
<u>5,659,976</u>	<u>2,856,876</u>
<u>8,256,588</u>	<u>8,255,602</u>
1,017,000	875,000
6,665,722	5,315,976
7,377,971	7,294,373
29,656,048	23,796,495
153,816	144,554
250,000	1,422,738
<u>68,686,911</u>	<u>52,668,420</u>
<u>113,807,468</u>	<u>91,517,556</u>
48,211,763	48,256,815
<u>204,114</u>	<u>204,898</u>
<u>\$ 162,223,345</u>	<u>\$ 139,979,269</u>

STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS  
Year Ended December 31, 2021

	GENERAL FUND	STREET AND ALLEY FUND	CAPITAL IMPROVEMENT FUND	OTHER GOVERNMENTAL FUNDS
REVENUES				
Taxes and Fees	\$ 22,851,898	\$ 6,168,519	\$ 660,232	\$ 681,706
Licenses and Permits	1,076,864	-	-	-
Intergovernmental	251,847	803,869	-	1,019,571
Charges for Services	16,855	804,638	-	54,028
Fines and Forfeitures	271,401	-	-	-
Interest Income	109,057	4,791	13,183	5,890
Miscellaneous	1,101,077	8,437	-	15,493
TOTAL REVENUES	<u>25,678,999</u>	<u>7,790,254</u>	<u>673,415</u>	<u>1,776,688</u>
EXPENDITURES				
General Government	3,138,495	-	-	-
Public Safety	3,275,647	-	-	-
Public Works	1,681,466	2,152,972	8,562	-
Culture and Recreation	500,000	-	-	1,115,381
Capital Outlay	802,575	373,014	69,568	511,764
TOTAL EXPENDITURES	<u>9,398,183</u>	<u>2,525,986</u>	<u>78,130</u>	<u>1,627,145</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>16,280,816</u>	<u>5,264,268</u>	<u>595,285</u>	<u>149,543</u>
OTHER FINANCING SOURCES (USES)				
Transfers In	557,943	-	-	1,293,063
Transfers Out	<u>(1,851,006)</u>	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL OTHER FINANCING SOURCES (USES)	<u>(1,293,063)</u>	<u>-</u>	<u>-</u>	<u>1,293,063</u>
NET CHANGE IN FUND BALANCES	14,987,753	5,264,268	595,285	1,442,606
FUND BALANCES, Beginning	<u>54,966,158</u>	<u>9,867,537</u>	<u>13,928,958</u>	<u>12,754,903</u>
FUND BALANCES, Ending	<u>\$ 69,953,911</u>	<u>\$ 15,131,805</u>	<u>\$ 14,524,243</u>	<u>\$ 14,197,509</u>

The accompanying notes are an integral part of the financial statements.

TOTAL GOVERNMENTAL FUNDS	
2021	2020
\$ 30,362,355	\$ 25,470,091
1,076,864	806,904
2,075,287	3,798,726
875,521	781,905
271,401	148,877
132,921	736,323
1,125,007	1,162,949
<u>35,919,356</u>	<u>32,905,775</u>
3,138,495	3,277,859
3,275,647	3,193,597
3,843,000	3,269,982
1,615,381	2,239,274
1,756,921	17,953,819
<u>13,629,444</u>	<u>29,934,531</u>
<u>22,289,912</u>	<u>2,971,244</u>
1,851,006	4,729,384
<u>(1,851,006)</u>	<u>(4,509,384)</u>
<u>-</u>	<u>220,000</u>
22,289,912	3,191,244
<u>91,517,556</u>	<u>88,326,312</u>
<u>\$ 113,807,468</u>	<u>\$ 91,517,556</u>

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF ACTIVITIES  
Year Ended December 31, 2021

Amounts Reported for Governmental Activities in the Statement of Activities  
are Different Because:

Net Changes in Fund Balances - Total Governmental Funds	\$ 22,289,912
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation (\$1,480,971) exceeded capital outlay \$1,435,919, in the current year.	(45,052)
Repayment of long-term debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position. This includes the change in accrued compensated absences.	(16,448)
Deferred Charges related to pensions are not recognized in the governmental funds. However, for the government-wide funds that amount is capitalized and amortized.	15,664
Change in Net Position of Governmental Activities	<u>\$ 22,244,076</u>

STATEMENT OF NET POSITION  
 PROPRIETARY FUND TYPE  
 As of December 31, 2021

	WATER FUND	WASTE WATER FUND	DRAINAGE FUND	TOTALS	
				2021	2020
ASSETS					
Current Assets					
Cash and Investments	\$ 22,368,002	\$ 62,162,259	\$ 3,486,557	\$ 88,016,818	\$ 33,718,634
Accounts Receivable, net	528,742	298,774	44,651	872,167	843,216
Grants Receivable	-	-	-	-	298,500
Prepaid Expenses	4,550	3,437	2,443	10,430	-
Due from Other Funds	-	-	-	-	-
Total Current Assets	22,901,294	62,464,470	3,533,651	88,899,415	34,860,350
Noncurrent Assets					
Capital Assets, net of Accumulated Depreciation	61,043,180	17,988,937	1,104,739	80,136,856	35,188,726
TOTAL ASSETS	83,944,474	80,453,407	4,638,390	169,036,271	70,049,076
LIABILITIES					
Current Liabilities					
Accounts Payable	2,850,904	3,745,723	142,498	6,739,125	883,374
Accrued Expenses	10,889	13,554	3,354	27,797	33,655
Accrued Interest	-	162,763	-	162,763	-
Deferred Revenues	-	1,910,007	-	1,910,007	-
Total Current Liabilities	2,861,793	5,832,047	145,852	8,839,692	917,029
Noncurrent Liabilities					
Deposits	61,370	14,905	-	76,275	112,462
Accrued Compensated Absences	22,397	15,746	8,083	46,226	43,252
Due within One Year	17,480	17,480	-	34,960	-
Due in More Than One Year	34,800	56,582,427	-	56,617,227	-
Total Noncurrent Liabilities	136,047	56,630,558	8,083	56,774,688	155,714
TOTAL LIABILITIES	2,997,840	62,462,605	153,935	65,614,380	1,072,743
NET POSITION					
Net Investment in Capital Assets	61,043,180	17,988,937	1,104,739	80,136,856	35,188,726
Unrestricted	19,903,454	1,865	3,379,716	23,285,035	33,787,607
TOTAL NET POSITION	\$ 80,946,634	\$ 17,990,802	\$ 4,484,455	\$ 103,421,891	\$ 68,976,333

The accompanying notes are an integral part of the financial statements.



STATEMENT OF REVENUES, EXPENSES  
AND CHANGES IN NET POSITION  
PROPRIETARY FUND TYPE  
Year Ended December 31, 2021

	WATER FUND	WASTE WATER FUND	DRAINAGE FUND	TOTALS	
				2021	2020
OPERATING REVENUES					
Charges for Services	\$ 4,900,750	\$ 2,683,290	\$ 478,106	\$ 8,062,146	\$ 6,017,080
Miscellaneous	217,810	42,557	3,557	263,924	389,209
TOTAL OPERATING REVENUES	5,118,560	2,725,847	481,663	8,326,070	6,406,289
OPERATING EXPENSES					
Administration	202,862	191,451	122,455	516,768	488,603
Operations	3,518,714	1,612,265	291,655	5,422,634	3,677,519
Depreciation	434,789	229,512	6,636	670,937	594,214
TOTAL OPERATING EXPENSES	4,156,365	2,033,228	420,746	6,610,339	4,760,336
OPERATING INCOME	962,195	692,619	60,917	1,715,731	1,645,953
NON-OPERATING REVENUES (EXPENSES)					
Interest Income	15,127	15,357	2,389	32,873	335,049
Grant Income	-	978,500	-	978,500	298,500
Debt Service	-	(1,198,678)	-	(1,198,678)	-
TOTAL NON-OPERATING REVENUES (EXPENSES)	15,127	(204,821)	2,389	(187,305)	633,549
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS	977,322	487,798	63,306	1,528,426	2,279,502
Capital Contributions	21,554,392	1,202,250	420,490	23,177,132	4,664,482
Transfers In	-	-	-	-	-
Transfers Out	(20,000)	(20,000)	(20,000)	(60,000)	(220,000)
NET INCOME	22,511,714	1,670,048	463,796	24,645,558	6,723,984
NET POSITION, Beginning as Previously Reported	48,634,920	16,320,754	4,020,659	68,976,333	62,252,349
Prior Period Adjustment	9,800,000	-	-	9,800,000	-
NET POSITION, Beginning, as restated	58,434,920	16,320,754	4,020,659	78,776,333	62,252,349
NET POSITION, Ending	\$ 80,946,634	\$ 17,990,802	\$ 4,484,455	\$ 103,421,891	\$ 68,976,333

The accompanying notes are an integral part of the financial statements.

STATEMENT OF CASH FLOWS  
 PROPRIETARY FUND TYPE  
 Year Ended December 31, 2021  
 Increase (Decrease) in Cash and Cash Equivalents

	WATER FUND	WASTE WATER FUND	DRAINAGE FUND	TOTALS	
				2021	2020
CASH FLOWS FROM OPERATING ACTIVITIES					
Cash Received from Customers	\$ 5,424,510	\$ 4,577,863	\$ 503,256	\$ 10,505,629	\$ 5,997,286
Cash Paid to Suppliers	(1,502,443)	1,687,299	(281,821)	(96,965)	(4,477,569)
Net Cash Provided by Operating Activities	<u>3,922,067</u>	<u>6,265,162</u>	<u>221,435</u>	<u>10,408,664</u>	<u>1,519,717</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES					
Purchase of Property and Equipment	(24,091,335)	(11,159,466)	(568,268)	(35,819,069)	(3,471,452)
Capital Contributions	21,554,392	1,202,250	420,490	23,177,132	3,151,982
Proceeds from Capital Grants	-	978,500	-	978,500	-
Proceeds from Debt	52,279	56,599,907	-	56,652,186	-
Interest Payments		(1,035,915)	-	(1,035,915)	-
Deposits from Customers	(44,530)	8,343	-	(36,187)	22,091
Payments from Other Funds	(20,000)	(20,000)	(20,000)	(60,000)	(198,867)
Net Cash Provided (Used) by Capital and Related Financing Activities	<u>(2,549,194)</u>	<u>46,573,619</u>	<u>(167,778)</u>	<u>43,856,647</u>	<u>(496,246)</u>
CASH FLOWS FROM INVESTING ACTIVITIES					
Interest Received	15,127	15,357	2,389	32,873	335,049
Net Cash Provided by Investing Activities	<u>15,127</u>	<u>15,357</u>	<u>2,389</u>	<u>32,873</u>	<u>335,049</u>
Net Increase in Cash and Cash Equivalents	1,388,000	52,854,138	56,046	54,298,184	1,358,520
CASH AND INVESTMENTS, Beginning	<u>20,980,002</u>	<u>9,308,121</u>	<u>3,430,511</u>	<u>33,718,634</u>	<u>32,360,114</u>
CASH AND INVESTMENTS, Ending	<u>\$ 22,368,002</u>	<u>\$ 62,162,259</u>	<u>\$ 3,486,557</u>	<u>\$ 88,016,818</u>	<u>\$ 33,718,634</u>
OPERATING ACTIVITIES					
Operating Income	\$ 962,195	\$ 692,619	\$ 60,917	\$ 1,715,731	\$ 1,645,953
Adjustments to Reconcile Operating Income to Net Cash Provided by Operating Activities					
Depreciation and Amortization	434,789	229,511	6,636	670,936	594,214
Changes in Assets and Liabilities					
Accounts Receivable	7,450	(57,991)	21,593	(28,948)	(409,003)
Grants Receivable	298,500	-	-	298,500	-
Prepaid Expenses	(4,549)	(3,437)	(2,443)	(10,429)	-
Accounts Payable	2,222,263	3,494,107	139,381	5,855,751	(351,886)
Accrued Expenses	(3,258)	754	(3,354)	(5,858)	23,927
Deferred Revenues	-	1,910,007	-	1,910,007	-
Accrued Compensated Absences	4,677	(408)	(1,295)	2,974	16,512
Total Adjustments	<u>2,959,872</u>	<u>5,572,543</u>	<u>160,518</u>	<u>8,692,933</u>	<u>(126,236)</u>
Net Cash Provided by Operating Activities	<u>\$ 3,922,067</u>	<u>\$ 6,265,162</u>	<u>\$ 221,435</u>	<u>\$ 10,408,664</u>	<u>\$ 1,519,717</u>

The accompanying notes are an integral part of the financial statements.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The Town of Johnstown, Colorado, is a Colorado Home Rule Town and was organized on March 21, 1907. The Town is administered by an elected Mayor and Town Council.

The Town provides the following services to the residents and businesses: public safety, highways and streets, sanitation, water, culture and recreation, public improvements, planning and zoning, judicial, and general administrative services.

The accounting policies of the Town of Johnstown, Colorado (the “Town”) conform to generally accepted accounting principles as applicable to governments. Following is a summary of the more significant policies.

**Reporting Entity**

In accordance with governmental accounting standards, the Town of Johnstown has considered the possibility of inclusion of additional entities in its basic financial statements.

The definition of the reporting entity is based primarily on financial accountability. The Town is financially accountable for organizations that make up its legal entity. It is also financially accountable for legally separate organizations if Town officials appoint a voting majority of the organization’s governing body and either it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or to impose specific financial burdens on, the Town. The Town may also be financially accountable for governmental organizations that are fiscally dependent upon it.

Based on the application of these criteria, the Town does not include additional organizations in its reporting entity.

**Government-Wide and Fund Financial Statements**

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the Town. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of the given function or segments are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Government-Wide and Fund Financial Statements** (Continued)

*Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

**Measurement Focus, Basis of Accounting, and Financial Statement Presentation**

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when the liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current *financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Town considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Property taxes, specific ownership taxes, grants, and interest associated with the current fiscal period are all considered to be susceptible to accrual and have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the Town.

Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, are recorded only when payment is due.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Measurement Focus, Basis of Accounting, and Financial Statement Presentation**  
(Continued)

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the Town's practice to use restricted resources first, then unrestricted resources as they are needed.

In the fund financial statements, the Town reports the following major governmental funds:

The *General Fund* is the Town's primary operating fund. It accounts for all financial resources of the Town, except those required to be accounted for in another fund.

The *Street and Alley Fund* is a special revenue fund that was established to account for all taxes and impact fee revenues specifically earmarked for street maintenance and improvements.

The *Use Tax Capital Improvement Fund* is a special revenue fund that was created to account for various maintenance and capital projects throughout the Town.

The Town reports the following major proprietary funds:

The *Water Fund* accounts for user charges and expenses for operating, financing, and maintaining the Town's water system.

The *Wastewater Fund* accounts for user charges and expenses for operating, financing, and maintaining the Town's sanitary sewer system.

The *Drainage Fund* accounts for user charges and expenses for operating, financing, and maintaining the Town's drainage system.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Cash and Investments**

Cash equivalents include investments with original maturities of three months or less.

Investments are recorded at fair value.

**Capital Assets**

Capital assets, which include property and equipment, are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the Town as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated acquisition value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Property and equipment of the Town is depreciated using the straight-line method over the following estimated useful lives:

Buildings and Improvements	10 - 50 years
Machinery and Equipment	3 - 30 years
Infrastructure	10 - 50 years

**Compensated Absences**

Employees of the Town are allowed to accumulate unused paid time off up to a max of 80 hours. Upon termination of employment from the Town, an employee will be compensated for all accrued paid time off at their current pay rate.

These compensated absences are recognized as current salary costs when earned in the proprietary fund types and when due in the governmental fund types. A liability has been recorded in the government-wide financial statements for the accrued compensated absences.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)**Long-Term Obligations**

In the government-wide financial statements, and proprietary fund type in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position. Bond premiums, discounts, and bond issuance costs are deferred and amortized over the life of the bonds using the straight-line method.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

**Deferred Outflows/Inflows of Resources**

In addition to assets, the statement of financial position and balance sheets will sometimes report a separate section for deferred outflows or resources. This separate financial statement element, deferred outflow of resources, represents a consumption of net position and fund balance that applies to a future period(s) and so will not be recognized as an outflow of resources expense/expenditure until then.

In addition to liabilities, the statement of financial position and balance sheets will sometimes report a separate section for deferred inflows or resources. This separate financial statement element, deferred inflow of resources, represents an acquisition of net position and fund balance that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

**Net Position**

In the government-wide financial statements, net position is restricted when constraints placed on the net position are externally imposed.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Fund Balance Classification**

The governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent. The classifications used in the governmental fund financial statements are as follows:

- Nonspendable – This classification includes amounts that cannot be spent because they are either not in a spendable form (such as inventories and prepaid amounts) or are legally or contractually required to be maintained intact. As of December 31, 2021, the Town did not report any nonspendable its prepaid items as nonspendable resources.
- Restricted – This classification includes amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors (such as through a debt covenant), grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation. The Town has classified Emergency Reserves as being restricted because their use is restricted by State Statute for declared emergencies. The Town has also classified the fund balances for Street and Alley, Capital Improvement, the Cemetery, and the Parks and Open Space Funds as restricted because their revenues are restricted by the municipal code or taxpayer initiative; the Library Fund is classified as restricted as the revenues are restricted through taxpayer initiatives and other governments, and the Conservation Trust Fund is classified as restricted because its revenues are restricted by State Statute.
- Committed – This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the Town Council. These amounts cannot be used for any other purpose unless the Town Council removes or changes the specified use by taking the same type of action (ordinance or resolution) that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements. The Town reports unspent balances appropriated by the Town Council for contingencies, equipment replacement, and the construction of a Town recreation center.
- Assigned – This classification includes amounts the government intends to use for specific purposes that do not meet the criteria to be classified as restricted or committed.



NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Fund Balance Classification** (Continued)

- Unassigned – This classification includes the residual fund balance for the General Fund. The Unassigned classification also includes negative residual fund balance of any other governmental fund that cannot be eliminated by offsetting of Assigned fund balance amounts.

The Town would typically use Restricted fund balances first, followed by Committed resources, and then Assigned resources, as appropriate opportunities arise, but reserves the right to selectively spend Unassigned.

**Property Taxes**

Property taxes are levied on November 1 and attach as an enforceable lien on property on January 1. Taxes are payable in full on April 30 or in two installments on February 28 and June 15. The County Treasurer's office collects property taxes and remits to the Town on a monthly basis.

Since property tax revenues are collected in arrears during the succeeding year, a receivable and corresponding deferred revenue are recorded at December 31. As the tax is collected in the succeeding year, the deferred revenue is recognized as revenue and the receivable is reduced.

**Comparative Data**

Comparative total data for the prior year has been presented in the accompanying financial statements in order to provide an understanding of changes in the Town's financial position and operations. However, complete comparative data in accordance with generally accepted accounting principles has not been presented since its inclusion would make the financial statements unduly complex and difficult to read. Data in these columns do not present financial position or results of operations in conformity with generally accepted accounting principles. Neither is such data comparable to a consolidation. Interfund eliminations have not been made in the aggregation of this data.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 2: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY**

**Budgets and Budgetary Accounting**

The Town follows these procedures in establishing the budgetary data reflected in the financial statements:

- In October, the Town staff submits to the Town Council a proposed operating budget for the fiscal year commencing the following January 1. The operating budget includes proposed expenditures and the means of financing them.
- Public hearings are conducted to obtain taxpayer comments.
- Prior to December 31, the budget is legally enacted through passage of a resolution.
- The Town Administration is authorized to transfer budgeted amounts between departments within any fund. However, any revisions that alter the total expenditures of any fund must be approved by the Town Council.
- Budgets are legally adopted for all funds of the Town. Budgets for the General, Special Revenue, and Private Purpose Trust Funds are adopted on a basis consistent with generally accepted accounting principles (GAAP). The Budgetary comparison presented for the enterprise funds are presented on a non-GAAP budgetary basis. Capital outlay and debt payments are budgeted as expenditures.
- Budgeted amounts in the financial statements are as originally adopted or as amended by the Town Council. All appropriations lapse at year end. Colorado governments may not exceed budgeted appropriations at the fund level.

**NOTE 3: DEPOSITS AND INVESTMENTS**

A summary of deposits and investments as of December 31, 2021, follows:

Petty Cash	\$ 2,224
Cash Deposits	39,480,153
Investments	<u>164,143,545</u>
Total	<b><u>\$203,625,922</u></b>

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 3: DEPOSITS AND INVESTMENTS** (Continued)

The above amounts are classified in the statement of net position as follows:

Governmental Activities - Unrestricted	\$ 114,904,051
Governmental Activities – Restricted	705,054
Business-type Activities- Unrestricted	<u>88,016,817</u>
Total	<b><u>\$203,625,922</u></b>

Custodial Credit Risk – Deposits

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The Colorado Public Deposit Protection Act (PDPA) requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulations. At December 31, 2021, State regulatory commissioners have indicated that all financial institutions holding deposits for the Town are eligible public depositories. Amounts on deposit in excess of federal insurance levels must be collateralized by eligible collateral as determined by the PDPA. PDPA allows the financial institution to create a single collateral pool for all public funds held. The pool is to be maintained by another institution or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to 102% of the uninsured deposits.

The Town has implemented a policy regarding custodial credit risk for deposits.

At December 31, 2021, the Town had deposits with financial institutions with a carrying amount of \$39,480,153. The bank balances with the financial institutions were \$40,421,846. Of these balances, \$323,532 was covered by federal depository insurance and \$40,098,314 was covered by collateral held by authorized escrow agents in the financial institutions name (PDPA).

**Investments**

As of December 31, 2021, the Town had the following investments and maturities:

<u>Type of Investment</u>	<u>Fair Value</u>	<u>Maturities (in Years)</u>	
		<u>0 – 1 Years</u>	<u>1 – 5 Years</u>
U.S. Government Securities	\$ 24,588,934	\$ 17,029,881	\$ 7,559,054
U.S. Government Agencies	16,629,221	10,603,600	6,025,620
Money Market Funds	32,491	32,491	-
Local Government Investment Pools	<u>122,892,898</u>	<u>122,892,898</u>	<u>-</u>
<b>Total</b>	<b><u>\$ 164,143,544</u></b>	<b><u>\$ 150,558,870</u></b>	<b><u>\$ 13,584,674</u></b>

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 3: DEPOSITS AND INVESTMENTS** (Continued)

**Investments** (Continued)

Interest Rate Risk

The Town has a formal investment policy that limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates.

Credit Risk

Colorado statutes specify in which instruments the units of local government may invest which includes:

- Obligations of the United States and certain U.S. government agency securities
- General obligation and revenue bonds of U.S. local government entities
- Local government investment pools
- Written repurchase agreements collateralized by certain authorized securities
- Certain money market funds
- Guaranteed investment contracts

The above investments are authorized for all funds and fund types used by Colorado municipalities. The Town's securities at December 31, 2021, are rated AA+ by Standard and Poor's and Aaa by Moody's Investors Services for its U.S. Government Agencies and Securities. The Town's Corporate Bonds ratings range from A1 by Moody's Investors.

Investment Pools

The Town had invested \$72,736,649 in the Colorado Surplus Asset Fund Trust (CSAFE), an investment vehicle established for local government entities in Colorado pursuant to Title 24, Article 75, Part 7 of the Colorado Revised Statutes, to pool surplus funds for investment purposes. The State Securities Commissioner administers and enforces the requirements of creating and operating the Pools. CSAFE reports its underlying investments at amortized cost and is considered a qualifying external investment pool under GASB Statement 79. CSAFE operates similar to money market funds where each share is equal in value to \$1.00. The fair value of the position in the pools is the same as the value of the pooled shares.

CSAFE is rated AAAM by Standard and Poor's. The designated custodial bank provides safekeeping and depository services in connection with the direct investment and withdrawal functions. Substantially all securities are owned by the pools and held by the Federal Reserve Bank in the account maintained for the custodial bank. The custodian's internal records identify the investments owned by the pools. Investments of the pools comply with state statutes, consisting of U.S. Treasury bills, notes and note strips, repurchase agreements, U.S. Instrumentalities, Commercial Paper, Bank Deposits and Money Market Funds. CSAFE does not have any limitations or restrictions on participant withdrawals.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 3: DEPOSITS AND INVESTMENTS** (Continued)

**Investments** (Continued)

Investment Pools (Continued)

The Town had invested \$50,156,249 in the Colorado Government Liquid Asset Trust (ColoTrust) which has a credit rating of AAAM by Standard and Poor's. ColoTrust is an investment vehicle established for local government entities in Colorado to pool surplus funds and is regulated by the State Securities Commissioner. It operates similarly to a money market fund and each share is equal in value to \$1.00. Investments consist of U.S. Treasury and U.S. Agency securities, and repurchase agreements collateralized by U.S. Treasury and U.S. Agency securities. A designated custodial bank provides safekeeping and depository services in connection with the direct investment and withdrawal functions. Substantially all securities owned are held by the Federal Reserve Bank in the account maintained for the custodial bank. The custodian's internal records identify the investments owned by the entities.

ColoTrust is not a 2a7-like external investment pool. The unit of account is each share held, and the value of the position would be the fair value of the pool's share price multiplied by the number of shares held. The government-investor does not "look through" the pool to report a pro rata share of the pool's investments, receivables, and payables.

The Town invested \$32,491 in a Money Market Mutual Fund. The Fund invests only in government securities as defined under the Investment Company Act of 1940 (the "1940 Act"), as amended. The Fund intends to be a government money market fund as defined under Rule 2a-7 under the 1940 Act. The fair value of investments in the fund is based on the published net asset values per share of those funds and is maintained at a stable net asset value of \$1.00 per share. The fund values its securities using amortized cost.

Fair Value

The Town categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant observable inputs.

At December 31, 2021, the Town held investments in U.S. Government Securities and U.S. Government Agencies in the amount of \$24,588,934 and \$16,629,221, respectively, with maturity dates of less than one and five years. Given the low risk of this type of investment, the Town has not established a policy limiting the amount of investments in this type of security and deems it unnecessary at this time. These investments are valued with Level 1 inputs.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 3: DEPOSITS AND INVESTMENTS** (Continued)

**Investments** (Continued)

**Restricted Cash and Investments**

Cash and Investment in the amount of \$696,895 are restricted in the General Fund for developer and escrow deposits and funds in the amount of \$8,159 are restricted in the Conservation Trust Fund for parks and recreation.

**NOTE 4: CAPITAL ASSETS**

Capital assets activity for the year ended December 31, 2021 is summarized below:

	Balances 12/31/2020	Additions	Deletions	Balances 12/31/2021
<b>Governmental Activities</b>				
Capital Assets, not depreciated				
Land	\$ 1,099,633	\$ -	\$ -	\$ 1,099,633
Water Shares	687,500	275,000	-	962,500
Construction in Progress	102,400	854,366	30,637	926,129
Total Capital Assets, not depreciated	1,889,533	1,129,366	30,637	2,988,262
Capital Assets, depreciated				
Buildings	40,361,073	35,460	-	40,396,533
Improvements	3,314,892	85,875	-	3,400,767
Infrastructure	3,966,658	-	-	3,966,658
Equipment	6,083,644	215,855	-	6,299,499
Total Capital Assets, depreciated	53,726,267	337,190	-	54,063,457
Less Accumulated Depreciation				
Buildings	2,994,262	805,638	-	3,799,900
Improvements	951,304	73,626	-	1,024,930
Infrastructure	145,912	85,181	-	231,093
Equipment	3,267,507	516,526	-	3,784,033
Total Accumulated Depreciation	7,358,985	1,480,971	-	8,839,956
Total Capital Assets, depreciated, Net	46,367,282	(1,143,781)	-	45,223,501
Governmental Activities, Capital Assets, Net	<u>\$ 48,256,815</u>	<u>\$ (14,415)</u>	<u>\$ (30,637)</u>	<u>\$ 48,211,763</u>

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 4: CAPITAL ASSETS (Continued)**

Depreciation expense was charged to functions/programs of the Town as follows:

**Governmental Activities**

General Government	\$ 904,477
Public Safety	189,844
Public Works	311,299
Culture and Recreation	<u>75,351</u>
Total	<b><u>\$ 1,480,971</u></b>

	Balances 12/31/2020	Additions	Deletions	Balances 12/31/2021
<b>Business-Type Activities</b>				
Capital Assets, not depreciated				
Land	\$ 72,405	\$ 31,901	\$ -	\$ 104,306
Water Rights	18,538,749	28,929,000	-	47,467,749
Lease Assets	-	104,558	-	104,558
Construction in Progress	<u>2,581,303</u>	<u>14,474,652</u>	<u>37,071</u>	<u>17,018,884</u>
Total Capital Assets, not depreciated	<u>21,192,457</u>	<u>43,540,111</u>	<u>37,071</u>	<u>64,695,497</u>
Capital Assets, depreciated				
Utility Systems	22,678,571	1,994,569	-	24,673,140
Equipment	<u>1,237,566</u>	<u>121,461</u>	<u>-</u>	<u>1,359,027</u>
Total Capital Assets, depreciated	<u>23,916,137</u>	<u>2,116,030</u>	<u>-</u>	<u>26,032,167</u>
Less: Accumulated Depreciation				
Utility Systems	9,636,093	589,944	-	10,226,037
Equipment	<u>283,776</u>	<u>80,992</u>	<u>-</u>	<u>364,768</u>
Total Accumulated Depreciation	<u>9,919,869</u>	<u>670,936</u>	<u>-</u>	<u>10,590,805</u>
Total Capital Assets, depreciated, Net	<u>13,996,268</u>	<u>1,445,094</u>	<u>-</u>	<u>15,441,362</u>
Business-Type Activities, Capital Assets, Net	<b><u>\$ 35,188,725</u></b>	<b><u>\$ 44,985,205</u></b>	<b><u>\$ (37,071)</u></b>	<b><u>\$ 80,136,859</u></b>

Depreciation expense was charged to functions/programs of the Town as follows:

**Business-type Activities**

Water Fund	\$ 434,789
Wastewater Fund	229,512
Drainage Fund	<u>6,637</u>
Total	<b><u>\$ 670,938</u></b>

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 4: CAPITAL ASSETS** (Continued)

The Town has determined that it has received various capital contributions in the form of water rights through various agreements with developers over the years. The Town is unable to determine the quantity and fair value at the time the ownership was transferred to the Town, and therefore has not capitalized these water rights. The Town will be continuing its process of determining the acquisition value of additional water rights and shares owned during the year ended December 31, 2021.

**NOTE 5: LONG-TERM DEBT**

**Governmental Activities**

Following is a summary of long-term debt transactions for the governmental activities for the year ended December 31, 2021.

	Balance 12/31/2020	Additions	Payments	Balance 12/31/2021	Due In One Year
Accrued Compensated Absences	\$ 119,915	\$ 16,448	\$ -	\$ 136,363	\$ -

Accrued Compensated Absences are being paid from resources generated by the General Fund.

**Business-Type Activities**

Following is a summary of long-term debt transactions for the business-type activities for the year ended December 31, 2021.

	Balance 12/31/2020	Additions	Payments	Balance 12/31/2021	Due In One Year
Bonds, Series 2021	\$ -	\$46,585,000	\$ -	\$46,585,000	\$ -
Premium	-	9,962,628	-	9,962,628	-
Lease Payable	139,839	-	34,959	104,558	34,959
Accrued Compensated Absences	43,252	2,974	-	46,226	-
	<u>\$ 183,091</u>	<u>\$ 56,550,602</u>	<u>\$ 34,959</u>	<u>\$ 56,698,413</u>	<u>\$ 34,959</u>

Accrued Compensated Absences are being paid from resources generated by the Water, Wastewater, and Drainage Funds.



NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 5: LONG-TERM DEBT** (Continued)**Business-Type Activities** (Continued)**2021 Wastewater Revenue Bonds**

In August 2021, the Town issued Wastewater Revenue Bonds Series 2021 to finance capital improvements, bond issuance costs and purchase of water rights. Principal payments are due annually on December 1 through December 1, 2051. Interest payments are due semi-annually on June 1 and December 1 through December 1, 2051. Interest accrues at rates ranging from 4.0% to 5.0%. The Bonds maturing on and before December 1, 2046, are not subject to redemption prior to their respective maturity dates. The Bonds maturing on and after December 1, 2047 are subject to redemption prior to maturity, at the option of the Town, in whole or in part, and if in part in such order of maturities as the Town shall determine and by lot within a maturity, on December 1, 2046 and on any date thereafter, at a redemption price equal to the principal amount thereof (with no redemption premium), plus accrued interest to the redemption date. There is no provision for the acceleration of maturity of the principal of the Bonds in the event of default in the payment of principal or interest on the Bonds.

**Browns Hill Engineering & Controls Lease**

In January 2020, the Town entered into software and equipment lease with Browns Hill Engineering & Controls, LLC to finance the acquisition of equipment needed for the water treatment plant the associated software. Installments are due monthly on the 20<sup>th</sup> of each month through December 2024.

**Future Debt Service Requirements**

Annual debt service requirements for the general obligation bonds as of December 31, 2021 are as follows:

<u>Year Ended December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ -	\$ 1,953,150	\$ 1,953,150
2023	810,000	1,953,150	2,763,150
2024	855,000	1,912,650	2,767,650
2025	900,000	1,869,900	2,769,900
2026	940,000	1,824,900	2,764,900
2027 – 2031	5,470,000	8,369,250	13,839,250
2032 – 2036	6,840,000	6,995,800	13,835,800
2037 – 2041	8,325,000	5,514,400	13,839,400
2042 – 2046	10,125,000	3,710,600	13,835,600
2047 – 2051	<u>12,320,000</u>	<u>1,517,000</u>	<u>13,837,000</u>
Total Debt Service Requirements - Bonds	<b><u>\$46,585,000</u></b>	<b><u>\$35,620,800</u></b>	<b><u>\$ 82,205,800</u></b>

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 5: LONG-TERM DEBT** (Continued)**Business-Type Activities** (Continued)

Following is a schedule of the future minimum lease payments required under the outstanding capital lease obligations at December 31, 2021.

<u>Year Ended December 31,</u>	
2021	<u>\$ 104,588</u>

**NOTE 6: INTERFUND AMOUNTS**

Interfund transfers for the year ended December 31, 2021, were comprised of the following:

<u>Transfers To Other Funds</u>	<u>Transfers From Other Funds</u>	<u>Amount</u>
General Fund	Parks and Open Space Fund	\$ 60,000
General Fund	Library Fund	1,233,063
General Fund	Tax Allocation Fund	<u>557,943</u>
<b>Total</b>		<b><u>\$ 1,851,006</u></b>

**NOTE 7: TAX ABATEMENTS****WRFG Annexation Agreement**

The Town entered into the WRFG Annexation Agreement, for the 2534 Development (the commercial properties along State Highway 34) under the Municipal Annexation Act, Part 1 of Article 12 of Title 31 of the Colorado Revised Statutes ("C.R.S"). In exchange for the real property annexed by the Town and for the purpose of paying for certain improvements needed to service the property, the Town has agreed to reimburse 1% of sales and use taxes to the owners of the 2534 Development. This agreement was entered into on December 14, 2000, with an expiration of 25 years from the date of the annexation. For the year ended December 31, 2021, the Town reimbursed sales taxes to the owners of the 2534 Development property in the amount of \$621,356.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021**NOTE 8: DEFINED BENEFIT PENSION PLAN****Statewide Defined Benefit Pension Plan****Summary of Significant Accounting Policies**

*Pensions.* The Town contributes to the Statewide Defined Benefit Pension Plan ("SWDB Plan"), a cost-sharing multiple-employer defined benefit pension plan, which is administered by the FPPA. The net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, pension expense, information about the fiduciary net position and additions to/deductions from the fiduciary net position of the SWDB Plan have been determined using the economic resources measurement focus and the accrual basis of accounting.

The Plan assets are included in the Fire & Police Members' Benefit Investment Fund and the Fire & Police Members' Self-Directed Investment Fund (for Deferred Retirement Option Plan (DROP) assets and Separate Retirement Account assets from eligible retired members).

*Plan description.* The SWDB Plan provides retirement benefits for members and beneficiaries according to plan provisions as enacted and governed by FPPA's Pension Fund Board of Trustees. Colorado Revised Statutes ("CRS"), as amended, establishes basic benefit provisions under the SWDB Plan. FPPA issues an annual, publicly-available financial report that includes the assets of the SWDB Plan. That report may be obtained on FPPA's website at <http://www.fppaco.org>.

*Benefits provided.* A member is eligible for a normal retirement pension once the member has completed twenty-five years of credited service and has attained the age of 55. Effective January 1, 2021, a member may also qualify for a normal retirement pension if the member's combined years of service and age equals at least 80, with a minimum age of 50 (Rule of 80).

The annual normal retirement benefit is 2 percent of the average of the member's highest three years' pensionable earnings for each year of credited service up to ten years, plus 2.5 percent for each year of service thereafter. The benefit earned prior to January 1, 2007 for members of affiliated Social Security employers will be reduced by the amount of Social Security income payable to the member annually.

Effective January 1, 2007, members covered under Statewide Defined Benefit Social Security Component will receive half the benefit when compared to the Statewide Defined Benefit Plan. Benefit adjustments paid to retired members are evaluated annually and may be re-determined every October 1. The amount of any increase is based on the Board's discretion and can range from 0 to the higher of 3 percent or the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 8: DEFINED BENEFIT PENSION PLANS** (Continued)

**Statewide Defined Benefit Pension Plan** (Continued)

**General Information about the Pension Plan**

A member is eligible for an early retirement after completion of 30 years of service or attainment of age 50 with at least five years of credited service. The early retirement benefit equals the normal retirement benefit reduced on an actuarially equivalent basis. Upon termination, an employee may elect to have member contributions, along with 5 percent as interest, returned as a lump sum distribution. Alternatively, a member with at least five years of accredited service may leave contributions with the Plan and remain eligible for a retirement pension at age 55 equal to 2 percent of the member's average highest three years' pensionable earnings for each year of credited service up to ten years, plus 2.5 percent for each year of service thereafter.

*Contributions.* The SWDB Plan sets contribution rates at a level that enables all benefits to be fully funded at the retirement date of all members. Contribution rates for the SWDB Plan are set by state statute. Employer contribution rates can only be amended by state statute. Member contribution rates can be amended by state statute or election of the membership. Effective January 1, 2021, contribution rates for employers and members may be increased equally by the FPPA Board of Directors upon approval through an election by both the employers and members.

In 2014, the members elected to increase the member contribution rate to the SWDB plan beginning in 2015. Member contribution rates will increase 0.5 percent annually through 2022 to a total of 12 percent of pensionable earnings. Employer contributions are 8.00 and 8.50 percent in 2020 and 2021, respectively. Employer contributions will increase 0.5 percent annually beginning in 2021 through 2030 to a total of 13.00 percent of pensionable earnings. In 2020, members of the SWDB plan and their employers are contributing at the rate of 11.00 percent and 8.00 percent, respectively, of pensionable earnings for a total contribution rate of 19.00 percent.

Contributions from members and employers of departments reentering the system are established by resolution and approved by the FPPA Board of Directors. The reentry group has a combined contribution rate of 23.00 percent and 23.50 percent of pensionable earnings in 2020 and 2021, respectively. It is a local decision as to whether the member or employer pays the additional 4.00 percent contribution. The member and employer contribution rates will increase through 2030 as described above for the non-reentering departments. Effective January 1, 2021, reentry departments may submit a resolution to the FPPA Board of Directors to reduce the additional 4.00 percent contribution, to reflect the actual cost of reentry by department, to the plan for reentry contributions. Each reentry department is responsible to remit contributions to the plan in accordance with their most recent FPPA Board of Directors approved resolution.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 8: DEFINED BENEFIT PENSION PLANS** (Continued)

**Statewide Defined Benefit Pension Plan** (Continued)

**General Information about the Pension Plan**

The contribution rate for members and employers of affiliated social security employers is 5.50 percent and 4.00 percent, respectively, of pensionable earnings for a total contribution rate of 9.50 percent in 2020 and 9.75 percent in 2021. Per the 2014 member election, members of the affiliate social security group had their required contribution rate increase 0.25 percent annually beginning in 2015 through 2022 to a total of 6.00 percent of pensionable earnings. Employer contributions are 4.00 percent in 2020 and 2021. Employer contributions will increase 0.25 percent annually beginning in 2021 through 2030 to a total of 6.50 percent of pensionable earnings.

**Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions**

At December 31, 2021, the Town reported an asset in the amount of \$228,187 for its proportionate share of the net pension asset. The net pension asset was measured as of December 31, 2020, and the total pension liability used to calculate the net pension asset was determined by an actuarial valuation as of January 1, 2021. Standard update procedures were used to roll forward the total pension liability to December 31, 2021.

The Town's proportion of the net pension asset was based on the Town's contributions to the SWDB Plan for the calendar year 2020 relative to the total contributions of participating employers to the SWDB Plan.

At December 31, 2020 the Town's proportion was 0.10511%, which was an increase of 0.00744% from its proportion measured as of December 31, 2019.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 8: DEFINED BENEFIT PENSION PLANS** (Continued)

**Statewide Defined Benefit Pension Plan** (Continued)

**Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions** (Continued)

For the year ended December 31, 2021 the Town recognized a pension expense of \$63,173. At December 31, 2021, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Difference between expected and actual experience	\$193,525	\$908
Net difference between projected and actual earnings on pension plan investments	N/A	\$234,381
Changes in proportion and differences between contributions recognized and proportionate share of contributions	\$5,811	\$27,645
Change in assumptions and other inputs	\$97,051	N/A
Contributions subsequent to the measurement date	\$78,837	N/A
Total	<b>\$375,224</b>	<b>\$262,934</b>

\$78,837 reported as deferred outflows of resources related to pensions, resulting from contributions subsequent to the measurement date, will be recognized as a reduction of the net pension liability in the year December 31, 2021. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

<b>Year ended December 31</b>	
2021	(\$28,125)
2022	\$2,275
2023	(\$37,157)
2024	\$2,609
2025	\$39,426
Thereafter	\$54,425

*Actuarial assumptions.* The actuarial valuations for the SWDB Plan were used to determine the total pension liability and actuarially determined contributions for the fiscal year ending December 31, 2020.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 8: DEFINED BENEFIT PENSION PLANS** (Continued)

**Statewide Defined Benefit Pension Plan** (Continued)

**Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and  
Deferred Inflows of Resources Related to Pensions** (Continued)

The valuations used the following actuarial assumptions and other inputs:

Total Pension Liability:

Actuarial Valuation Date	January 1, 2021
Actuarial Method	Entry Age Normal
Amortization Method	N/A
Amortization Period	N/A
Long-term investment Rate of Return*	7.00 percent
Projected salary increases*	4.25 – 11.25 percent
Cost of Living Adjustments (COLA)	0.00 percent
*Includes Inflation at 2.5%	

Actuarially Determined Contributions:

Actuarial Valuation Date	January 1, 2020
Actuarial Method	Entry Age Normal
Amortization Method	Level % of Payroll, Open
Amortization Period	30 Years
Long-term investment Rate of Return*	7.0 percent
Projected salary increases*	4.25-11.25 percent
Cost of Living Adjustments (COLA)	0.00 percent
*Includes Inflation at 2.5%	

For determining the total pension liability and actuarially determined contributions, the post-retirement mortality tables for non-disabled retirees uses the 2006 central rates from the RP-2014 Annuitant Mortality Tables projected to 2018 using the MP-2017 projection scales, and the projected prospectively using the ultimate rates of the scale for all years. The preretirement off-duty mortality tables are adjusted to 50% of the RP-2014 mortality tables for active employees. The on-duty mortality rate is 0.00015.

At least every five years the Fire & Police Pension Association's Board of Directors, in accordance with best practices, reviews its economic and demographic actuarial assumptions. At its July 2018 meeting, the Board of Directors reviewed and approved recommended changes to the actuarial assumptions. The recommendations were made by the FPPA's actuaries, Gabriel, Roeder, Smith & Co., based upon their analysis of past experience and expectations of the future. The assumption changes were effective for actuarial valuations beginning January 1, 2020. The actuarial assumptions impact actuarial factors for benefit purposes such as purchases of service credit and other benefits where actuarial factors are used.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 8: DEFINED BENEFIT PENSION PLANS** (Continued)

**Statewide Defined Benefit Pension Plan** (Continued)

**Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and  
Deferred Inflows of Resources Related to Pensions** (Continued)

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighing the expected future real rates of return by the target asset allocation percentage and by adding expected inflation (assumed at 2.5 percent). Best estimates of arithmetic real rates of return for each major asset class included in the Fund's target asset allocation as of December 31, 2020 are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Real Rate of Return
Global Equity	39.00%	8.23%
Equity Long/Short	8.00%	6.87%
Private Markets	26.00%	10.63%
Fixed Income - Rates	10.00%	4.01%
Fixed Income – Credit	5.00%	5.25%
Absolute Return	10.00%	5.60%
Cash	2.00%	2.32%
Total	100.00%	

The discount rate used to measure the total pension liability was 7.00 percent. The projection of cash flows used to determine the discount rate assumed that contributions from participating employers will be made based on the actuarially determined rates based on the Board's funding policy, which establishes the contractually required rates under Colorado statutes. Based on those assumptions, the SWDB plan fiduciary net position was projected to be available to make all the projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

*Discount rate.* Projected benefit payments are required to be discounted to their actuarial present values using a Single Discount Rate that reflects (1) a long-term expected rate of return on pension plan investments (to the extent that the plan's fiduciary net position is projected to be sufficient to pay benefits) and (2) tax-exempt municipal bond rate based on an index of 20-year general obligation bonds with an average AA credit rating as of the measurement date (to the extent that the plan's projected fiduciary net position is not sufficient to pay benefits).



NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 8: DEFINED BENEFIT PENSION PLANS** (Continued)

**Statewide Defined Benefit Pension Plan** (Continued)

**Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and  
Deferred Inflows of Resources Related to Pensions** (Continued)

For the purpose of this valuation, the expected rate of return on pension plan investments is 7.00 percent; the municipal bond rate is 2.00 percent (based on the weekly rate closest to but not later than the measurement date of the “state & local bonds” rate from Federal Reserve statistical release (H.15)); and the resulting Single Discount Rate is 7.00 percent.

*Sensitivity of the Town’s proportionate share of the net pension liability to changes in the discount rate.* Regarding the sensitivity of the net pension liability/(asset) to changes in the Single Discount Rate, the following presents the plan’s net pension liability/(asset), calculated using a Single Discount Rate of 7.00 percent, as well as what the plan’s net pension liability/(asset) would be if it were calculated using a Single Discount Rate that is one percent lower or one percent higher:

	1% Decrease (6.00%)	Current Discount Rate (7.00%)	1% Increase (8.00%)
Proportionate share of the net pension liability (asset)	\$229,634	(\$228,187)	(\$607,320)

*Pension plan fiduciary net position.* Detailed information about the SWDB Plan’s fiduciary net position is available in FPPA’s comprehensive annual financial report which can be obtained at <http://www.fppaco.org>.

**NOTE 9: OTHER RETIREMENT COMMITMENTS**

**Deferred Compensation Plan**

All full-time employees are eligible to participate in a voluntary 457 Deferred Comp Plan. The Plan is administered by Pension Management. The Town matches up to 4.2% for regular full-time employees and 9.2% for Department Heads. All full-time employees are eligible to participate in the plan upon hire and are immediately vested. The Town contributed \$116,969, and \$136,319, and \$201,817 to the plan for the years ended December 31, 2019, 2020, and 2021 respectively, equal to the required contribution.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021

**NOTE 10: RISK MANAGEMENT**

The Town is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; injuries to employees; and natural disasters. The Town carries commercial insurance to cover these risks. The Town has not had any claims that exceeded insurable amounts for the last three years.

**NOTE 11: COMMITMENTS AND CONTINGENCIES****Facility Management Agreement**

In April 2018, the Town entered into a Facility Management Agreement with the YMCA of Boulder Valley. Per the agreement, the YMCA has agreed to manage and operate the Recreation Facility owed by the Town. The YMCA will use Facility Revenues to cover normal and routine operating costs of the Facility and the Town has agreed to provide an operating subsidy in an amount not to exceed \$500,000 annually, to cover any shortfall from operations. This agreement is effective through December 31, 2031, and unless one party gives written notice to the other, the Agreement shall automatically renew for additional ten-year terms. During the year ended December 31, 2021, the Town paid an operating subsidy in to the YMCA the amount of \$500,000, equal to the amount required per the terms of this agreement.

**Water Agreement**

The Town has entered into a Water Agreement with W.R. Investment LLC (“WRI”), whereby the Town has agreed to a partial infrastructure cost reimbursement to settle a conflict created by a water decree issued to WRI in 2017 related to water usage implemented in prior agreements between the Town and WRI. Per the terms of the cost reimbursement agreement, the Town has agreed to pay WRI \$4,600 per building permit issued up to 305 permits. For the years ended December 31, 2020 and 2021, the Town has reimbursed WRI \$487,600 and \$450,800, respectively. As of December 31, 2021, the Town has recorded a liability in the Water Fund in the amount of \$41,400 for the remaining 9 permits yet to be issued under this agreement.

**Tabor Amendment**

Colorado voters passed an amendment to the State Constitution, Article X, Section 20, which has several limitations, including revenue raising, spending abilities, and other specific requirements of state and local government. On November 5, 2000, voters within the Town approved the collection, retention and expenditure the full amount of the town taxes, grants and all other revenue collected from all sources including property taxes, received in 2012 and each subsequent year, without regard to any revenue or expenditure limitations including those contained in Article X, Section 20 of the Colorado constitution or any other law.

NOTES TO FINANCIAL STATEMENTS  
December 31, 2021**NOTE 11: COMMITMENTS AND CONTINGENCIES** (Continued)

The Town has established an emergency reserve, representing 3% of qualifying expenditures, as required by the Amendment. At December 31, 2021, the emergency reserve of \$1,017,000 was recorded in the General Fund.

**NOTE 12: PRIOR PERIOD ADJUSTMENT**

The beginning fund equity of the Water Fund was increased by \$9,800,000 to restate the beginning fund balances for the purchase of water shares were finalized in 2020.

## REQUIRED SUPPLEMENTARY INFORMATION

## TOWN OF JOHNSTOWN, COLORADO

Item #1.

GENERAL FUND  
BUDGETARY COMPARISON SCHEDULE  
Year Ended December 31, 2021

	2021			VARIANCE
	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL	Positive (Negative)
REVENUES				
Taxes and Fees	\$ 14,917,027	\$ 19,278,755	\$ 22,851,898	\$ 3,573,143
Licenses and Permits	892,150	892,150	1,076,864	184,714
Intergovernmental	150,500	150,500	251,847	101,347
Charges for Services	-	-	16,855	16,855
Fines and Forfeitures	122,000	122,000	271,401	149,401
Interest Income	112,000	112,000	109,057	(2,943)
Miscellaneous	18,200	18,200	1,101,077	1,082,877
TOTAL REVENUES	16,211,877	20,573,605	25,678,999	5,105,394
EXPENDITURES				
General Government	2,548,485	3,178,945	3,138,495	40,450
Public Safety	5,440,393	5,440,393	3,275,647	2,164,746
Public Works	526,675	526,675	1,681,466	(1,154,791)
Culture and Recreation	-	500,001	500,000	1
Capital Outlay	-	-	802,575	(802,575)
TOTAL EXPENDITURES	8,515,553	9,646,014	9,398,183	247,831
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	7,696,324	10,927,591	16,280,816	5,353,225
OTHER FINANCING SOURCES (USES)				
Transfers In	-	-	557,943	557,943
Transfers Out	(7,242,457)	(7,242,457)	(1,851,006)	5,391,451
TOTAL OTHER FINANCING SOURCES (USES)	(7,242,457)	(7,242,457)	(1,293,063)	5,949,394
NET CHANGE IN FUND BALANCE	453,867	3,685,134	14,987,753	11,302,619
FUND BALANCES, Beginning, as Restated	42,569,509	42,569,509	54,966,158	12,396,649
FUND BALANCE, Ending	\$ 43,023,376	\$ 46,254,643	\$ 69,953,911	\$ 23,699,268

See the accompanying independent auditors' report.

## TOWN OF JOHNSTOWN, COLORADO

Item #1.

STREET AND ALLEY FUND  
BUDGETARY COMPARISON SCHEDULE  
Year Ended December 31, 2021

	2021		
	ORIGINAL AND FINAL BUDGET	ACTUAL	VARIANCE Positive (Negative)
REVENUES			
Taxes and Fees	\$ 3,399,950	\$ 6,168,519	\$ 2,768,569
Intergovernmental	-	803,869	803,869
Charges for Services	715,477	804,638	89,161
Interest Income	28,000	4,791	(23,209)
Miscellaneous	1,066,666	8,437	(1,058,229)
TOTAL REVENUES	5,210,093	7,790,254	2,580,161
EXPENDITURES			
Public Works	2,699,400	2,152,972	546,428
Capital Outlay	1,369,000	373,014	995,986
TOTAL EXPENDITURES	4,068,400	2,525,986	1,542,414
NET CHANGE IN FUND BALANCES	1,141,693	5,264,268	4,122,575
FUND BALANCES, Beginning, as Restated	8,138,339	9,867,537	1,729,198
FUND BALANCES, Ending	\$ 9,280,032	\$ 15,131,805	\$ 5,851,773

See the accompanying independent auditors' report.

## TOWN OF JOHNSTOWN, COLORADO

Item #1.

CAPITAL IMPROVEMENT FUND  
BUDGETARY COMPARISON SCHEDULE  
Year Ended December 31, 2021

	2021		
	ORIGINAL AND FINAL BUDGET	ACTUAL	VARIANCE Positive (Negative)
REVENUES			
Taxes	\$ 111,940	\$ 660,232	\$ 548,292
Interest Income	-	13,183	13,183
Miscellaneous	36,000	-	(36,000)
TOTAL REVENUES	147,940	673,415	525,475
EXPENDITURES			
Public Works	-	8,562	(8,562)
Capital Outlay	4,410,200	69,568	4,340,632
TOTAL EXPENDITURES	4,410,200	78,130	4,332,070
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(4,262,260)	595,285	4,857,545
OTHER FINANCING USES			
Transfers Out	(85,100)	-	85,100
NET CHANGE IN FUND BALANCES	(4,347,360)	595,285	4,942,645
FUND BALANCES, Beginning, as Restated	12,956,724	13,928,958	972,234
FUND BALANCES, Ending	\$ 8,609,364	\$ 14,524,243	\$ 5,914,879

See the accompanying independent auditors' report.

## TOWN OF JOHNSTOWN, COLORADO

SCHEDULE OF THE TOWN'S PROPORTIONATE SHARE  
STATEWIDE DEFINED BENEFIT PLAN

Years Ended December 31,

	2013	2014	2015	2016	2017	2018	2019	2020
Town's proportionate share of the Net Pension Liability (Asset)	0.098%	0.095%	0.092%	0.098%	0.092%	0.095%	0.098%	0.105%
Town's proportionate share of the Net Pension Liability (Asset)	\$ (87,606)	\$ (107,336)	\$ (1,619)	\$ 35,231	\$ (132,637)	\$ 120,358	\$ (55,237)	\$ (228,187)
Town's covered payroll	\$ 853,314	\$ 868,643	\$ 911,068	\$ 997,981	\$ 1,040,266	\$ 1,277,103	\$ 1,439,700	\$ 1,756,485
Town's proportionate share of the Net Pension Liability (Asset) as a percentage of its covered payroll	-10.3%	-12.4%	-0.2%	3.5%	-12.8%	9.4%	-3.8%	-13.0%
Plan fiduciary net position as a percentage of the total pension liability	106.8%	105.8%	100.1%	98.2%	106.3%	95.2%	101.9%	106.7%

## Notes:

This schedule is reported as of December 31, as that is the plan year end.

This schedule will report ten years of data when it is available.

See the accompanying independent auditors' report.



## TOWN OF JOHNSTOWN, COLORADO

SCHEDULE OF THE TOWN'S CONTRIBUTIONS  
STATEWIDE DEFINED BENEFIT PLAN

Years Ended December 31,

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Statutorily required contributions	34,043	\$ 34,216	\$ 36,443	\$ 39,919	\$ 41,450	\$ 51,016	\$ 57,587	\$ 70,259	\$ 78,837
Contributions in relation to the Statutorily required contributions	<u>34,043</u>	<u>34,216</u>	<u>36,443</u>	<u>39,919</u>	<u>41,450</u>	<u>51,016</u>	<u>57,587</u>	<u>70,259</u>	<u>78,837</u>
Contribution deficiency (excess)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Town's covered payroll	\$ 853,314	\$ 868,643	\$ 911,068	\$ 997,981	\$ 1,040,266	\$ 1,277,103	\$ 1,439,700	\$ 1,756,485	\$ 1,970,925
Contributions as a percentage of covered payroll	3.99%	3.94%	4.00%	4.00%	3.98%	3.99%	4.00%	4.00%	4.00%

## Notes:

This schedule will report ten years of data when it is available.

See the accompanying independent auditors' report.

## **COMBINING AND INDIVIDUAL FUND SCHEDULES**

NONMAJOR GOVERNMENTAL FUNDS  
COMBINING BALANCE SHEET  
December 31, 2021

	SPECIAL REVENUE			
	LIBRARY FUND	CEMETERY FUND	PARKS AND OPEN SPACE FUND	TOTAL
ASSETS				
Cash and Investments	\$ 6,552,973	\$ 153,816	\$ 7,635,728	\$ 14,342,517
Restricted Cash and Investments	-	-	8,159	8,159
Accounts Receivable	190,207	-	40,452	230,659
Prpaid Expenses	-	-	1,526	1,526
TOTAL ASSETS	<u>\$ 6,743,180</u>	<u>\$ 153,816</u>	<u>\$ 7,685,865</u>	<u>\$ 14,582,861</u>
LIABILITIES AND FUND BALANCE				
LIABILITIES				
Accounts Payable	\$ 70,126	\$ -	\$ 304,794	\$ 374,920
Accrued Liabilities	7,332	-	3,100	10,432
TOTAL LIABILITIES	<u>77,458</u>	<u>-</u>	<u>307,894</u>	<u>385,352</u>
FUND EQUITY				
Fund Balance				
Restricted for Culture and Recreation	6,665,722	-	-	6,665,722
Restricted for Parks & Recreation	-	-	7,377,971	7,377,971
Restricted for Cemetery Maintenance	-	153,816	-	153,816
TOTAL FUND EQUITY	<u>6,665,722</u>	<u>153,816</u>	<u>7,377,971</u>	<u>14,197,509</u>
TOTAL LIABILITIES AND FUND BALANCES	<u>\$ 6,743,180</u>	<u>\$ 153,816</u>	<u>\$ 7,685,865</u>	<u>\$ 14,582,861</u>

NONMAJOR GOVERNMENTAL FUNDS  
STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES  
Year Ended December 31, 2021

	SPECIAL REVENUE			TOTAL
	LIBRARY FUND	CEMETERY FUND	PARKS AND OPEN SPACE FUND	
REVENUES				
Taxes and Fees	\$ 237,636	\$ -	\$ 444,070	\$ 681,706
Charges for Services	-	-	54,028	54,028
Licenses and Permits	-	-	-	-
Intergovernmental	550,267	-	469,304	1,019,571
Interest Income	2,389	55	3,446	5,890
Miscellaneous	3,259	9,207	3,027	15,493
TOTAL REVENUES	793,551	9,262	973,875	1,776,688
EXPENDITURES				
Culture and Recreation	676,868	-	438,513	1,115,381
Capital Outlay	-	-	511,764	511,764
TOTAL EXPENDITURES	676,868	-	950,277	1,627,145
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	116,683	9,262	23,598	149,543
OTHER FINANCING SOURCES (USES)				
Transfers In	1,233,063	-	60,000	1,293,063
TOTAL OTHER FINANCING SOURCES (USES)	1,233,063	-	60,000	1,293,063
NET CHANGE IN FUND BALANCE	1,349,746	9,262	83,598	1,442,606
FUND BALANCE, Beginning, as Restated	5,315,976	144,554	7,294,373	12,754,903
FUND BALANCE, Ending	\$ 6,665,722	\$ 153,816	\$ 7,377,971	\$ 14,197,509

See the accompanying independent auditors' report.

## TOWN OF JOHNSTOWN, COLORADO

Item #1.

LIBRARY FUND  
BUDGETARY COMPARISON SCHEDULE  
Year Ended December 31, 2021

	2021		
	ORIGINAL AND FINAL BUDGET	ACTUAL	VARIANCE Positive (Negative)
REVENUES			
Library Facilities Fee	\$ 215,000	\$ 237,636	\$ 22,636
Intergovernmental	1,840,752	550,267	(1,290,485)
Interest Income	60,000	2,389	(57,611)
Miscellaneous	11,000	3,259	(7,741)
TOTAL REVENUES	2,126,752	793,551	(1,333,201)
EXPENDITURES			
Culture and Recreation	1,094,500	676,868	417,632
TOTAL EXPENDITURES	1,094,500	676,868	417,632
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	1,032,252	116,683	(915,569)
OTHER FINANCING SOURCES (USES)			
Transfers In	-	1,233,063	1,233,063
TOTAL OTHER FINANCING SOURCES	-	1,233,063	1,233,063
NET CHANGE IN FUND BALANCE	1,032,252	1,349,746	317,494
FUND BALANCE, Beginning, as Restated	4,825,181	5,315,976	490,795
FUND BALANCE, Ending	\$ 5,857,433	\$ 6,665,722	\$ 808,289

See the accompanying independent auditors' report.

CEMETERY FUND  
BUDGETARY COMPARISON SCHEDULE  
Year Ended December 31, 2021

	2021		
	ORIGINAL AND FINAL BUDGET	ACTUAL	VARIANCE Positive (Negative)
REVENUES			
Sale of Lots	\$ 900	\$ 9,207	\$ 8,307
Interest Income	400	55	(345)
TOTAL REVENUES	1,300	9,262	7,962
EXPENDITURES			
Operations and Maintenance	-	-	-
TOTAL EXPENDITURES	-	-	-
NET CHANGE IN FUND BALANCE	1,300	9,262	7,962
FUND BALANCES, Beginning	142,214	144,554	2,340
FUND BALANCES, Ending	\$ 143,514	\$ 153,816	\$ 10,302

See the accompanying independent auditors' report.

PARKS AND OPEN SPACE FUND  
BUDGETARY COMPARISON SCHEDULE  
Year Ended December 31, 2021

	2021		
	ORIGINAL AND FINAL BUDGET	ACTUAL	VARIANCE Positive (Negative)
REVENUES			
Taxes and Fees	\$ 401,910	\$ 444,070	\$ 42,160
Charges for Services	-	54,028	54,028
Intergovernmental	77,100	469,304	392,204
Interest Income	22,100	3,446	(18,654)
Miscellaneous	207,000	3,027	(203,973)
TOTAL REVENUES	708,110	973,875	265,765
EXPENDITURES			
Culture and Recreation	614,410	438,513	175,897
Capital Outlay	1,240,000	511,764	728,236
TOTAL EXPENDITURES	1,854,410	950,277	904,133
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(1,146,300)	23,598	1,169,898
OTHER FINANCING SOURCES (USES)			
Transfers In	220,000	60,000	(160,000)
TOTAL OTHER FINANCING SOURCES	220,000	60,000	(160,000)
NET CHANGE IN FUND BALANCE	(926,300)	83,598	1,009,898
FUND BALANCE, Beginning, as Restated	6,517,625	7,294,373	776,748
FUND BALANCE, Ending	\$ 5,591,325	\$ 7,377,971	\$ 1,786,646

See the accompanying independent auditors' report.

## TOWN OF JOHNSTOWN, COLORADO

Item #1.

WATER FUND  
BUDGETARY COMPARISON SCHEDULE  
Year Ended December 31, 2021

	2021			VARIANCE	2020
	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL	Positive (Negative)	ACTUAL
REVENUES					
Charges for Services	\$ 3,868,050	\$ 3,868,050	\$ 4,900,750	\$ 1,032,700	\$ 3,427,297
Contributions	831,294	19,410,294	21,554,392	2,144,098	3,619,183
Intergovernmental	-	1,910,007	-	(1,910,007)	298,500
Interest Income	-	-	15,127	15,127	214,990
Miscellaneous	5,546,500	5,546,500	217,810	(5,328,690)	372,344
Transfers In	-	-	-	-	-
TOTAL REVENUES	10,245,844	30,734,851	26,688,079	(4,046,772)	7,932,314
EXPENDITURES					
Administration	-	-	202,862	(202,862)	194,215
Operations	2,665,273	2,665,273	3,518,714	(853,441)	2,298,152
Capital Outlay	19,235,000	37,814,000	33,891,336	3,922,664	1,549,994
Depreciation Expense	410,000	410,000	434,789	(24,789)	356,431
Transfers Out	-	-	20,000	(20,000)	100,000
TOTAL EXPENDITURES	22,310,273	40,889,273	38,067,701	2,821,572	4,498,792
NET INCOME, Budget Basis	\$ (12,064,429)	\$ (10,154,422)	(11,379,622)	\$ (1,225,200)	3,433,522
GAAP BASIS ADJUSTMENTS					
Capital Outlay			33,891,336		1,549,994
NET INCOME, GAAP Basis			22,511,714		4,983,516
NET POSITION, Beginning, as Previously Reported			48,634,920		43,651,404
Prior Period Adjustment			9,800,000		-
NET POSITION, Beginning, as restated			58,434,920		43,651,404
NET POSITION, Ending			\$ 80,946,634		\$ 48,634,920

See the accompanying independent auditors' report.



## TOWN OF JOHNSTOWN, COLORADO

Item #1.

WASTEWATER FUND  
BUDGETARY COMPARISON SCHEDULE  
Year Ended December 31, 2021

	2021			
	ORIGINAL AND FINAL BUDGET	ACTUAL	VARIANCE Positive (Negative)	2020 ACTUAL
REVENUES				
Charges for Services	\$ 2,123,500	\$ 2,683,290	\$ 559,790	\$ 2,130,323
Contributions	-	1,202,250	1,202,250	723,350
Intergovernmental	1,192,000	978,500	(213,500)	-
Interest Income	-	15,357	15,357	90,373
Miscellaneous	54,459,200	42,557	(54,416,643)	16,520
Transfers In	-	-	-	-
 TOTAL REVENUES	 57,774,700	 4,921,954	 (52,852,746)	 2,960,566
EXPENDITURES				
Administration	-	191,451	(191,451)	180,118
Operations	2,121,353	1,612,265	509,088	1,157,853
Capital Outlay	25,386,600	11,159,466	14,227,134	1,642,922
Depreciation Expense	235,000	229,512	5,488	232,030
Debt Service	1,998,069	1,198,678	799,391	-
Transfers Out	-	20,000	(20,000)	100,000
 TOTAL EXPENDITURES	 29,741,022	 14,411,372	 15,329,650	 3,312,923
 NET INCOME, Budget Basis	 \$ 28,033,678	 (9,489,418)	 \$ (37,523,096)	 (352,357)
GAAP BASIS ADJUSTMENTS				
Capital Outlay		11,159,466		1,642,922
 TOTAL GAAP BASIS ADJUSTMENTS		 11,159,466		 1,642,922
 NET INCOME, GAAP Basis		 1,670,048		 1,290,565
NET POSITION, Beginning		16,320,754		15,030,189
NET POSITION, Ending		\$ 17,990,802		\$ 16,320,754

See the accompanying independent auditors' report.

## TOWN OF JOHNSTOWN, COLORADO

Item #1.

DRAINAGE ENTERPRISE FUND  
BUDGETARY COMPARISON SCHEDULE  
Year Ended December 31, 2021

	2021			
	ORIGINAL AND FINAL BUDGET	ACTUAL	VARIANCE Positive (Negative)	2020 ACTUAL
REVENUES				
Drainage Fees	\$ 457,200	\$ 478,106	\$ 20,906	\$ 459,460
Contributions	75,000	420,490	345,490	321,949
Interest Income	-	2,389	2,389	29,686
Miscellaneous	5,400	3,557	(1,843)	345
TOTAL REVENUES	537,600	904,542	366,942	811,440
EXPENDITURES				
Administration	113,545	122,455	(8,910)	114,270
Operations	340,635	291,655	48,980	221,514
Capital Outlay	2,168,750	568,268	1,600,482	278,536
Depreciation Expense	-	6,636	(6,636)	5,753
Transfers Out	-	20,000	(20,000)	20,000
TOTAL EXPENDITURES	2,622,930	1,009,014	1,613,916	640,073
NET INCOME, Budget Basis	<u>\$ (2,085,330)</u>	(104,472)	<u>\$ 1,980,858</u>	171,367
GAAP BASIS ADJUSTMENTS				
Capital Outlay		568,268		278,536
NET INCOME, GAAP Basis		463,796		449,903
NET POSITION, Beginning		4,020,659		3,570,756
NET POSITION, Ending		<u>\$ 4,484,455</u>		<u>\$ 4,020,659</u>

See the accompanying independent auditors' report.

## STATE COMPLIANCE

The public report burden for this information collection is estimated to average 380 hours annually.

OMB No. 2125-0032

**LOCAL HIGHWAY FINANCE REPORT**City or County:  
JohnstownYEAR ENDING :  
December 2021

This Information From The Records Of (example - City of \_ or County of

Prepared By:  
Phone:Mitzi McCoy  
970.587.4664**I. DISPOSITION OF HIGHWAY-USER REVENUES AVAILABLE FOR LOCAL GOVERNMENT EXPENDITURE**

ITEM	A. Local Motor-Fuel Taxes	B. Local Motor-Vehicle Taxes	C. Receipts from State Highway-User Taxes	D. Receipts from Federal Highway Administration
1. Total receipts available				
2. Minus amount used for collection expenses				
3. Minus amount used for nonhighway purposes				
4. Minus amount used for mass transit				
5. Remainder used for highway purposes				

**II. RECEIPTS FOR ROAD AND STREET PURPOSES****III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES**

ITEM	AMOUNT	ITEM	AMOUNT
<b>A. Receipts from local sources:</b>		<b>A. Local highway disbursements:</b>	
1. Local highway-user taxes		1. Capital outlay (from page 2)	329,170
a. Motor Fuel (from Item I.A.5.)		2. Maintenance:	1,377,196
b. Motor Vehicle (from Item I.B.5.)		3. Road and street services:	
c. Total (a.+b.)		a. Traffic control operations	
2. General fund appropriations		b. Snow and ice removal	28,693
3. Other local imposts (from page 2)	6,085,412	c. Other	
4. Miscellaneous local receipts (from page 2)	0	d. Total (a. through c.)	28,693
5. Transfers from toll facilities		4. General administration & miscellaneous	10,020
6. Proceeds of sale of bonds and notes:		5. Highway law enforcement and safety	
a. Bonds - Original Issues		6. Total (1 through 5)	1,745,079
b. Bonds - Refunding Issues		<b>B. Debt service on local obligations:</b>	
c. Notes		1. Bonds:	
d. Total (a. + b. + c.)	0	a. Interest	
7. Total (1 through 6)	6,085,412	b. Redemption	
<b>B. Private Contributions</b>		c. Total (a. + b.)	0
<b>C. Receipts from State government</b>		2. Notes:	
(from page 2)	643,567	a. Interest	
<b>D. Receipts from Federal Government</b>		b. Redemption	
(from page 2)	0	c. Total (a. + b.)	0
<b>E. Total receipts (A.7 + B + C + D)</b>	6,728,979	3. Total (1.c + 2.c)	0
		<b>C. Payments to State for highways</b>	
		<b>D. Payments to toll facilities</b>	
		<b>E. Total disbursements (A.6 + B.3 + C + D)</b>	1,745,079

**IV. LOCAL HIGHWAY DEBT STATUS**

(Show all entries at par)

	Opening Debt	Amount Issued	Redemptions	Closing Debt
<b>A. Bonds (Total)</b>				0
1. Bonds (Refunding Portion)				
<b>B. Notes (Total)</b>				0

**V. LOCAL ROAD AND STREET FUND BALANCE**

	A. Beginning Balance	B. Total Receipts	C. Total Disbursements	D. Ending Balance	E. Reconciliation
	1,803,809	6,728,979	1,745,079	6,787,709	(1)

Notes and Comments:

## LOCAL HIGHWAY FINANCE REPORT

STATE:

Colorado

YEAR ENDING (mm/yy):

December 2021

## II. RECEIPTS FOR ROAD AND STREET PURPOSES - DETAIL

ITEM	AMOUNT	ITEM	AMOUNT
<b>A.3. Other local imposts:</b>		<b>A.4. Miscellaneous local receipts:</b>	
a. Property Taxes and Assessments		a. Interest on investments	
b. Other local imposts:		b. Traffic Fines & Penalties	
1. Sales Taxes	1,698,681	c. Parking Garage Fees	
2. Infrastructure & Impact Fees	1,292,540	d. Parking Meter Fees	
3. Liens		e. Sale of Surplus Property	
4. Licenses		f. Charges for Services	
5. Specific Ownership &/or Other	3,094,191	g. Other Misc. Receipts	
6. Total (1. through 5.)	6,085,412	h. Other	
c. Total (a. + b.)	6,085,412	i. Total (a. through h.)	0
(Carry forward to page 1)		(Carry forward to page 1)	

ITEM	AMOUNT	ITEM	AMOUNT
<b>C. Receipts from State Government</b>		<b>D. Receipts from Federal Government</b>	
1. Highway-user taxes	517,831	1. FHWA (from Item I.D.5.)	
2. State general funds		2. Other Federal agencies:	
3. Other State funds:		a. Forest Service	
a. State bond proceeds		b. FEMA	
b. Project Match		c. HUD	
c. Motor Vehicle Registrations	64,602	d. Federal Transit Admin	
d. Other (Specify) - DOLA Grant		e. U.S. Corps of Engineers	
e. Other (SB21-260)	61,134	f. Other Federal	
f. Total (a. through e.)	125,736	g. Total (a. through f.)	0
4. Total (1. + 2. + 3.f)	643,567	3. Total (1. + 2.g)	
		(Carry forward to page 1)	

## III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES - DETAIL

	ON NATIONAL HIGHWAY SYSTEM (a)	OFF NATIONAL HIGHWAY SYSTEM (b)	TOTAL (c)
<b>A.1. Capital outlay:</b>			
a. Right-Of-Way Costs			0
b. Engineering Costs			0
c. Construction:			
(1). New Facilities			0
(2). Capacity Improvements			0
(3). System Preservation			0
(4). System Enhancement & Operation		329,170	329,170
(5). Total Construction (1) + (2) + (3) + (4)	0	329,170	329,170
d. Total Capital Outlay (Lines 1.a. + 1.b. + 1.c.5)	0	329,170	329,170
			(Carry forward to page 1)

Notes and Comments:



# Town of Johnstown

## **TOWN COUNCIL REGULAR MEETING 450 S. Parish, Johnstown, CO Monday, July 18, 2022 at 7:00 PM**

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### **MINUTES**

#### **CALL TO ORDER**

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

#### **ROLL CALL**

##### **Present**

Councilmember Vanessa Dominguez  
Councilmember Troy Mellon  
Councilmember Dianne Morris  
Councilmember Chad Young

##### **Absent**

Councilmember Berg  
Councilmember Molinar Jr.

Staff Present: Matt LeCerf, Town Manager, Avi Rocklin, Town Attorney, Mitzi McCoy, Deputy Town Manager, Devon McCarty, Finance Director, Brian Phillips, Chief of Police

#### **AGENDA APPROVAL**

Motion made by Councilmember Mellon, seconded by Councilmember Young to amend the agenda to include an additional item to Special Presentations and add Consider Resolution 2022-30 in new business. Motion carried with a unanimous vote.

#### **SPECIAL PRESENTATIONS**

- Outdoor swimming pool and amenities – Devon and Autumn Maus gave a special presentation for an outdoor pool and amenities. They would like to see Council consider building an outdoor swimming pool on the property where the soon to be demolished Letford Elementary School currently sits.
- 2021 Financial Audit Presentation – The audit was tabled to August 1, 2022 meeting.
- Mayor Lebsack read a Proclamation honoring Diana Seele, Town Clerk who will be retiring at the end of the month.

#### **PUBLIC COMMENT**

Mrs. Marian Popplemeyer, from Columbus Ohio, whose father died on Flight 629, that exploded south of Johnstown in 1955, appeared before Council to publicly thank all the Johnstown community for their acts of bravery and heroism in the search/rescue mission that took place that night and following weeks.

Mrs. Celora Conner, 1218 N. 3<sup>rd</sup> Street, requested Council consider installing a 4 way stop on Telep and North 3<sup>rd</sup> Street.

Page 2  
July 18, 2022

Mr. James Bese, 488 Heritage Lane, shared with Council his concerns with July 4 fireworks and safety of the residents.

Mr. Larry Walker, 3673 Goodwin Street, shared concerns with the maintenance on the east end of Lake Park. Wood chips need to be replaced, lights beside the playground not working, dead and dying trees and park benches removed and have not been replaced.

### **CONSENT AGENDA**

Motion made by Councilmember Mellon, seconded by Councilmember Dominguez to approve the consent agenda. Motion carried with a roll call vote.

- July 6, 2022 Minutes
- June 2022 Financial Statements
- List of Bills - July 2022
- Second reading of Ordinance 2022-233 Amending Article V of Chapter 11 of the Johnstown Municipal Code concerning use of the Pioneer Ridge Park Disc Golf Course.
- Water & Sewer Service Agreement - Adolfson & Peterson Bldg

### **PUBLIC HEARING**

1. Public Hearing – Resolution 2022-29 Declining Participation in the Colorado Paid Family Medical Leave Insurance Program – Mayor Lebsack opened the public hearing at 7:55 p.m. and heard from staff. Resolution 2022-29 allows Council to decline participation in the Colorado Paid Family Medical Leave Insurance Program and not assume the financial responsibility that comes with the program. Having no public comment, the hearing closed at 8:00 p.m. Motion made by Councilmember Morris, seconded by Councilmember Dominguez to approve Resolution No. 2022-29, a Resolution Declining Participation in the Colorado Paid Family Medical Leave Insurance Program. Motion carried with a unanimous vote.

### **NEW BUSINESS**

1. Resolution 2022-30 Declaring Level 2 Drought Condition – Due to limited capacity in the town's water system to make treated water for drinking, staff is recommending Council consider passing this resolution to establish water restrictions. The goal of this resolution is not to limit irrigation but to be more purposeful with the demand to allow the water tanks time to refill for continued use for the entire community. Motion made by Councilmember Mellon, seconded by Councilmember Young to approve Resolution No. 2022-30, a Resolution Declaring Level 2 Drought Condition. Motion carried with a unanimous vote.

### **EXECUTIVE SESSION**

Motion made by Councilmember Mellon seconded by Councilmember Young to recess into Executive Session at 8:49 p.m. for the purpose to obtain legal advice pursuant to C.R.S. § 24-6-402(4)(b) Concerning Railroad Issues. Motion carried with a unanimous vote.

Mayor Lebsack reopened the regular meeting at 9:10 p.m. and stated the only item discussed is what was stated in the motion.

### **ADJOURN**

The meeting adjourned at 9:11 p.m.

Mayor

Town Clerk



# Town of Johnstown

## TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

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**AGENDA DATE:** August 1, 2022

**SUBJECT:** Resolution 2022-33 regarding Findings of Fact and Conclusions related to the SunCatcher Annexation

**ACTION PROPOSED:** Approve Resolution 2022-33 regarding Findings of Fact and Conclusions related to the SunCatcher Annexation

**ATTACHMENTS:** 1. Resolution 2022-33

**PRESENTED BY:** Kim Meyer, Planning & Development Director

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### AGENDA ITEM DESCRIPTION:

An annexation petition and application materials were received by the Town in August 2021 to annex approximately 125 acres, located west of Telep Ave (Weld County Rd 15), and south of Weld County Road 46, abutting The Granary Filing 1 Subdivision (to the north), and including portions of the Little Thompson River.

These materials have been reviewed and found by Town Staff and the Town Attorney to be in compliance with C.R.S. §31-12-107(1). This resolution sets forth the findings of fact and conclusions that the area is eligible for annexation and may be annexed by ordinance.

### LEGAL ADVICE:

Resolution was prepared by the Town Attorney.

### FINANCIAL ADVICE:

NA

*Reviewed and Approved for Presentation,*

Town Manager

The Community That Cares

[johnstown.colorado.gov](http://johnstown.colorado.gov)

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



**TOWN OF JOHNSTOWN, COLORADO  
RESOLUTION NO. 2022-33**

**FINDINGS OF FACT AND CONCLUSIONS BASED THEREON  
WITH RESPECT TO THE SUNCATCHER ANNEXATION**

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

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

**WHEREAS**, Sauer South, LLC, a Colorado limited liability company, submitted a Petition for Annexation for an annexation of real property situated in the Portion of Lot A of Recorded Exemption No. 1059-18-1-RE 1008, located in Northeast Quarter of Section 18, Township 4 North, Range 67 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado, consisting of approximately 125.158 acres, being more particularly described on Exhibit A, and known as the “Suncatcher Annexation;” and

**WHEREAS**, on June 20, 2022, by Resolution No. 2022-27, the Town Council found the Petition for Annexation to be in substantial compliance with C.R.S. § 31-12-107(1); and

**WHEREAS**, on August 1, 2022, after due notice, the Town Council conducted a public hearing and, based on the evidence contained in the official file, the official records of the Town and the evidence produced at the hearing, desires to enter the following findings of fact and conclusions with the respect to the Suncatcher Annexation.

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

The Town Council hereby sets forth its findings of fact and conclusions with respect to the Suncatcher Annexation.

**FINDINGS OF FACT**

1. The requirements of the applicable parts of C.R.S. § 31-12-104 and C.R.S. § 31-12-105 have been met including the following:
  - A. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town as shown on the annexation map.
  - B. A community of interest exists between the area proposed to be annexed and the Town due to the proximity of the area to the Town, the desires of the owners to annex and the fact that it is within the planning area contemplated in the Johnstown Area Comprehensive Plan.
  - C. The area will be urbanized in the near future and the area is capable of being fully integrated with the Town.
  - D. Although less than fifty (50%) percent of the adult residents of the area proposed to be annexed make use of Town facilities, the landowners of the area proposed for annexation, while presently agricultural, plan to convert the land to planned unit development mixed use (“PUD-

MU”) development in less than five (5) years, and urban services, which are currently being provided to other citizens of the Town, can be provided to citizens of the proposed annexed area on the same terms and conditions as the services are made available to other citizens. The Town can provide water service and the Town’s sewer system can be extended to the property annexed with the same standards as the current sewer system serving other citizens. Police and other municipal services can be provided as well.

E. No land held in identical ownership has been divided into separate parts. No land with a valuation of over \$200,000 has been included without written consent. No annexation proceedings concerning this area have been commenced by any other municipality.

F. This annexation will not result in any detachment of area from any school district.

G. No part of the area to be annexed extends any more than three (3) miles from the existing Town boundaries. The Town has in place a plan for that area as required by C.R.S. § 31-1-105.

H. The entire widths of any streets to be annexed are included within the annexation.

2. No petition for annexation election has been submitted and an election is not required pursuant to C.R.S. § 31-12-107(2). An annexation agreement has been submitted.
3. The Town Council has determined that additional terms and conditions will not be imposed.
4. The Petition was signed by the owners of 100% of the property to be annexed exclusive of streets and alleys.
5. Notice of this hearing has been given as required by C.R.S. § 31-12-108.
6. An Annexation Impact Report was submitted to the Weld County Board of County Commissioners and County Attorney pursuant to C.R.S. § 31-12-108.5.

### CONCLUSIONS

1. The area proposed for annexation is eligible for annexation pursuant to applicable parts of C.R.S. § 31-12-104.
2. None of the limitations of C.R.S. § 31-12-105 apply to restrict annexation.
3. Said Suncatcher Annexation may be annexed by Ordinance pursuant to C.R.S. § 31-12-111, without an election under C.R.S. § 31-12-107(2).

PASSED, SIGNED, APPROVED, AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor



# Town of Johnstown

## MEMORANDUM

TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: August 1, 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):

- 08/08/2022 – Work Session – 5:30 p.m.
- 08/15/2022 – Regular Council Meeting
- 08/22/2022 – Work Session – 6:00 p.m.
- 08/29/2022 – Work Session – 6:00 p.m.
- 09/07/2022 – Regular Council Meeting

### Administration, Finance, Planning, & Human Resources

- *Biz Walk* – The Town Manager and Economic Development Manager postponed their monthly biz walk for June and will now meet with our local businesses on July 21.
- *Façade Grant Program Updates* – As of June the Town has awarded over \$29,000 in grant funds to businesses within the downtown corridor. Many of the updates include façade improvements such as paint, awnings, replacement of energy efficient doors/windows, outdoor patio space, and signage.
- *CDOT Revitalize Main Street Project UPDATE* – The Town has received all ordered items including the parklets, furniture, and marketing signage for the program. The parklets will now be available for event applicants to utilize, when requested, within the downtown corridor free of charge. The parklets will be installed and dissembled by Town staff during

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event hours only. Town staff will now work on submitting all required documents and receipts to CDOT to be reimbursed for the costs of the parklets, furniture, and signage. For reference the Town was awarded \$70,000 in grant funds with a 10% match.

- *Liquor Licenses* – The renewal application for The Black Sheep has been submitted to the State for final approval, and Johnstown Liquor has applied for a tasting permit.
- *Organizational Structure* – Matt and Mitzi have been meeting with various communities with Town and Deputy Managers in their organization to understand how they structure the organization to make it more efficient. A decision regarding the structuring will be made soon and that information will be communicated to Council upon completion.
- *Water Treatment Plant Property* – Discussions continue regarding the Water Treatment Plant Property. We hope to have an agreement to present to Council not later than early September.
- *Interviews* – Interviews are being conducted to fill the Executive Administrative Assistant position. Danielle Gardner will be leaving the Town on August 2 and we wish her the best of luck in her future endeavors.

## Police Department

### Training

- *Leadership Training* – Officer Ward and Sergeant Perry attended a Supervisor Leadership Institute put on by FBI LEEDA. This course is part of a three-class series in leadership.
- *DUI training* – Officer Garcia was recertified in the Intoxalizer 9000; a necessary training for the processing of DUI cases. This is specifically important due to an ongoing shortage of blood tubes.
- *Patrol Rifle Training* – Several officers including our newest Officer Soricelli completed a rifle certification course put on by our in-house instructors. This will certify the officers to carry a patrol rifle for the highest risk incidents.
- *Joint Command Training* – Commander Oglesby and Lieutenant Williams attended a joint command training with Front Range Fire Rescue to prepare for a multi-agency mass casualty training.
- *Less Lethal, OC and Taser Training* – The entire department was recertified in the use of all less lethal weapons at their disposal. This training included the “Bean bag” shotgun, Tasers and Oleoresin Capsicum “OC” recertification.



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## Public Works and Utilities

### *Streets*

- *Inspections* – Staff inspected over 4,800 feet of concrete in Revere and High Plains, over 1,260 feet of new water mains, and 260 feet of new sewer pipes throughout Town.
- *Trash Totes* – Public Works delivered 40 trash totes to new homes in the month of July.
- *Mowing* – Crews mowed over 4 miles of right-of-way over the past 2 weeks.
- *Cemetery* – Staff prepared the ground for 2 burials.
- *Streets* – Crack sealing operations are still underway in various neighborhoods.

### *Water Plant & System*

- *Water Plant* – Replacement of the carbon for the GAC system is underway. The first vessel was changed out the week of July 11 and the second vessel is being changed out the week of July 25. The replacement of the carbon is anticipated to take approximately 6 weeks.
- *Collections and Distribution* Staff is working on sending out lead and copper notifications to residents and businesses to conduct testing. The testing will provide information on whether lead is present in-service lines which indicates a lead water service.

### *Project Updates*

- *Raw Water Transmission* – The Town received three bids for the Request for Proposal (RFP) for the design, land acquisition, bidding and construction phase engineering and observation services for an approximately 11 mile 24”- 48” diameter Raw Water Transmission Main to expand the Town’s current raw water supply to the Water Treatment Plant. Town staff will be reviewing the bids over the coming weeks.
- *South Water Tank* – Contractor has finished welding the tank together on the ground. The next step is to paint the tank while it is still on the ground and then raise the tank into place before finishing the top of the tank. Painting is anticipated to start in early August with the logo that was provided to Council for consideration.
- *South Water Tank Distribution Pipeline* – Project pipe crews are focused on completing the sections of waterline between WCR40 and WCR42 on the west side of WCR17. Bore crews have wrapped up all the irrigation bores for the season and continue to work on the Great Western Railroad bores required for the project. The Contractor will move to WCR 15 and WCR 13 in the coming weeks.
- *Water Treatment Plant Expansion* – The pilot test for the design of ozone treatment systems and filters will be wrapping up in the next couple of weeks. The Design Engineer has submitted 30% plans and met with operations to review. The owner’s representative, Blue Water Engineering, is on board and assisting Town Staff in making key decisions. The Town is anticipating 60% design drawings in September. In August, we anticipate a work session to discuss estimated project construction costs which have increased considerably.
- *Central Interceptor Phase 1* – The contractor is wrapping up some small items and collections and distributions staff is working with them to optimize the performance of the lift station.
- *Central Interceptor Phase 2* – Contractor is installing sewer main along WCR46 between CR 17 and CR 15. The bore crew is expected to be back in late-July to complete the bore under WCR 13 once the adjacent crops are harvested.
- *North Interceptor* – The 100% design plans have been issued to the Contractor. The contractor is currently reviewing the plans and providing project submittals to the Town and

the design engineer for review to be able to procure equipment. The notice to proceed is anticipated to be issued on August 5 for the new lift station on CR50.

- *Low Point Sewer Expansion* – Approximately 95% of the concrete has been installed. The contractor is backfilling around the new equalization basin and gearing up for masonry work. The contractor is also working on installing process piping. The self-certification has been approved by the state.
- *Central Plant Design* – The Design Engineer submitted the Site Location Application for the project to the State (CDPHE) as well as the Utility Plan update for the project to the North Front Range Water Quality Planning Association (NFRWQPA) which will be discussed at the NFRWQPA meeting on July 28. Staff is working on early procurement of the equipment that Council has approved to ensure that the project stays on schedule.
- *Old Town Drainage* – Work on Greely is 95% complete and crews are currently grading and prepping Estes Street. New sidewalks will be installed on both the east and west side of Estes prior to the street paving scheduled for the first week in August.
- *Charlotte Street* – Bids will be opened on July 27 with an anticipated presentation of the bids to Council on August 15 or September 7 for approval. The Energy Impact Grant has been signed by the State, so the project is cleared to move forward.
- *State Hwy 60 Feasibility Study* – The study is currently conducting traffic analysis for year 2045 scenario and meetings to discuss the project with CDOT have taken place. Once the future traffic projects for 2045 are calculated the team will begin working on conceptual layouts for the roadway based on the future estimated traffic volumes.
- *Intersection Improvements for SH 60 and Carlson Blvd* – Title work to confirm right-of-way limits are ongoing. Preliminary design of the traffic signal has started, and utility locates are underway.
- *Pavement Maintenance* – Mill and overlay for Parish Ave from Charlotte Street to CR 40 is currently scheduled for Mid-August and running into late September. Chip seal of CR 13 and CR 15 as well as High Plains Blvd just north of SH 60 is scheduled for Mid-August. Hot cut paving is being scheduled for the first week of August for various locations throughout Town.



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

---

**AGENDA DATE:** August 1, 2022

**SUBJECT:** Ordinance 2022-234 regarding the SunCatcher Annexation

**ACTION PROPOSED:** Hold Public Hearing and Consider Ordinance 2022-234 on First Reading, Annexing certain unincorporated lands located in Weld County, known as the SunCatcher Annexation, containing approximately 125 acres

**ATTACHMENTS:**

1. Ordinance 2022-234
2. Petition
3. Vicinity Map
4. Annexation Map
5. PZC Agenda Memorandum for Annexation & Zoning

**PRESENTED BY:** Kim Meyer, Planning & Development Director

---

### AGENDA ITEM DESCRIPTION:

The Town has received a petition for annexation from Sauer South, LLC, for the SunCatcher Annexation (Attachment 2), located in Weld County. This proposed area of annexation meets the eligibility and contiguity requirements of CRS 31-104 and 105, and is bordered by Johnstown along the northern and eastern boundaries. (Attachment 4). A Resolution to this effect was approved by Council on June 20, 2022. The property is located on the southwest corner of Telep Ave and Weld County Road 46, south of The Granary subdivision currently under development. (Attachment 3).

The Planning & Zoning Commission (PZC) held a public hearing on July 13, 2022, to consider the SunCatcher Annexation (Case ANX21-0005). The Planning & Zoning Commission Agenda Memorandum (Attachment 5) provides background and historical use of the property. The property has been undeveloped agricultural land within unincorporated Weld County. Based upon the materials submitted, analysis, and findings, the PZC approved a motion (5-0) to recommend to Town Council approval of this annexation request.

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The Johnstown Review Committee reviewed this project and provided redlines and comments, which have been addressed by the Applicant. Full referral packets, required per C.R.S., were sent via registered mail to the Weld County Board of County Commissioners, the County Attorney, and all Special Districts.

This petition and application for annexation is accompanied by companion requests, on this Council agenda, for Establishment of Zoning to PUD-MU (Planned Unit Development – Mixed Use) and a PUD Outline Development Plan (ODP) that encompasses this annexation area. Additional pending requests for a subdivision and Use by Special Review will be heard at subsequent hearings.

**LEGAL ADVICE:**

Ordinance was prepared by the Town Attorney.

**FINANCIAL ADVICE:**

NA

**RECOMMENDED ACTION:**

Approve Ordinance 2022-234 Annexing approximately 125 acres, known as the SunCatcher Annexation, on First Reading.

**SUGGESTED MOTIONS:**


**For Approval**

I move that the Town Council approve Ordinance 2022-234 Annexing approximately 125 acres, known as the SunCatcher Annexation, on First Reading.

**For Denial**

I move that the Town Council deny Ordinance 2022-234.

***Reviewed and Approved for Presentation,***

  
\_\_\_\_\_  
Town Manager



**TOWN OF JOHNSTOWN, COLORADO**  
**ORDINANCE NO. 2022-234**

**ANNEXING CERTAIN UNINCORPORATED LANDS SITUATED IN A PORTION OF LOT A OF RECORDED EXEMPTION NO. 1059-18-1-RE 1008, LOCATED IN NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 125.158 ACRES AND KNOWN AS THE SUNCATCHER ANNEXATION**

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

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

**WHEREAS**, by Resolution No. 2022-27, the Town Council found a petition for annexation of certain property situated in a Portion of Lot A of Recorded Exemption No. 1059-18-1-RE 1008, located in Northeast Quarter of Section 18, Township 4 North, Range 67 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado, consisting of approximately 125.158 acres, being more particularly described on Exhibit A, attached hereto and incorporated herein by this reference, known as the “Suncatcher Annexation,” to be in substantial compliance with C.R.S. § 31-12-107(1); and

**WHEREAS**, after notice pursuant to C.R.S. § 31-12-108, on August 1, 2022, the Town Council has held a public hearing on the proposed annexation to determine if the annexation complies with C.R.S. §§ 31-12-104 and 105; and

**WHEREAS**, the Town Council has determined that the requirements of C.R.S. §§ 31-12-104 and 105 have been met, that an election is not required and that no additional terms or conditions are to be imposed on the annexed area.

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

**Section 1.** The annexation of certain unincorporated property situated in a Portion of Lot A of Recorded Exemption No. 1059-18-1-RE 1008, located in Northeast Quarter of Section 18, Township 4 North, Range 67 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado, consisting of approximately 125.158 acres, being more particularly described on Exhibit A, be and the same is hereby approved and said unincorporated area is hereby incorporated and made a part of the Town of Johnstown, Colorado.

**Section 2.** That the annexation of such unincorporated area to the Town of Johnstown, Colorado shall be complete and effective on the effective date of this Ordinance, except for the purpose of general property taxes, and shall be effective as to general property taxes on and after the first day of January, 2023.

**Section 3.** That, within thirty (30) days of the effective date of this Ordinance, the Town Clerk be and is hereby authorized and directed to:

- A. File one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk; and
- B. File two certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the Weld County Clerk and Recorder.

**Section 4.** This Ordinance shall take effect as provided by State law.

**INTRODUCED AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this 1<sup>st</sup> day of August, 2022.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2022.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

**PETITION FOR ANNEXATION**  
**To the Town of Johnstown**  
(Weld County)

The undersigned, Sauer South, LLC, a Colorado limited liability company, in accordance with Article 12, Chapter 31, CRS, as amended, hereby petition the Town Council of the Town of Johnstown, Colorado, for annexation to the Town of Johnstown the unincorporated territory more particularly described below, currently known as SunCatcher Annexation, and in support of said Petition, your petitioners allege that:

- (1) It is desirable and necessary that the following described territory be annexed to the Town of Johnstown, Colorado:

See Exhibit A attached hereto and made a part hereof.

- (2) Not less than one-sixth (1/6) of the perimeter of that area proposed to be annexed is contiguous with the Town of Johnstown, Colorado.
- (3) A community of interest exists between the territory proposed to be annexed and the Town of Johnstown, Colorado.
- (4) The territory proposed to be annexed is urban or will be urbanized in the near future;
- (5) The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Johnstown, Colorado;
- (6) The signatures of the Petition comprise one hundred percent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election;
- (7) No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
  - (a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
  - (b) Comprising twenty (20) acres or more and which, together with the building and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes to be annexed without the written consent of the landowner or landowners.

- (8) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
- (9) The area proposed to be annexed comprises more than ten acres and an impact report as provided in Section 31-12-105.5, CRS, as amended, is required.
- (10) The area proposed to be annexed is located within Weld County, Aims Junior College, Big Thompson Conservation, Front Range Fire Rescue Fire Protection District, High Plains Library, Little Thompson Water, Northern Colorado Water, School District RE5J and no others;
- (11) The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition;
- (12) Accompanying this Petition are five (5) prints of the area proposed to be following information:
  - (a) A written legal description of the boundaries of the area proposed to be annexed;
  - (b) A map showing the boundary of the area proposed to be annexed, such map prepared and containing the seal of a registered engineer or land surveyor;
  - (c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is to be platted at the time of the effectiveness of the annexation (as opposed to after such effectiveness), then the boundaries and the plat number of plots or of lots and blocks are shown;
  - (d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Johnstown, and the contiguous boundary of any other municipality abutting the area proposed to be annexed;
  - (e) The dimensions of the contiguous boundaries are shown on the map.
  - (f) A proposed drainage plan and a proposed utilities plan.
- (13) The territory to be annexed is not presently a part of any incorporated city, city and county, or town;

- (14) The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map:
- (a) Water rights shall be provided as mutually agreed to by the Town and the undersigned; The undersigned specifically agree that they have not sold or transferred any water rights appurtenant to their property within the past year nor will they do so during the pendency of this annexation petition and once annexed to the Town of Johnstown, they will not sell or transfer any water rights appurtenant to the subject property without the prior written approval of the Johnstown Town Council.
  - (b) The owners shall participate in providing drainage plan and improvements and payment of a unit drainage fee as may be required by the Town the area;
  - (c) The undersigned hereby waive any and all "vested rights" previously created pursuant to Section 24-68-103, CRS, as amended.
  - (d) The undersigned and the Town may enter into an Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition.
- (15) Petitioner represents that: (Check one)
- ☒ No part of the property to be annexed is included within any site-specific development plan approved by Weld County, Colorado.
- ☐ A site-specific development plan has been approved by Weld County, Colorado, which has created a vested right.
- (16) Submitted with this Petition is the required \$100.00 for publication costs.

EXECUTED this 9th day of June, 2022.

SAUER SOUTH, LLC, a Colorado limited liability company

By: Cynthia Sauer

By: Cynthia Sauer

Title: Managing Member

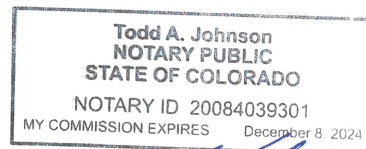
Name of Annexation: SunCatcher Annexation

STATE OF COLORADO )  
 )ss  
COUNTY OF W20 )

Subscribed and sworn to before me this 9 day of June, 2022, by  
Cynthia Sauer as the Managing Member of Sauer South, LLC.

WITNESS my hand and official seal.

My commission expires: 12-8-24

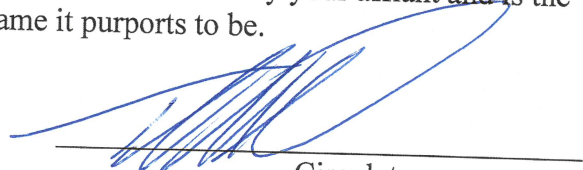


[Signature]  
Notary Public

# AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Johnstown, Colorado, consisting of six (6) pages, including this page and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.

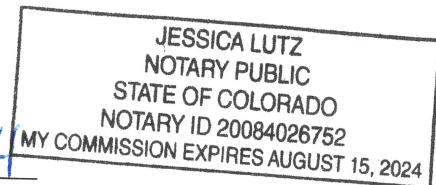
  
Circulator

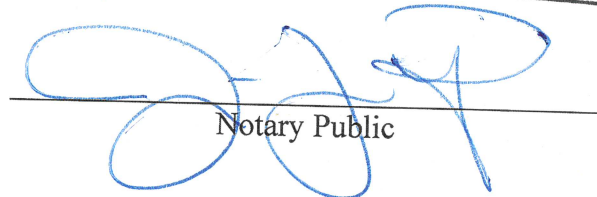
STATE OF COLORADO     )  
  )ss  
COUNTY OF                     )

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 9th day of June, A.D., 2022, by Todd Johnson.

Witness my hand and official seal.

My commission expires: August 15, 2024



  
Notary Public

**EXHIBIT A**

LOT A, RECORDED EXEMPTION NO. 1059-18-1-RE-1008, EXCEPT THE EAST 30 FEET AND THE NORTH 30 FEET THEREOF, THE PERIMETER OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M.;  
 THENCE SOUTH 02°49'41" EAST ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 FOR 30.13 FEET TO THE SOUTH RIGHT-OF-WAY OF WELD COUNTY ROAD 46, ALSO BEING THE SOUTH LINE OF THE KETO 161 ANNEXATION, REC. NO. 3453285, SAID POINT ALSO BEING THE POINT OF BEGINNING;  
 THENCE SOUTH 87°36'24" EAST ON THE SOUTH RIGHT-OF-WAY OF WELD COUNTY ROAD 46, ALSO BEING THE SOUTH LINE OF THE KETO 161 ANNEXATION, REC. NO. 3453285, FOR 2595.82 FEET TO THE WEST RIGHT OF WAY OF WELD COUNTY ROAD 15, ALSO THE WEST LINE OF THE WIND FARM ANNEXATION, REC. NO. 3003119;  
 THENCE SOUTH 02°47'22" EAST ON THE WEST LINE OF SAID WEST RIGHT OF WAY, ALSO THE WEST LINE OF SAID WIND FARM ANNEXATION FOR 1034.91 FEET TO THE NORTH LINE OF LOT A OF AMENDED RECORDED EXEMPTION AMRE-3151, REC. NO. 3267510;  
 THENCE SOUTH 87°55'00" WEST ON THE NORTH LINES OF LOTS A AND B OF AMENDED RECORDED EXEMPTION AMRE-3151, REC. NO. 3267510, FOR 391.77 FEET;  
 THENCE SOUTH 03°58'40" EAST ON THE WEST LINE OF LOT B OF SAID AMENDED RECORDED EXEMPTION AMRE-3151 FOR 724.84 FEET;  
 THENCE ALONG THE NORTHERLY BOUNDARY OF PARCELS A AND B OF CORRECTED RECORDED EXEMPTION RE-1212, REC. NO. 2256165 FOR THE FOLLOWING 15 COURSES:  
 THENCE SOUTH 62°10'11" WEST FOR 279.88 FEET;  
 THENCE SOUTH 29°32'23" WEST FOR 83.93 FEET;  
 THENCE SOUTH 11°57'09" EAST FOR 120.96 FEET;  
 THENCE SOUTH 11°47'14" WEST FOR 190.85 FEET;  
 THENCE NORTH 82°23'15" WEST FOR 175.68 FEET;  
 THENCE SOUTH 63°07'32" WEST FOR 94.42 FEET;  
 THENCE SOUTH 88°56'37" WEST FOR 117.14 FEET;  
 THENCE NORTH 78°25'44" WEST FOR 67.39 FEET;  
 THENCE NORTH 87°00'45" WEST FOR 208.55 FEET;  
 THENCE NORTH 55°59'33" WEST FOR 116.24 FEET;  
 THENCE SOUTH 81°44'40" WEST FOR 527.88 FEET;  
 THENCE NORTH 86°59'58" WEST FOR 152.87 FEET;  
 THENCE SOUTH 65°01'01" WEST FOR 249.52 FEET;  
 THENCE NORTH 75°43'44" WEST FOR 210.99 FEET;  
 THENCE SOUTH 61°32'24" WEST FOR 30.36 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18;  
 THENCE NORTH 02°49'41" WEST ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 FOR 2459.06 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5,451,867 SQUARE FEET, 125.158 ACRES MORE OR LESS.





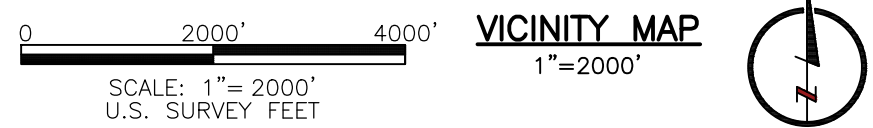
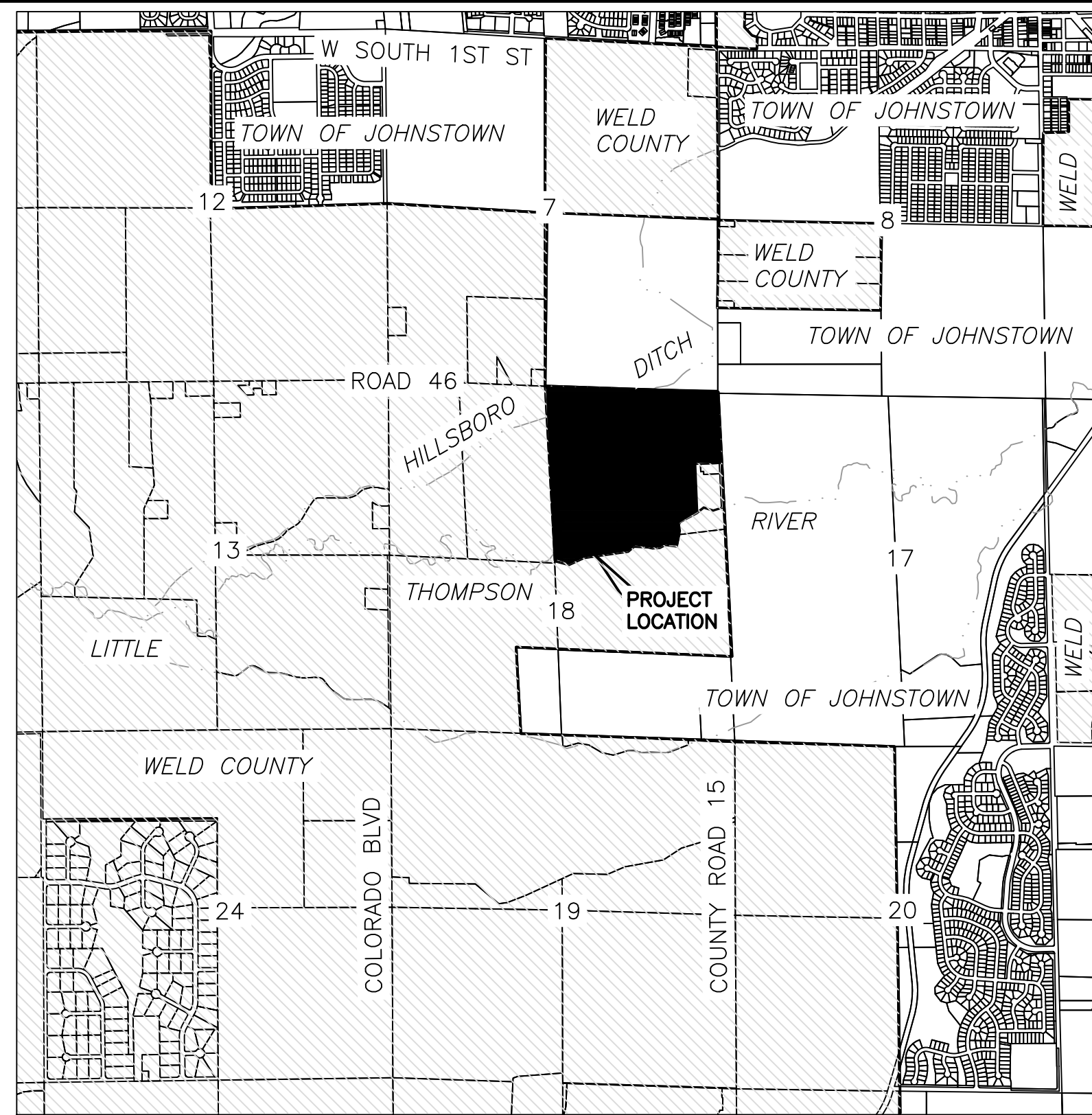
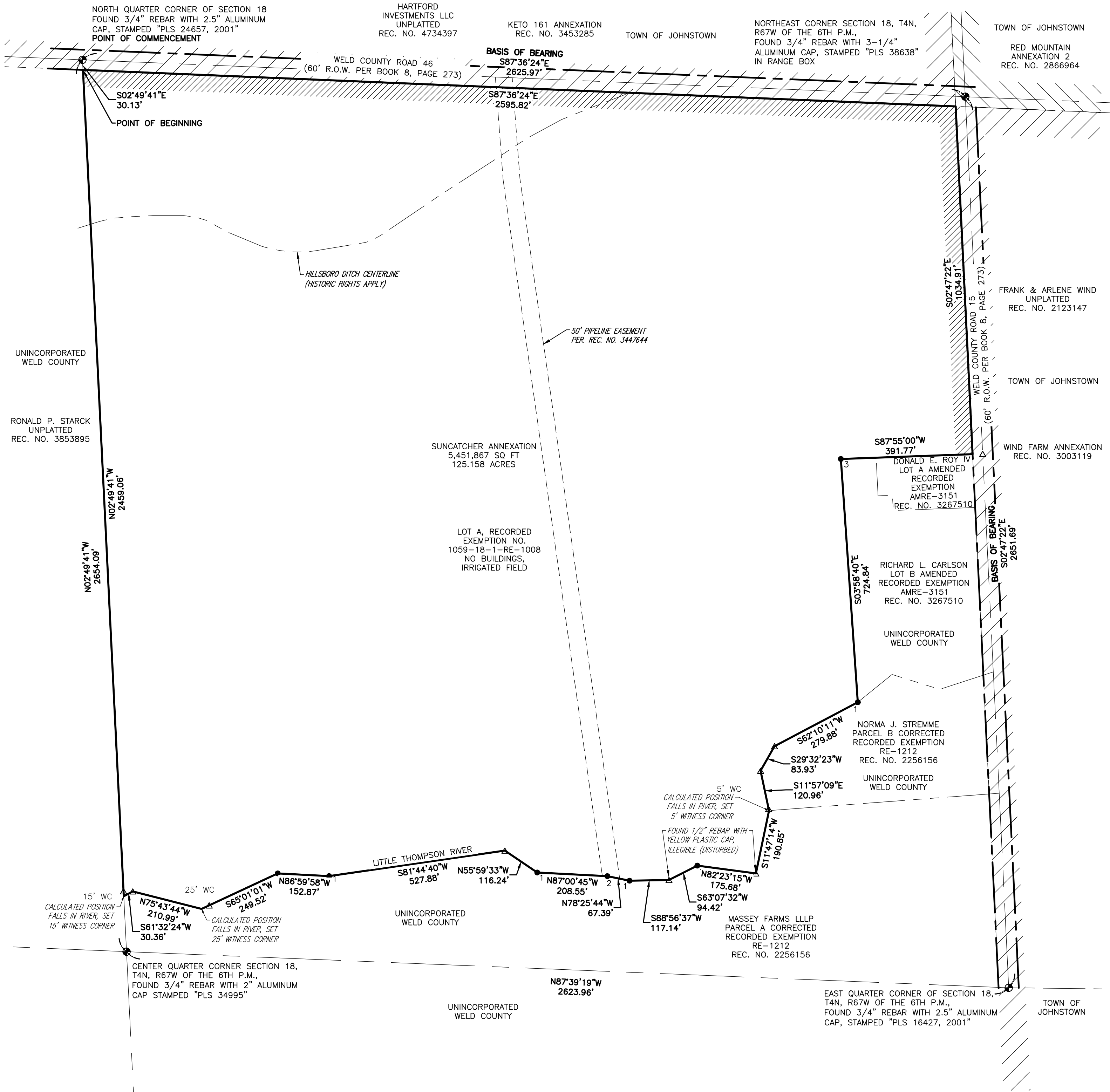
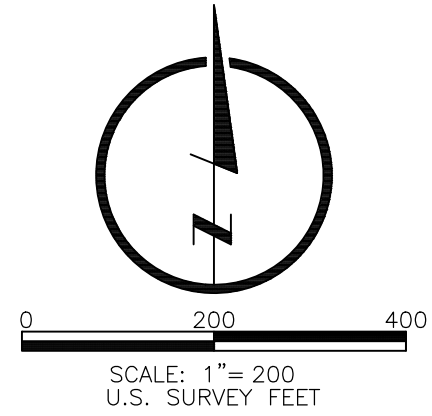
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**VICINITY MAP**  
NOT TO SCALE



# SUNCATCHER ANNEXATION TO THE TOWN OF JOHNSTOWN

OF A PORTION OF LOT A OF RECORDED EXEMPTION NO. 1059-18-1-RE 1008, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO



## LEGEND

- |  |                                  |  |   |
|--|----------------------------------|--|---|
|  | SUBJECT PROPERTY LINE            |  | MONUMENT SET (5/8" REBAR W/ 1 1/4" YPC STAMPED LS-31159)                  |
|  | LOT LINE                         |  | MONUMENT SET (2-1/2" ALUMINUM CAP STAMPED "X" WITNESS CORNER, PLS 31159") |
|  | ANNEXATION/JOHNSTOWN TOWN LIMITS |  | FOUND 1/2" REBAR WITH 1-1/4" YELLOW PLASTIC CAP, ILLEGIBLE                |
|  | CONTIGUOUS PERIMETER             |  | FOUND 1/2" REBAR WITH 1-1/4" YELLOW PLASTIC CAP, LS 12374                 |
|  | SECTION LINE                     |  | FOUND 1/2" REBAR WITH 1" RED PLASTIC CAP, ILLEGIBLE                       |
|  | RIGHT OF WAY                     |  | SECTION CORNER, AS DESCRIBED  |
|  | EASEMENT                         |  |   |

## ANNEXATION PERIMETER DESCRIPTION:

LOT A, RECORDED EXEMPTION NO. 1059-18-1-RE-1008, EXCEPT THE EAST 30 FEET AND THE NORTH 30 FEET THEREOF, THE PERIMETER OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M.; THENCE SOUTH 02°49'41" EAST ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 FOR 30.13 FEET TO THE SOUTH RIGHT-OF-WAY OF WELD COUNTY ROAD 46, ALSO BEING THE SOUTH LINE OF THE KETO 161 ANNEXATION, REC. NO. 3453285, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 87°36'24" EAST ON THE SOUTH RIGHT-OF-WAY OF WELD COUNTY ROAD 46, ALSO BEING THE SOUTH LINE OF THE KETO 161 ANNEXATION, REC. NO. 3453285, FOR 2595.82 FEET TO THE WEST RIGHT OF WAY OF WELD COUNTY ROAD 15, ALSO THE WEST LINE OF THE WIND FARM ANNEXATION, REC. NO. 3003119; THENCE SOUTH 02°47'22" EAST ON THE WEST LINE OF SAID WEST RIGHT OF WAY, ALSO THE WEST LINE OF SAID WIND FARM ANNEXATION FOR 1034.91 FEET TO THE NORTH LINE OF LOT A OF AMENDED RECORDED EXEMPTION AMRE-3151, REC. NO. 3267510; THENCE SOUTH 87°55'00" WEST ON THE NORTH LINES OF LOTS A AND B OF AMENDED RECORDED EXEMPTION AMRE-3151, REC. NO. 3267510, FOR 391.77 FEET; THENCE SOUTH 03°58'40" EAST ON THE WEST LINE OF LOT B OF SAID AMENDED RECORDED EXEMPTION AMRE-3151 FOR 724.84 FEET; THENCE ALONG THE NORTHERLY BOUNDARY OF PARCELS A AND B OF CORRECTED RECORDED EXEMPTION RE-1212, REC. NO. 2256165 FOR THE FOLLOWING 15 COURSES:

THENCE SOUTH 62°10'11" WEST FOR 279.88 FEET; THENCE SOUTH 29°32'23" WEST FOR 83.93 FEET; THENCE SOUTH 11°57'09" EAST FOR 120.96 FEET; THENCE SOUTH 11°47'14" WEST FOR 190.85 FEET; THENCE NORTH 82°23'15" WEST FOR 175.68 FEET; THENCE SOUTH 63°07'32" WEST FOR 94.42 FEET; THENCE SOUTH 88°56'37" WEST FOR 117.14 FEET; THENCE NORTH 78°25'44" WEST FOR 67.39 FEET; THENCE NORTH 87°00'45" WEST FOR 208.55 FEET; THENCE NORTH 55°59'33" WEST FOR 116.24 FEET; THENCE SOUTH 81°44'40" WEST FOR 527.88 FEET; THENCE NORTH 86°59'58" WEST FOR 152.87 FEET; THENCE SOUTH 65°01'01" WEST FOR 249.52 FEET; THENCE NORTH 75°43'44" WEST FOR 210.99 FEET; THENCE SOUTH 61°32'24" WEST FOR 30.36 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18; THENCE NORTH 02°49'41" WEST ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 FOR 2459.06 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5,451,867 SQUARE FEET, 125.158 ACRES MORE OR LESS.

OWNERS: SAUER SOUTH, LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: (PRINT NAME)

STATE OF COLORADO )  
COUNTY OF WELD )

THE FOREGOING DEDICATION OF PLAT WAS ACKNOWLEDGED BEFORE ME BY \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

## GENERAL NOTES:

- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- TOTAL PERIMETER 9,833.07 FEET, 1/6TH TOTAL PERIMETER IS 1,638.85 FEET. CONTIGUOUS > 1/6 3,630.74 > 1,638.85
- ALL EASEMENTS AND RIGHT-OF-WAYS ARE REFERENCED FROM: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, ORDER NUMBER FCIF25180842, WITH AN EFFECTIVE DATE OF OCTOBER 07, 2020 AT 5:00 P.M.
- BASIS OF BEARINGS: THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., BEARS SOUTH 02°47'22" EAST FOR 2651.69 FEET, BEING MONUMENTED AT THE NORTHEAST CORNER BY A 3/4" REBAR WITH A 3-1/4" ALUMINUM CAP, STAMPED "PLS 38638" AND AT THE EAST QUARTER CORNER BY A 3/4" REBAR WITH A 2-1/2" ALUMINUM CAP, STAMPED "PLS 16427, 2001", BASED ON THE COLORADO STATE PLANE NORTH COORDINATE SYSTEM, NAD83 (2011), WITH ALL OTHER BEARINGS SHOWN HEREON BEING RELATIVE THERETO.
- AN ADDITIONAL 30' RIGHT OF WAY WILL BE DEDICATED BY THE PLAT OF SUNCATCHER SUBDIVISION FOR RIGHT OF WAY ALONG COUNTY ROAD 46 AND COUNTY ROAD 15.

## TOWN COUNCIL APPROVAL:

THE PLAT, TO BE KNOWN AS THE \_\_\_\_\_ ANNEXATION, IS HEREBY APPROVED AND ACCEPTED TO THE TOWN OF JOHNSTOWN, COLORADO, BY ORDINANCE

NO. \_\_\_\_\_ PASSED AND ADOPTED ON THE FINAL READING AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, HELD ON

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

MAYOR — GARY LEBSACK

DATE

ATTEST:

TOWN CLERK

DATE

## LAND SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS ANNEXATION PLAT IS BASED UPON A FIELD SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF COLORADO, AND THAT AT LEAST 1/6 OF THE PERIMETER OF THE ABOVE-DESCRIBED PROPERTY IS CONTIGUOUS TO THE CURRENT BOUNDARY OF THE TOWN OF JOHNSTOWN, COLORADO

LAINE A. LANDAU, COLORADO PLS 31159  
LAMP RYNEARSON  
LAINE.LANDAU@LAMPRYNEARSON.COM  
DATE OF SIGNATURE: \_\_\_\_\_

LAMP RYNEARSON

LAMPRYNEARSON.COM

OMAHA, NEBRASKA  
14710 W. DODGE RD., STE. 100 (402)496.2498  
FORT COLLINS, COLORADO  
4715 INNOVATION DR., STE. 100 (970)228.0342  
KANSAS CITY, MISSOURI  
9001 STATE LINE RD., STE. 200 (816)351.0440

SUNCATCHER ANNEXATION  
LOT A RECORDED EXEMPTION NO. 1059-18-1-RE 1008  
A PORTION OF THE NORTHEAST 1/4 OF SECTION 18  
TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M.

PIVOT JOHNSTOWN  
JOHNSTOWN, COLORADO



Know what's below.  
Call before you dig.

REVISIONS

8/23/2021 FIRST SUBMITTAL

10/25/2021 REVISE PER TOWN COMMENTS

1/24/2022 LAL REVISE PER TOWN COMMENTS

5/5/2022 LAL REVISE PER TOWN COMMENTS

DESIGNER / DRAFTER

LAINE LANDAU/JOSH CROAK

DATE

5/5/2022

PROJECT NUMBER

0221008.01

BOOK AND PAGE

SHEET

1 OF 1





# Town of Johnstown

## PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

---

<b>DESCRIPTION:</b>	<b>SunCatcher Annexation &amp; Establishment of Zoning (PUD-MU)</b>
<b>PROJECT NO:</b>	ANX21-0005
<b>LOCATION:</b>	Southwest corner of Telep Ave (CR 15) and CR 46, approx. 127 acres
<b>APPLICANT:</b>	Sauer South, LLC
<b>STAFF:</b>	Kim Meyer, Planning & Development Director
<b>HEARING DATE:</b>	July 13, 2022

---

### ATTACHMENTS

- 1- Vicinity Map
- 2- Annexation Map
- 3- Zoning Map

### BACKGROUND & SUMMARY

The applicant, Sauer South, LLC, requests Annexation and Establishment of PUD-MU Zoning for approximately 127 acres of land in Weld County. The property is located on the southwest corner of Telep Ave and Weld County Road 46, south of The Granary subdivision.

The subject property is presently zoned Agricultural in unincorporated Weld County and is currently being used as farm land. It is partially bordered by incorporated areas of Johnstown to the north, adjacent to The Granary subdivision; and to the east, adjacent to the Frank Wind Farm with the remainder of the perimeter adjacent to unincorporated Weld County. The surrounding zoning is Weld County Agricultural and Town of Johnstown PUD-R. The property does encompass a portion of the Little Thompson River, along the southern boundary, and those associated floodplain areas.

The proposed annexation is intended to allow for mixed-use development, with proposed PUD-MU (Mixed-Use) zoning. An accompanying Outline Development Plan (ODP), submitted as part of an overall development package, shows the intent to develop a mix of commercial and higher-density residential uses along WCR 46 approximately 600-feet south where the site will consist of lower density residential. The mixed-use areas will allow commercial, retail, office, and higher density residential uses. An interim use for a solar facility is proposed to be located on the southwest 44 acres of the site with farming operations continuing on the remaining portions until future development occurs.

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## **SURROUNDING ZONING & LAND USE**

North: PUD-R – The Granary Subdivision – single family residential under development  
 South: A – Agricultural Weld County – existing ag lands  
 East: PUD-R– Residential Town of Johnstown – existing ag lands  
 West: A – Agricultural Weld County – existing ag lands

## **LAND USE HISTORY**

Historically, this property has been used for farming and continues as that use today.

## **OIL & GAS**

There are three existing plugged and abandoned wells on-site, per COGCC website. They are shown on the Site Plan (Attachment 3 – Sheet C.100); none interfere with this proposed facility.

## **IRRIGATION DITCHES**

The Hillsborough ditch runs through the northern portion of this site. The proposed facility will not impact that current ditch alignment.

## **FLOODPLAIN**

The Little Thompson River runs through this parcel, and has significant floodplain areas. Approximately 15.5 acres of the site sits within the floodway and 1% (100-yr) regulatory floodplain.

## **PUBLIC NOTICE & AGENCY REFERRALS**

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, June 23, 2022. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the proposed annexation and zoning. Full state-required annexation packets have been mailed to the county and all taxing districts in advance of the scheduled Council hearing on August 1, 2022.

## **NEIGHBORHOOD MEETING**

No neighborhood meeting was held for this annexation and zoning.

## **PROJECT DESCRIPTION & ANALYSIS**

**Annexation:** This annexation is being considered by the Town for the following reasons:

1. At least 1/6 of the area to be annexed for each individual annexation is contiguous to the Town of Johnstown boundary.
2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town is capable of providing water, sewer, and police service to the property.
4. The Town is authorized to annex the area without an election under Section 30(b) of Article II of the Colorado Constitution.

A resolution finding Substantial Conformance with C.R.S. requirements was passed by Town Council on June 20, 2022.

## **Zoning & Development Standards**

The current zoning for the property is Agricultural in Unincorporated Weld County. There are no known existing conditional uses or uses by special review that apply to the property.

The applicant requests PUD-MU – Mixed Use zoning upon annexation, which permits the applicant to develop mixed uses in accordance with the submitted Outline Development Plan (ODP). This proposed zoning is in alignment with the Johnstown Area Comprehensive Plan goals and the Future Land Use Map, showing this area for Low Density/Intensity and Greenway development.

Future development will be required to create subdivision plats and development plans, to be reviewed and approved by the Town through public hearing processes. Detailed engineering and construction plans are part of that future technical review.

Staff has no outstanding concerns related to this Annexation and Establishment of Zoning.

Associated projects that include an Outline Development Plan (ODP), Preliminary/Final Subdivision, and Use by Special Review for a solar facility are also being proposed and reviewed concurrently.

### **RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS**

Staff recommends that the Planning and Zoning Commission send a recommendation for Approval to Town Council for the Annexation and Establishment of PUD-MU Zoning based upon the following findings:

1. The area is contiguous to the Town of Johnstown along at least 1/6 of its boundaries.
2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town can adequately and efficiently provide utility and police services.
4. The property is eligible for annexation without election pursuant to the Colorado Constitution Article II, Section 30(b).
5. The annexation of this property and the proposed PUD-MU zoning are in alignment with the Johnstown Area Comprehensive Plan.
6. Planned Unit Development – Mixed Use (PUD-MU) zoning for the Suncatcher property is in substantial alignment with comprehensive plan and is most likely to result in harmonious development with adjacent neighborhoods and future development in the area.

#### **Recommended Motion: Motion to Approve, as presented**

Based on the application materials received, analysis and presentations at this hearing, and findings noted in this staff memorandum, I move that the Planning & Zoning Commission recommend Approval to the Town Council for the SunCatcher Annexation and Establishment of PUD-MU Zoning.

#### **Motion to Recommend Denial**

I move that the Commission recommend to the Town Council Denial of the Suncatcher Annexation and Establishment of Zoning.



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

---

**AGENDA DATE:** August 1, 2022

**SUBJECT:** Ordinance 2022-235 Approving PUD-MU Zoning for the property known as SunCatcher Annexation

**ACTION PROPOSED:** Hold Public Hearing and Consider Ordinance 2022-235 on First Reading, Approving PUD-MU Zoning for the property known as SunCatcher Annexation

**ATTACHMENTS:**

1. Ordinance 2022-235
2. Vicinity Map
3. Zoning Plat
4. PZC Agenda Memorandum for Annexation & Zoning

**PRESENTED BY:** Kim Meyer, Planning & Development Director

---

### AGENDA ITEM DESCRIPTION:

In conjunction with a Petition for Annexation, the Town has received a request to establish zoning for the 125-acre property known as SunCatcher Annexation, to PUD-MU (Planned Unit Development – Mixed Use) (Attachment 3). The intent of the PUD-MU zoning is to allow development of a mix of commercial and higher-density residential uses along WCR 46, and up to approximately 600-feet (1 block) south, where the site will then provide areas for lower density residential. An associated Outline Development Plan (ODP) is being proposed that further defines the intent of the PUD-MU zoning for this property.

The property is located on the southwest corner of Telep Ave (WCR 15) and Weld County Road 46, south of The Granary subdivision currently under development. (Attachment 2). The surrounding zoning is Weld County Agricultural and Town of Johnstown PUD-R.

The Planning & Zoning Commission (PZC) held a public hearing on July 13, 2022, to consider the SunCatcher Annexation and Establishment of Zoning (Case ANX21-0005). The Planning & Zoning Commission Agenda Memorandum (Attachment 4) provides background and historical use of the property. Based upon the materials submitted, analysis, and findings, the PZC approved a motion (5-0) to recommend to Town Council approval of this zoning request.

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The Johnstown Review Committee reviewed this project and provided redlines and comments, which have been addressed by the Applicant.

This request for Establishment of Zoning to PUD-MU (Planned Unit Development – Mixed Use) is accompanied by companion requests, including the Petition for Annexation and a PUD Outline Development Plan (ODP) that encompasses this annexation area.

**LEGAL ADVICE:**

Ordinance was prepared by the Town Attorney.

**FINANCIAL ADVICE:**

NA

**RECOMMENDED ACTION:**

Approve Ordinance 2022-235 Establishing PUD-MU Zoning for the property known as SunCatcher Annexation, on First Reading.

**SUGGESTED MOTIONS:**

**For Approval**

I move that the Town Council approve Ordinance 2022-235 Establishing PUD-MU Zoning for the property known as SunCatcher Annexation, on First Reading.

**For Denial**

I move that the Town Council deny Ordinance 2022-235.

*Reviewed and Approved for Presentation,*

  
\_\_\_\_\_  
Town Manager

**TOWN OF JOHNSTOWN, COLORADO  
ORDINANCE NO. 2022-235**

**APPROVAL OF PUD-MU ZONING OF THE PROPERTY KNOWN AS  
THE SUNCATCHER ANNEXATION, SITUATED IN A PORTION OF LOT  
A OF RECORDED EXEMPTION NO. 1059-18-1-RE 1008, LOCATED IN  
NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH,  
RANGE 67 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF WELD, STATE OF  
COLORADO, CONSISTING OF APPROXIMATELY 125.158 ACRES**

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

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

**WHEREAS**, the Town Council approved annexation of certain property situated in a Portion of Lot A of Recorded Exemption No. 1059-18-1-RE 1008, located in Northeast Quarter of Section 18, Township 4 North, Range 67 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado, consisting of approximately 125.158 acres, being more particularly described on Exhibit A, attached hereto and incorporated herein by this reference, known as the Suncatcher Annexation (“Property”); and

**WHEREAS**, the property owners applied for Planned Unit Development – Mixed Use (“PUD-MU”) zoning of the Property in conjunction with annexation; and

**WHEREAS**, pursuant to state law, upon annexation, the Town Council must zone the Property within ninety (90) days; and

**WHEREAS**, on July 13, 2022, the Town’s Planning and Zoning Commission held a hearing and recommended approval of PUD-MU zoning for the Property; and

**WHEREAS**, on August 1, 2022, the Town Council held a public hearing to determine appropriate zoning for the Property and, based upon the evidence received at the hearing, finds that the requested zoning of the Property to PUD-MU conforms to the Town’s Comprehensive Plan.

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

1. Zoning Approval. Zoning of the Property known as the Suncatcher Annexation and more particularly described on the attached Exhibit A shall hereby be designated as PUD-MU.
2. Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of



Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon the later of the following: (i) final passage as provided by the Charter or (ii) the effective date of the annexation of the Property. At such time, the Town Clerk is directed to file this Ordinance with the real estate records of the Weld County Clerk and Recorder. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this 1<sup>st</sup> day of August, 2022.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2022.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

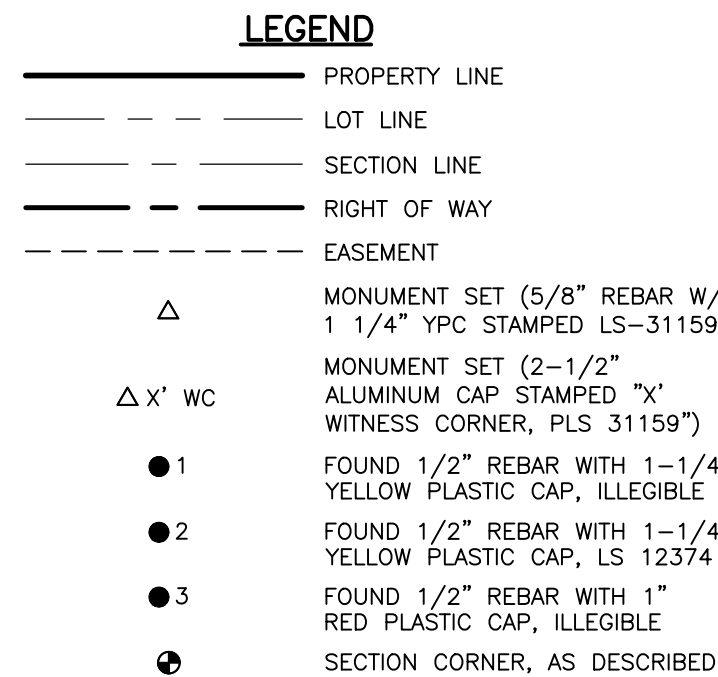
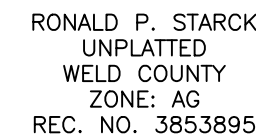


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**VICINITY MAP**  
NOT TO SCALE



OF A PORTION OF LOT A OF RECORDED EXEMPTION NO. 1059-18-1-RE 1008, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18,  
TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO



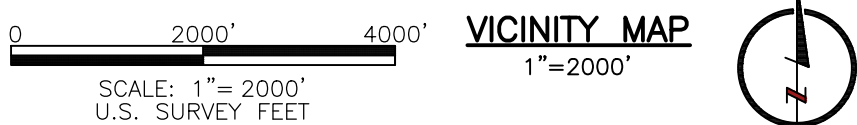
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THE PLAT, TO BE KNOWN AS THE SUNCATCHER ZONING PLAT, IS HEREBY APPROVED  
AND ACCEPTED TO THE TOWN OF JOHNSTOWN, COLORADO, BY ORDINANCE

NO. \_\_\_\_\_, PASSED AND ADOPTED ON THE FINAL READING AT A  
REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, HELD ON  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
(ATTEST)

I HEREBY CERTIFY THAT THIS ZONING PLAT IS BASED UPON A FIELD SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF COLORADO.

LAINE A. LANDAU, COLORADO PLS 31159  
LAMP RYNEARSON  
LAINE.LANDAU@LAMPRYNEARSON.COM  
DATE OF SIGNATURE:

LAMPRYNEARSON.COM

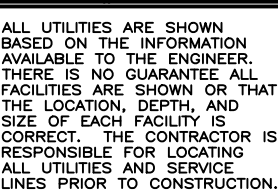
**OMAHA, NEBRASKA**  
14710 W. DODGE RD., STE. 100 (402)496.2498

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PIVOT JOHNSTOWN  
JOHNSTOWN, COLORADO



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REVISIONS
8/23/2021 FIRST SUBMITTAL
10/25/2021 REVISED PER TOWN COMMENTS
1/24/2022 LAL REVISED PER TOWN COMMENTS
5/5/2022 LAL REVISED PER TOWN COMMENTS

DESIGNER / DRAFTER
LAINE LANDAU/JOSH CROAK
DATE
5/5/2022
PROJECT NUMBER
0221009.01
BOOK AND PAGE

SHEET





# Town of Johnstown

## PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

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<b>DESCRIPTION:</b>	<b>SunCatcher Annexation &amp; Establishment of Zoning (PUD-MU)</b>
<b>PROJECT NO:</b>	ANX21-0005
<b>LOCATION:</b>	Southwest corner of Telep Ave (CR 15) and CR 46, approx. 127 acres
<b>APPLICANT:</b>	Sauer South, LLC
<b>STAFF:</b>	Kim Meyer, Planning & Development Director
<b>HEARING DATE:</b>	July 13, 2022

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### ATTACHMENTS

- 1- Vicinity Map
- 2- Annexation Map
- 3- Zoning Map

### BACKGROUND & SUMMARY

The applicant, Sauer South, LLC, requests Annexation and Establishment of PUD-MU Zoning for approximately 127 acres of land in Weld County. The property is located on the southwest corner of Telep Ave and Weld County Road 46, south of The Granary subdivision.

The subject property is presently zoned Agricultural in unincorporated Weld County and is currently being used as farm land. It is partially bordered by incorporated areas of Johnstown to the north, adjacent to The Granary subdivision; and to the east, adjacent to the Frank Wind Farm with the remainder of the perimeter adjacent to unincorporated Weld County. The surrounding zoning is Weld County Agricultural and Town of Johnstown PUD-R. The property does encompass a portion of the Little Thompson River, along the southern boundary, and those associated floodplain areas.

The proposed annexation is intended to allow for mixed-use development, with proposed PUD-MU (Mixed-Use) zoning. An accompanying Outline Development Plan (ODP), submitted as part of an overall development package, shows the intent to develop a mix of commercial and higher-density residential uses along WCR 46 approximately 600-feet south where the site will consist of lower density residential. The mixed-use areas will allow commercial, retail, office, and higher density residential uses. An interim use for a solar facility is proposed to be located on the southwest 44 acres of the site with farming operations continuing on the remaining portions until future development occurs.

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## **SURROUNDING ZONING & LAND USE**

North: PUD-R – The Granary Subdivision – single family residential under development  
 South: A – Agricultural Weld County – existing ag lands  
 East: PUD-R– Residential Town of Johnstown – existing ag lands  
 West: A – Agricultural Weld County – existing ag lands

## **LAND USE HISTORY**

Historically, this property has been used for farming and continues as that use today.

## **OIL & GAS**

There are three existing plugged and abandoned wells on-site, per COGCC website. They are shown on the Site Plan (Attachment 3 – Sheet C.100); none interfere with this proposed facility.

## **IRRIGATION DITCHES**

The Hillsborough ditch runs through the northern portion of this site. The proposed facility will not impact that current ditch alignment.

## **FLOODPLAIN**

The Little Thompson River runs through this parcel, and has significant floodplain areas. Approximately 15.5 acres of the site sits within the floodway and 1% (100-yr) regulatory floodplain.

## **PUBLIC NOTICE & AGENCY REFERRALS**

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, June 23, 2022. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the proposed annexation and zoning. Full state-required annexation packets have been mailed to the county and all taxing districts in advance of the scheduled Council hearing on August 1, 2022.

## **NEIGHBORHOOD MEETING**

No neighborhood meeting was held for this annexation and zoning.

## **PROJECT DESCRIPTION & ANALYSIS**

**Annexation:** This annexation is being considered by the Town for the following reasons:

1. At least 1/6 of the area to be annexed for each individual annexation is contiguous to the Town of Johnstown boundary.
2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town is capable of providing water, sewer, and police service to the property.
4. The Town is authorized to annex the area without an election under Section 30(b) of Article II of the Colorado Constitution.

A resolution finding Substantial Conformance with C.R.S. requirements was passed by Town Council on June 20, 2022.

## **Zoning & Development Standards**

The current zoning for the property is Agricultural in Unincorporated Weld County. There are no known existing conditional uses or uses by special review that apply to the property.

The applicant requests PUD-MU – Mixed Use zoning upon annexation, which permits the applicant to develop mixed uses in accordance with the submitted Outline Development Plan (ODP). This proposed zoning is in alignment with the Johnstown Area Comprehensive Plan goals and the Future Land Use Map, showing this area for Low Density/Intensity and Greenway development.

Future development will be required to create subdivision plats and development plans, to be reviewed and approved by the Town through public hearing processes. Detailed engineering and construction plans are part of that future technical review.

Staff has no outstanding concerns related to this Annexation and Establishment of Zoning.

Associated projects that include an Outline Development Plan (ODP), Preliminary/Final Subdivision, and Use by Special Review for a solar facility are also being proposed and reviewed concurrently.

### **RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS**

Staff recommends that the Planning and Zoning Commission send a recommendation for Approval to Town Council for the Annexation and Establishment of PUD-MU Zoning based upon the following findings:

1. The area is contiguous to the Town of Johnstown along at least 1/6 of its boundaries.
2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town can adequately and efficiently provide utility and police services.
4. The property is eligible for annexation without election pursuant to the Colorado Constitution Article II, Section 30(b).
5. The annexation of this property and the proposed PUD-MU zoning are in alignment with the Johnstown Area Comprehensive Plan.
6. Planned Unit Development – Mixed Use (PUD-MU) zoning for the Suncatcher property is in substantial alignment with comprehensive plan and is most likely to result in harmonious development with adjacent neighborhoods and future development in the area.

#### **Recommended Motion: Motion to Approve, as presented**

Based on the application materials received, analysis and presentations at this hearing, and findings noted in this staff memorandum, I move that the Planning & Zoning Commission recommend Approval to the Town Council for the SunCatcher Annexation and Establishment of PUD-MU Zoning.

#### **Motion to Recommend Denial**

I move that the Commission recommend to the Town Council Denial of the Suncatcher Annexation and Establishment of Zoning.



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

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**AGENDA DATE:** August 1, 2022

**SUBJECT:** Ordinance 2022-236 Approving the P.U.D. Outline Development Plan for SunCatcher

**ACTION PROPOSED:** Hold Public Hearing and Consider Ordinance 2022-236 Approving the SunCatcher P.U.D. Outline Development Plan for SunCatcher, on First Reading

**ATTACHMENTS:**

1. Ordinance 2022-236
2. Vicinity Map
3. Outline Development Plan (ODP)
4. ODP Narrative
5. PZC Agenda Memorandum for ODP

**PRESENTED BY:** Kim Meyer, Planning & Development Director

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### AGENDA ITEM DESCRIPTION:

The Town has received an application from Sauer South, LLC, for consideration of an Outline Development Plan (ODP) encompassing approximately 125 acres of land known as the SunCatcher development. (Attachment 3) The property is located on the southwest corner of Telep Ave and Weld County Road 46. (Attachment 2) It is encompassed within the project areas of the SunCatcher Annexation and Establishment of Zoning (EOZ) that preceded this project to hearings.

The proposed SunCatcher Outline Development Plan (ODP) shows the intent to develop a mix of commercial and higher-density residential uses along WCR 46, to approximately 600-feet south, where the site will then transition to lower density residential. An interim use for a solar farm facility, proposed as a Use by Special Review, would potentially be located on the southwest 58 acres of the site with farming and ag operations continuing on the remaining portions until future development occurs. (Attachment 4) The current Little Thompson River location, and floodplains are noted on the ODP, as well. Development would intend to occur outside this area, and a river corridor trail would be included in future long term development plans for those residential areas.

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The Planning & Zoning Commission (PZC) held a public hearing on July 13, 2022, to consider the SunCatcher ODP (Case ZON22-0002). The Planning & Zoning Commission Agenda Memorandum (Attachment 5) provides background and historical use of the property. Based upon the materials submitted, analysis, and findings, the PZC approved a motion (5-0) to recommend to Town Council approval of this ODP request. The approved condition related to land uses that was identified by Staff, and included in that PZC recommendation has been addressed and satisfies Staff's concerns.

The Johnstown Review Committee reviewed this project and provided redlines and comments, which have been adequately addressed by the Applicant. Staff has no remaining outstanding concerns.

**LEGAL ADVICE:**

Ordinance was prepared by the Town Attorney

**FINANCIAL ADVICE:**

NA

**RECOMMENDED ACTION:**

Approve Ordinance 2022-236 approving the SunCatcher P.U.D. Outline Development Plan (ODP), on First Reading.

**SUGGESTED MOTIONS:**

**For Approval**

I move that the Town Council approve Ordinance 2022-236 approving the SunCatcher P.U.D. Outline Development Plan (ODP), on First Reading.

**For Denial**

I move that the Town Council deny Ordinance 2022-236.

***Reviewed and Approved for Presentation,***

  
Town Manager



**TOWN OF JOHNSTOWN, COLORADO  
ORDINANCE NO. 2022-236**

**APPROVING P.U.D. OUTLINE DEVELOPMENT PLAN FOR SUNCATCHER, SITUATED IN A PORTION OF LOT A OF RECORDED EXEMPTION NO. 1059-18-1-RE 1008, LOCATED IN NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 125.158 ACRES**

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

**WHEREAS**, Sauer South, LLC, a Colorado limited liability company, submitted an application to the Town for approval of a P.U.D. Outline Development Plan for a development known as Suncatcher, situated in a Portion of Lot A of Recorded Exemption No. 1059-18-1-RE 1008, located in Northeast Quarter of Section 18, Township 4 North, Range 67 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado, consisting of approximately 125.158 acres, being more particularly described on Exhibit A, and

**WHEREAS**, on July 13, 2022, the Planning and Zoning Commission held a public hearing and recommended approval of the P.U.D. Outline Development Plan for Suncatcher with a condition, which condition has been satisfied; and

**WHEREAS**, on August 1, 2022, the Town Council held a public hearing concerning approval of the P.U.D. Outline Development Plan for Suncatcher; and

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

**WHEREAS**, based on the foregoing, the Town Council desires to approve the P.U.D. Outline Development Plan for Suncatcher.

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

**Section 1. P.U.D. Outline Development Plan Approval.** The P.U.D. Outline Development Plan for Suncatcher (“ODP”), situated in a Portion of Lot A of Recorded Exemption No. 1059-18-1-RE 1008, located in Northeast Quarter of Section 18, Township 4 North, Range 67 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado, consisting of approximately 125.158

acres, being more particularly described on Exhibit A ("Property"), which ODP is attached hereto and incorporated herein by reference as Exhibit B, is hereby approved.

**Section 2. Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon the later of the following: (i) final passage as provided by the Charter or (ii) the effective date of the annexation of the Property. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this 1<sup>st</sup> day of August, 2022.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2022.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor



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**VICINITY MAP**  
NOT TO SCALE



# OUTLINE DEVELOPMENT PLAN

## SUNCATCHER

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18  
TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF WELD, STATE OF COLORADO

### APPROVALS

THE INTENT OF THIS OUTLINE DEVELOPMENT PLAN (ODP) IS TO PROVIDE ZONING TO THE 127+- ACRE SUNCATCHER COMMUNITY. SUNCATCHER IS ENVISIONED AS A MIXED USE DEVELOPMENT WHICH INCLUDES PLANNING AREAS DESIGNATED FOR RESIDENTIAL, RETAIL, COMMERCIAL, INDUSTRIAL, AND OFFICE USES. THIS DOCUMENT WILL GUIDE THE OVERALL CHARACTER OF SUNCATCHER TO ENSURE THE QUALITY AND COHESIVENESS DESIRED IN THIS EMERGING PART OF NORTHERN COLORADO.

AN INTERIM SOLAR FIELD WILL BE LOCATED ON THE SOUTH / WEST PORTION OF THE SITE.

### LEGAL DESCRIPTION

LOT A RECORDED EXEMPTION NO. 1059-18-1-RE 1008, EXCEPT THE EAST 30 FEET AND THE NORTH 30 FEET THEROF, THE PERIMETER OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M.:  
THENCE SOUTH 02°49'41" EAST ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 FOR 30.13 FEET TO THE SOUTH RIGHT -OF-WAY OF WELD COUNTY ROAD 46, ALSO BEING THE SOUTH LINE OF THE KETO 161 ANNEXATION, REC. NO. 3453285, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 87°38'24" EAST ON THE SOUTH RIGHT-OF-WAY OF WELD COUNTY ROAD 46, ALSO BEING THE SOUTH LINE FO THE KETO 161 ANNEXATION, REC. NO. 3453285, FOR 2595.82 FEET TO THE WEST RIGHT OF WAY OF WELD COUNTY ROAD 15, ALSO THE WEST LINE OF THE WIND FARM ANNEXATION, REC. NO. 3003119;

THENCE SOUTH 02°47'22" EAST ON THE WEST LINE OF SAID WEST RIGHT OF WAY, ALSO THE WEST LINE OF SAID WIND FARM ANNEXATION FOR 1034.91 FEET TO THE NORTH LINE OF LOT A OF AMENDED RECORDED EXEMPTION AMRE-3151, REC. NO. 3267510;

THENCE SOUTH 87°55'00" WEST ON THE NORTH LINES OF LOTS A AND B OF AMENDED RECORDED EXEMPTION AMRE 3151, REC. BI, 3267510, FOR 391.77 FEET;

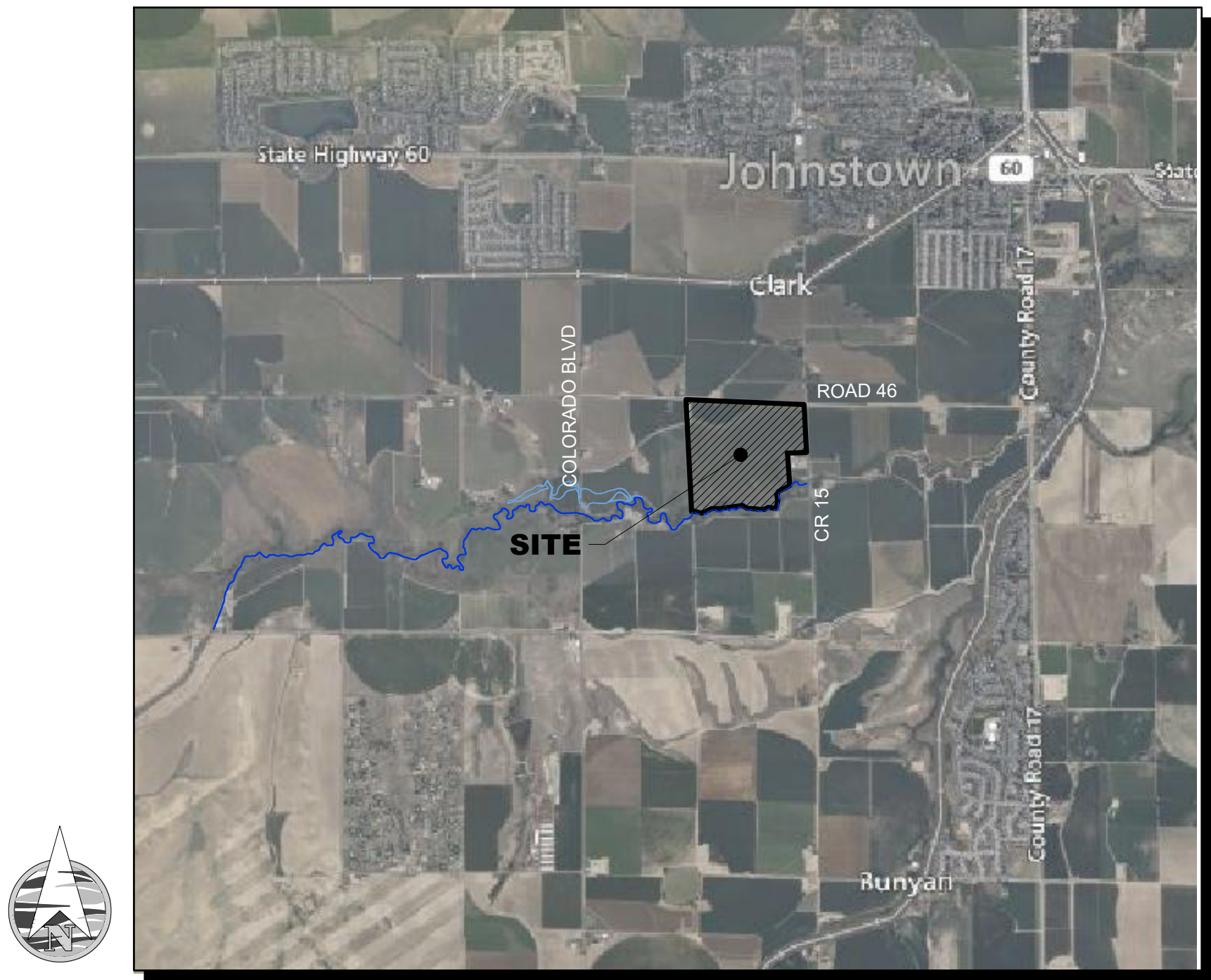
THENCE SOUTH 03°58'40"EAST ON THE EWEST LINE OF LOT B OF SAID AMENDED RECORDED EXEMPTION AMRE-3151 FOR 724.84 FEET;

THENCE ALONG THE NORTHERLY BOUNDARY OF PARCELS A AND B OF CORRECTED RECORDED EXEMPTION RE-1212, REC. NO. 2256165 FOR THE FOLLOWING 15 COURSES:

THENCE SOUTH 62°10'11" WEST FOR 279.88 FEET;  
THENCE SOUTH 29°32'23" WEST FOR 83.93 FEET;  
THENCE SOUTH 11°57'09" EAST FOR 120.96 FEET;  
THENCE SOUTH 11°47'14" WEST FOR 190.85 FEET;  
THENCE NORTH 82°23'15" WEST FOR 175.68 FEET;  
THENCE SOUTH 63°07'32" WEST FOR 94.42 FEET;  
THENCE SOUTH 88°56'37" WEST FOR 117.14 FEET;  
THENCE NORTH 78°25'44" WEST FOR 67.39 FEET;  
THENCE NORTH 87°00'45" WEST FOR 208.55 FEET;  
THENCE NORTH 55°59'33" WEST FOR 116.24 FEET;  
THENCE SOUTH 81°44'40" WEST FOR 527.88 FEET;  
THENCE NORTH 86°59'58" WEST FOR 152.87 FEET;  
THENCE SOUTH 65°01'01" WEST FOR 249.52 FEET;  
THENCE NORTH 75°43'44" WEST FOR 210.99 FEET;  
THENCE SOUTH 61°32'24" WEST FOR 30.36 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18;

THENCE NORTH 02°49'41" WEST ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 FOR 2459.06 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5,451.867 SQUARE FEET, 125.158 ACRES MORE OR LESS.



VICINITY MAP  
1"=3000'

### SHEET INDEX

- 1 COVER
- 2 LAND USE PLAN, DEVELOPMENT STANDARDS & LAND USE MATRIX
- 3 CONCEPT SITE PLAN

### APPROVALS

TOWN COUNCIL

THIS OUTLINE DEVELOPMENT PLAN, TO BE KNOWN AS SUNCATCHER DEVELOPMENT ODP, IS APPROVED AND ACCEPTED BY THE TOWN OF JOHNSTOWN, BY ORDINANCE NUMBER \_\_\_\_\_, PASSED AND ADOPTED ON FINAL READING AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
MAYOR TOWN CLERK

### GENERAL NOTES

- COMMERCIAL, OFFICE OR MULTI-FAMILY DEVELOPMENTS CAN OCCUPY THE SAME LOT, MIXED HORIZONTALLY OR VERTICALLY.
- PROPERTY WITHIN THIS ODP MAY REMAIN IN AGRICULTURAL USE UNTIL SUCH TIME AS DEVELOPMENT OF THAT AREA BEGINS.
- LANDSCAPING, SIGNAGE, ARCHITECTURE, NON-RESIDENTIAL PARKING, FENCING AND LIGHTING FOR DEVELOPMENT WITH THIS ODP SHALL EITHER FOLLOW THOSE APPLICABLE STANDARDS IN THE TOWN OF JOHNSTOWN MUNICIPAL CODE OR THE DEVELOPER MAY FORMULATE DESIGN STANDARDS REGULATING THE DESIGN, CHARACTER, LOCATION AND OTHER DETAILS OF THESE ELEMENTS PRIOR TO THEIR IMPLEMENTATION. THE DEVELOPER-FORMULATED DESIGN STANDARDS MUST RECEIVE TOWN APPROVAL PRIOR TO IMPLEMENTATION.
- WHERE A PROPOSED USE IS NOT LISTED IN THE ODP, IT MAY BE ALLOWED IF DETERMINED IN WRITING BY PLANNING AND DEVELOPMENT DIRECTOR TO BE SIMILAR IN CHARACTER AND OPERATION, AND HAVING THE SAME OR LESSER IMPACT, AS USES THAT ARE ALLOWED.
- ALL DRAINAGE ELEMENTS ARE CONCEPTUAL IN NATURE AND FINAL DETERMINATIONS OF THE DRAINAGE SYSTEM, TO INCLUDE THE PLACEMENT OF DETENTION/RETENTION PONDS, CHANNELS, AND STORM SEWER, WILL BE MADE IN ACCORDANCE WITH THE APPLICABLE FINAL DRAINAGE REPORTS AND PLANS.

### DEVELOPMENT PHASING

PHASING WILL OCCUR IN A LOGICAL AND COST EFFECTIVE MANNER BASED ON INFRASTRUCTURE EXTENSION, AVAILABILITY OF UTILITY SERVICE, AND MARKET CONDITIONS. THE PROJECT WILL BE BUILT IN MULTIPLE PHASES, AS CONDITIONS DICTATE.

### RELATIONSHIP TO TOWN CODE & DEVELOPMENT STANDARDS

THE PROVISIONS OF THIS ODP SHALL PREVAIL AND GOVERN DEVELOPMENT TO THE EXTENT PERMITTED BY THE TOWN OF JOHNSTOWN MUNICIPAL CODE. WHERE STANDARDS, DETAILS, AND GUIDELINES OF THE ODP - OUTLINE, PRELIMINARY, OR FINAL DEVELOPMENT PLANS - DO NOT CLEARLY ADDRESS A SPECIFIC SUBJECT OR ARE SILENT, THE JOHNSTOWN MUNICIPAL AND OTHER STANDARDS, REGULATIONS, AND GUIDELINES SHALL BE USED. ALL PROPOSED DEVELOPMENT IS SUBJECT TO TOWN OF JOHNSTOWN REVIEW PROCEDURES.

### PLANNER / ENGINEER

TERRA FORMA SOLUTIONS  
TODD JOHNSON  
TODD@TERRAFORMAS.COM  
303.257.7653

### OWNER

SAUER WHITEHALL LLC  
6681 COUNTY ROAD 50  
JOHNSTOWN, CO 80534

SAUER PHANTOM 5 LLC  
6681 COUNTY ROAD 50  
JOHNSTOWN, CO 80534

COVER

# SUNCATCHER

SHEET  
1 OF 3

DATE: JULY 18, 2022



# OUTLINE DEVELOPMENT PLAN

## SUNCATCHER

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18  
TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF WELD, STATE OF COLORADO

### A. INTRODUCTION

THE PURPOSE OF THIS SECTION IS TO ESTABLISH GENERAL PROVISIONS AND CLARIFY STANDARDS AND REQUIREMENTS FOR DEVELOPMENT WITHIN THE SUNCATCHER PROJECT. DUE TO THE SIZE OF LAND AREA, INTERIM SOLAR USES AND THE CORRESPONDING LONG TERM BUILD OUT THAT IS ANTICIPATED, RESIDENTIAL AND MIXED USES WITH A RANGE OF DENSITIES AND/OR SQUARE FOOTAGES HAVE BEEN PROPOSED FOR THE PARCELS. MIXED USES ALLOW FOR TRANSITION FROM RESIDENTIAL OF THE SOUTH TO A MIX OF POTENTIAL USES ALONG WCR 46. THESE RANGES OF USES AND DENSITY WILL ALLOW A VARIETY OF COMMERCIAL, OFFICE, AND RESIDENTIAL HOUSING PRODUCTS. IN ADDITION TO PROMOTING LAND USE AND DENSITY FLEXIBILITY, RANGES WILL ACCOMMODATE HOUSING PRODUCT, LAND PLANNING, MARKET AND POTENTIAL TECHNOLOGICAL CHANGES INTO THE FUTURE. REFER TO THE PLANNING AREA SUMMARY FOR SPECIFIC DENSITIES AND SQUARE FOOTAGES.

### B. DENSITY RANGES

RESIDENTIAL DENSITY RANGES ARE SPECIFIED WITHIN EACH ZONE AS LABELED ON THE LAND USE PLAN (REFER TO THE PLANNING AREA SUMMARY WITHIN THIS DOCUMENT FOR DENSITY RANGES). THE FINAL AVERAGE DENSITY OF A DEVELOPMENT PARCEL MAY BE WITHIN 10% OF THE SPECIFIED DENSITY RANGE INDICATED FOR THAT PLANNING AREA. THE FINAL AVERAGE DENSITY OF A PLANNING AREA SHALL BE BASED ON ALL RESIDENTIAL UNITS APPROVED THROUGH THE FINAL PLAT PROCESS WITHIN THE PLANNING AREA, WHETHER APPROVED AS A SINGLE PLAT OR AS MULTIPLE PLATS.

### C. MAXIMUM RESIDENTIAL UNITS PER AREA

TRANSFER(S) OF RESIDENTIAL UNITS FROM PLANNING AREA TO PLANNING AREA (TRANSFER OF UNITS MAY NOT EXCEED 30% OF THE RECIPIENT PLANNING AREA MAX UNITS PER AREA) MAY BE PERMITTED BY THE DEVELOPER WITH APPROVAL BY THE PLANNING AND DEVELOPMENT DIRECTOR. UNIT TRANSFERS SHALL BE TRACKED BY THE DEVELOPER AND PROVIDED TO THE PLANNING AND DEVELOPMENT DIRECTOR WITH EACH SUCH TRANSFER AT THE FINAL PLAT STAGE OF THE SUBDIVISION PROCESS. HOWEVER, AT NO TIME SHALL THE TOTAL RESIDENTIAL UNITS WITHIN THIS PUD EXCEED 500 WITHOUT AN AMENDMENT TO THE ODP, APPROVED BY TOWN COUNCIL.

### D. RESIDENTIAL UNITS TRANSFERS

ONCE A PLANNING AREA HAS BEEN FULLY PLATTED THROUGH THE FINAL PLAT PROCESS, ANY REMAINING RESIDENTIAL DENSITY/UNITS DESIGNATED ON THE PUD ZONE DOCUMENT WITHIN SAID PLANNING AREA SHALL REMAIN AVAILABLE FOR TRANSFER TO OTHER REMAINING RECIPIENT PLANNING AREAS.

### E. PLANNING AREA BOUNDARIES

PLANNING AREA ACREAGES AND BOUNDARIES ARE CONCEPTUAL AND SUBJECT TO CHANGE WITH DETAILED PLANNING. PLANNING AREA ACREAGES MAY CHANGE UP TO 30% WITH APPROVAL BY THE PLANNING AND DEVELOPMENT DIRECTOR. SUCH CHANGES WILL RESULT IN CORRESPONDING CHANGES TO THE MAXIMUM SQUARE FOOTAGE/AREA OR MAXIMUM UNITS/AREA SHOWN IN THE PLANNING AREA SUMMARY.

### F. MAXIMUM COMMERCIAL SQUARE FOOTAGE PER AREA

TRANSFER(S) OF COMMERCIAL SQUARE FOOTAGE FROM MIXED USE PLANNING AREA TO PLANNING AREA (TRANSFER OF SQUARE FOOTAGE MAY NOT EXCEED 30% OF THE RECIPIENT PLANNING AREA MAXIMUM SQUARE FEET PER AREA) MAY BE PERMITTED WITH APPROVAL BY THE PLANNING AND DEVELOPMENT DIRECTOR. SQUARE FOOTAGE TRANSFERS SHALL BE TRACKED BY THE DEVELOPER AND PROVIDED TO THE PLANNING AND DEVELOPMENT DIRECTOR WITH EACH SUCH TRANSFER AT THE FINAL PLAT STAGE OF THE SUBDIVISION PROCESS. HOWEVER, AT NO TIME SHALL THE OVERALL PUD COMMERCIAL SQUARE FOOTAGE EXCEED 55,000 SQUARE FEET WITHOUT AN AMENDMENT TO THE ODP, APPROVED BY TOWN COUNCIL.

### SOLAR USE AREA (PA-B)

- A. THE SOLAR USE AREA (PA-B) SHOWN ON THIS ODP IS AN INTERIM USE (20-40 YEARS, OR AS EXTENED BY PRIVATE AGREEMENT) AND SHALL OBTAIN A SEPARATE SPECIAL/CONDITIONAL USE APPROVAL FROM THE TOWN OF JOHNSTOWN. THE SPECIAL/CONDITIONAL USE APPLICATION SHALL SHOW ALL DETAIL RELATED TO THE THIS INTERIM USE, SUCH AS BUT NOT LIMITED TO LAYOUT, ACCESS, LANDSCAPING STANDARDS.
- B. MINIMUM STANDARDS
- 20-FOOT SETBACK OF SOLAR EQUIPMENT FROM PROPERTY LINE.
  - 8-FOOT DECORATIVE WILDLIFE FENCE AROUND PERIMETER OF SOLAR FIELD.
  - LOW-GRADE NATIVE SEED MIX WITHIN THE SOLAR FIELD AREA.
- C. THE UNDERLYING SOLAR AREA USE SHALL BE RESIDENTIAL AS OUTLINED ON THIS ODP AND BE IN EFFECT FOR ANY AREAS NOT DEVELOPED OR IN THE FUTURE AS ONCE REMOVED.

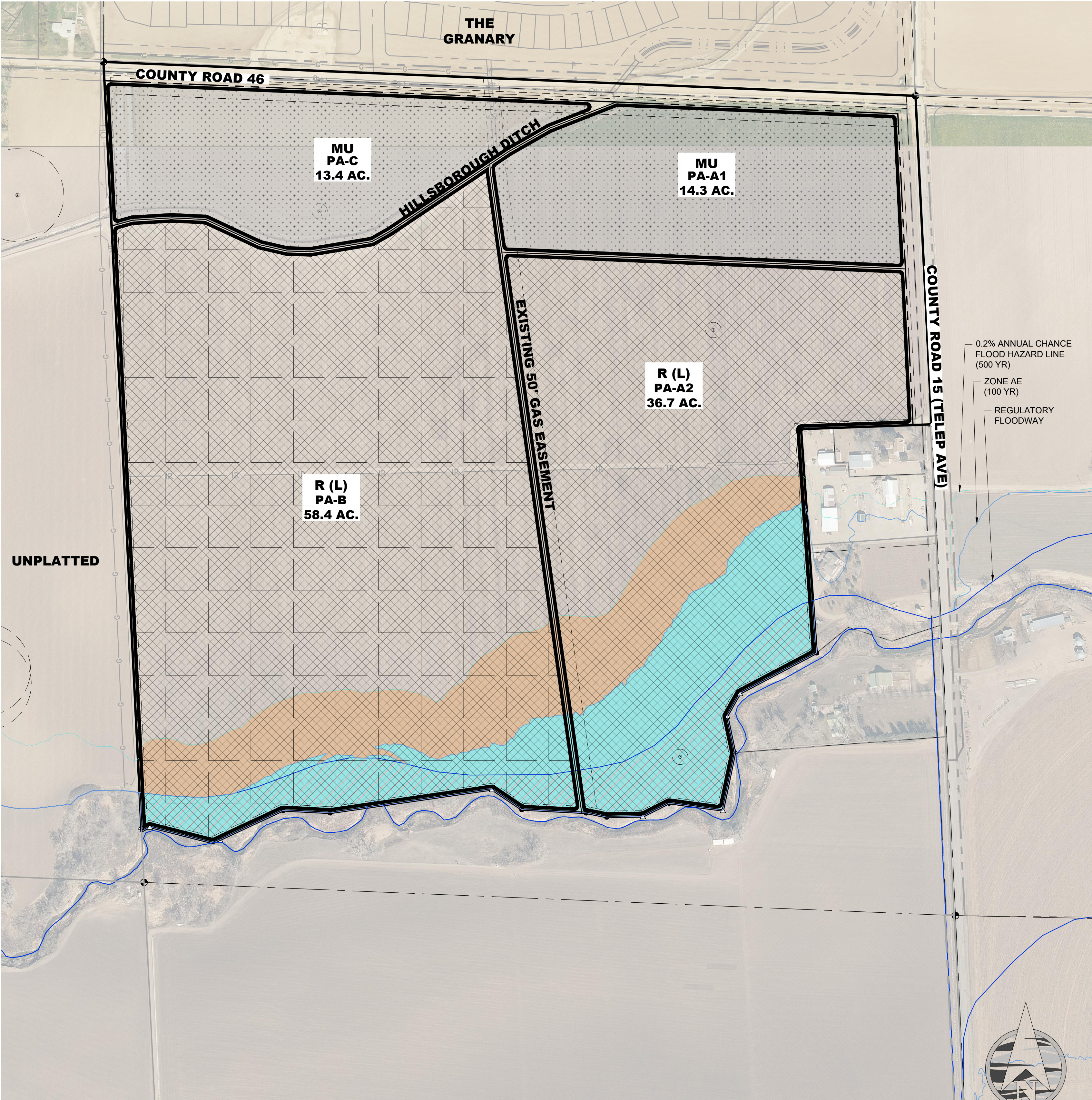
### DESIGN GUIDELINES

DESIGN GUIDELINES SHALL BE ESTABLISHED AT THE TIME OF FINAL DEVELOPMENT PLAN/FINAL PLAT FOR EACH AREA.

PLANNING AREA	LAND USE	AREA	RESIDENTIAL				COMMERCIAL/OFFICE		
			AREA	MAX. DU/AC	MAX UNITS		AREA	MAX FAR	MAX SF
PA-A1	MIXED USE	14,250	9,975	12	119		4,275	0.15	27,933
PA-A2	RESIDENTIAL - L	36,677	36,677	2.5	91		0.000	0.00	-
PA-B	RESIDENTIAL - L	58,366	58,366	2.5	145		0.000	0.00	-
PA-C	MIXED USE	13,374	9,362	12	112		4,012	0.15	26,216
TOTAL		122,668	114,381	N/A	467		8,287	N/A	54,149

DENSITY TRANSFER TRACKING CHART				
PLANNING AREA	APPROVED DENSITY PRIOR TO TRANSFER		APPROVED DENSITY AFTER TRANSFER	
	ACRES	RESIDENTIAL UNITS	DENSITY TRANSFER	RESIDENTIAL UNITS
TOTAL				

LAND USE CLASSIFICATION					
P=Permitted, C=Conditional/Special Review, - Not Permitted					
AGRICULTURAL USES	A1	A2	B	C	
Agriculture or Ranch Use	P	P	P	P	
Accessory Structures	P	P	P	P	
Animals / Livestock	C	C	C	C	
Horticulture and Nurseries	C	C	C	C	
Markets	P				
COMMERCIAL USES	A1	A2	B	C	
Animal Services	C			C	
Building Materials & Services (Retail)	C			C	
Eating and Drinking Establishments	P			P	
Office	P			P	
Personal Services	P			P	
Recreation / Amusement Facilities	P			P	
Retail	P			P	
Vehicle / Equipment Sales & Services (Same Day Vehide Shop and or Car Wash)	P			P	
PUBLIC, INSTITUTIONAL & CIVIC USES	A1	A2	B	C	
Clubs & Lodges	P			P	
Events / Conference Centers	P			P	
Day Care Facilities, Adult or Child	P			P	
Fire	P			P	
Hospitals	P			P	
Religious Institutions	P	P	P	P	
Educational Facilities	P			P	
Utilities	C	C	C	C	
Senior Housing	P	P	P	P	
RESIDENTIAL USES	A1	A2	B	C	
Single Family Detached	P	P	P	P	
Single Family Attached	P	P	P	P	
Multi-Family	P			P	



**LEGEND**

MIXED USE

RESIDENTIAL (LOW)

INTERIM SOLAR

P

PRINCIPAL PERMITTED USE

-

NOT PERMITTED

C

CONDITIONAL USE

LAND USE

MU

MIXED USE

LITTLE THOMPSON RIVER FLOODWAY AND HAZARD AREA DELINEATION ARE DERIVED FROM REVISED PRELIMINARY FEMA FIRM MAP NUMBER 08123C1683F. LATEST DATE 3/23/2022.

0.2% ANNUAL CHANCE FLOOD HAZARD AREA - 500YR

ZONE AE FLOODPLAIN - 100 YR

REGULATORY FLOODWAY

**MIXED USE (MU):** PREDOMINANTLY A NEIGHBORHOOD COMMERCIAL / OFFICE / RESIDENTIAL FOCUS. THIS ZONE PRIMARILY ALLOWS FOR COMMERCIAL AND OFFICE USES ALONG WITH MEDIUM TO LOW DENSITY RESIDENTIAL. APPROPRIATE BUFFERS BETWEEN THESE PRIMARY USES WILL BE PROVIDED.

**OPEN SPACE (OS):** THE INTENT IS TO PROVIDE FOR PASSIVE AND ACTIVE RECREATIONAL AND VISUAL AMENITIES FOR THE BENEFIT OF THE COMMUNITY.

### DEFINITIONS:

- OPEN AREA - A PRIVATELY OR PUBLICLY OWNED AND MAINTAINED LAND AREA OR BODY OF WATER OR BOTH WITHIN A DEVELOPMENT UPON WHICH THERE ARE NO STRUCTURES, PARKING AREAS, OR DRIVEWAYS. OPEN AREA MAY BE A LANDSCAPED AREA, PLAZA, RECREATIONAL AREA, SIDEWALKS, OR SUCH OTHER AREAS. LANDSCAPE AND WALKS LOCATED IN RIGHT-OF-WAY CAN NOT BE COUNTED TOWARDS OPEN AREA REQUIREMENT.
- USABLE OPEN AREA - A PARCEL OF LAND OWNED AND MAINTAINED BY A TOWN, METRO DISTRICT, OR HOME OWNERS' ASSOCIATION WHICH MEETS THE CRITERIA OF OPEN AREA AND IS PROGRAMMED AS AN ACTIVE OR PASSIVE AREA IN WHICH RESIDENTS CAN UTILIZE THE SPACE FOR, BUT IS NOT LIMITED TO, SEATING, SPORTS, PARKS, TRAILS, OR GARDENS.
- A LIVE/WORK UNIT IS DEFINED AS A SINGLE UNIT CONSISTING OF EITHER A COMMERCIAL/OFFICE AND A RESIDENTIAL (PRIMARY DWELLING) COMPONENT THAT IS OCCUPIED OR RENTED BY THE SAME RESIDENT.

LAND USE PLAN, DEVELOPMENT STANDARDS & LAND MATRIX

## SUNCATCHER



SHEET  
2 OF 3

DATE: JULY 18, 2022



# OUTLINE DEVELOPMENT PLAN

## SUNCATCHER

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18  
TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF WELD, STATE OF COLORADO

### OPEN AREA

- A. FOR THE PURPOSES OF THIS PUD, "OPEN SPACE OR LANDSCAPE AREA" IS REFERRED TO AS "OPEN AREA."
- B. OPEN AREA PROVIDED PER THE REQUIREMENTS OF THIS PUD WILL MEET ALL LANDSCAPE AREA, OPEN SPACE AREA, OR SIMILAR AREAS REQUIRED PER THE JOHNSTOWN CODE REQUIREMENTS.
- C. SINGLE FAMILY DETACHED OR ATTACHED RESIDENTIAL DEVELOPMENT WILL REQUIRE A MINIMUM 30% OPEN AREA.
- D. MULTI-FAMILY RESIDENTIAL DEVELOPMENT WILL REQUIRE A MINIMUM OF 30% OPEN AREA.
- E. COMMERCIAL AND OFFICE WILL REQUIRE A MINIMUM 15% OPEN AREA.
- F. OPEN AREA REQUIREMENTS WILL BE CALCULATED ON A NET BASIS EXCLUDING PUBLIC RIGHT OF WAY.
- G. LANDSCAPE BUFFERS AND DETENTION PONDS CAN COUNT TOWARDS OPEN AREA REQUIREMENT. OPEN AREA MAY BE CUMULATIVELY GATHERED INTO LARGER PARCELS (FOR THE PURPOSES OF DEVELOPING A LARGER AND MORE FUNCTIONAL OPEN AREA) AT THE DISCRETION OF THE DEVELOPER AND WITH THE APPROVAL OF THE PLANNING AND DEVELOPER DIRECTOR. THE LOCATION(S) OF THE CUMULATIVELY GATHERED OPEN AREA SHALL BE DESIGNATED AT THE TIME OF EACH PRELIMINARY AND FINAL DEVELOPMENT PLAN THAT IS CONTRIBUTING TO THAT OPEN AREA.
- H. OPEN SPACE LOCATED WITHIN A SINGLE FAMILY DETACHED OR SINGLE FAMILY ATTACHED LOT CAN NOT BE COUNTED TOWARDS OPEN AREA REQUIREMENT.
- I. USABLE OPEN AREA CAN COUNT TOWARDS OPEN AREA REQUIREMENT.

### USABLE OPEN AREA

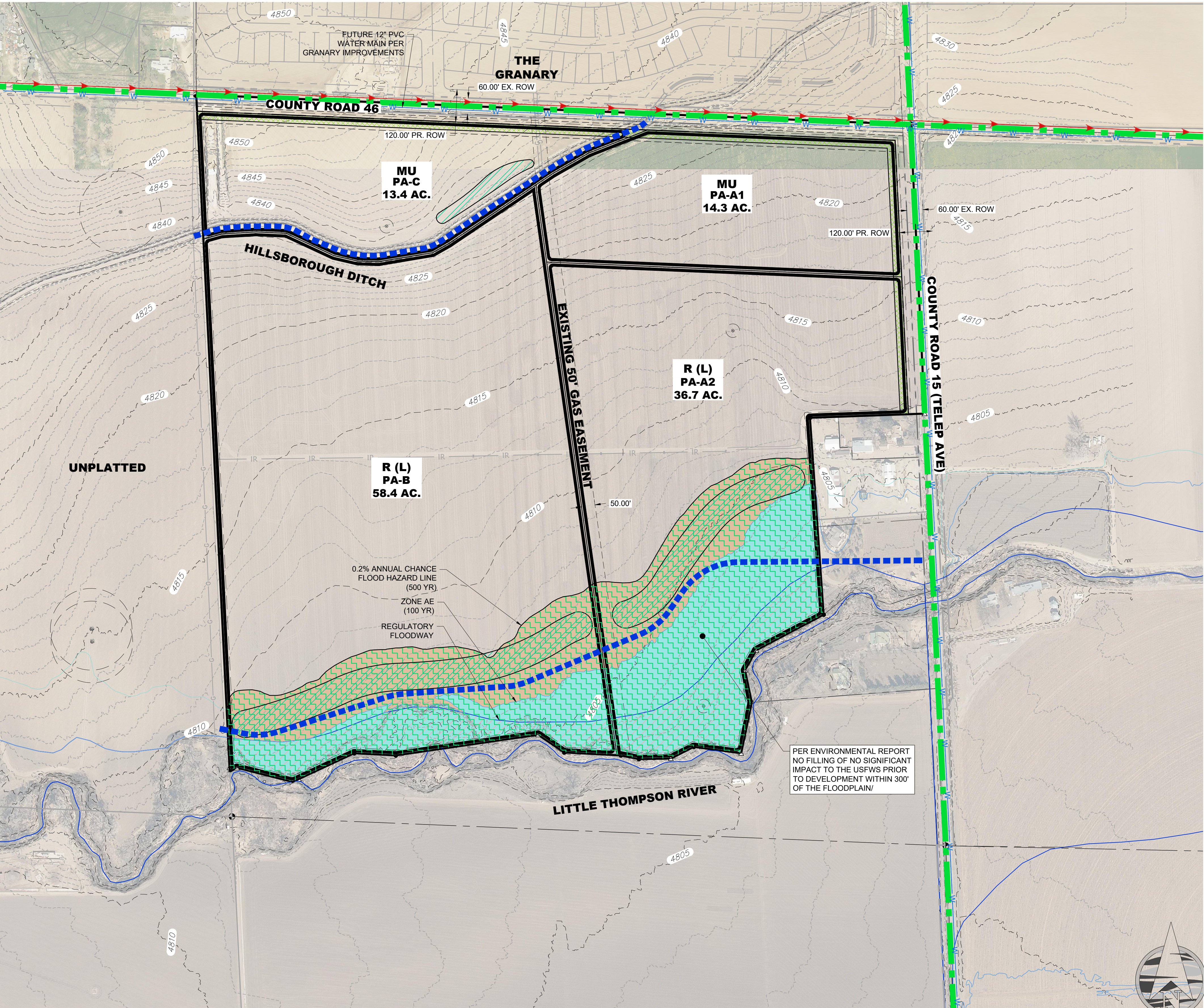
- A. SUNCATCHER REQUIRES 10% USABLE OPEN AREA FOR RESIDENTIAL AREAS. FOR PURPOSES OF THIS PUD, THE 10% USABLE OPEN AREA SHALL BE CALCULATED FROM THE TOTAL AREA OF ALL RESIDENTIAL LOTS AND ADJACENT LOCAL ROADWAYS THAT SERVE AS DIRECT ACCESS TO THE RESIDENTIAL LOTS.
- B. USABLE OPEN AREA PROVIDED PER THE REQUIREMENTS OF THIS PUD WILL MEET ALL DEDICATED OPEN SPACE REQUIREMENTS PER THE JOHNSTOWN CODE.
- C. USABLE OPEN AREA MAY BE CUMULATIVELY GATHERED INTO LARGER PARCELS (FOR THE PURPOSES OF DEVELOPING AT LARGER AND MORE FUNCTIONAL PARK OR SIMILAR USES) AT THE DISCRETION OF THE DEVELOPER AND WITH THE APPROVAL OF THE PLANNING AND DEVELOPMENT DIRECTOR. THE LOCATION(S) OF THE CUMULATIVELY GATHERED USEABLE OPEN AREA SHALL BE DESIGNATED AT THE TIME OF EACH FINAL PLAT THAT IS CONTRIBUTING TO THAT AREA.
- D. A MINIMUM OF 1 ACRE OF PARK PER 250 RESIDENTIAL UNITS IS REQUIRED.
- E. USABLE OPEN AREA MAY OWNED BY THE TOWN, METRO DISTRICT, OR HOA. OWNERSHIP TO BE DETERMINED AT THE TIME OF PRELIMINARY AND FINAL DEVELOPMENT PLANS.
- F. WHERE PRACTICAL USABLE OPEN AREA SHOULD BE CONTIGUOUS.
- G. DETENTION PONDS CAN COUNT TOWARDS USABLE OPEN AREA REQUIREMENTS AS LONG AS THEY MEET THE DEFINITION OF USABLE OPEN AREA PROVIDED IN THIS DOCUMENT. NOT MORE THAN 5% OF THE USABLE OPEN AREA REQUIREMENT CAN BE MET WITH DETENTION PONDS.

### UTILITY NOTES:

1. THE SIZE AND LOCATION OF ALL KNOWN UNDERGROUND UTILITIES ARE APPROXIMATE AND BASED OFF THE BEST AVAILABLE INFORMATION WHEN SHOWN ON THESE DRAWINGS. EXACT LOCATIONS OF EXISTING UTILITIES AND TIE-IN POINTS SHALL BE DETERMINED/CONFIRMED DURING FINAL DESIGN. BEFORE COMMENCING NEW CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UTILITIES.
2. UTILITY MAINS AND SERVICES ARE SHOWN CONCEPTUALLY AND FINAL LOCATIONS WILL BE DETERMINED DURING THE FINAL PLAT AND CONSTRUCTION DOCUMENT PROCESS THROUGH THE TOWN OF JOHNSTOWN.
3. EXISTING EASEMENTS AND UTILITIES IN CONFLICT WITH PROPOSED DESIGN SHALL BE VACATED AND REMOVED PRIOR TO CONSTRUCTION, EXCEPT THOSE DISCUSSED IN NOTE 5. EXACT LIMITS OF RELOCATIONS, IF REQUIRED, WILL BE DETERMINED DURING FINAL DESIGN.

### GRADING / FLOODPLAIN NOTES:

1. STORM DRAINAGE FACILITIE SIZING AND LOCATIONS ARE CONCEPTUAL AND WILL BE DETERMINED DURING THE FINAL DEVELOPMENT PLAN, FINAL PLAT, AND CONSTRUCTION DOCUMENT PROCESS THROUGH THE TOWN OF JOHNSTOWN.
2. THE TOPOGRAPHIC SURVEY AND BOUNDARY SHOWN ARE BASED ON THE FIELD SURVEY WORK PERFORMED IN 2021.
3. GRADING AND FINISHED GRADE CONTOURS ARE CONCEPTUAL AND GENERALLY SHOW INTENT AND APPROXIMATE FLOW PATHS. FINAL GRADING WILL BE DETERMINED DURING FINAL DESIGN.
4. FLOODPLAIN MAY BE MODIFIED DURING THE FINAL DEVELOPMENT PLAN, FINAL PLAT, AND CONSTRUCTION DOCUMENT PROCESSES THROUGH THE TOWN OF JOHNSTOWN AND FEMA.
5. FLOODPLAIN AREA MAY INCORPORATE A REGIONAL GREENWAY TRAIL AND OPEN SPACE. DETAIL SHALL BE DEFINED AT TIME OF FINAL DEVELOPMENT PLAN, FINAL PLAT, AND CONSTRUCTION DOCUMENT PROCESS.



### LEGEND

MAJOR ARTERIAL PER MASTER ROADWAY PLAN

ACCESS POINTS TO BE DEFINED AS PART OF THE FINAL DEVELOPMENT PLAN / PLAT AND CONSTRUCTION DOCUMENTS.

NEIGHBORHOOD TRAIL PER MASTER PLAN

SANITARY MAIN

FUTURE WATER MAIN

WQ / DETENTION FACILITY

30' LANDSCAPE BUFFER ALONG ARTERIALS

GREENWAY / OPEN SPACE

EXISTING MAJOR CONTOUR

EXISTING MINOR CONTOUR

PROPOSED STORM SEWER

EXISTING STORM SEWER

LITTLE THOMPSON RIVER FLOODWAY AND HAZARD AREA DELINEATION ARE DERIVED FROM REVISED PRELIMINARY FEMA FIRM MAP NUMBER 08123C1683F. LATEST DATE 3/23/2022.

0.2% ANNUAL CHANCE FLOOD HAZARD AREA - 500YR

ZONE AE FLOODPLAIN - 100 YR

REGULATORY FLOODWAY

ALL PLANNING ELEMENTS WITHIN THIS ODP ARE SUBJECT TO FURTHER DETAILED REVIEW AND UPDATED REQUIREMENTS OF THE TOWN WITH SUBSEQUENT SUBMITTALS FOR DEVELOPMENT AND CONSTRUCTION PLANS. THESE PLANS ARE INCLUDED TO ILLUSTRATE THE OVERALL CONCEPTS ONLY.

CONCEPT SITE PLAN

# SUNCATCHER

0 200' 400'  
1" = 200' (HORIZONTAL)

SHEET  
3 OF 3

DATE: JULY 18, 2022





July 18, 2022

## **RE: SunCatcher Outline Development Plan - Narrative/Information**

To whom it may concern:

The following provides an overview of the proposed SunCatcher development located at the southwest corner of Weld County Roads 46/15 and is being annexed to the Town. The Sauer family owns the property and currently farms the property along with numerous other areas within the Johnstown area.

### **Proposed Development/Uses**

The initial development is anticipated as a solar farm on the south and western portion of the site(PA-B) with farming operations continuing on the remaining portions until such time as market opportunities present themselves.

### **Transportation Network**

The project will access both WCR 46 and WCR 15 as site and Town standards dictate. The general characteristics of the future buildouts for both major roadways appear to anticipate general growth patterns and uses as outlined herein. Further detailed analysis will be provided as site specific site plans are processed. Local roadways along with private drives and alleys will provide service to individual parcels and lots within the development.

### **Outline Development Plan/PUD**

The ODP provides the required development standards, interrelations, and connections on how the project will integrate into the greater Johnstown community. The project make up consists of mixed uses along WCR 46 to approximately 600-feet south of the roadway where the site will consist of lower density residential. The mixed uses will allow commercial, retail, office and residential. The community will be branded to link the visual interests and information aspects together while providing for individual brand naming and theming of national commercial brands if needed. Natural elements like the drainageway will be embraced with trails and provide buffers to the physical built environment to further enhance the project.

We look forward to this interactive Town process to further define the project and look forward to your question and comments. Please feel free to contact me at 303-257-7653 or [todd@terraformas.com](mailto:todd@terraformas.com) with any questions or comments related to this document.

Todd A. Johnson, P.E, President  
For and on behalf of:  
**Terra Forma Solutions, Inc.**



# Town of Johnstown

## PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

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<b>DESCRIPTION:</b>	<b>SunCatcher Outline Development Plan (ODP)</b>
<b>PROJECT NO:</b>	ZON22-0002
<b>LOCATION:</b>	Southwest corner of Telep Ave (CR 15) and CR 46, approx. 127 acres
<b>APPLICANT:</b>	Sauer South, LLC
<b>STAFF:</b>	Kim Meyer, Planning & Development Director
<b>HEARING DATE:</b>	July 13, 2022

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### ATTACHMENTS

- 1- Vicinity Map
- 2- ODP Narrative
- 3- Outline Development Plan (ODP)

### BACKGROUND & SUMMARY

The applicant, Sauer South, LLC, requests consideration of an Outline Development Plan (ODP) encompassing approximately 127 acres of land in Weld County. The property is located on the southwest corner of Telep Ave and Weld County Road 46, south of The Granary subdivision. (Attachment 1) It is encompassed within the project areas of the SunCatcher Annexation and Establishment of Zoning (EOZ) that preceded this project to hearings, and the Preliminary/Final Subdivision Plat and Pivot Solar Use by Special Review (USR) that will follow.

The subject property is presently zoned Agricultural in unincorporated Weld County and is currently being used as farm land. The SunCatcher Annexation and Establishment of Zoning (EOZ) is to allow for mixed-use development, with proposed PUD-MU (Mixed-Use) zoning. (Attachment 2) The proposed SunCatcher Outline Development Plan (ODP) shows the intent to develop a mix of commercial and higher-density residential uses along WCR 46 approximately 600-feet south where the site will consist of lower density residential. The mixed-use areas will allow commercial, retail, office, and higher density residential uses. An interim use for a solar facility is proposed to be located on the southwest 44 acres of the site with farming operations continuing on the remaining portions until future development occurs.

**ZONING:** The pending zoning request is for PUD-MU (Mixed Use).

### SURROUNDING ZONING & LAND USE

North:	PUD-R – The Granary Subdivision – single family residential under development
South:	A – Agricultural Weld County – existing ag lands
East:	PUD-R– Residential Town of Johnstown – existing ag lands
West:	A – Agricultural Weld County – existing ag lands

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## **LAND USE HISTORY**

Historically, this property has been used for farming and continues as that use today.

## **OIL & GAS**

There are three existing plugged and abandoned wells on-site, per COGCC website. They are shown on the Site Plan (Attachment 3 – Sheet C.100).

## **IRRIGATION DITCHES**

The Hillsborough ditch runs through the northern portion of this site.

## **FLOODPLAIN**

The Little Thompson River runs through this parcel, and has significant floodplain areas. Approximately 15.5 acres of the current parcel sits within the floodway and 1% (100-yr) regulatory floodplain.

## **PUBLIC NOTICE & AGENCY REFERRALS**

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, June 23, 2022. This notice provided the date, time, and location of the Planning and Zoning Commission & Council hearings, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the various proposed SunCatcher projects – annexation, zoning, ODP, subdivision and USB. This ODP project was referred to all Johnstown Review Committee members and Weld County. No neighborhood meeting was held for this Outline Development Plan.

This project was referred for development review to the Johnstown Review Committee, Front Range Fire Rescue District, Weld County, Weld RE5-J School District, Little Thompson Water District and several local utility providers.

## **PROJECT DESCRIPTION & ANALYSIS**

The proposed SunCatcher Outline Development Plan (ODP) provides a broad overview of future development plans for this parcel as a mixed-use development. In the short term an “interim” use of a solar farm has been included as a Use by Special Review; with the underlying use of low density residential otherwise.

The 2021 Johnstown Area Comprehensive Plan indicated this area is intended for greenway – acknowledging the Little Thompson River floodplain that borders the south portion of this parcel; with the remaining area expected to be a lower-density residential. In light of the anticipated major arterial status of CR 46 and the nearby high school location, Staff worked with the Applicant to craft an ODP that provides for a wider range of more intense/dense uses along that frontage, and lower density (2.5 units/acre) in the southern portions of the site. The northern Planning Areas PA-A1 (10 Ac.) and PA-C (14.3 ac.) both permit commercial uses as well townhome-density housing (up to 12 units/acre). Total maximum dwelling units would be 231 in the 24.3 acres along the north, and 236 homes in the 95 acres on the south.

The Mixed-Use areas permit a range of office, retail and service commercial uses. Staff has worked with the Applicant on this use list, and has only remaining reservations about the “Vehicle / Equipment Sales & Services” – which offers too broad a category for a neighborhood-scale commercial area. A modification to permit a “Same-day vehicle shop (i.e., Oil change, Tires)” may be appropriate. “Vehicle Parking” is also permitted as an accessory to any other use – this category implies a primary use for a

commercial parking lot. Staff recommends striking or revising these two uses from the list on Sheet 3. Remaining list of uses appears appropriate.

The Concept Plan illustrates the impact of the floodplain, acknowledgement of a future trail connection along the river corridor. Town water and sanitary sewer lines will be constructed in CR 46 right of way as adjacent development occurs – future reimbursements, with development of SunCatcher may be required.

Town Staff has no significant outstanding concerns and believes this ODP will promote the Town's goals of efficient development patterns and extension of infrastructure, future trail connections, and river/floodplain protection, as development occurs.

### **RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS**

With the changes identified in this memorandum related to land uses, Staff recommends that the Planning and Zoning Commission send a recommendation for Approval to Town Council for the SunCatcher Outline Development Plan based upon the following findings:

1. The proposed project is consistent with the Johnstown Area Comprehensive Plan.
2. The proposed project is in substantial compliance with the Town's codes, regulations, and requirements.
3. The proposed project will allow a more flexible approach to the development of the large acreage while meeting the needs of the community as it develops.

### **Recommended Motion: Motion to Approve with Conditions**

Based on the application materials received, analysis and presentations at this hearing, and noted findings, I move that the Planning & Zoning Commission recommend to the Town Council Approval with the following Condition:

1. Prior to Council hearings, the Land Use Table is updated to remove/modify the two uses identified by Staff in this memo.

### **Alternate Motions:**

#### **Motion to Approve, as presented**

Based on the application materials received, analysis and presentations at this hearing, and noted findings, I move that the Planning & Zoning Commission recommend to the Town Council Approval of the SunCatcher Outline Development Plan (ODP).

#### **Motion to Recommend Denial**

Based on the application materials received and analysis and presentations at this hearing, I move that the Planning & Zoning Commission recommend to the Town Council Denial of the SunCatcher Outline Development Plan (ODP).



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

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**AGENDA DATE:** August 1, 2022

**SUBJECT:** Johnstown Housing Authority (JHA) Parking Lot

**ACTION PROPOSED:** Consider Authorizing the Reconstruction of the Johnstown Housing Authority Parking Lot

**ATTACHMENTS:** 1. JHA Bid Price

**PRESENTED BY:** Matt LeCerf, Town Manager

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### AGENDA ITEM DESCRIPTION:

At the July 6, 2022 Town Council Meeting, Town Council considered and approved the Pavement Maintenance Program (PMP) for 2022. This included a \$3million appropriation to fully complete Weld County Road (WCR) 17 from Charlotte Street to WCR 40. Also included during that agenda item, was consideration to pave the Johnstown Housing Authority parking lot at a quoted cost of \$112,500. A copy of the bid price is enclosed. During July 6, this project was not approved fully, but as an alternative pending a decision by JHA and if they would be able to encumber these costs prior to the end of the fiscal year. The PMP project awarded to Connell, will begin sometime in the mid to later part of August. The timeline for the project is roughly 2 – 3 weeks. While the item in July focused more on providing a loan to JHA, a second part of the discussion did contemplate if the Council wanted to absorb this cost and pay for the project on their own to support the JHA. At the time during the discussion in July, the Town Council wanted to wait to see what JHA was going to do.

While Staff certainly respects the decision of the Town Council to wait, we felt it might be meaningful to verify this current position one last time, because as mentioned, we anticipate the PMP project moving rapidly and being completed fairly soon. Town Council can continue to take the current position of waiting, or they may want to consider utilizing the funds for the benefit of the JHA and not charging the Authority anything for the pavement of the parking lot for the betterment of its residents.

### LEGAL ADVICE:

Not Applicable.

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**FINANCIAL ADVICE:**

This will cost the Town approximately \$112,500 subject to any change orders.

**RECOMMENDED ACTION:** Support the JHA and contribute funds to support paving the parking lot at no cost to the Authority.

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**SUGGESTED MOTIONS:**

**For Approval:** I move we authorize the paving of the parking lot at the Johnstown Housing Authority with no direct cost associated to the Housing Authority.

**For Denial:** I move we deny authorization of the parking lot and continue to operate in a holding position until the Authority makes a decision.

*Reviewed and Approved for Presentation,*



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Town Manager

**Connell Resources, Inc.**  
**7785 Highland Meadows Pkwy, #100**  
**Fort Collins, CO 80528**  
**Phone: (970) 223-3151**  
**Fax: (970) 223-3191**



Item #8.

Estimator: Bill Anderson

## BUDGET FOR COST

Date: 6/29/2022

<b>Submitted To:</b>	Town Of Johnstown	<b>Budget Title:</b>	Town Of Johnstown Housing Authority Asphalt Pavement Replacement
<b>Address:</b>	450 S Parish Ave Johnstown, CO 80534	<b>Budget Number:</b>	
<b>Contact:</b>	Troy White	<b>Project Location:</b>	202 N Greeley Ave
<b>Phone:</b>	970-587-4664	<b>Project City, State:</b>	Johnstown, CO
<b>Fax:</b>	970-587-0141	<b>Engineer/Architect:</b>	

We have prepared for your information the following items for budget evaluation purposes for the referenced project. This budget includes conceptual quantities, resource costs, scope-of-work and schedules and therefore may not completely represent all items of work or cost ultimately necessary for completion of the project. This budget was prepared using reasonable skill and judgment, but is not an offer to perform the Work described.

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
<b><u>A. General Conditions</u></b>					
10.001	Mobilization / Site Management	1.00	LS	\$7,010.00	\$7,010.00
29.101	Pothole Existing Utilities	4.00	EACH	\$258.00	\$1,032.00
<b>Total Price for above A. General Conditions Items:</b>					<b>\$8,042.00</b>
<b><u>B. Removals</u></b>					
22.100	Asphalt Removal Milling 4"	2,470.00	SY	\$8.40	\$20,748.00
<b>Total Price for above B. Removals Items:</b>					<b>\$20,748.00</b>
<b><u>D. Earthwork</u></b>					
23.100	Subgrade Preparation (+/- 0.1 Ft)	2,470.00	SY	\$2.30	\$5,681.00
<b>Total Price for above D. Earthwork Items:</b>					<b>\$5,681.00</b>
<b><u>K. Asphalt Paving</u></b>					
47.011	Asphalt Paving Parking Lot Light Duty 4" Asphalt / Soil Sterilant	2,470.00	SY	\$31.20	\$77,064.00
47.103	Pavement Marking Allowance	1.00	LS	\$1,110.00	\$1,110.00
<b>Total Price for above K. Asphalt Paving Items:</b>					<b>\$78,174.00</b>
<b>Total Bid Price:</b>					<b>\$112,645.00</b>

JONES MEMORIAL LIBRARY CASH FLOW REPORT - JUNE 2022			Y-T-D	2022 BUDGET		Notes
BEGINNING CHECKING BALANCE		\$ 360,735.23	\$ -	\$ 20,000.00	To Date	
INFLOWS	Donations/Grants	\$ -	\$ -	\$ 3,500.00		
	Interest	\$ 17.00	\$ 13,462.11	\$ 5,000.00		
	Misc Income	\$ 268.39	\$ 403.71	\$ 7,500.00		
	<i>Investments</i>	\$ -	\$ 100,000.00	\$ -		
	Town of Johnstown	\$ 94,816.12	\$ 829,229.51	\$ 1,140,000.00		
	High Plains Library District	\$ 71,937.85	\$ 432,457.12	\$ 488,959.00		
	Transfer from Reserve Account	\$ -	\$ -	\$ -		
INFLOWS TOTAL		\$ 167,039.36	\$ 1,375,552.45	\$ -		
TOTAL AVAILABLE FUNDS		\$ 527,774.59		\$ 1,664,959.00		
OUTFLOWS	Advertising	\$ 2,017.00	\$ 9,934.00	\$ 22,000.00		
	Audio/DVD -28	\$ 803.47	\$ 4,017.19	\$ 15,000.00	121	
	Books - 311	\$ 5,159.88	\$ 15,490.60	\$ 50,000.00	1067	
	Collection Fees/Bad Debts	\$ -	\$ -	\$ 2,000.00		
	Computer Expenses	\$ -	\$ 256.73	\$ 5,000.00		
	Equipment & Furniture	\$ 1,068.79	\$ 17,009.79	\$ 60,000.00		Maker Space
	Gifts Given	\$ 53.35	\$ 373.90	\$ 2,500.00		
	Insurance, Bldg. Contents	\$ -	\$ -	\$ 5,000.00		
	<i>Investments</i>	\$ -	\$ 650,000.00	\$ 192,959.00		
	Legal Fees/Consulting Fees	\$ -	\$ -	\$ 10,000.00		
	Maintenance	\$ 4,199.97	\$ 21,820.95	\$ 60,000.00		
	Memberships/Licenses	\$ -	\$ -	\$ 2,500.00		
	Milliken Location	\$ 61.79	\$ 333.19	\$ 20,000.00		
	Outreach	\$ 118.32	\$ 118.32	\$ 10,000.00		
	Professional Enrichment	\$ -	\$ 781.89	\$ 5,000.00		
	Programming	\$ 3,122.57	\$ 13,904.10	\$ 100,000.00		
	Salaries/Compensation	\$ -	\$ 90,728.11	\$ 500,000.00		
	Health Ins./retirement	\$ -	\$ -	\$ 18,000.00		
	Staff Bonuses/Perks	\$ -	\$ 1,750.10	\$ 12,000.00		
	Workers' Comp	\$ -	\$ 86.49	\$ 3,000.00		
	Subscriptions, Periodicals	\$ 332.97	\$ 533.63	\$ 5,000.00		
	Supplies, Janitorial	\$ 101.71	\$ 298.37	\$ 3,000.00		
	Supplies/Expenses, Library	\$ 448.06	\$ 2,367.04	\$ 12,000.00		
	Telephone	\$ 358.15	\$ 1,982.68	\$ 10,000.00		
	Utilities	\$ 2,222.53	\$ 15,600.64	\$ 40,000.00		
	Capital Improvement	\$ -	\$ 80,682.90	\$ 500,000.00		
OUTFLOWS TOTAL		\$ 20,068.56	\$ 928,070.62	\$ 1,664,959.00		
ENDING CHECKING BALANCE		\$ 507,706.03				

Item #9.

						Notes	Item #9.
BEGINNING PETTY CASH BALANCE		\$ 907.84					
	Programming	\$ -					
ENDING PETTY CASH BALANCE		\$ 907.84					
	<b>COLORADO TRUST INVESTMENT</b>		Y-T-D				
BEGINNING BALANCE		\$ 5,740,738.43					
	Dividend - 1.1707%	\$ 5,526.26	\$ 13,408.16				
	Contribution	\$ -					
	Withdrawal	\$ -					
ENDING BALANCE		\$ 5,746,264.69					

Date 5/17/22

Trustees Attending:

☒ C. Strickland

☒ D. Sauer

☒ C. Young

☒ J. Hall

☐ S. Ballard

☒ Kristi

April minutes approved, no additions or corrections

Financial Report:                      Begin Balance    \$92,988.90

PC Begin Balance \$1207.84

PC End balance \$1007.84

Inflow            \$218,512.81

Outflow    \$237,238.78

Transfers        \$0

End balance    \$74,262.93

CO Trust end balance    \$5,836,814.38

Director Report:

Artist in residence Ruth Nelson who shares her family memories.

HPLD received a grant and shared \$5000 in grant money to all member libraries. We bought 12 STEM kits, Wonderbooks, and Robots for the teen area. STEM kits and Wonderbooks were checked out right away. We will receive another \$5000, assigned as Covid Recovery.

New passes were added, including Wings Over the Rockies/Exploration of Flight Museums, Dinosaur Ridge, and Loveland Museum. Wings Over the Rockies and Exploration of Flight Museums are in Lowry and Centennial, 4 people per day to each museum, \$500 for the year. Dinosaur Ridge is four people per day at \$500/year. Loveland Museum is two adults and unlimited children at \$75/year.

Summer Reading Program sign up begins May 23. Activities are divided into Kids, Tweens, Teens, and Adults. Lots of fun and prizes.

Construction update: Cabinets will be installed in the MakerSpace Friday the 20th. One more circuit will be added and a window will be installed. A new color for floor color and epoxy application will be selected (Maui). In the east entrance, concrete has been cut and removed to relocate power and data. Brick was removed and a steel column was recommended. Fransen Pittman will install the new door on Monday, May 23rd. Cammie from Environmental Landscape brought a Conceptual Design drawing. Ideas include trees, shrubs, Xeriscape, xylophone, chimes, rocks for seating, and amphitheater.

April statistics:

Johnstown door count: 6671

Johnstown circulation: 7421

Milliken door count: 423

Milliken circulation: 431

Meeting adjourned at 8:30 pm. Next meeting June 21, 2022





# Town of Johnstown

## Building Permit Statistics

May 2022

### Single Family Residential

Issued ytd 177

### Commercial

\*New Building Issued ytd 22

### Other Residential

(basements/alterations/additions)

Issued ytd 86

### Other Commercial

\* (tenant finish/alterations/additions)

Issued ytd 12

### Fees collected at permit issuance

### Residential YTD

### Commercial YTD

Construction Valuation	(\$52,291,809)	(\$128,016,448)
Building permit fees	\$442,759	\$674,173
F&F or <u>F&amp;F Credit</u>	\$0	\$0
Paving	\$0	\$0
Water Upgrade	\$0	\$0
Water & Sewer Reimbursement	\$0	\$0
Raw Water Development Fee	\$922,041	\$362,681
Water Meter	\$87,615	\$13,386
Water Tap	\$853,354	\$324,916
Sewer Tap	\$786,891	\$90,338
Regional Sewer Development fees	\$1,111,500	\$275,500
Sewer Inspection Fee	\$17,700	\$800
Park	\$88,500	\$2,500
Use Tax	\$882,779	\$1,070,893
Larimer Use Tax	\$44,891	\$224,728
Open Space Impact Fee	\$214,438	\$0
Library Impact Fee	\$198,864	\$0
Public Facilities Impact Fee	\$285,141	\$444,357
Police Facilities Impact Fee	\$130,103	\$197,492
Transportation Facilities Impact Fee	\$498,277	\$826,345
402 Interchange Fee	\$5,660	\$0
School District Fee	(\$102,564)	N/A

**TOTAL FEES (YTD)**
**\$6,570,513**
**\$5,090,406**

## The Community That Cares

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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

## Building permits issued for individual dwelling units - 1991 to (date)

Single family, duplex, 4-plex					
Year	Issued	Month avg		Year	Issued Month avg
*1961 - 90	165	0.0		2016	132 11.00
1991	2	0.17		2017	140 11.67
1992	5	0.42		2018	126 10.50
1993	7	0.75		2019	87 7.25
1994	47	3.92		2020	108 9.75
1995	106	8.83		2021	184 15.33
1996	145	12.00		2022	177 35.40
1997	143	11.92			
1998	175	14..58			
1999	145	12.08		TOTAL	5467
2000	134	11.92			
2001	152	12.67			
2002	262	21.92			
2003	284	24.17			
2004	331	27.67			
2005	375	31.33			
2006	180	15.75			
2007	160	133.42			
2008	97	8.00			
2009	89	7.42			
2010	124	10.33			
2011	184	15.34			
2012	310	25.84			
2013	378	31.50			
2014	272	22.67			
2015	162	13.50			

The Community That Cares

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

# WINTERS, HUGHES & LAUE, LLC

Item #9.

## ATTORNEYS AT LAW

William W. Hughes

whughes@wh-h.com

5587 W. 19<sup>th</sup> Street, Suite 101

Greeley, Colorado 80634

Phone: (970) 352-7800 ext. 225

Fax: (970) 352-6547

Jerry D. Winters

Bradley D. Laue

William W. Hughes, II

July 19, 2022

Diana Seele

Town of Johnstown Municipal Court

[dseele@townofjohnstown.com](mailto:dseele@townofjohnstown.com)


Dear Diana:

As we discussed yesterday, commencing in January 2023, I need to raise the hourly rate our firm charges to the Town of Johnstown to \$250.00 per hour, as our law office expenses have increased significantly over the past four years.

I have been the Prosecuting Attorney for the Town of Johnstown since 1987, and I have always kept our firm's fees as low as possible. Please let me know if the town board approves my request.

I congratulate you on your long career and your retirement, and I know you will be quite busy with your family and grandchildren. I always appreciated your professionalism as an administrator, and I enjoyed working with you and your staff since 1987.

Very truly yours,



William W. Hughes

WWH:sp

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**Big Thompson & Platte River Ditch Company**

P.O. Box 181  
Milliken, CO 80543

Date: July 27, 2022

RE: Letter of Agreement to use Bypass Structure

To Whom It May Concern:

This letter is an agreement between the Big Thompson & Platte River Ditch Company and the Town of Johnstown for the use of the ditch company's bypass structure. The use of the bypass structure is subject to the availability and capacity of the structure. The Board of Directors of the Big Thompson & Platte River Ditch Company has set an annual assessment of Five Hundred Dollars (\$500.00) yearly fee. Payment of the annual assessment is due in advance of intended use. The annual assessment will cover the first 33.33333 acre feet of water with a running charge of Fifteen Dollars (\$15.00) per acre foot of water for all remaining water. Payment is due on or before December 31 of each year. The use of the bypass structure may be denied if it is determined by the Board of Directors of the Big Thompson & Platte River Ditch Company that the conditions are not safe to use the bypass structure at the time of requested use.

Use of the bypass structure will be coordinated with the Division 4 Water Commissioner.

By signing this agreement, the user agrees to and accepts the terms and conditions of the Big Thompson & Platte River Ditch Company for the use of the bypass structure.

Town of Johnstown

Entity to use Bypass Structure

  
\_\_\_\_\_  
Signature

Big Thompson & Platte River Ditch Company

\_\_\_\_\_  
Gene Kammerzell, President