



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO

Wednesday, January 19, 2022 at 7:00 PM

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

AGENDA

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

AGENDA APPROVAL

PUBLIC COMMENT

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

CONSENT AGENDA

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

- [1.](#) Minutes - January 3, 2022
- [2.](#) December 2021 Financial Statements
- [3.](#) List of Bills - January 2022
- [4.](#) Second Reading - Ordinance Amending Subsection 16-302(d) Concerning Planned Unit Development Mixed Use Districts
- [5.](#) Second Reading - Ordinance No. 2022-221 Amending Article XII of Chapter 17 of the Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224 Transportation Facilities Development Fee, Section 17-225 Parks and Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library and Cultural Facilities Development Fee, and Section 17-228, Police Facilities Development Fee
- [6.](#) Second Reading Ordinance 2022-222 - An Ordinance Adding Article XV to Chapter 17 of the Johnstown Municipal Code to Establish a Special Fee to be Paid by the Owners of Property within Close Proximity to the Reconstructed Interchange at the Intersection of Interstate 25 and State Highway 402
- [7.](#) Resolution 2022-03 - Authorizing The Town Manager To Execute All Documents To Effectuate The Sale Of The Real Property, Located At Lot 2 Of Replat Of Block 2, Town Of Johnstown, County Of Weld, State Of Colorado, Known By Street Address As 16 North Parish Avenue, To Grows, LLC

TOWN MANAGER REPORT

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

TOWN ATTORNEY REPORT

PUBLIC HEARING

NEW BUSINESS

- [9.](#) Authorization to Develop an MOU with Allo Communications for Regional Broadband
- [10.](#) Johnstown Reservoir Dam Repair Project - Change Order #3
- [11.](#) Resolution 2022-02 - Amending the Town of Johnstown Fee Schedule
- [12.](#) Request for Acceptance of the Dedication of 2.5 Shares Capital Stock in the Consolidated Hillsborough Ditch Company in Exchange for Water Credits in the Platte Land and Water, LLC Water Bank held by the Town of Johnstown

COUNCIL REPORTS AND COMMENTS

MAYOR'S COMMENTS

EXECUTIVE SESSION

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

INFORMATIONAL ITEMS

- [14.](#)

ADJOURN

AMERICANS WITH DISABILITIES ACT NOTICE

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

The Community That Cares

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Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO

Monday, January 03, 2022 at 7:00 PM

MINUTES

CALL TO ORDER

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

ROLL CALL

PRESENT

Mayor Gary Lebsack
 Councilmember Damien Berg
 Councilmember Troy Mellon
 Councilmember Jesse Molinar
 Councilmember Bill Stevens
 Councilmember Amy Tallent
 Councilmember Chad Young

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

AGENDA APPROVAL

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

SPECIAL PRESENTATIONS

Business of the Month - Clean EatZ was honored as Business of the Month for January.

CONSENT AGENDA

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

- Minutes - December 13, 2021
- Second Reading - Ordinance 2021-218 An Ordinance Submitting to the Registered Electors of the Town of Johnstown at the General Municipal Election to be held on April 5, 2022, a Charter Amendment to Require that the Proponents of Initiative and Referendum Petitions be Represented by Three Registered Electors of the Town of Johnstown
- Second Reading Ordinance 2021-219 - An Ordinance Approving the Loan Agreement Between the Town of Johnstown and the Housing Authority of the Town of Johnstown
- Resolution 2022-01 Designating the Public Place for Posting Notices Pursuant to C.R.S. Section 24-6-402(2)(c)

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January 3, 2022

PUBLIC HEARING

1. Consider Transfer of Ownership for Veteran Brothers Brewing Company- Mayor Lebsack opened the Public Hearing at 7:09 and heard from staff. This is a request to Transfer Ownership for the liquor license from Veteran Brothers Brewing to Wing Shack Enterprises, Inc. Having public comment, the hearing closed at 7:12 p.m. Motion made by Councilmember Berg, seconded by Councilmember Stevens to approve the application for the Transfer of Ownership for the Brew Pub License from Veteran Brothers Brewing Company to Wing Shack Enterprises, Inc. Motion carried with a unanimous vote.
2. First Reading of Ordinance 2022-220 Amending Subsection 16-302(d) Concerning Planned Unit Development Mixed Use Districts - Mayor Lebsack opened the Public Hearing at 7:14 p.m. and heard from staff. This ordinance would update the PUD-MU - Planned Unit Development Mixed Use Zoning District in the municipal code to permit single family homes as a permitted use within this zone. Having no public comment, the hearing closed at 7:15 p.m. Motion made by Councilmember Young, seconded by Councilmember Molinar to approve Ordinance 2022-220 Amending Subsection 16-302(d) Concerning Planned Unit Development Mixed Use Districts. Motion carried with a unanimous vote.
3. First Reading of Ordinance 2022-221 Amending Article XII Of Chapter 17 Of The Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224, Transportation Facilities Development Fee, Section 17-225, Parks And Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library And Cultural Facilities Development Fee, And Section 17-228, Police Facilities Development Fee - Mayor Lebsack opened the public hearing at 7:16 p.m. and heard from staff. Ordinance 2022-221 amends the current impact fees collected from residential and non-residential development for transportation, public facility, parks & recreation, police, and library & cultural impacts. Having no public comment, the hearing closed at 7:20 p.m. Motion made by Councilmember Mellon, seconded by Councilmember Young to approve Ordinance 2022-221 Amending Article XII of Chapter 17 of the Johnstown Municipal Code Concerning Impact Fees, upon first reading. Motion carried with a unanimous vote.
4. First Reading of Ordinance 2022-222 An Ordinance Adding Article XV to Chapter 17 of the Johnstown Municipal Code to Establish a Special Fee to Be Paid by The Owners of Property Within Close Proximity to The Reconstructed Interchange at The Intersection of Interstate 25 And State Highway 402 – This ordinance allows the Town to impose a special fee upon the owners of properties in close proximity to the interchange because such properties will benefit from the reconstruction of the interchange and the development of these properties will generate additional vehicular traffic at the interchange. Having no public comment, the hearing closed at 7:26 p.m. Motion made by Councilmember Berg, seconded by Councilmember Mellon to approve Ordinance 2022-222 An Ordinance Adding Article XV to Chapter 17 of the Johnstown Municipal Code to Establish a Special Fee to be paid by the owners of property within close proximity to the reconstructed interchange at Interchange 25 and State Highway 402 upon first reading. Motion carried with a unanimous vote.

NEW BUSINESS

1. Development and Reimbursement Agreement, Ledge Rock Center Commercial, Johnstown, Colorado (containing a form of Escrow Agreement as Exhibit E) This agreement sets forth the terms and conditions relating to the development, design and maintenance of the project. In order to move the

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January 3, 2022

process forward the Developer and the District have requested the Town Council consider the Agreement at this preliminary stage in order that they have a better understanding of their rights and obligations moving forward. Motion made by Councilmember Mellon, seconded by Councilmember Molinar to approve the Development and Reimbursement Agreement, Ledge Rock Center Commercial, Johnstown, Colorado, and authorize the mayor to execute the agreement. Motion carried with a unanimous vote.

EXECUTIVE SESSION

An Executive Session to discuss the purchase of real property pursuant to C.R.S. Section 24-6-402(4)(a) for the Water Treatment Plant.

Motion made by Councilmember Mellon, seconded by Councilmember Young to convene into Executive Session to discuss the purchase of real property pursuant to C.R.S. Section 24-6-402(4)(a) for the Water Treatment Plant at 7:49 p.m. Motion carried with a unanimous vote.

The mayor reconvened the regular meeting at 8:17 p.m. and stated the only item discussed was what was stated in the motion.

ADJOURN

The meeting adjourned at 8:20 p.m.

Mayor

Town Clerk

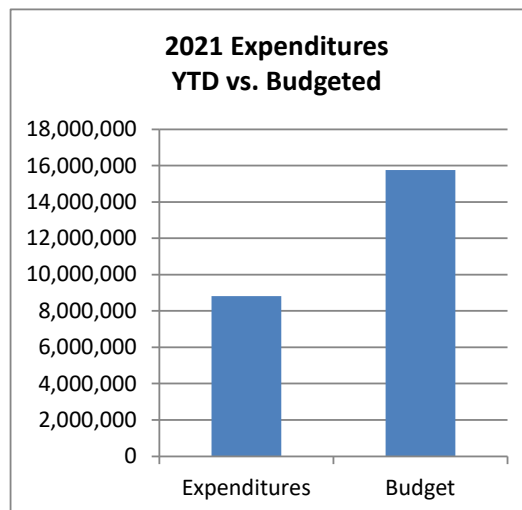
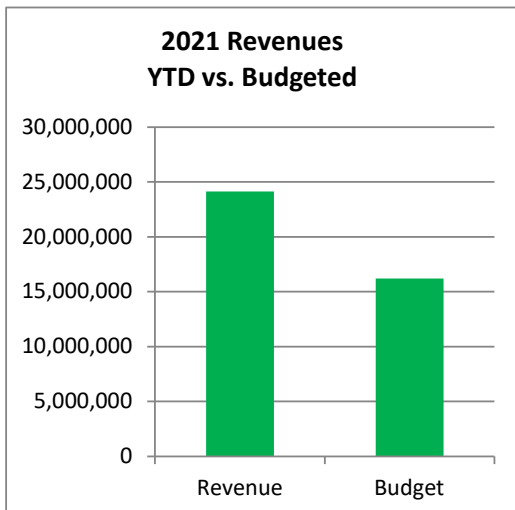
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - General Fund
Period Ending December 31, 2021
Unaudited

Item #2.

General Fund	2021 Actuals December	2021 Adopted Budget	% Complete
Beginning Fund Balance	53,447,470	53,447,470	
Revenues:			
Taxes & Fees	20,798,319	14,917,027	139.4%
Licenses & Permits	1,947,239	899,350	216.5%
Fines & Forfeitures	271,401	122,000	222.5%
Intergovernmental	117,479	40,000	293.7%
Earnings on Investment	94,154	112,000	84.1%
Miscellaneous Revenue	919,806	121,500	757.0%
Transfers In	-	-	
Total Operating Revenues	24,148,398	16,211,877	149.0%
Expenditures:			
Legislative	1,656,262	1,675,200	98.9%
Town Manager	634,386	968,280	65.5%
Town Clerk	334,617	413,885	80.8%
Finance	148,815	265,230	56.1%
Planning	895,801	641,740	139.6%
Building Inspections	223,278	259,350	86.1%
Police	2,978,525	3,765,193	79.1%
Public Works	181,634	214,375	84.7%
Buildings	240,066	312,300	76.9%
Transfers Out	1,520,140	7,242,457	21.0%
Total Expenditures	8,813,523	15,758,010	55.9%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	15,334,874	453,867	
Prior Period Adjustment			
Ending Fund Balance*	68,782,344	53,901,337	

* - Unaudited

100% of the fiscal year has elapsed



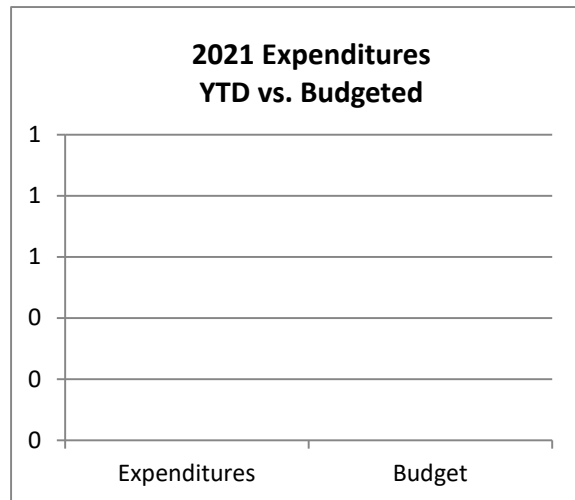
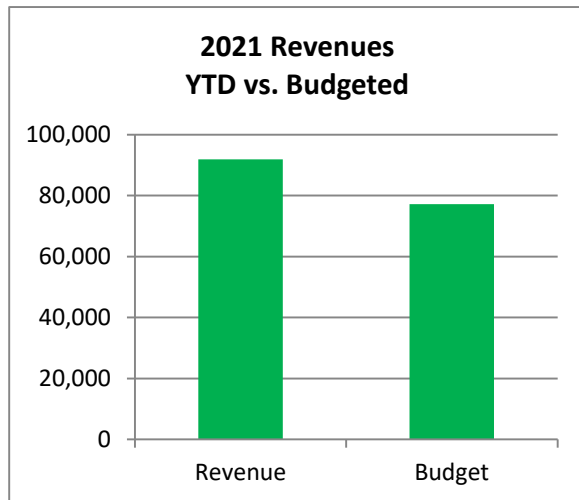
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Conservation Trust Fund
Period Ending December 31, 2021
Unaudited

Item #2.

	2021 Actuals December	2021 Adopted Budget	% Complete
Conservation Trust Fund			
Beginning Fund Balance	8,159	8,159	
<u>Revenues:</u>			
Intergovernmental	91,832	77,100	119.1%
Earnings on Investment	60	100	59.9%
Total Operating Revenues	91,892	77,200	119.0%
<u>Expenditures:</u>			
Operations	-	-	
Capital Outlay	-	-	
Total Expenditures	-	-	
Excess (Deficiency) of Revenues and Other Sources over Expenditures	91,892	77,200	
Ending Fund Balance*	100,051	85,359	

* - Unaudited

100% of the fiscal year has elapsed



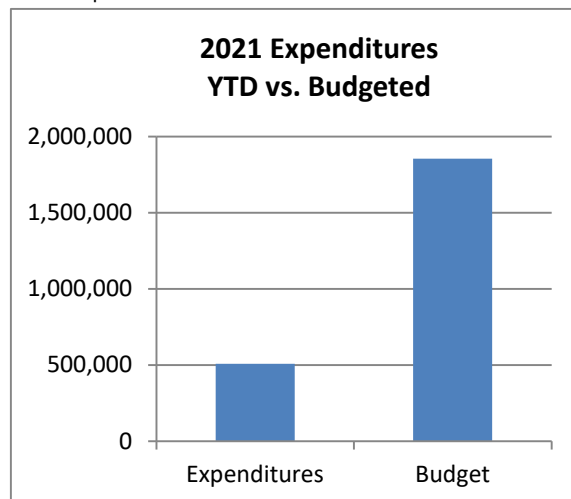
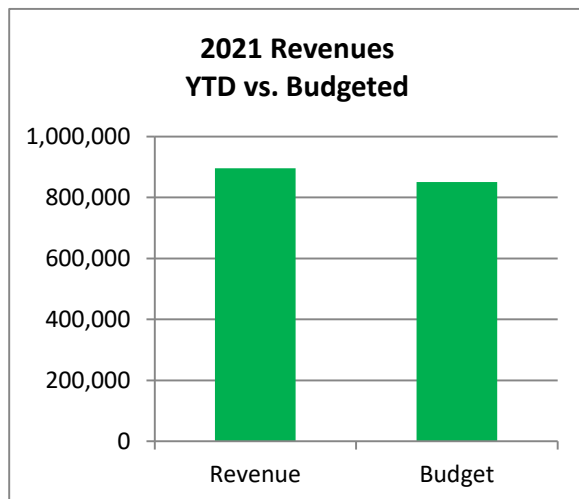
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Parks and Open Space Fund
Period Ending December 31, 2021
Unaudited

Item #2.

	2021 Actuals December	2021 Adopted Budget	% Complete
Parks and Open Space Fund			
Beginning Fund Balance	7,286,213	7,286,213	
<u>Revenues:</u>			
Taxes & Fees	757,205	401,910	188.4%
Miscellaneous Revenue	76,266	207,000	36.8%
Transfers In	60,000	220,000	27.3%
Total Operating Revenues	895,741	850,910	105.3%
<u>Expenditures:</u>			
Operations	372,414	614,410	60.6%
Capital Outlay	137,339	1,240,000	11.1%
Transfers Out	-	-	
Total Expenditures	509,753	1,854,410	27.5%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	385,988	(1,003,500)	
Ending Fund Balance*	7,672,201	6,282,713	

* - Unaudited

100% of the fiscal year has elapsed



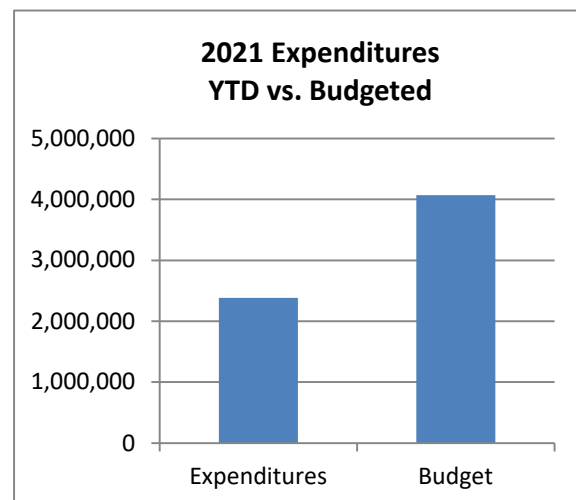
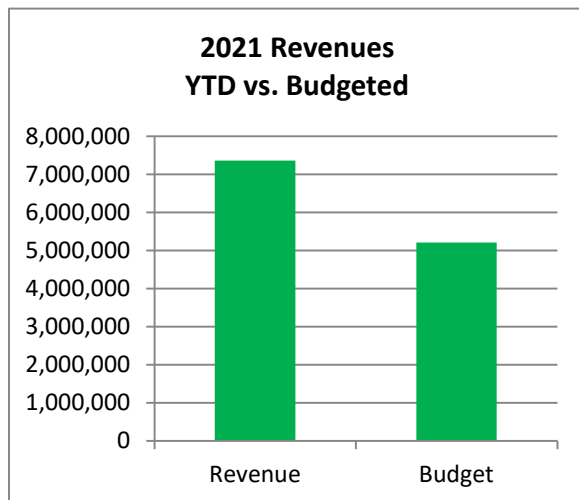
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Street and Alley Fund
Period Ending December 31, 2021
Unaudited

Item #2.

Street and Alley Fund	2021 Actuals December	2021 Adopted Budget	% Complete
Beginning Fund Balance	9,867,537	9,867,537	
<u>Revenues:</u>			
Taxes & Fees	5,026,399	2,838,400	177.1%
Intergovernmental	224,644	1,207,666	18.6%
Charges for Services	697,015	715,477	97.4%
Capital Investment Fees	1,377,719	420,550	327.6%
Earnings on Investment	3,367	28,000	12.0%
Miscellaneous Revenues	28,747	-	0.0%
Total Operating Revenues	7,357,890	5,210,093	141.2%
<u>Expenditures:</u>			
Operations & Maintenance	2,136,844	3,049,400	70.1%
Capital	244,874	1,019,000	24.0%
Total Expenditures	2,381,718	4,068,400	58.5%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	4,976,172	1,141,693	
Ending Fund Balance*	14,843,709	11,009,230	

* - Unaudited

100% of the fiscal year has elapsed



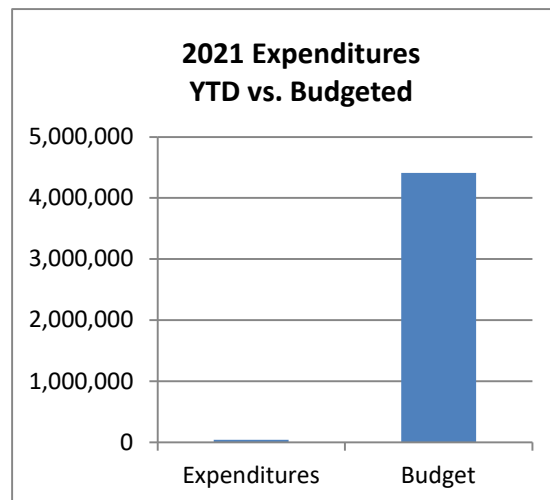
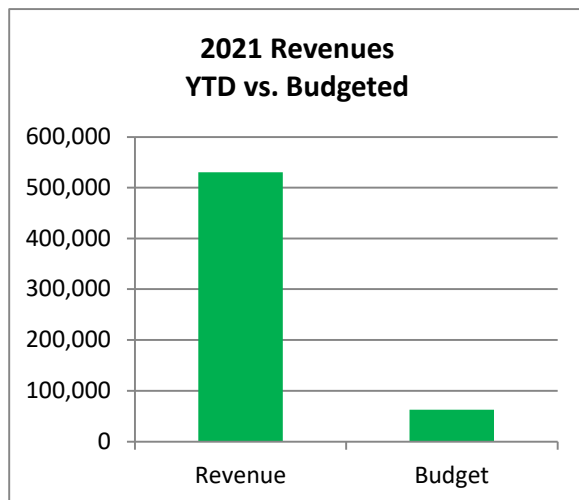
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Capital Projects Fund
Period Ending December 31, 2021
Unaudited

Item #2.

	2021 Actuals December	2021 Adopted Budget	% Complete
Capital Projects Fund			
Beginning Fund Balance	13,928,958	13,928,958	
<u>Revenues:</u>			
Taxes and Fees	525,610	111,940	469.5%
Miscellaneous Revenue	-	-	
Interest	4,485	36,000	12.5%
Transfers In	-	(85,100)	
Total Operating Revenues	530,094	62,840	843.6%
<u>Expenditures:</u>			
Capital Outlay	45,446	4,410,200	0.0%
Transfers Out	-	-	0.0%
Total Expenditures	45,446	4,410,200	1.0%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	484,648	(4,347,360)	
Ending Fund Balance*	14,413,606	9,581,598	

* - Unaudited

100% of the fiscal year has elapsed



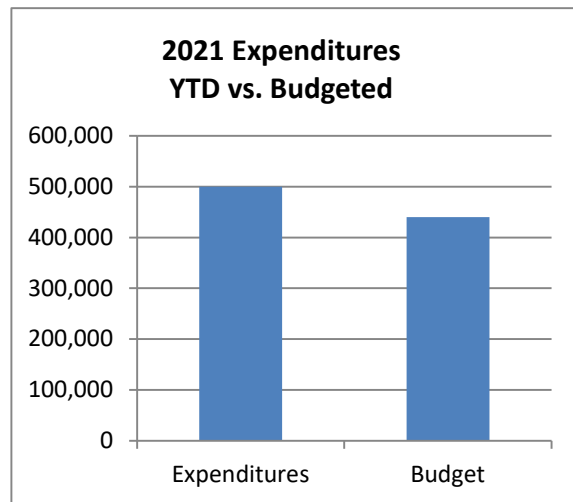
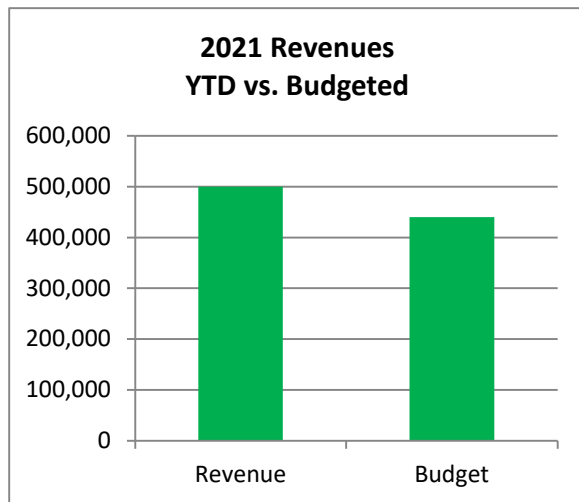
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Tax Allocation Fund
Period Ending December 31, 2021
Unaudited

Item #2.

Tax Allocation Fund	2021 Actuals December	2021 Adopted Budget	% Complete
Beginning Fund Balance	95,951	95,951	
<u>Revenues:</u>			
Taxes & Fees	500,134	439,900	113.7%
Earnings on Investment	-	100	0.0%
Total Operating Revenues	500,134	440,000	113.7%
<u>Expenditures:</u>			
Miscellaneous	500,134	440,000	113.7%
Total Expenditures	500,134	440,000	113.7%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	-	-	
Ending Fund Balance*	95,951	95,951	

* - Unaudited

100% of the fiscal year has elapsed



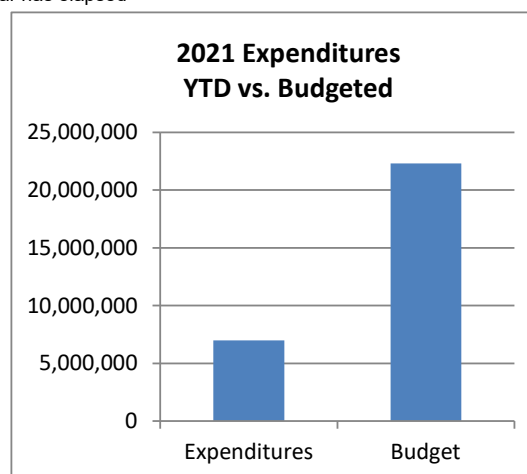
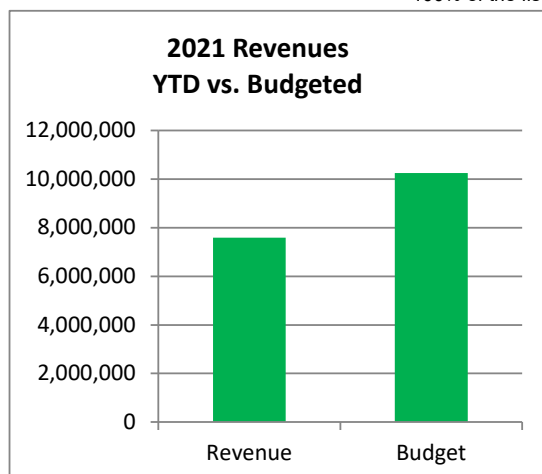
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Water Fund
Period Ending December 31, 2021
Unaudited

Item #2.

Water Fund	2021 Actuals December	2021 Adopted Budget	% Complete
Beginning Cash Balance	21,003,127	21,003,127	
<u>Revenues:</u>			
Charges for Services	4,281,954	2,902,500	147.5%
Total Operating Revenues	4,281,954	2,902,500	147.5%
<u>Expenses:</u>			
Administration	205,053	685,300	29.9%
Operations	2,249,275	1,979,973	113.6%
Capital Outlay	4,179,315	19,235,000	21.7%
Depreciation	356,431	410,000	86.9%
Transfers Out	-	-	
Total Operating Expenses	6,990,075	22,310,273	31.3%
Operating Income (Loss)	(2,708,121)	(19,407,773)	
<u>Non-Operating Revenues (Expenses)</u>			
Tap Fees	1,601,574	965,550	165.9%
Capital Investment Fees	1,371,918	816,294	168.1%
Misc. Revenues	324,467	5,466,500	5.9%
Interest Expense	6,642	95,000	7.0%
Total Non-Operating Revenues (Expenses)	3,304,601	7,343,344	45.0%
Excess (Deficiency) of Revenues and Other Sources over Expenses	596,480	(12,064,429)	
Ending Cash Balance*	21,599,607	8,938,698	

* - Unaudited

100% of the fiscal year has elapsed



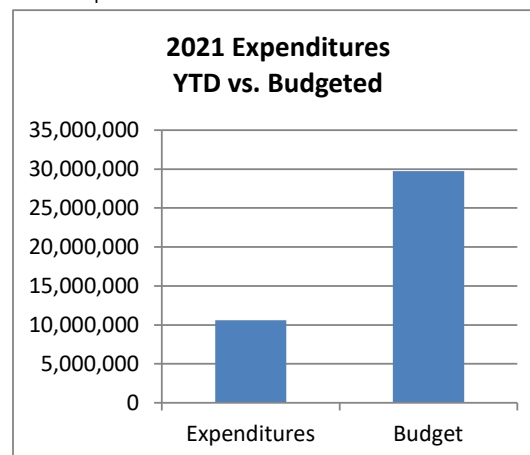
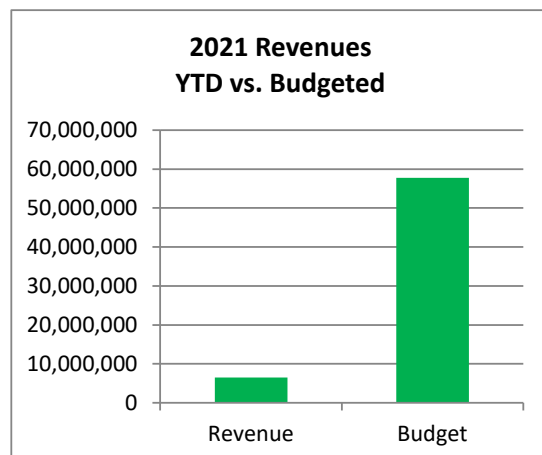
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Sewer Fund
Period Ending December 31, 2021
Unaudited

Item #2.

Sewer Fund	2021 Actuals December	2021 Adopted Budget	% Complete
Beginning Cash Balance	9,416,795	9,416,795	
<u>Revenues:</u>			
Charges for Services	2,390,717	2,123,500	112.6%
Total Operating Revenues	2,390,717	2,123,500	112.6%
<u>Expenses:</u>			
Administration	192,659	307,200	62.7%
Operations	1,490,360	1,814,153	82.2%
Capital Outlay	7,651,732	25,386,600	30.1%
Depreciation	225,460	235,000	95.9%
Debt Service	1,035,915	1,998,069	51.8%
Total Operating Expenses	10,596,127	29,741,022	35.6%
Operating Income (Loss)	(8,205,410)	(27,617,522)	
<u>Non-Operating Revenues (Expenses)</u>			
Capital Improvement Fees	2,180,750	1,192,000	182.9%
Misc. Revenues	1,939,991	2,000	96999.5%
Interest Expense	9,703	7,200	134.8%
Debt Proceeds	-	54,450,000	0.0%
Total Non-Operating Revenues (Expenses)	4,130,444	55,651,200	7.4%
Excess (Deficiency) of Revenues and Other Sources over Expenses	(4,074,966)	28,033,678	
Ending Cash Balance*	5,341,829	37,450,473	

* - Unaudited

100% of the fiscal year has elapsed



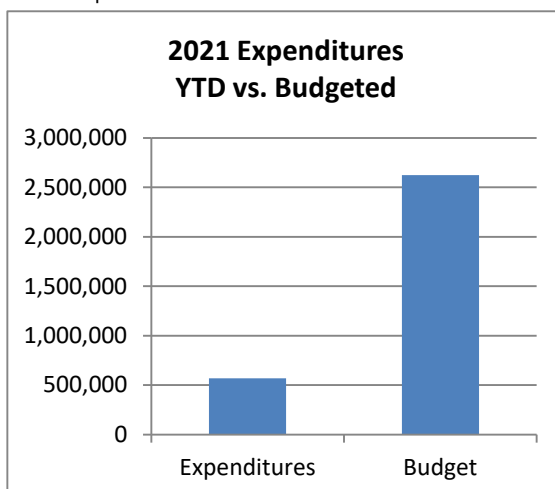
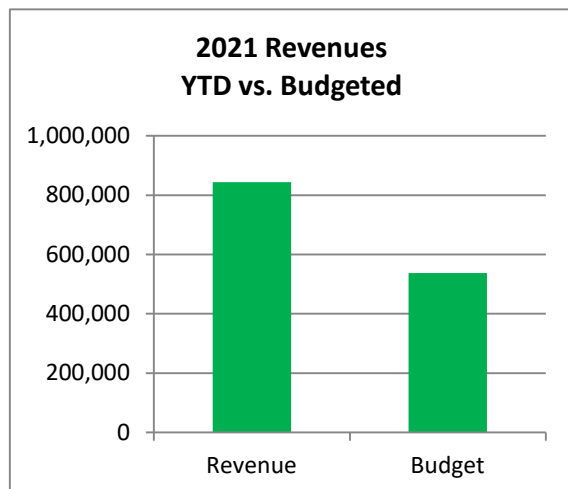
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Drainage Fund
Period Ending December 31, 2021
Unaudited

Item #2.

Drainage Fund	2021 Actuals December	2021 Adopted Budget	% Complete
Beginning Cash Balance	3,459,518	3,459,518	
<u>Revenues:</u>			
Charges for Services	422,057	457,200	92.3%
Total Operating Revenues	422,057	457,200	92.3%
<u>Expenses:</u>			
Administration	130,031	144,250	90.1%
Operations	124,155	309,930	40.1%
Capital Improvements	316,468	2,168,750	14.6%
Transfer Out	-	-	
Total Operating Expenses	570,654	2,622,930	21.8%
Operating Income (Loss)	(148,597)	(2,165,730)	
<u>Non-Operating Revenues (Expenses)</u>			
Capital Revenues	420,490	75,000	560.7%
Misc. Revenues	-	-	
Interest Expense	972	5,400	18.0%
Total Non-Operating Revenues (Expenses)	421,463	80,400	524.2%
Excess (Deficiency) of Revenues and Other Sources over Expenses	272,866	(2,085,330)	
Ending Cash Balance*	3,732,384	1,374,188	

* - Unaudited

100% of the fiscal year has elapsed



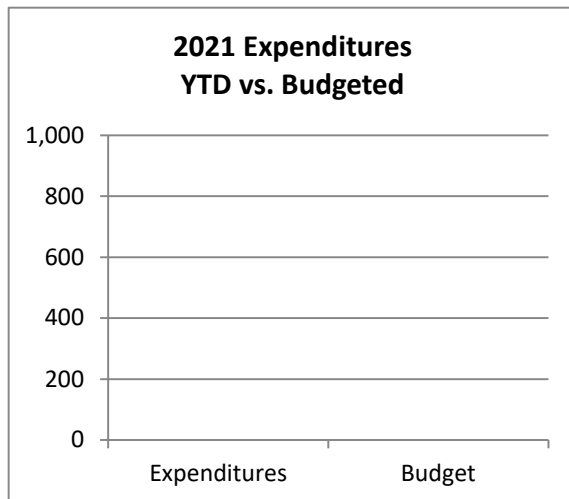
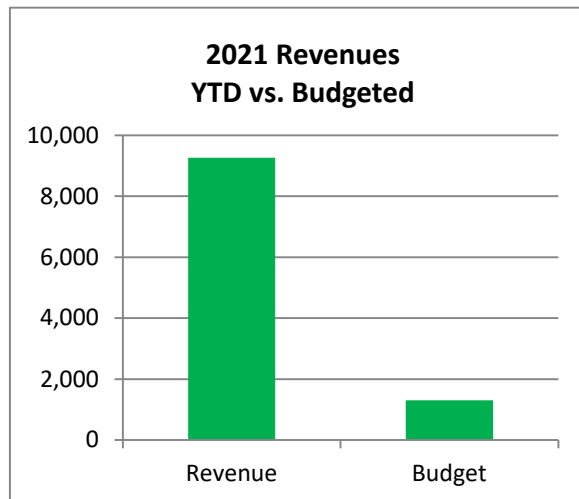
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Cemetery Perpetual Fund
Period Ending December 31, 2021
Unaudited

Item #2.

Cemetery Perpetual Fund	2021 Actuals December	2021 Adopted Budget	% Complete
Beginning Fund Balance	144,554	144,554	
<u>Revenues:</u>			
Miscellaneous Revenue	9,207	900	1023.0%
Earnings on Investment	56	400	14.1%
Total Operating Revenues	9,263	1,300	712.6%
<u>Expenditures:</u>			
Operations & Maintenance	-	-	
Capital Outlay	-	-	
Transfers Out	-	-	
Total Expenditures	-	-	
Excess (Deficiency) of Revenues and Other Sources over Expenditures	9,263	1,300	
Ending Fund Balance*	153,817	145,854	

* - Unaudited

100% of the fiscal year has elapsed



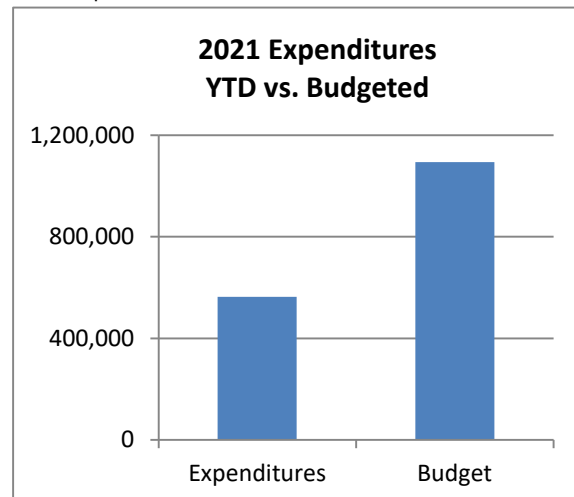
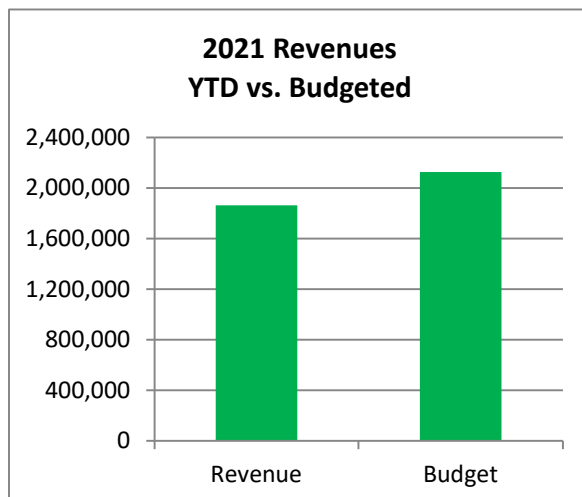
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Library Fund
Period Ending December 31, 2021
Unaudited

Item #2.

Library Fund	2021 Actuals December	2021 Adopted Budget	% Complete
Beginning Fund Balance	5,315,977	5,315,977	
<u>Revenues:</u>			
Intergovernmental	550,267	703,095	78.3%
Miscellaneous Revenue	2,602	11,000	23.7%
Capital Investment Fees	237,636	215,000	110.5%
Interest	2,058	60,000	3.4%
<i>Transfers In</i>	1,068,811	1,137,657	93.9%
Total Operating Revenues	1,861,374	2,126,752	87.5%
<u>Expenditures:</u>			
Operations	528,630	1,094,500	48.3%
Capital Outlay	35,313	-	0.0%
Total Expenditures	563,943	1,094,500	51.5%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	1,297,432	1,032,252	
Ending Fund Balance*	6,613,408	6,348,229	

* - Unaudited

100% of the fiscal year has elapsed



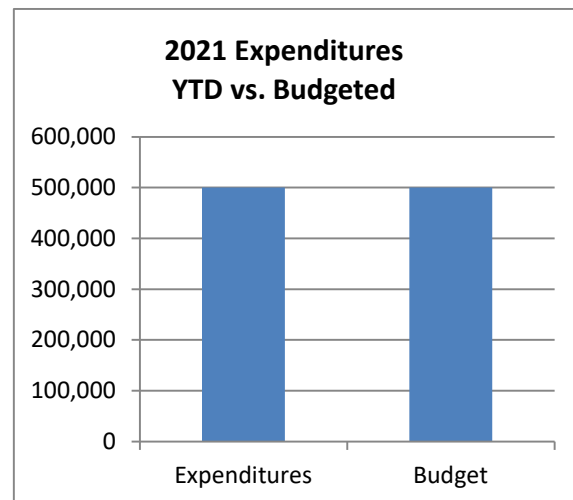
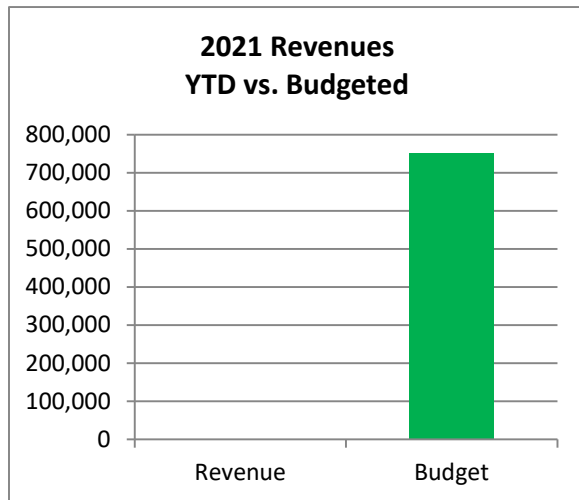
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Recreation Center Fund
Period Ending December 31, 2021
Unaudited

Item #2.

Recreation Center Fund	2021 Actuals December	2021 Adopted Budget	% Complete
Beginning Fund Balance	1,422,738	1,422,738	
<u>Revenues:</u>			
Transfers In	-	750,000	0.0%
Earnings on Investment	-	-	
Total Operating Revenues	-	750,000	0.0%
<u>Expenditures:</u>			
Operations & Maintenance	500,000	500,000	0.0%
Capital Outlay	-	-	
Total Expenditures	500,000	500,000	100.0%
Excess (Deficiency) of Revenues and Other Sources over Expenditures	(500,000)	250,000	
Ending Fund Balance*	922,738	1,672,738	

* - Unaudited

100% of the fiscal year has elapsed



Town of Johnstown
List of Bills - December 6, 2021 - January 9, 2021

<u>Vendor</u>	<u>Description</u>	<u>Department</u>	<u>Amount</u>
24/7 Networks Inc	Network improvements	ADM	57.60
4990 Ronald Reagan LLC	Police substation lease	PD	1,519.75
A & E Tire Inc	Vehicle maintenance	PD/PW	7,322.60
Ace Hardware	Supplies	PW	760.62
Ace Hardware of Johnstown	Johnstown Cash	ADM	240.00
Adamson Police Products	Uniforms	PD	343.25
All Copy Products, Inc	Supplies	PD	174.90
All Terrain Landscaping	Holiday lights - 2534	ADM	12,936.00
Aqua Backflow, Inc.	Professional services	PW	40.00
Aqua Engineering	CWWTP design	PW	20,100.64
Batteries Plus	Supplies	PW	169.38
BHA Design Incorporated	Design services	PW	1,945.00
Black Sheep Coffee & Crepes	Johnstown Cash	ADM	120.00
Bludot Technologies Inc.	Supplies	ADM	195.00
Bobcat of the Rockies	Supplies	PW	166.83
BPS Tactical, Inc.	Uniforms	PD	537.00
Browns Hill Engineering & Controls	SCADA services	PW	6,915.78
Card Services	Travel/training/supplies	ALL	10,691.10
Caselle, Inc	Software license/support	ALL	20,474.00
CDR Propane Services, LLC	Supplies	PW	1,947.50
Central Weld County Water District	Interconnects	PW	609.76
CenturyLink	Telephone services	PW/PD	363.92
Cinco Brothers Barbershop	Johnstown Cash	ADM	20.00
Cintas	Mat service/supplies	ALL	1,328.28
CMC Tire	Supplies	PW	1,318.72
Colorado Analytical Labs	Lab testing	PW	260.00
Colorado Materials, Inc.	Supplies	PW	6,884.03
Colorado Tree Coalition	Tree vouchers	ADM	7,400.00
Consolidated Home Supply Ditch &	Legal services - water	PW	1,458.60
Coren Printing, Inc	Supplies	PD	117.00
Cristiana Salon Spa	Johnstown Cash	ADM	40.00
Denali Water Solutions LLC	Sludge removal	PW	2,385.28
DES Pipeline Maintenance, LLC	Professional services	PW	22,767.40
Dietze and Davis P.C.	Billback - Professional services	ADM	234.00
Dog Waste Depot	Supplies	PW	108.89
DPC Industries Inc	Chemicals	PW	7,885.26
Economic & Planning Systems, Inc.	Billback - Professional services	ADM	11,985.40
Ergomed	Employment screening	ADM	200.00
Evoqua Water Technologies LLC	Professional services	PW	160,856.00
Faris Machinery Co.	Equipment rental	PW	563.89
Fed Ex Freight	Chemicals	PW	360.34
Felsburg Holt & Ullevig Inc	Billback - Engineering services	ADM	16,675.00
Firestone Complete Auto Care	Vehicle maintenance	PD/PW	5,389.07
First Class Security Systems	Fire system monitoring	PW	128.80

First National Bank	Custodial services	ALL	1,031.55
Frank Wind	Easement	PW	39,522.00
Front Range Fire Protection	Fire inspection	PW	495.00
Galls LLC	Supplies	PW	800.00
Gardner, Danielle	Supplies	ADM	47.23
Glenn A. Jones Library	Library support	ADM	94,804.75
Gopher Excavation, Inc.	Repair services	PW	10,038.00
Gould Evans Inc	Land use code rewrite	ADM	8,274.00
Great Western Railway of Colorado	Master crossing agreement	PW	500,000.00
Greeley Lock and Key	Locksmith services	PW	210.00
Greeley Monument Works Inc	Professional services	ADM	595.00
Ground Engineering Consultants, Inc.	Engineering services	PW	8,693.50
Hach Company	Lab supplies	PW	1,109.00
Hays Market	Johnstown Cash	ADM	500.00
Hays Market Inc	Supplies	ADM	40.53
Helton & Williamsen, P.C.	Billback - Engineering services	PW	5,648.75
Hill & Robbins, PC	Billback - Professional services	PW	1,763.10
Hiroshi Teriyaki Grill, Inc.	Johnstown Cash	ADM	220.00
Hydrant Meter Deposit Refund	Hydrant meter deposit refund	ADM	9,751.02
IMEG Corp	Billback -Engineering services	PW	31,845.00
Infosend, Inc.	Utility bill printing & newsletter	ADM	3,349.87
Insight North America, LLC	Investment services	ADM	6,064.00
InVision GIS	GIS services	ADM	1,586.25
J&D Creations	Uniforms	PW	468.61
J&T Consulting, Inc.	Reservoir project	PW	9,493.10
J-2 Contracting Co.	JT Reservoir dam repair	PW	191,268.25
Johnstown Breeze	Billback - Publications	ADM	1,608.12
Johnstown Lunch Box, LLC	Johnstown Cash	ADM	100.00
Jones Excavating & Plumbing	Water valve repair	PW	9,277.00
J-U-B Engineers, Inc.	Engineering services	PW	367,455.52
Kangaroo Express of Longmont, Inc	Labs	PW	950.00
Kelly Supply Co	Supplies	PW	873.28
Kinsco, LLC	Supplies	PD	186.99
L G Everist Inc	Supplies	PW	5,109.47
Larimer County Sales Tax Administrator	Use Tax - Reimbursement	ADM	18,807.78
Larimer County Solid Waste	Trash vouchers	PW	2,545.60
Law Office of Avi Rocklin LLC	Billback - Legal services	ADM	27,255.50
Lazar, Michael	Municipal Court Judge	ADM	2,550.00
Lazy Dog Johnstown, LLC	Johnstown Cash	ADM	160.00
Legal and Liability Risk Mgmt Institute	Training	ADM	125.00
Lift Coffee Bar	Johnstown Cash	ADM	200.00
Little Thompson Water District	Interconnect	PW	13,674.00
Loveland Barricade LLC	Supplies	PW	18,129.00
Lowe's	Supplies	PW	133.86
M&J Restaurants LLC	Holiday party	ADM	2,250.85
Mares Auto Inc.	Vehicle repairs	PW/PD	921.98
McGeady Becher P.C.	Professional services	ADM	19,793.00

McWhinney Real Estate Services, Inc.	Deposit refund	ADM	3,770.50
Mellon, Troy	Travel reimbursement	ADM	112.61
Milliken Johnstown Electric	Equipment repair	PW	1,408.00
Moltz Construction Inc.	Construction services	PW	5,114.52
Motorola Solutions, Inc.	Equipment maintenance	PD	2,310.45
Mountain States Pipe & Supply	Water meters	PW	7,947.16
Mr. Donuts	Johnstown Cash	ADM	20.00
Municipal Emergency Services	Supplies	PW	148.89
Municode	Software subscription	ADM	3,800.00
Napa Auto Parts, Inc	Supplies	PW	422.64
Newsom Gamez, Shirley	Mileage	ADM	65.00
Northern Engineering	Billback - Professional services	ADM	1,115.00
Northern Safety Co Inc	Supplies	PW	282.36
Office Depot Business Credit	Supplies	ALL	501.71
Otak	LT Trail project	PW	4,133.00
Peak View Enterprises, LLC	Broadband study	ADM	5,000.00
Pitney Bowes Global	Postage meter	ADM/PD	247.50
Poudre Valley REA	Utilities	ALL	9,842.42
Pribble, Maurice	Training reimbursement	PW	495.00
ProCode Inc.	Inspection services	ADM	15,000.00
Purchase Power	Postage meter	ADM/PD	301.50
Ramey Environmental Compliance Inc.	ORC Services	PW	29,665.68
Redi Services, LLC	Parks - port-o-lets	PW	736.19
Rental Equipment Center - Fort Collins	Town Christmas tree	ADM	2,084.93
Rhinehart Oil Co., Inc.	Fuel	ALL	12,545.62
Robert P Stark	Easement	ADM	13,170.00
Sam's Club MC/SYNCB	Supplies	ALL	126.80
Santiago's Mexican Restaurant	Johnstown Cash	ADM	220.00
Sauer South, LLC	Easement	ADM	40,225.00
Security Central, Inc	Alarm monitoring	PW	880.75
Shirley Newsom Gamez	Mileage	ADM	65.00
Steel Structures America, Inc.	Cemetery garage	PW	17,000.00
T Case Construction and Excavating	Supplies	PW	6,615.00
Tait & Associates, Inc.	Design services	PW	69,898.02
TDS	Telephone	ALL	2,586.31
TechMedia, LLC	Supplies	ADM	514.40
The Home Depot/GECF	Supplies	PW	868.96
The Humane Society of Weld County	Professional services	PD	140.00
The Tree Guys LLC	Tree removal	PW	9,200.00
TimberLAN	Computer/IT services	ALL	1,500.00
U.S. Postal Service	PO box fee	PD	102.00
UC Health Medical Group	Medical services	PD	705.36
United Power, Inc	Utilities - street lights	PW	791.90
United States Plastic Corp	Supplies	PW	22.80
Utility Notification Center of Colorado	Locates	PW	897.60
Utility Refunds	Utility refund	ADM	2,647.02
VCA Fort Collins Animal Hospital	K9 medical services	PD	4,804.78

Verizon Wireless	Cell phones	PD/PW	3,371.02
VFW 2585	Veteran's Memorial	ADM	14,400.00
Waste Connections of Colorado Inc.	Trash services	PW	72,865.93
Weld County Clerk & Recorder	Recording costs	ADM	600.00
Weld County Dept of Public	Lab services	PW	649.50
Weld County Sheriff	Jail fees	PD	29.71
White, Troy	Travel reimbursement	PW	823.85
Windstream	Telephone/internet	ALL	1,029.32
Workwell Occupational Medicine	Screening & CDL	PW	156.00
WR Investment, LLC	Reimbursement agreement	ADM	50,600.00
Xcel Energy	Utilities	ALL	40,829.21
YMCA of Northern Colorado	Monthly support - Dec 2021	ADM	166,666.68
Yost Cleaning	Monthly cleaning service	ALL	2,804.00
			<u>2,390,542.05</u>



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: January 19, 2022

SUBJECT: Ordinance 2022-220 Amending Subsection 16-302(d) Concerning
Planned Unit Development Mixed Use Districts

ACTION PROPOSED: Consider Second Reading of Ordinance 2022-220

ATTACHMENTS: 1. Ordinance 2022-220

PRESENTED BY: Kim Meyer, Planning & Development Director

AGENDA ITEM DESCRIPTION:

Council held a public hearing on January 3, 2022 and approved Ordinance No. 2022-220 on first reading.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: Approve Ordinance 2022-220 upon second reading.

Reviewed and Approved for Presentation,



Town Manager

The Community That Cares

johnstown.colorado.gov

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

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022-220

ORDINANCE AMENDING SUBSECTION 16-302(d) CONCERNING PLANNED UNIT DEVELOPMENT MIXED USE DISTRICTS

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

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

WHEREAS, Article XVII of Chapter 16 of the Johnstown Municipal Code regulates zoning of planned use developments, and Subsection 16-302(d) contained therein regulates planned unit development mixed use (“PUD-MU”) districts; and

WHEREAS, PUD-MU districts allow the integration of residential, commercial and employment/light industrial development within an area so as to facilitate the formation of self-sustaining development projects; and

WHEREAS, the vast majority of developers seek PUD-MU zoning because the district provides flexibility with respect to development projects; and

WHEREAS, to reflect the Town Council’s desire to minimize, where appropriate, high-density development and to better delineate the type of residential units permitted in PUD-MU districts, the Town Council desires to amend Subsection 16-302(d); and

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

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

Section 1. Subsection 16-302(d): Subsection 16-302(d) of the Johnstown Municipal Code is hereby amended to: (i) revise the first sentence of Subpart (1) of Subsection 16-302(d) and (ii) revise in its entirety Sub-subpart (f) of Subpart (1) of Subsection 16-302(d)(1), which shall read as follows:

Sec. 16-302. Permitted uses

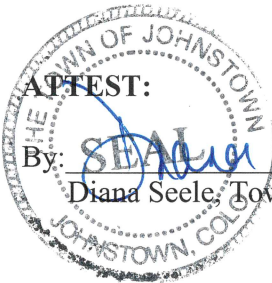
- (d) PUD-MU, Planned Unit Development Mixed-Use District:
 - (1) Intent. The PUD-MU Mixed Use District is created to allow the integration of mixed-density residential, commercial and employment/light industrial development within an area so as to facilitate the formation of a self-sustaining project. . . .

- ...
- f. The following residential unit types are allowed in a PUD-MU: any residential unit type allowed in the SF-1 District; any residential unit type allowed in the SF-2 District; any residential unit type allowed in the MF-1 District; and, in commercial areas of a PUD-MU, residential uses above the first floor.
-

Section 2. Retroactive Application. With respect to properties previously zoned PUD-MU, this Ordinance shall be retroactively effective to allow single-family residential (SF-1) district unit types in PUD-MU districts.

Section 3. Effective Date and Publication. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 3rd day of January, 2022.



ATTEST:

By: Diana Seele
Diana Seele, Town Clerk

TOWN OF JOHNSTOWN, COLORADO

By: Gary Lebsack
Gary Lebsack, Mayor

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

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: January 19, 2022

SUBJECT: Ordinance 2022-221 Amending Article XII of Chapter 17 of The Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224, Transportation Facilities Development Fee, Section 17-225, Parks and Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library and Cultural Facilities Development Fee, and Section 17-228, Police Facilities Development Fee

ACTION PROPOSED: Consider Second Reading of Ordinance 2022-221

ATTACHMENTS: 1. Ordinance 2022-221

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Council held a public hearing on January 3, 2022 and approved Ordinance No. 2022-221 on first reading.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance based on feedback from Council and Staff.

FINANCIAL ADVICE:

The funds from impact fees would be utilized for capital projects critical to meet service delivery needs and demands for the community.

RECOMMENDED ACTION: Approve Ordinance 2022-221 upon second reading.

The Community That Cares

www.TownofJohnstown.com

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

Reviewed and Approved for Presentation,



Town Manager

The Community That Cares

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P: 970.5127.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.5127.0141

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022-221

Amending Article XII Of Chapter 17 Of The Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224, Transportation Facilities Development Fee, Section 17-225, Parks And Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library And Cultural Facilities Development Fee, And Section 17-228, Police Facilities Development Fee

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

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

WHEREAS, pursuant to state law, including but not limited to C.R.S. § 29-20-101 *et seq.*, and as a condition of issuance of a development permit, the Town has the authority to impose an impact fee or other similar development charge to fund expenditures by the Town for capital facilities needed to serve new development; and

WHEREAS, impact fees are one-time payments that fund the construction and expansion of public facilities needed to accommodate new development, as determined by level of service standards, the intent being that new development shall pay for its proportionate share of the capital costs of additional infrastructure capacity needed to serve the new development; and

WHEREAS, impact fees are subject to specific legal standards, primarily referred to as the rational nexus test, which require a demonstration that new development will create a need for capital improvements, new development must derive a benefit from the payment of the fees assessed by the Town and the fee paid for a particular type of development should not exceed the developer’s share of the capital costs for system improvements; and

WHEREAS, based on those standards and based on an impact fee study prepared by Tischler and Associates, Inc., dated January 24, 2000, the Town Council of the Town of Johnstown (“Town”) adopted Article XII of Chapter 17 of the Johnstown Municipal Code (“Code”) to establish impact fees to be paid by new development by Ordinance No. 2000-617 (“Impact Fee Ordinance”); and

WHEREAS, since adoption of the Impact Fee Ordinance, the Town Council has periodically engaged consultants to evaluate and study the Town’s impact fees, quantify the reasonable impact of proposed development on existing capital facilities and recommend

modifications, if any, to the impact fees to ensure that the fees are at a level no greater than necessary to defray impact directly related to proposed development; and

WHEREAS, to undertake the foregoing review and analysis, the Town engaged WEL Consulting, LLC, a Colorado limited liability company (“WEL”); and

WHEREAS, WEL evaluated and selected appropriate impact fee methodologies for five categories of capital investment (transportation facilities, parks and recreation facilities, public facilities, library and cultural facilities and police facilities), determined demand indicated for each category and calculated residential and nonresidential proportionate share factors which were then used to allocate costs by type of development; and

WHEREAS, on November 8, 2021, WEL provided its final report to the Town Council, entitled *2021 Impact Fee Report, Town of Johnstown, Colorado* (“Impact Fee Report”); and

WHEREAS, based on its analysis, WEL recommended that the Town’s impact fees be increased for each category of capital investment for both residential and nonresidential classes of development; and

WHEREAS, the Town Council finds and determines, based on the Impact Fee Report, that the demand and cost assumptions underlying the Town’s impact fees warrant a modification to those fees; and

WHEREAS, rather than adopt the maximum permissible impact fees supported by the Impact Fee Report, the Town Council finds and determines that it is in the best interest of the citizens of the Town and the proponents of new land development to implement lesser fees, as recommended by WEL; and

WHEREAS, the Town Council finds and determines that it is in the best interest of the citizens of the Town and the proponents of new land development to implement the recommended modified impact fees for the next five (5) year period as set forth below, with an initial adjustment during the 2022 calendar year upon the effective date of this Ordinance; and

WHEREAS, the Town Council further finds that the impact fees, as amended by this Ordinance, do not exceed the actual costs of funding expenditures on capital facilities that are of the type for which the fees shall be paid and are required to serve new impact-generating development; the impact fees, as amended by this Ordinance, shall not be used to remedy any deficiency in capital facilities existing on the effective date of this Ordinance; of the impact fee monies spent since adoption of Article XII of Chapter 17 of the Johnstown Municipal Code, such fees have only been spent for capital facilities for which such fees were paid; impact fee monies to be collected in the future are similarly expected to be spent only for capital facilities for which the fees are paid; capital facilities that have been constructed with impact fee monies have benefitted the developments that paid the fees; and future impact fee monies will fund capital facilities that will similarly benefit the developments that pay the fees; and

WHEREAS, the impact fees, as amended by this Ordinance, are legislatively adopted, generally applicable to broad classes of property and no greater than necessary to defray the projected impacts on capital facilities caused by proposed development; and

WHEREAS, based on the foregoing and based on the Impact Fee Report, the Town Council desires to amend Article XII of Chapter 17 of the Johnstown Municipal Code to establish new impact fees.

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

Section 1. Section 17-224, Transportation Facilities Development Fee, shall be amended to read as follows:

All residential and nonresidential development in the Town shall be subject to the payment of a transportation facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223 as follows:

<i>Residential Development</i>		<i>Development Fee per Dwelling Unit</i>				
	Calendar Year	2022	2023	2024	2025	2026+
Detached Housing		\$2,916	3,062	3,215	3,375	3,544
Attached Housing		\$2,481	2,605	2,735	2,872	3,016

<i>Nonresidential</i>		<i>Development Fee per square foot</i>				
	Calendar Year	2022	2023	2024	2025	2026+
Retail		\$5.17	5.42	5.70	5.98	6.28
Office		\$3.13	3.29	3.45	3.62	3.80
Industrial/Other		\$2.02	2.12	2.22	2.33	2.45

Section 2. Section 17-225, Parks and Recreation Facilities Development Fee, shall be amended to read as follows:

All residential development in the Town shall be subject to the payment of a parks and recreation facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223 as follows:

<i>Residential Development</i>	<i>Development Fee</i>
--------------------------------	------------------------

per Dwelling Unit

	Calendar Year	2022	2023	2024	2025	2026+
Detached Housing		\$1,254	1,316	1,382	1,451	1,524
Attached Housing		\$1,067	1,120	1,176	1,235	1,297

Section 3. Section 17-226, Public Facilities Development Fee, shall be amended to read as follows:

All future residential and nonresidential development in the Town shall be subject to the payment of a public facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223, as follows:

*Residential Development**Development Fee
per Dwelling Unit*

	Calendar Year	2022	2023	2024	2025	2026+
Detached Housing		\$1,668	1,752	1,839	1,931	2,028
Attached Housing		\$1,420	1,491	1,565	1,643	1,726

*Nonresidential**Development Fee
per square foot*

	Calendar Year	2022	2023	2024	2025	2026+
Retail		\$0.78	0.82	0.86	0.90	0.94
Office		\$0.78	0.82	0.86	0.90	0.94
Industrial/Other		\$0.78	0.82	0.86	0.90	0.94

Section 4. Section 17-227, Library and Cultural Facilities Development Fee, shall be amended to read as follows, which shall include an amendment to the Section heading:

Section 17-227. Library and cultural facilities development fee.

All future residential development in the Town shall be subject to the payment of a library and cultural facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223, as follows:

Residential Development***Development Fee
per Dwelling Unit***

	Calendar Year	2022	2023	2024	2025	2026+
Detached Housing		\$1,205	1,266	1,329	1,395	1,465
Attached Housing		\$ 1,026	1,077	1,131	1,188	1,247

Section 5. Section 17-228, Police Facilities Development Fee, shall be amended to read as follows:

All future residential and nonresidential development in the Town shall be subject to the payment of a police facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223, as follows:

Residential Development***Development Fee
per Dwelling Unit***

	Calendar Year	2022	2023	2024	2025	2026+
Detached Housing		\$759	797	837	879	922
Attached Housing		\$647	679	713	748	786

Nonresidential***Development Fee
per square foot***

	Calendar Year	2022	2023	2024	2025	2026+
Retail		\$0.71	0.75	0.79	0.83	0.87
Office		\$0.26	0.28	0.29	0.30	0.32
Industrial/Other		\$0.26	0.28	0.29	0.30	0.32

Section 6. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 7. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 8. Publication and Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Johnstown Home Rule Charter ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 3rd day of January 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____

Diana Seele, Town Clerk

By: _____

Gary Lebsack, Mayor

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

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____

Diana Seele, Town Clerk

By: _____

Gary Lebsack, Mayor



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: January 19, 2022

SUBJECT: Ordinance 2022-222 - An Ordinance Adding Article XV to Chapter 17 of the Johnstown Municipal Code to Establish a Special Fee to be Paid by the Owners of Property Within Close Proximity to the Reconstructed Interchange at the Intersection of Interstate 25 and State Highway 402

ACTION PROPOSED: Consider Ordinance 2022-222 on Second Reading

ATTACHMENTS: 1. Ordinance 2022-222

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Council held a public hearing on January 3, 2022 and approved Ordinance No. 2022-222 on first reading.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance as presented.

FINANCIAL ADVICE:

The funds from the special fee for the I-25/402 interchange cost recovery would be deposited directly into the Street and Alley fund.

RECOMMENDED ACTION: Approve Ordinance 2022-222 upon second reading.

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Reviewed and Approved for Presentation,

A handwritten signature in blue ink, appearing to be 'WJL', is written over a horizontal line.

Town Manager

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**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2022-222**

**AN ORDINANCE ADDING ARTICLE XV TO CHAPTER 17 OF THE
JOHNSTOWN MUNICIPAL CODE TO ESTABLISH A SPECIAL FEE TO
BE PAID BY THE OWNERS OF PROPERTY WITHIN CLOSE
PROXIMITY TO THE RECONSTRUCTED INTERCHANGE AT THE
INTERSECTION OF INTERSTATE 25 AND STATE HIGHWAY 402**

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 Colorado Department of Transportation (“CDOT”) has constructed significant improvements to Interstate 25 (“I-25”) in Northern Colorado, which improvements include the reconstruction of the interchange at I-25 and State Highway 402 (the “Interchange”); and

WHEREAS, the reconstruction of the Interchange was made possible by a combination of federal, state and local funding, with the Town contributing approximately Seven Million Dollars (\$7,000,000) toward the I-25 improvements and the improvements to the Interchange; and

WHEREAS, of the Seven Million Dollars (\$7,000,000) contributed by the Town, based on territory in the Town limits and the overall improvements to I-25, Four Million Five Hundred Thousand (\$4,500,000) was allocated toward improvements to the Interchange (“Interchange Improvements”); and

WHEREAS, the Town Council recognizes that certain properties within the Town will benefit significantly from the Interchange Improvements; and

WHEREAS, under Article XX, Section 6 of the Colorado Constitution, the Town has authority to enact fees to recover the cost of providing infrastructure to properties within its jurisdiction; and

WHEREAS, the Colorado Supreme Court has affirmed this or similar authority in several separate decisions, including *Loup-Miller Const. Co. v. City and County of Denver*, 676 P.2d 1170 (Colo. 1984), *Bloom v. City of Fort Collins*, 784 P.2d 304 (Colo. 1989, and *E-470 Public Highway Authority v. The 455 Company*, 3 P.3d 18 (Colo. 2000); and

WHEREAS, pursuant to such authority, the Town desires to impose a special fee upon the owners of properties in close proximity to the Interchange because such properties will benefit substantially from the reconstruction of the Interchange and because the development or redevelopment of those properties will generate additional vehicular traffic at the Interchange; and

WHEREAS, recognizing that the Town as a whole will also benefit from the Interchange Improvements, the Town has concluded that the total amount of the special fee to be assessed against the benefitted properties, excluding interest, should be limited to Two Million Five Hundred Thousand

(\$2,500,000), or approximately fifty-five and one-half percent (55.5%) of the total amount expended by the Town for the Interchange; and

WHEREAS, to fairly apportion the cost to be recovered from and among the benefitted properties, determine the scope of the property within the Town that will benefit from the Interchange Improvements and assess the appropriate reimbursement from each such benefitted property, the Town engaged Felsburg, Holt & Ullevig, Inc., a Colorado corporation (“FHU”); and

WHEREAS, FHU completed the study, entitled *I-25/CO 402 Interchange Financial Analysis*, a copy of which is attached hereto and incorporated herein by reference as Exhibit A (“Study”), and, on December 16, 2019, presented the results of the Study to the Town Council; and

WHEREAS, as a part of the Study, FHU set forth the scope of the area that will benefit from the Interchange Improvements (“Region”) and classified the Region into two categories, Tier 1 and Tier 2 properties, with the Tier 1 properties benefiting more substantially than the Tier 2 properties; and

WHEREAS, based on the results of the Study, FHU recommended the following special fees for the Region, allowing the Town to recover a larger percentage of the Town’s overall investment in the I-25 improvements:

USE	TIER 1 ZONE	TIER 2 ZONE
Single Family Residential	\$ 1,180	\$ 472
Multi-Family Residential	\$ 915	\$ 366
Office (per 1000 SF)	\$ 1,218	\$ 487
Retail (per 1000 SF)	\$ 3,020	\$ 1,208
Industrial (per 1000 SF)	\$ 620	\$ 248

WHEREAS, for the foregoing reasons, to defray the cost of the Interchange Improvements, the Town Council desires to impose a special fee, to be known as the 402 Interchange Fee, upon benefitted properties in the Region and desires that the Town collect the 402 Interchange Fee at the time of issuance of each building permit; and

WHEREAS, despite FHU’s recommendation, so as not to financially burden the benefitted properties and the citizens of the Town, the Town Council desires to impose a lesser fee than recommended by FHU, in the following amounts:

USE	TIER 1 ZONE	TIER 2 ZONE
Single Family Residential	\$ 566	\$ 283
Multi-Family/Units	\$ 439	\$ 220
Office (per 1000 sf)	\$ 584	\$ 292
Retail/Commercial (per 1000 SF)	\$ 1,450	\$ 725
Industrial (per 1000 sf)	\$ 298	\$ 149

WHEREAS, the Town Council directs that revenues recognized from the 402 Interchange Fee be remitted to the Town's Street and Alley Fund; and

WHEREAS, the Town Council hereby finds, determines and declares that the 402 Interchange Fee is reasonably related to the expenses incurred by the Town in carrying out its legitimate goal of providing, maintaining and improving effective infrastructure in or near the Town; and

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

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

Section 1. Article XV of Chapter 17. Article XV shall be added to Chapter 17 of the Johnstown Municipal Code and shall read in full as follows:

Article XV – 402 Interchange Fee

Sec. 17-281 – Purpose.

Pursuant to the Town's authority to enact fees to recover the cost of providing, maintaining and improving infrastructure for properties within its jurisdiction, the Town hereby establishes a special fee, the 402 Interchange Fee, to recover a portion of the cost of improvements to the reconstructed interchange at Interstate 25 and State Highway 402.

Sec. 17-282 – Definitions.

For purposes of this Article, the following definitions apply:

402 Interchange Fee means the special fee imposed upon Property Owners in the Region to reimburse the Town for a portion of the cost of the Improvements.

Benefitted Property means a parcel of land in the Region, of whatever size and whatever designation, that is within close proximity to the Interchange.

Building Permit means a building permit issued in accordance with the Code before building or construction activity may be initiated on a Benefitted Property.

Improvements means the improvements to, and reconstruction of, the Interchange, accomplished between approximately 2017 and 2022.

Interchange means the interchange at Interstate 25 and State Highway 402.

Property Owner(s) means the current and future owner or developer of Benefitted Property in the Region.

Region means the real property in close proximity to the Interchange benefiting from the Improvements and includes Tier 1 properties and Tier 2 properties. The Region is depicted on Appendix A to this Article, which may be amended from time to time by resolution of the Town Council.

Sec. 17-283 – Establishment and payment of 402 Interchange Fee.

- (a) There is hereby established a special fee known as the 402 Interchange Fee.
- (b) The 402 Interchange Fee shall be levied and assessed as follows:

USE	TIER 1 ZONE	TIER 2 ZONE
Single Family Residential	\$ 566	\$ 283
Multi-Family/Units	\$ 439	\$ 220
Office (per 1000 SF)	\$ 584	\$ 292
Retail/Commercial (per 1000 SF)	\$ 1,450	\$ 725
Industrial (per 1000 SF)	\$ 298	\$ 149

- (c) The 402 Interchange Fee shall be paid by Property Owners in the Region at the time of issuance a Building Permit.
- (d) If a request is made upon application for a Building Permit, Property Owners shall not be required to pay the 402 Interchange Fee for the following Building Permits:
 - (1) Alterations or expansion of existing buildings where no additional dwelling units are created or square footage added;
 - (2) The construction of accessory buildings or structures that do not add dwelling units or square footage to the principal building or use of the land; or
 - (3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same square footage.

Sec. 17-284 – Use of funds; limitation on total fee collection.

- (a) The revenues recognized from the 402 Interchange Fee shall be remitted to the Street and Alley Fund. The funds shall be used solely to reimburse the Town for the cost of the Improvements.
- (b) The Town shall keep an accurate accounting of the cost of the Improvements and the revenues collected from the 402 Interchange Fee.

- (c) In the event that the total amount of fee revenues paid to the Town by or on behalf of the Property Owners equals the sum of Two Million Five Hundred Thousand (\$2,500,000), plus interest on said amount from the effective date of this Ordinance at the rate of 2.75% per annum, all Property Owners shall be relieved of any further obligation to pay the 402 Interchange Fee.

Sec. 17-284 – Fee not an impact fee or development charge.

The Town Council does not intend that the 402 Interchange Fee be construed as an impact fee or development charge within the meaning of Section 29-20-104.5, C.R.S., as amended, but that the 402 Interchange Fee be a special fee within the home rule authority of the Town. To the extent that the provisions of Section 29-20-104.5, C.R.S., as amended, conflict with the provisions of this section, this section shall control.

Section 2. Severability. If any section, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance or the validity of this Ordinance as an entirety, it being the legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

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

Section 4. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 3 day of January, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: Diana Seele

Diana Seele, Town Clerk

By: Gary Lebsack

Gary Lebsack, Mayor

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

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____

Diana Seele, Town Clerk

By: _____

Gary Lebsack, Mayor



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: January 19, 2022

SUBJECT: Resolution 2022-03 Authorizing The Town Manager To Execute All Documents To Effectuate The Sale Of The Real Property, Located At Lot 2 Of Replat Of Block 2, Town Of Johnstown, County Of Weld, State Of Colorado, Known By Street Address As 16 North Parish Avenue, To Grows, LLC

ACTION PROPOSED: Consider Approval of Resolution 2022-03

ATTACHMENTS: 1. Resolution 2022-03

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

The title company has requested that more clear authorization be provided to the Town Manager to proceed with closing on the 16 N. Parish Avenue property for the pending sale to Grow, LLC. The resolution presented provides comprehensive authorization for the Town Manager to execute the documents necessary to complete the sale of the property.

LEGAL ADVICE:

The Town Attorney drafted the resolution presented.

FINANCIAL ADVICE:

Not Applicable

RECOMMENDED ACTION: Approve Resolution 2022-03 as presented.

Reviewed and Approved for Presentation,



Town Manager

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**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2022-03**

AUTHORIZING THE TOWN MANAGER TO EXECUTE ALL DOCUMENTS TO EFFECTUATE THE SALE OF THE REAL PROPERTY, LOCATED AT LOT 2 OF REPLAT OF BLOCK 2, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO, KNOWN BY STREET ADDRESS AS 16 NORTH PARISH AVENUE, TO GROWS, LLC

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

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

WHEREAS, by Ordinance No 2021-216, the Town Council authorized the sale of the real property and the improvements thereon located at Lot 2 of Replat of Block 2, Town of Johnstown, County of Weld, State of Colorado, known by street address as 16 North Parish Avenue, consisting of approximately 7,361 square feet (“Property”), to Grows, LLC, a Colorado limited liability company, in accordance with the terms and conditions of the Purchase and Sale Agreement attached thereto; and

WHEREAS, the Town Council desires to authorize the Town Manager to execute all documents to effectuate the sale of the Property to Grows, LLC; and

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

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

1. The Town Manager is directed to work with the title company, Land Title Guarantee Company, regarding the sale of the Property to Grows, LLC, and is authorized to execute all documents to effectuate the sale.
2. This Resolution shall be effective upon adoption.

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

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor



Town of Johnstown

MEMORANDUM

TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: January 19, 2022

CC: Town Staff
Local Media

SUBJECT: Town Manager's Report

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

- 01/24/2022 – Work Session with RE5J (6 p.m. Town Hall)
- 01/31/2022 – Work Session (6 p.m.)
- 02/07/2022 – Regular Town Council Meeting
- 02/21/2022 – Regular Town Council Meeting
- 02/28/2022 – Work Session (6 p.m.) - CDOT

Administration, Finance, Planning, & Human Resources

- *Liquor Licensing* – Urban Egg a Daytime Eatery and Mini Mart renewal applications have been submitted to the State for approval
- *Hiring* – We are currently searching for a Police Officer, Customer Service Technician, Police Administrative Technician, Planner I, and a PW Maintenance worker.
- *Reviews* – Annual reviews were recently completed for all Town staff members. This helps us evaluate performance and set goals for the coming year.
- *Development Projects* - In 2021, Planning & Development processed numerous new development projects, including: 5 annexation requests, 26 subdivision applications, 18

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commercial site development plans, 10 zoning/ODP applications, and 2 variances; hosting 14 Planning & Zoning Commission meetings with 26 public hearings.

- *Johnstown Cash Program* – The Johnstown Cash Program officially ended on December 31, 2021. As a recap the Town had a total of 50 participating businesses throughout the year and we redeemed \$61,740 in certificates.
- *Business of the Month* – January’s Business of the Month is Clean EatZ. The Town officially recognized Clean EatZ during the January 3, 2022 Town Council Meeting. Please keep an eye out for social media posts and the February newsletter which will feature Clean EatZ as business of the month.
- *Business Regional Survey* – The Town of Johnstown is partnering with its economic development regional partners and stakeholders to gather local business feedback and input on the effects of the COVID-19 pandemic and identify continued areas of support that are needed to ensure our business community continues to thrive. Businesses in Johnstown have been emailed a survey link and are encourage to provide their feedback. All responses are confidential.
- *2020 Year-End* – Work on 2020 year-end processes is underway and audit preparation will be beginning in March. The audit is scheduled to begin during the week April 25.
- *Budgeting Software* – Planning meetings for the implementation of new budgeting software begins January 20. The new software provides a cloud-based platform that will allow for a more efficient budget process with added flexibility for real-time scenario planning and forecasting. The software will be fully implemented before the FY 2023 budget process begins in June.
- *Solar Project at Johnstown YMCA* – The Town and Photon Brothers kicked off the Solar Panel Installation Project for the Johnstown YMCA. The design is currently underway and documents will be submitted this week to Xcel for the rebate and net metering system application. Completion of the project is expected around June 2022.
- *Highway 34 IGA Amendment* – Town Staff and the design engineers at Horrocks presented to the Highway 34 Coalition on January 6 requesting an amendment to the Access Control Plan (ACP) for a Right-in/Right-Out access mid-block between LCR 3 and CR 13. Partners of the IGA have 30 days (February 4) to respond to the request.

Police Department

Training:

- *Defensive Tactics* – Department personnel had a makeup training for defensive tactics taught by Officer Grounds.
- *POST Compliance* – All department POST certified officers are compliant with POST'S strict training standards.

Community Policing, Outreach & Miscellaneous Items:

- *Evidence Inventory* – The department completed its annual evidence inventory with no concerns.

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Public Works Department

Streets, Stormwater, Fleet & Parks

- *Streets* – Crews spent many hours preparing for and battling the recent winter storms.
- *Potholes* – Potholes on CR 13 were patched, using an estimated 250lbs of material.
- *Facilities* – The backup generator at Town Hall required maintenance and is checked monthly for performance.

Utilities Department

Water Plant & System

- *Plant* – Flows at the Water Treatment Plant are averaging around 1.2 MGD. Challenges with COVID impacts and staff coverage of the WTP and WWTP during the week between the holidays resulted in new protocol in place in breakrooms and vehicles to increase employee safety.
- *Chemical Feeds* – Operators are working through turbidity adjustments at the plant due to chemical feed in the DAF. Operators also noted higher pH and made adjustments to the treatment process
- *Distribution System* – More stringent contact protocols have been issued to contractors as a result of a service line to Sweet Gold being hit and repaired as part of Central Phase 2 Interceptor project.

Wastewater Plants

- *Central* – Operations evaluating removal of bar screen at headworks due to freezing conditions and creating inconsistent flows for successful operations. Staff is scheduling Vac truck to clean chlorine contact basin.
- *Low Point* – Staff has experienced struggles operating the fan press due to freezing conditions and will be hauling sludge to keep up with operations. The headworks building had a broken water pipe and the HVAC is struggling to heat building on the coldest days to temps above freezing. We intend to communicate with design engineers for Low Point to discuss solutions. Operators implemented lime treatment and we are seeing improved alkalinity and limited ammonia issues with the monthly testing. Evaluating lime feed system until new plant is online vs current manual feed prior to wastewater entering the SBR basins.
- *Collection System* – Staff issued a change order for a sewer line replacement along Estes due to the poor condition of an old 6” clay line in the Old Town Drainage project

Active Development & Project Updates

- *Active Developments* – Johnstown Farms Public Improvements, Johnstown Heights Public Improvements, The Ridge 1 & 2 Public Improvements, TRR County Road 3 Improvements, TRR 12 Public Improvements, Mallard Ridge Phase 3 Grading, Revere Public Improvements, Mountain View Townhomes, 2534 Site Plans

- *Johnstown Reservoir Dam Repair* – Contractor constructed the pipe encasement forming and pouring the structure the first week in January. The pipe supports and outlet pipe on were installed upon completion of encasement pour.
- *South Water Tank* – Contractor completed the foundation for the Tank before the end of the year. CB&I crew will mobilize week of January 17, 2 weeks later than last scheduled because of Covid-19. The overall schedule does not change due to this adjustment.
- *South Water Tank Distribution Pipeline* – ROW permit being issued for potholing. Waiting for Contractor to provide updated schedule with a focus on crossings in time sensitive areas. Working through Bunyan Ditch crossing near WCR13 and WCR42 intersection with property owners.
- *Central Interceptor Phase 1* – Installing wet well and valve vault piping as well as building work including ceiling panels, HVAC, odor control and electrical in the Lift Station. Starting installation of 12” and 16” force mains to Central Plant. Casing bore was completed across HWY 60 and crews are now running sewer pipe and casing spacers through the casing bore.
- *Central Interceptor Phase 2* – Town issued notice to proceed and pre-construction Meeting. Contractor scheduled to start clearing and grubbing site, potholing utilities and installing groundwater wells the week on Jan 10.
- *North Interceptor* – Design Engineer finalized 90% design and review process is underway. CDPHE permit has been submitted for lift station
- *Low Point Sewer Expansion* – Earthwork construction continuing and crew is excavating near SBR’s for 3rd cell and starting excavation of new headworks building
- *Central Plant Design*: Engineer finalized RFP package for equipment in advance of Construction and Town has posted on the website and bidnet.
- *Old Town Drainage Project* – Project continues making progress however was delayed due to snow storms and sewer line repair. Crews placed about 100 feet of sewer that was identified as needing replacement as previously mentioned.
- *Charlotte Street Project* – Project is approaching 100% design completion. An open house is scheduled for January 18 from 6-7pm at Town Hall.
- *2nd Street Bridge Project* – Still progressing through final design. An agreement with the Hillsborough Ditch Company is in progress.



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: January 19, 2022

SUBJECT: Executive Summary from Broadband Study

ACTION PROPOSED: Authorization to Develop of an MOU with Allo Communications For Community Broadband

ATTACHMENTS: 1. Broadband Recommendation Executive Summary

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

In May 2021, the Towns of Johnstown, Berthoud, Mead, and Milliken embarked on a joint broadband financial feasibility and needs assessment study. The focus was to evaluate current service providers and the ability to create a municipal broadband system or recruit other providers to enter into our service territories to provide internet and other fiber based services that adequately met the needs of our respective communities. The team, beyond the Towns also consisted of Magellan Advisors and Peak Enterprises operating as the consultant responding to the RFP and the owner's representative respectively.

In October 2021, the Towns along with Magellan and Peak met to present the findings to the elected bodies of the four Towns. The recommendations included exploring and interviewing three (3) entities who could provide the fiber based services our community deserves. The recommendation did not support a municipal fiber/broadband service.

Collectively the local governments supported moving forward with the interviews and then reporting back to each governing body following those interviews. The entities interviewed were Allo Communication, Highline Telecommunications, and Loveland Pulse. Enclosed for your review is a short overview of the study and a recommendation to begin engaging with one of the three finalist to structure an agreement to install broadband in the community.

The recommendation specifically requests permission to allow Town Staff from each of the four Towns to develop an MOU with Allo Communications based on the fact that it met key elements

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we considered in the evaluation of determining an adequate provider to partner with. Upon completion of the MOU, it will be brought back to the Town Council for formal consideration.

LEGAL ADVICE:

Not Applicable

FINANCIAL ADVICE:

Not Applicable

RECOMMENDED ACTION: Authorize Town Staff to begin engaging with Allo Communications to develop and MOU for broadband deployment in Johnstown.

SUGGESTED MOTIONS:

For Approval: I move to authorize the Town Manager to develop an MOU with Allo Communications for broadband deployment in the Town of Johnstown to be considered at a future Town Council meeting.

For Denial: I move to deny authorization of the Town Manager to develop an MOU with Allo Communications for broadband deployment in the Town of Johnstown.

Reviewed and Approved for Presentation,



Town Manager

BROADBAND RECOMMENDATION

Bringing Fiber based, reliable, high-speed internet to
the “4 Towns”

Tim Scott

President - Peakview Enterprises – Owner’s Representative to “4 Towns”
January 2022

4 Towns Regional Broadband Project



The Towns of Berthoud, Johnstown, Mead and Milliken have worked diligently over the last 6 months of 2021 to understand what options may be possible to bring fiber based, reliable, and affordable, internet service to their communities. In addition to understanding the basic technology requirements, a plan was developed that included surveying community members across all 4 Towns to understand current experience and satisfaction with existing Internet options. Additionally, a high-level design and associated cost plan to determine the level of investment required to bring fiber-based services across all 4 Towns was created. All 4 Towns agreed that more competition and a fiber-based approach within the telecommunication sector for their communities would bring improved outcomes for residents, businesses, and community organizations.

More specifically, the Towns agreed upon four primary objectives:

1. **Inclusivity:** To provide the opportunity for high-speed broadband service to all residents, businesses, schools, local government, non-profit organizations, healthcare service providers, and multi-tenant properties within the four (4) communities and possibly the areas between the four Towns that are unincorporated.
2. **High Speed:** Requires at least 1 Gigabit symmetrical (upload and download) broadband connection for residential (and up to 10 Gigabit symmetrical broadband connection for non-residential) with the ability to potentially grow into faster services over time. A need to accommodate both smart city applications and triple-play services were also identified as key needs for any new provider.
3. **Reliable:** The service needs to be dependable as it will have many uses requiring high availability. Some examples are businesses - both storefront and home, residents, students, and healthcare professionals. A focus on redundancy should be a key element to ensure reliability.
4. **Reasonable cost:** The monthly charges for such service should be reasonable and affordable to ensure the needs of each community are met.

The community survey results, and details surrounding the design / engineering plans, as well as cost projections are all available on request from the Town of Johnstown.

The four Towns with very close proximity to each other provide an opportunity for any provider to look at aggregating demand across nearly 20,000 homes and businesses on the Front Range of Colorado. The Northern Colorado area, which includes these 4 Towns is one of the fastest growing markets in the US and within 40 minutes of the Denver metro market. A preliminary engineering analysis was completed on the fiber to the premise network needed to provide high-speed internet and other services to 100% of homes and businesses. Key statistics in this analysis include fiber distribution mileage needed for construction, fiber backbone mileage to interconnect the markets to one another and estimation of shelter, cabinet and equipment costs. Essentially, these costs together provide a total capital cost estimate to build the network, based on engineer's estimates.

Total Passings & Distribution Mileage

Town	Fiber Distribution Mileage	Total Passings	Homes Per Mile
Berthoud	94.3	6,283	67
Johnstown	109.8	6,854	62
Mead	77.4	3,113	40
Milliken	59.4	3,441	58
Total	340.9	19,691	58

Preliminary Summary of Capital Costs

Fiber Distribution	Fiber Drops	Electronics	Vehicles & Stock	Total Capital	Cost Per Home Passed
\$10,371,394	\$3,392,820	\$1,240,000	\$650,000	\$15,654,214	\$2,492
\$12,081,581	\$3,701,160	\$1,240,000	\$650,000	\$17,672,741	\$2,578
\$8,512,144	\$1,681,020	\$960,000	\$425,000	\$11,578,164	\$3,719
\$6,531,338	\$1,858,140	\$960,000	\$425,000	\$9,774,478	\$2,841
\$37,496,456	\$10,633,140	\$4,400,000	\$2,150,000	\$54,679,596	

Key Expectations and Asks of any new Provider included:

- A turnkey solution from a leading broadband provider to build, own, operate a regional fiber to the home network; making it accessible to 100% of homes, businesses and community organizations across the 4 Towns.
- A commitment to meeting this requirement within 3 years with a buildout plan that enables each Town to begin receiving services within the first 18 months or sooner.
- Consistent and uniform pricing for high-speed internet services across the 4 Towns, with the understanding that the provider must respond to competitive pressures from other providers and which may influence pricing to some degree.
- Tiered, competitive packages up to 1 gigabit for residential services in the first 3 years.
- 10 gigabit services available to residential customers after year 3 or sooner.
- Competitive Small and Medium Business (SMB) packages at competitive rates but with higher speeds and reliability than existing "business class" SMB services.
- Enterprise class internet and transport services to serve large businesses, schools, hospitals, libraries and other community anchor institutions.
- High-quality customer service with demonstrable quality, Net Promoter Score (NPS) or other service metrics.
- The ability to wholly fund the project without any required funding participation from the 4 Towns.

- Successful references including community engagement, ideally already active within Colorado.

What the 4 Towns Can Provide:

- Streamlined permitting processes to support a large-scale underground fiber construction project to ensure that permitting does not delay production.
- A single point of contact for all permitting, construction coordination, locates, community engagement, notification, inspections and restoration.
- Community engagement and outreach to support education on the project and the project.
- Existing data in GIS, including parcel maps, existing utilities, rights of way, city property and related information.
- City property for location of points of presence, fiber distribution hubs, cabinets and other provider facilities.
- Franchise agreement as applicable.

Reaching out to Providers and Recommendation:

Following our release of information regarding the Town's objectives, and summary survey results with estimated project costs, during the Summer of 2021, preliminary discussions with interested providers were held with 11 separate entities including the Town's current providers. Of these providers, 5 demonstrated a solid understanding of the 4 Town's objectives and had applicable experience delivering community, fiber-based internet solutions. All 5 had slightly different go-to market approaches with differing strengths and weaknesses. Following further dialogue with these 5 providers, digging deeper into their planned community approach, as well as reviewing their desire and capacity to fund the whole project three entities were identified as well positioned to meet the goals and objectives of the 4 Towns. In October 2021, Allo Communications, Highline Telecommunications, and Loveland Pulse were presented to the elected officials of each of the 4 Towns and recommended to be shortlisted to visit in-person with Town leadership and further determine their interest and ability to execute on the 4 Towns desired broadband plans.

During late November and early December 2021 in-person meetings were held with these 3 providers and whilst all communicated a strong desire to work with the 4 Towns, it was clear that Allo Communications presented the strongest case to be considered as a new fiber based, community provider of triple play and help the Town implement desired smart city services across the 4 communities.

Some of the strong attributes that Allo Communications presented included:

- Track record of success in northern Colorado delivering cost competitive, triple play services and smart city applications in other similar sized communities.
- Demonstration of excellent customer service, NPS success, and community engagement.
- A willingness and capability to fund the capital requirements to build out the new fiber network and the operational know-how to successfully manage the new network.
- Strong technical capacity including the ability to complete a final design.
- Commitment to complete network construction within Town's desired timeframes and to equally build out, market, and connect equitably across the 4 Towns.

- With global shortages of materials required to construct fiber networks, Allo were also able to demonstrate a commitment to ensure material supply and delivery would not be a limiting factor to the construction of the new network.

Recommendation:

Town Administrators from the “4 Towns” all concur that an agreement should be sought with Allo Communications and input from private sector partners, both Peakview Enterprises (Owner’s Representative) and Magellan Advisors (Broadband Study Responder) support this recommendation.

Next steps:

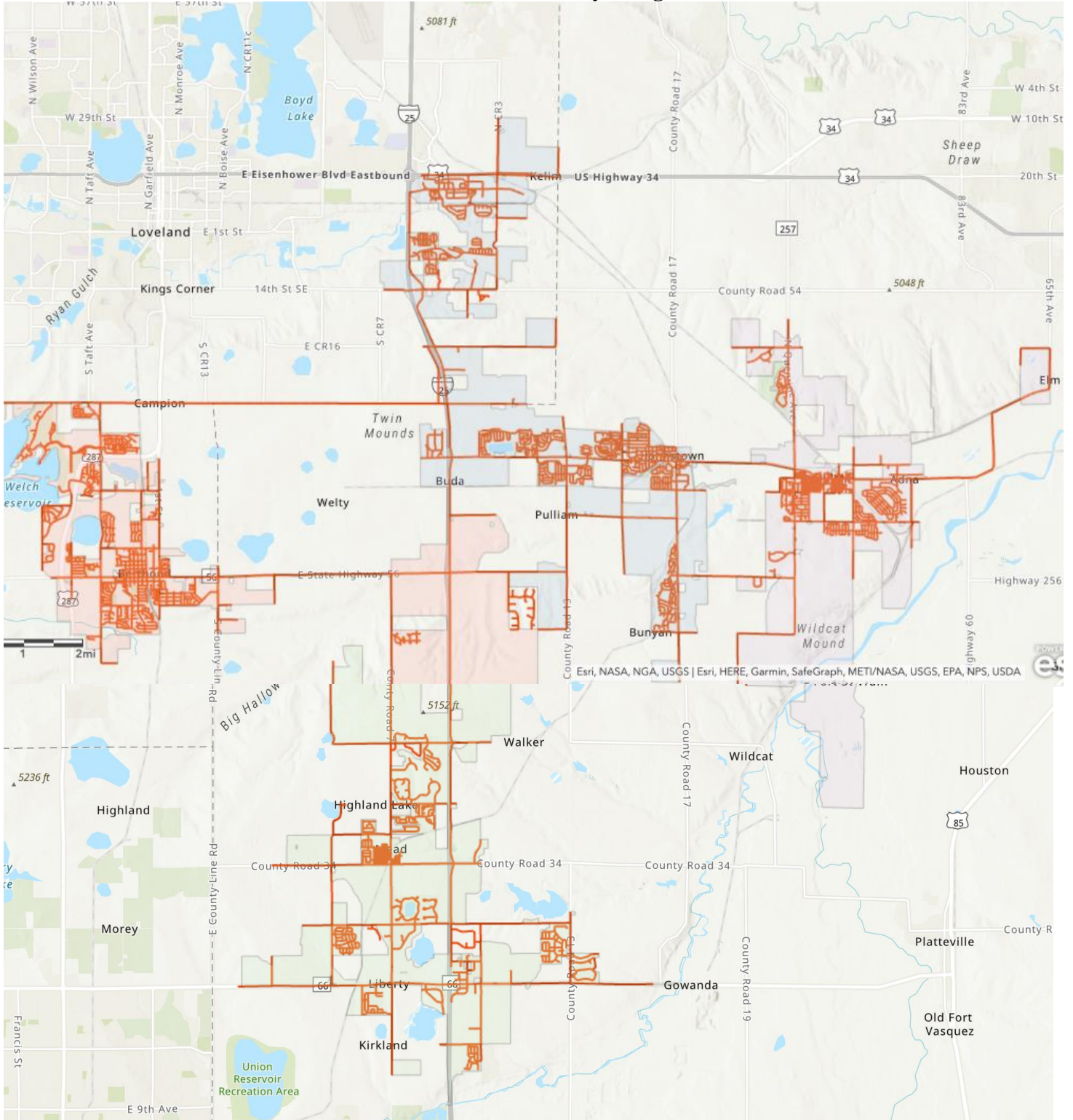
Each of the Town representative facilitating the Broadband Study and this Summary and its recommendation as applicable. Collectively with the elected officials we desire to seek consensus authorizing for the Town representatives to begin discussions with Allo and confirm a simple Agreement (such as an MOU) between Allo and each of the 4 Towns to be presented to the governing bodies of each Town. This should be a simple Agreement as no Town commitments, monetary or otherwise, are being made and granted to Allo. The execution of a Franchise agreement with Allo would also happen as required.

It is expected that this Agreement could be completed for Town Council/Board consideration by end of March 2022. In parallel to this, Allo would complete their own expected final design and costs of the project at their own expense. Assuming these timelines are met, following final design review, agreement on a project timeline with final market pricing, and establishment of the permitting process, construction could begin as early as Summer 2022. Full construction should be complete within 18-24 months from commencement.

Allo highlights:

- Lincoln, Nebraska headquarters serving 27 communities across NE, CO and AZ.
- Well capitalized with a significant investment from SDC Capital Partners, LLC, headquartered in New York, focused on applicable IT and communications infrastructure investments.
- Presence in Northern Colorado with initiatives in Fort Morgan, Breckenridge, Hudson and soon Greeley.
- Good fiber-based internet options with competitive pricing supported by IP voice and IPTV bundle options with a strong channel lineup.
- Excellent technical team and operational know-how.
- Solid customer care, community engagement, and applicable marketing activities.

4 Towns Preliminary Design





Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: January 19, 2022

SUBJECT: Johnstown Reservoir Dam Repair Project

ACTION PROPOSED: Authorize additional funds for the Johnstown Reservoir Dam Repair Project – Change Order # 3

ATTACHMENTS:

1. Johnstown Reservoir Dam Repair – Change Order #3 Alternatives
2. Johnstown Reservoir Dam Repair – Change Order #3 Revised Cost

PRESENTED BY: Ellen Hilbig, Utilities Director

AGENDA ITEM DESCRIPTION:

Enclosed for Councils review and consideration is a request to authorize Change Order #3 to the Johnstown Reservoir Dam Repair project in the amount of \$52,285.00 due to unforeseen site conditions.

At the December 13, 2021 Council Meeting, Staff discussed the need for a change order to the Johnstown Reservoir Dam Repair project that was awarded to J-2 Contracting Company at the September 8, Council Meeting. The change order was required due to the depth the Contractor found the competent bedrock below the outfall encasement and required repairs. The extent of the additional excavation to reach the competent bedrock left an open hole in the dam structure that the State Dam Engineer required the Town to structurally stabilize using one of two acceptable options of either concrete fill or caissons. The Contractor provided a price for the concrete fill option of \$107,267.50 and a price for the caisson option of \$117,530.00.

With the Council's knowledge of the pending change order, Staff was given authorization to move forward, to not delay the construction schedule. Staff conferred with the Design Engineer, JT Consulting, and State Dam Engineer and the preferred method to fill the space between the competent bedrock and the outfall encasement location was the concrete fill. The actual price for the work ended up being \$97,285.00, reducing the anticipated change order by approximately \$10,000. J-2's contract also had a built-in contingency of \$45,000 that was used towards Change Order #3 resulting in a total amount of \$52,285.00.

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The total project costs for the Johnstown Reservoir Dam Repair project prior to this request for additional funds was \$1,725,155.00 which included design, construction, and construction administration for the original contracted amount of \$1,085,495.00 as well as the additional services amount of \$639,660.00 approved on November 18, 2021 for dredging of the reservoir.

The additional services requested with this communication for Change Order #3, total \$52,285.00. A budget amendment may be required to address project funding adjustments in the 2022 budget based on the amount of funds expended during FY 2021 that may not have reached the projected amount.

Shown below is an overview of the current total project expenses:

Scope of Work	Amount
J&T Design Services	\$66,150.00
J&T Phase 1 Construction Administration	\$70,870.00
J&T Phase 2 & Closeout Construction Administration	\$19,800.00
J-2 Construction Contract Phase 1	\$707,680.00
J-2 Construction Contract Phase 2	\$240,795.00
J-2 Construction Contract Change Order #1a Dewatering	\$88,500.00
J-2 Construction Contract Change Order #1b Dredging	\$479,750.00
J-2 Construction Contract Change Order #2 State Revisions	\$51,610.00
J-2 Construction Contract Change Order #3 State Revisions	\$52,285.00
Total	\$1,777,440.00

LEGAL ADVICE:

N/A

FINANCIAL ADVICE:

The project total cost now is \$1,777,440. Funds will likely need to be appropriated in FY 2022 to cover Change Order #3 in the amount of \$52,285 and any appropriations not fully expended in FY 2021 for the project.

RECOMMENDED ACTION: Approve Change Order #3 as presented

SUGGESTED MOTIONS:

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For Approval:

I move to authorize Change Order #3 to include if necessary, additional funds in the amount of \$52,285.00 for a total project cost of \$1,777,440 with the knowledge that a budget amendment may be required in the FY 2022 budget.

For Denial:

I move to deny the request for additional services as presented and direct Staff to reevaluate the project needs.

Reviewed and Approved for Presentation,



Town Manager



105 Coronado Ct. Unit A-101, Fort Collins, CO 80525 | 970-392-0694 | www.j2contracting.com

Heavy Civil Construction | Public Utilities | Parks | Streetscapes | Drainage Improvements | Aggregate Sales | Contract Crushing

Johnstown Reservoir Repair Change Order Request #003

Option 1

Item #	Description	Units	UM	Unit Price	Total
COR 3.1	Credit Concrete Mud Mat	(7)	CY	\$ 1,500.00	-\$10,500.00
COR 3.2	Added Concrete and Reinforcement to Pipe Encasement	29.67	CY	\$ 1,500.00	\$44,505.00
COR 3.3	Concrete Fill Below Pipe Encasement	150	CY	\$ 425.00	\$63,750.00
COR 3.4	Additional Excavation To Competent Bedrock Material (Exported Off Site) (Measured Via GPS)	250	CY	\$ 25.25	\$6,312.50
COR 3.5	Additional Structural Backfill (Measured Via GPS)	100	CY	\$ 17.00	\$1,700.00
COR 3.6	Additional Filter Diaphragm	1	LS	\$ 1,500.00	\$1,500.00
COR 3.7	Remove and Replace 6" Irrigation Line and Control Wires Discovered in Excavation (Pending Landscaper Quote or Performed by Town Parks Department)	1	LS	TBD	
COR 3.8	Remove and Replace Electric Line Discovered in Excavation (Pending Electrical Quote or Performed by Town Electrician)	1	LS	TBD	

Option 1 Total \$107,267.50

Option 2

Item #	Description	Units	UM	Unit Price	Total
COR 3.1	Credit Concrete Mud Mat	(7)	CY	\$ 1,500.00	-\$10,500.00
COR 3.2	Added Concrete and Reinforcement to Pipe Encasement	29.67	CY	\$ 1,500.00	\$44,505.00
COR 3.3	Drill and Set 10 18" Caissons Below Pipe Encasement 26' Into Bedrock	260	LF	\$ 305.00	\$79,300.00
COR 3.4	Additional Muck Excavation To Top Of Fractured Bedrock top (Measured Via GPS)	100	CY	\$ 25.25	\$2,525.00
COR 3.5	Additional Structural Backfill (Measured Via GPS)	100	CY	\$ 17.00	\$1,700.00
COR 3.7	Remove and Replace 6" Irrigation Line and Control Wires Discovered in Excavation (Pending Landscaper Quote or Performed by Town Parks Department)	1	LS	TBD	
COR 3.8	Remove and Replace Electric Line Discovered in Excavation (Pending Electrical Quote or Performed by Town Electrician)	1	LS	TBD	

Option 2 Total \$117,530.00



105 Coronado Ct. Unit A-101, Fort Collins, CO 80525 | 970-392-0694 | www.j2contracting.com

Heavy Civil Construction | Public Utilities | Parks | Streetscapes | Drainage Improvements | Aggregate Sales | Contract Crushing

Johnstown Reservoir Repair Change Order Request #003

Item #	Description	Units	UM	Unit Price	Total
COR 3.1	Credit Concrete Mud Mat	(7)	CY	\$ 1,500.00	-\$10,500.00
COR 3.2	Added Concrete and Reinforcement to Pipe Encasement	21.34	CY	\$ 1,500.00	\$32,010.00
COR 3.3	Concrete Fill Below Pipe Encasement	200	CY	\$ 325.00	\$65,000.00
COR 3.4	Additional Excavation To Competent Bedrock Material (Exported Off Site) (Measured Via GPS)	300	CY	\$ 25.25	\$7,575.00
COR 3.5	Additional Structural Backfill (Measured Via GPS)	100	CY	\$ 17.00	\$1,700.00
COR 3.6	Additional Filter Diaphragm	1	LS	\$ 1,500.00	\$1,500.00
COR 3.7	Remove and Replace 6" Irrigation Line and Control Wires Discovered in Excavation (Pending Landscaper Quote or Performed by Town Parks Department)	1	LS	TBD	
COR 3.8	Remove and Replace Electric Line Discovered in Excavation (Pending Electrical Quote or Performed by Town Electrician)	1	LS	TBD	

Total \$97,285.00



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: January 19, 2022

SUBJECT: Amending the Consolidated Town Fee Schedule

ACTION PROPOSED: Consider Resolution 2022-02

ATTACHMENTS: 1. Resolution 2022-02
2. Town of Johnstown Fee Schedule – Exhibit A

PRESENTED BY: Mitzi McCoy, Finance Director

AGENDA ITEM DESCRIPTION:

The Town Consolidated Fee Schedule in its present form was adopted by the Town Council on August 2, 2021 in Resolution 2021-25.

The fee schedule is a comprehensive fee schedule that includes not only administrative fees, but also utility rates, permitting fees, business licenses, court surcharges, cemetery fees, etc. The fee schedule was created with the intent of: decreasing future costs for publishing ordinances, decreasing costs associated with revising the municipal code, creating a document that is easy for people to use and access, and creating a document that encourages an annual review of the fees that the Town is charging. Fines and penalties have not been included in this fee schedule due to the subjective nature of the fine structure.

While generally the fees included in the proposed fee schedule are unchanged, there are a few that have been changed or restructured. Those fees include the following:

Sec. 2-44 – General Fees.

Proposed changes to this section include an addition of a special event application fee. Special event applications have increased recently and this fee is intended to cover the costs associated with processing this type of application.

Sec 16-345(f) Wireless Communication Facilities.

This fee has already been included in the Town's Municipal Code, it just needed to get added to the fee schedule. No changes have been made to the amount.

Sec 17-224 through Sec 17-228

The Council is currently considering the Second Reading of Ordinance No. 2022-221, Amending Article XII of Chapter 17 of the Johnstown Municipal Code Concerning Impact Fees. The recommendations included in the attached fee schedule are based on the analysis, report, and recommendations by WEL

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Consulting, LLC. The report and recommendations were discussed at a work session in October 2021. The impact fees have been increased for 2022 and for each calendar year over the next 5 years.

Rate changes in this section will not go into effect until Ordinance No. 2022-221 goes into effect.

Sec. 17-283 - 402 Interchange Fee.

The Council is currently considering the Second Reading of Ordinance No. 2022-222 Adding Article XV to Chapter 17 of the Johnstown Municipal Code, Establishing a Special Fee to be Paid by the Owners of Property Within Close Proximity to the Reconstructed Interchange at I-25 and State Highway 402. This fee is intended to recover a portion of the costs that the Town contributed to the improvements made towards Hwy 402 improvements.

Rate changes in this section will not go into effect until Ordinance No. 2022-222 goes into effect.

LEGAL ADVICE:

The Town Attorney drafted the Resolution.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: Staff recommends approving Resolution 2022-02.

SUGGESTED MOTIONS:

For Approval: I move to approve Resolution 2022-02 Amending the Consolidated Town Fee Schedule.

For Denial: I move to deny Resolution 2022-02 Amending the Consolidated Town Fee Schedule.

Reviewed and Approved for Presentation,



Town Manager

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2022-02**

RESOLUTION AMENDING THE CONSOLIDATED TOWN FEE SCHEDULE

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 has authority to establish a schedule of the fees, rates and charges levied and assessed for municipal services in the Town; and

WHEREAS, the Town Council finds that the fees, rates and charges set forth in the Town Fee Schedule, attached hereto and incorporated herein by reference as Exhibit A, are equitable and just; and

WHEREAS, the Town Council desires to amend the Town Fee Schedule.

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

1. The Town Council hereby amends the Town Fee Schedule.
2. This resolution and attached Exhibit A shall become effective immediately, and may, except as provided below, be amended from time to time by resolution of the Town Council.
3. The general fees contained in the Town Fee Schedule that are associated with Section 2-44 of the Johnstown Municipal Code, which are administrative in nature, may be amended from time to time by the Town Manager unless otherwise provided by law.
4. The fees, rates and charges set forth in the Town Fee Schedule shall supersede and replace any fees, rates or charges previously set or adopted by the Town Council for the same purpose. However, the same shall not be deemed to release, extinguish, alter, modify or change in whole or in part any liability which shall have been previously incurred, and the superseded or replaced provisions shall be treated and held as remaining in full force and effect for the purpose of sustaining any judgment, decree, order or lien.
5. If any portion of this resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions.

PASSED, SIGNED, APPROVED, AND ADOPTED this ____ day of _____, 2022.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

Town of Johnstown - Fee Schedule

Item #11.

Chapter 2 - Administration and Personnel

ARTICLE II

Sec 2-44

General Fees

Reproductions:

Xerox copies (agendas, minutes, etc.) - (per page)	\$0.25
Certified Copies (per page)	\$1.25
Verbatim Transcripts	Cost + \$15.00
Voice Recorded Audio	\$10.00
CD/DVD (each)	\$20.00

Bound Reports and Publications:

Any/All items	Cost +10%
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Project Plans and Bid Specifications:

Small Projects	\$10.00
Large Projects	\$25.00
Town Maps	\$15.00
Black & White Maps - 24x36	\$10.00

Special Services:

CORA (first hour is free - fee is per hour after)	\$30.00
Postage	Standard Postal Rate
Non-sufficient funds (return check) fee	\$25.00

Park Reservations:

No Alcohol:	
All Parks	\$20.00
With Alcohol:	
Hays Park	\$25.00

Fishing License:

Resident	\$5.00
Non-resident	\$25.00

Special Event Application: \$100.00

Johnstown Community Complex:

Room Rental Fees, Damage Deposits & Equipment Rentals:

- Class I: Government Agency/Schools
- Class II: Non-Profit/Civic and Service Organizations
- Class III: Private Groups - Johnstown Town Limits
- Class IV: Private Groups - Outside Johnstown Town Limits

	<u>Large Room</u>	<u>Small Room</u>
Class I	No Charge/Negotiated	No Charge/Negotiated
Class II	No Charge/Negotiated	No Charge/Negotiated
Class III	\$30.00/hr	\$15.00/hr
Class IV	\$50.00/hr	\$25.00/hr

Town of Johnstown - Fee Schedule

Item #11.

Damage Deposits

Large Room (No Alcohol) 1 to 50 People (In Johnstown Limits)	\$200.00
Large Room (No Alcohol) 51 to 200 People (In Johnstown Limits)	\$300.00
Large Room (No Alcohol) 1 to 200 People (Outside Johnstown Limits)	\$400.00
Large Room (With Alcohol)	\$500.00

ARTICLE III Municipal Court

Sec. 2-74 Fines imposed by the Municipal Court

Parking Citations - Surcharge	\$10.00
Traffic Citations - Surcharge	\$25.00
All other citations - Surcharge	Up to 10% of fine

Chapter 4 - Revenue and Finance

ARTICLE IV Sales Tax

Sec. 4-55 (8) License for retail sale of tangible property

Business License	\$50.00
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ARTICLE VI Development Cost Reimbursement

Sec. 4-91 Funds deposit agreement

Development Deposit	Per cost agreement
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ARTICLE VII Lodging Tax

Sec. 4-103 Tax Levied*

Lodging Tax	3%
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Sec. 4-112 Administrative review; appeals

Docket fee	\$50.00
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* - Taxes are set and changed by voter approval only. They are included in this schedule for convenience only.

Chapter 5 - Franchises and Communication Systems

ARTICLE III Telephone Occupation Tax

Sec. 5-91 Levy of tax; amount*

Per telephone account/monthly	\$.30/month/line
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ARTICLE IV Franchise Expenses

Sec. 5-111 Application

Franchise Deposit	\$5,000.00
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Chapter 6 - Business Licenses and Regulations

ARTICLE I Licenses and Permits Generally

Sec. 6-6 Fees

Business Licenses	\$50.00
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Town of Johnstown - Fee Schedule

Item #11.

ARTICLE II Fireworks Permit

Sec. 6-42 Application

Application Fee (to Fire Chief) \$10.00

Sec. 6-46 Cleanup bond

Pyrotechnic display \$200.00

ARTICLE III Fireworks Public Display Permit

Sec. 6-63 Application

Fireworks Public Display Permit \$10.00

ARTICLE IV Auction and Auctioneers

Sec. 6-83 Fee

Auction/Auctioneer \$5/day
Auction House \$5/Year

ARTICLE V Skating Rinks, Merry-Go-Rounds, Shows and Exhibitions

Sec. 6-102 Fees

License Fee \$50.00

ARTICLE VI Skating Rinks, Merry-Go-Rounds, Shows and Exhibitions

Sec. 6-111 License fee; when payable

Coin operated game machines \$20.00/each machine

ARTICLE VII Peddlers and Solicitors

Sec. 6-133 Application; application fee

Solicitor's/Peddler's \$10.00

Sec. 6-135 License fee

Solicitor's/Peddlers License
\$2.50/Day
\$10.00/Week
\$25.00/Month
\$50.00/Annual

ARTICLE VIII Tree Trimmers

Sec. 6-161 Application and licensing required for tree trimmers

License \$5.00

ARTICLE IX - Liquor Licensing

Sec. 6-174 Application for liquor license; fee.

License fee state liquor law license fee
Application fee Fee is equal to maximum amount set by state liquor laws

ARTICLE X Contractor Licenses

Sec. 6-186 Forms; fees; validity

Contractor license - per year \$100.00

Town of Johnstown - Fee Schedule

Item #11.

Sec. 6-189 Disciplinary procedures, violations and penalties

Docket fee \$50.00

ARTICLE XI Outdoor Vendors

Sec. 6-202 Licenses Required.

Outdoor Vendor License 50.00

Chapter 7 - Health, Sanitation and Animals

ARTICLE III Garbage and Refuse

Sec. 7-43 Accumulation of refuse; abatement

Abatement of property Actual Cost + 10%

Sec 7-65 Persons Served by water taps to receive service...

Refuse Collection (per month):

Standard service - 95/96 gallon tote (Until August 31, 2021) \$11.81

Senior service - 64/65 gallon tote (Until August 31, 2021) \$8.68

95/96 gallon with recycling (Effective 9/2/2021) \$14.50

95/96 gallon without recycling (Effective 9/2/2021) \$12.50

64/65 gallon with recycling (Effective 9/2/2021) \$12.50

64/65 gallon without recycling (Effective 9/2/2021) \$10.50

Trash Rate Schedule

<u>9/1/2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
14.50	14.50	14.50	14.50	14.50
12.50	12.50	12.50	12.50	12.50
12.50	12.50	12.50	12.50	12.50
10.50	10.50	10.50	10.50	10.50

ARTICLE V Weeds

Sec. 7-82 Abatement by Town; assessment of costs

Abatement of weeds Actual Cost + 5%

ARTICLE VI Trees

Sec. 7-106 Failure to remove trees upon notice; removal by Town; costs to be charged to owner

Tree removal Actual Cost + 5%

Sec. 7-107 Cost for removal of trees on lots or blocks along sidewalk

Tree removal/tree trimming Actual Cost + 5%

Sec. 7-108 Failure to pay assessment; lien created

Lien surcharge Actual Cost + 10%

ARTICLE VII Animal Control

Sec. 7-128 License Fee

Spayed/Neutered (per year) \$4.00

Not spayed/neutered (per year) \$10.00

Sec. 7-131 License; duplicate tags; ownership changes

Duplicate tag \$1.00

Ownership change:

Spayed/Neutered \$4.00

Not spayed/neutered \$10.00

Town of Johnstown - Fee Schedule

Item #11.

Chapter 8 - Vehicles and Traffic

ARTICLE VI Golf Cars

Sec. 8-87 Inspection and permitting requirements (every 3 years) \$20.00

Chapter 11 - Streets, Sidewalks and Public Property

ARTICLE III Sidewalks, Curbs and Gutters

Sec. 11-42 Notice and order to install sidewalk, curb, gutter or curbwalk...
Improvement work Actual Cost

ARTICLE VI Cemetery

Sec. 11-106 Price of burial spaces.

Grave Space:
Resident - with perpetual care \$1,600.00
Non resident - with perpetual care \$3,000.00
Resident - Infant \$100.00
Non resident - Infant \$200.00
Resident - urn space with perpetual care \$850.00
Non resident - urn space with perpetual care \$1,350.00

Niche in Columbarium (includes opening and engraving) \$1,500.00

Sec. 11-115 Cemetery fees.

Openings - Grave Space:
Weekdays \$700.00
Weekend or holiday openings \$1,200.00

Openings - Urn Space:
Weekdays \$350.00
Weekend or holiday openings \$700.00

Disinternment charges \$250.00

Chapter 13 - Municipal Utility

ARTICLE I General

Sec. 13-7. Billing procedure

Late fee \$10.00
NSF check fee \$25.00
Duplicate bill (per month) \$2.00
New user account set up fee \$10.00
County special assessment fee 10% of balance due
Recording Lien on property Actual cost

Sec. 13-8. Remedies for non payment.

New service connection fee \$10.00
Restoration fee \$40.00

Town of Johnstown - Fee Schedule

Item #11.

ARTICLE II Sewer

Sec. 13-44. Private waste water disposal

Permit and inspection fee:	
Residential and Commercial	Set by Council or \$1,000
Industrial	Set by Council or \$1,000

Sec. 13-45. Sanitary sewers, building sewers and connections.

Building sewer permits:	
Residential	\$100.00
Commercial	\$500.00

Sec. 13-51. Administrative review; appeals process.

Docket fee	\$50.00
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Sec. 13-53. Sewer service charges.

			Sewer Service Charges - Effective January 1st of each year - In Town					
Customer Class - In Town:	Base	Usage*	2022	2023	2024	2025	2026	2027
Residential	\$31.56		\$33.14	\$34.79	\$36.53	\$38.36	\$40.28	\$42.29
Residential (Usage charges)		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Multi Family	\$31.56/unit		\$33.14/unit	\$34.79/unit	\$36.53/unit	\$38.36/unit	\$40.28/unit	\$42.29/unit
Multi Family (Usage charges)		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Nonresidential	\$31.56		\$33.14	\$34.79	\$36.53	\$38.36	\$40.28	\$42.29
Nonresidential (Usage charges)		\$3.63/1000g	\$3.81/1000g	\$4.00/1000g	\$4.20/1000g	\$4.41/1000g	\$4.63/1000g	\$4.86/1000g
RV facility with disposal station(s)(per pad)	\$12.62		\$13.25	\$13.91	\$14.61	\$15.34	\$16.11	\$16.91
*Usage amount calculated by averaging water use during the months of December, January, and February								

			Sewer Service Charges - Effective January 1st of each year - Out of Town					
Customer Class - Outside Town:	Base	Usage*	2022	2023	2024	2025	2026	2027
Residential	\$47.34		\$49.71	\$52.19	\$54.80	\$57.54	\$60.42	\$63.44
Residential (Usage charges)		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Multi Family	\$47.34/unit		\$49.71/unit	\$52.19/unit	\$54.80/unit	\$57.54/unit	\$60.42/unit	\$63.44/unit
Multi Family (Usage charges)		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Nonresidential	\$47.34		\$49.71	\$52.19	\$54.80	\$57.54	\$60.42	\$63.44
Nonresidential (Usage charges)		\$5.45/1000g	\$5.72/1000g	\$6.00/1000g	\$6.31/1000g	\$6.62/1000g	\$6.96/1000g	\$7.30/1000g
RV facility with disposal station(s)(per pad)	\$18.93		\$19.88	\$20.87	\$21.91	\$23.01	\$24.16	\$25.37
*Usage amount calculated by averaging water use during the months of December, January, and February								

Surcharge for solids and irregular concentrations	
BOD	\$.0698/lb
Suspended solids	\$.107/lb

Industrial Users - domestic treatment only	Calculation
--	-------------

Town of Johnstown - Fee Schedule

Item #11.

Sec. 13-54. Sewer Tap Fees

Sewer tap fees:

Single Family, Duplex, Town Homes (per unit)

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

Multi Family (per Unit)

Water Meter Size - Out of Town Rates

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

Multi Family (per Unit)

Sewer Tap Fees as of January 1st of each year - In Town						
2022	2023	2024	2025	2026	2027	
\$5,502	\$5,667	\$5,837	\$6,012	\$6,192	\$6,378	
\$9,353	\$9,634	\$9,923	\$10,220	\$10,527	\$10,843	
\$18,156	\$18,701	\$19,262	\$19,840	\$20,435	\$21,048	
\$29,159	\$30,034	\$30,935	\$31,863	\$32,819	\$33,804	
\$64,371	\$66,302	\$68,291	\$70,340	\$72,450	\$74,624	
\$115,537	\$119,003	\$122,573	\$126,250	\$130,038	\$133,939	
\$238,226	\$245,373	\$252,734	\$260,316	\$268,125	\$276,169	
\$513,314	\$528,713	\$544,575	\$560,912	\$577,739	\$595,072	
\$770,246	\$793,353	\$817,154	\$841,669	\$866,919	\$892,926	
\$2,751	\$2,833	\$2,918	\$3,006	\$3,096	\$3,189	
Sewer Tap Fees as of January 1st of each year - Out of Town						
\$8,253	\$8,500	\$8,755	\$9,018	\$9,288	\$9,567	
\$14,030	\$14,450	\$14,884	\$15,330	\$15,790	\$16,264	
\$27,234	\$28,051	\$28,893	\$29,759	\$30,652	\$31,572	
\$43,739	\$45,051	\$46,403	\$47,795	\$49,229	\$50,705	
\$96,557	\$99,453	\$102,437	\$105,510	\$108,675	\$111,935	
\$173,306	\$178,505	\$183,860	\$189,376	\$195,057	\$200,909	
\$357,339	\$368,059	\$379,101	\$390,474	\$402,188	\$414,254	
\$769,971	\$793,070	\$816,862	\$841,368	\$866,609	\$892,607	
\$1,155,369	\$1,190,030	\$1,225,731	\$1,262,503	\$1,300,378	\$1,339,389	
\$4,126	\$4,250	\$4,378	\$4,509	\$4,644	\$4,784	

Sec. 13-55. Regional Sewer Fee.

Sewer Regional Improvement Fee:

Per Single Family Equivalent

Duplex and Triplex (per unit)

Town Homes <12 units/acre (per unit)

Town Homes >12 units/acre (per unit)

Multi-Family (per unit)

Commercial, Industrial and Other (per SFE)

\$9,500.00
\$7,500.00
\$6,500.00
\$6,000.00
\$5,000.00
\$9,500.00

ARTICLE III Water

Sec. 13-72. Water meters.

Meter Cost*:

5/8" Meter

3/4" Meter

1" Meter

1.5" Meter

2.0" Meter

2.5" <

To be individually calculated

\$475.00
\$495.00
\$630.00
\$875.00
\$1,150.00

* Meter yokes, meter pits, meter domes, including lid and inner lid are the responsibility of the contractor. All items must be listed on the approved material list.

Meter Testing fee

\$100.00

Town of Johnstown - Fee Schedule

Item #11.

Sec. 13-73(a). Water Tap Fee

Potable water tap fee:

Water Meter Size - In Town Rates

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

		<u>Water Tap Fees as of January 1st of each year - In Town</u>					
		<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
≤ 3/4"	\$6,437.00	\$6,707	\$6,909	\$7,116	\$7,329	\$7,549	\$7,776
1"	\$10,247.98	\$11,403	\$11,745	\$12,097	\$12,460	\$12,834	\$13,219
1.5"	\$19,893.14	\$22,134	\$22,798	\$23,482	\$24,187	\$24,912	\$25,660
2"	\$31,949.59	\$35,549	\$36,615	\$37,714	\$38,845	\$40,011	\$41,211
3"	\$70,530.23	\$78,476	\$80,830	\$83,255	\$85,753	\$88,325	\$90,975
4"	\$126,588.00	\$140,854	\$145,080	\$149,432	\$153,915	\$158,533	\$163,289
6"	\$261,012.40	\$290,428	\$299,141	\$308,116	\$317,359	\$326,880	\$336,686
8"	\$562,412.40	\$625,796	\$644,570	\$663,907	\$683,824	\$704,339	\$725,469
10"	\$843,920.00	\$939,030	\$967,200	\$996,216	\$1,026,103	\$1,056,886	\$1,088,593

Water Meter Size - Out of Town Rates

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

		<u>Water Tap Fees as of January 1st of each year - Out of Town</u>					
		<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
≤ 3/4"	\$9,655.50	\$10,061	\$10,363	\$10,674	\$10,994	\$11,324	\$11,663
1"	\$15,371.97	\$17,104	\$17,617	\$18,145	\$18,690	\$19,250	\$19,828
1.5"	\$29,839.71	\$33,201	\$34,197	\$35,223	\$36,280	\$37,368	\$38,490
2"	\$47,924.39	\$53,323	\$54,923	\$56,571	\$58,268	\$60,016	\$61,817
3"	\$105,795.35	\$117,714	\$121,245	\$124,883	\$128,629	\$132,488	\$136,463
4"	\$189,882.00	\$211,282	\$217,620	\$224,149	\$230,873	\$237,799	\$244,933
6"	\$391,518.60	\$435,643	\$448,712	\$462,173	\$476,038	\$490,320	\$505,029
8"	\$843,618.60	\$938,694	\$966,855	\$995,861	\$1,025,736	\$1,056,509	\$1,088,204
10"	\$1,265,880.00	\$1,408,544	\$1,450,801	\$1,494,325	\$1,539,154	\$1,585,329	\$1,632,889

Sec. 13-73(b). Raw Water Development Fee

Raw Water Development Fee:

Water Meter Size - In Town Rates

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

		<u>Raw Water Development Fees as of January 1st of each year - In Town</u>					
		<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
≤ 3/4"	\$5,441.96	\$5,671	\$5,841	\$6,016	\$6,196	\$6,382	\$6,574
1"	\$9,251.32	\$9,640	\$9,929	\$10,227	\$10,534	\$10,850	\$11,175
1.5"	\$17,958.45	\$18,713	\$19,274	\$19,852	\$20,448	\$21,061	\$21,693
2"	\$28,842.37	\$30,054	\$30,955	\$31,884	\$32,841	\$33,826	\$34,841
3"	\$63,670.88	\$66,345	\$68,335	\$70,386	\$72,497	\$74,672	\$76,912
4"	\$114,281.16	\$119,081	\$122,653	\$126,333	\$130,123	\$134,027	\$138,047
6"	\$235,636.87	\$245,534	\$252,900	\$260,487	\$268,301	\$276,350	\$284,641
8"	\$507,734.87	\$529,060	\$544,932	\$561,279	\$578,118	\$595,461	\$613,325
10"	\$761,874.40	\$793,873	\$817,689	\$842,220	\$867,487	\$893,511	\$920,317

Town of Johnstown - Fee Schedule

Item #11.

Out of Town Rates:

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

Raw Water Development Fees as of January 1st of each year - Out of Town							
	2022	2023	2024	2025	2026	2027	
\$8,162.94	\$8,506	\$8,761	\$9,024	\$9,294	\$9,573	\$9,861	
\$13,876.98	\$14,460	\$14,894	\$15,340	\$15,801	\$16,275	\$16,763	
\$26,937.68	\$28,069	\$28,911	\$29,778	\$30,672	\$31,592	\$32,540	
\$43,263.56	\$45,081	\$46,433	\$47,826	\$49,261	\$50,739	\$52,261	
\$95,506.32	\$99,518	\$102,503	\$105,578	\$108,746	\$112,008	\$115,368	
\$171,421.74	\$178,621	\$183,980	\$189,499	\$195,184	\$201,040	\$207,071	
\$353,455.31	\$368,300	\$379,349	\$390,730	\$402,452	\$414,525	\$426,961	
\$761,602.31	\$793,590	\$817,397	\$841,919	\$867,177	\$893,192	\$919,988	
\$1,142,811.60	\$1,190,810	\$1,226,534	\$1,263,330	\$1,301,230	\$1,340,267	\$1,380,475	

Sec. 13-75. Meter obstruction.

Meter obstruction fee (per incidence)

\$100.00

Sec. 13-76. Disconnection of Service.

Service restoration fee

\$40.00

Sec. 13-77. Water service charges.

Water Usage Rates:

Residential - Single Family Equivalent - In Town:

Base

\$21.53

Volume charge is per thousand gallons:

Volume charge - 0 - 5,000 gallons

\$3.00

Volume charge - 5,001 - 10,000 gallons

\$3.45

Volume charge - 10,001 - 15,000 gallons

\$3.97

Volume charge - 15,001 - 20,000 gallons

\$4.56

Volume charge - 20,001 - 25,000 gallons

\$5.25

Volume charge - >25,000 gallons

\$6.03

Residential - Single Family Equivalent - Outside Town:

Base

\$32.30

Volume charge is per thousand gallons:

Volume charge - 0 - 5,000 gallons

\$4.50

Volume charge - 5,001 - 10,000 gallons

\$5.18

Volume charge - 10,001 - 15,000 gallons

\$5.95

Volume charge - 15,001 - 20,000 gallons

\$6.84

Volume charge - 20,001 - 25,000 gallons

\$7.87

Volume charge - >25,000 gallons

\$9.05

Water Base and Usage Rates as of January 1st of each year							
	2022	2023	2024	2025	2026	2027	
Base	\$22.18	22.84	23.53	24.23	24.96	25.71	
Volume charge - 0 - 5,000 gallons	\$3.09	3.18	3.28	3.38	3.48	3.58	
Volume charge - 5,001 - 10,000 gallons	\$3.55	3.66	3.77	3.88	4.00	4.12	
Volume charge - 10,001 - 15,000 gallons	\$4.09	4.21	4.34	4.47	4.60	4.74	
Volume charge - 15,001 - 20,000 gallons	\$4.70	4.84	4.99	5.14	5.29	5.45	
Volume charge - 20,001 - 25,000 gallons	\$5.40	5.57	5.73	5.91	6.08	6.27	
Volume charge - >25,000 gallons	\$6.22	6.40	6.59	6.79	7.00	7.20	
Base	\$33.26	34.26	35.29	36.35	37.44	38.56	
Volume charge - 0 - 5,000 gallons	\$4.64	4.77	4.92	5.06	5.22	5.37	
Volume charge - 5,001 - 10,000 gallons	\$5.33	5.49	5.65	5.82	6.00	6.18	
Volume charge - 10,001 - 15,000 gallons	\$6.13	6.31	6.50	6.70	6.90	7.11	
Volume charge - 15,001 - 20,000 gallons	\$7.05	7.26	7.48	7.70	7.93	8.17	
Volume charge - 20,001 - 25,000 gallons	\$8.11	8.35	8.60	8.86	9.12	9.40	
Volume charge - >25,000 gallons	\$9.32	9.60	9.89	10.19	10.49	10.81	

Town of Johnstown - Fee Schedule

Item #11.

Residential - Multi-Family - In Town:

Base (per dwelling unit)
Volume charge is per thousand gallons:
Volume charge - 0 - 100,000 gallons
Volume charge - 100,001 ≤

\$10.77
\$3.00
\$4.56

Residential - Multi-Family - Out of Town:

Base (per dwelling unit)
Volume charge is per thousand gallons:
Volume charge - 0 - 100,000 gallons
Volume charge - 100,001 ≤

\$16.15
\$4.50
\$6.84

Nonresidential/Commercial/Industrial - In Town:

By meter size:

Commercial - 5/8" \$21.53
Commercial - 1" \$36.60
Commercial - 1.5" \$71.06
Commercial - 2" \$114.12
Commercial - 3" \$251.92
Commercial - 4" \$452.17
Commercial - 6" \$932.25
Commercial - 8" \$2,008.75
Commercial - 10" \$3,014.20
Commercial - 5/8" 3.86/1000 gallons
Commercial - 1" 3.86/1000 gallons
Commercial - 1.5" 3.86/1000 gallons
Commercial - 2" 3.86/1000 gallons
Commercial - 3" 3.86/1000 gallons
Commercial - 4" 3.86/1000 gallons
Commercial - 6" 3.86/1000 gallons
Commercial - 8" 3.86/1000 gallons
Commercial - 10" 3.86/1000 gallons

Base

Usage

Water Base and Usage Rates as of January 1st of each year

	2022	2023	2024	2025	2026	2027
Base (per dwelling unit)	\$11.09	11.42	11.76	12.12	12.48	12.85
Volume charge - 0 - 100,000 gallons	\$3.09	3.18	3.28	3.38	3.48	3.58
Volume charge - 100,001 ≤	\$4.70	4.84	4.98	5.13	5.29	5.44
Base (per dwelling unit)	\$16.63	17.13	17.64	18.17	18.72	19.28
Volume charge - 0 - 100,000 gallons	\$4.64	4.77	4.92	5.06	5.22	5.37
Volume charge - 100,001 ≤	\$7.05	7.26	7.47	7.70	7.93	8.17

Water Base and Usage Rates as of January 1st of each year

	2022	2023	2024	2025	2026	2027
Commercial - 5/8"	\$22.18	22.84	23.53	24.23	24.96	25.71
Commercial - 1"	\$37.70	38.83	39.99	41.19	42.43	43.70
Commercial - 1.5"	\$73.19	75.39	77.65	79.98	82.38	84.85
Commercial - 2"	\$117.54	121.07	124.70	128.44	132.30	136.27
Commercial - 3"	\$259.48	267.26	275.28	283.54	292.04	300.81
Commercial - 4"	\$465.74	479.71	494.10	508.92	524.19	539.91
Commercial - 6"						
Commercial - 8"						
Commercial - 10"						
Commercial - 5/8" 3.86/1000 gallons	3.98/1000g	4.10/1000g	4.22/1000g	4.34/1000g	4.47/1000g	4.60/1000g
Commercial - 1" 3.86/1000 gallons	3.98/1000g	4.10/1000g	4.22/1000g	4.34/1000g	4.47/1000g	4.60/1000g
Commercial - 1.5" 3.86/1000 gallons	3.98/1000g	4.10/1000g	4.22/1000g	4.34/1000g	4.47/1000g	4.60/1000g
Commercial - 2" 3.86/1000 gallons	3.98/1000g	4.10/1000g	4.22/1000g	4.34/1000g	4.47/1000g	4.60/1000g
Commercial - 3" 3.86/1000 gallons	3.98/1000g	4.10/1000g	4.22/1000g	4.34/1000g	4.47/1000g	4.60/1000g
Commercial - 4" 3.86/1000 gallons	3.98/1000g	4.10/1000g	4.22/1000g	4.34/1000g	4.47/1000g	4.60/1000g
Commercial - 6" 3.86/1000 gallons	3.98/1000g	4.10/1000g	4.22/1000g	4.34/1000g	4.47/1000g	4.60/1000g
Commercial - 8" 3.86/1000 gallons	3.98/1000g	4.10/1000g	4.22/1000g	4.34/1000g	4.47/1000g	4.60/1000g
Commercial - 10" 3.86/1000 gallons	3.98/1000g	4.10/1000g	4.22/1000g	4.34/1000g	4.47/1000g	4.60/1000g

Town of Johnstown - Fee Schedule

Item #11.

Nonresidential/Commercial/Industrial - Out of Town:

By meter size:

Base

Usage

Water Base and Usage Rates as of January 1st of each year

		2022	2023	2024	2025	2026	2027
Commercial - 5/8"	\$32.30	\$33.26	\$34.26	\$35.29	\$36.35	\$37.44	\$38.56
Commercial - 1"	\$54.90	\$56.55	\$58.24	\$59.99	\$61.79	\$63.64	\$65.55
Commercial - 1.5"	\$106.59	\$109.79	\$113.08	\$116.47	\$119.97	\$123.57	\$127.27
Commercial - 2"	\$171.18	\$176.32	\$181.60	\$187.05	\$192.66	\$198.44	\$204.40
Commercial - 3"	\$377.88	\$389.22	\$400.89	\$412.92	\$425.31	\$438.07	\$451.21
Commercial - 4"	\$678.26	\$698.60	\$719.56	\$741.15	\$763.38	\$786.28	\$809.87
Commercial - 6"	\$1,398.37	\$1,440.32	\$1,483.53	\$1,528.04	\$1,573.88	\$1,621.10	\$1,669.73
Commercial - 8"	\$3,013.12						
Commercial - 10"	\$4,521.30						
Commercial - 5/8"		5.96/1000g	6.14/1000g	6.32/1000g	6.51/1000g	6.71/1000g	6.91/1000g
Commercial - 1"		5.96/1000g	6.14/1000g	6.32/1000g	6.51/1000g	6.71/1000g	6.91/1000g
Commercial - 1.5"		5.96/1000g	6.14/1000g	6.32/1000g	6.51/1000g	6.71/1000g	6.91/1000g
Commercial - 2"		5.96/1000g	6.14/1000g	6.32/1000g	6.51/1000g	6.71/1000g	6.91/1000g
Commercial - 3"		5.96/1000g	6.14/1000g	6.32/1000g	6.51/1000g	6.71/1000g	6.91/1000g
Commercial - 4"		5.96/1000g	6.14/1000g	6.32/1000g	6.51/1000g	6.71/1000g	6.91/1000g
Commercial - 6"		5.96/1000g	6.14/1000g	6.32/1000g	6.51/1000g	6.71/1000g	6.91/1000g
Commercial - 8"		5.96/1000g	6.14/1000g	6.32/1000g	6.51/1000g	6.71/1000g	6.91/1000g
Commercial - 10"		5.96/1000g	6.14/1000g	6.32/1000g	6.51/1000g	6.71/1000g	6.91/1000g

Raw Water Usage Rates as of January 1st of each year

Raw water use - per 1000 gallons

\$1.75

2022	2023	2024	2025	2026	2027
\$1.80	\$1.86	\$1.91	\$1.97	\$2.03	\$2.09

Sec. 13-78. Bulk potable water for construction.

Bulk water - per thousand gallons

\$11.00

Bulk Water Usage Rates as of January 1st of each year

2022	2023	2024	2025	2026	2027
\$11.33	\$11.67	\$12.02	\$12.38	\$12.75	\$13.13

Article V - Water Rights Dedication

Sec.13-122. Water court transfer fee.

Court Fees (water rights decreed for municipal use):

Consolidated Home Supply Ditch

\$150/SFE

Colorado Big Thompson

\$0.00

Other acceptable water rights

\$150/SFE

Court Fees (water rights not decreed for municipal use):

Consolidated Home Supply Ditch

\$300/SFE

Colorado Big Thompson

\$0.00

Other acceptable water rights

\$300/SFE

Article VI - Water Conservation

Sec. 13-151. Levels of drought condition.

New grass/sod watering permit

\$50.00

Town of Johnstown - Fee Schedule

Item #11.

Sec. 13-153. Drought surcharge.
Drought surcharge To be determined as needed.

ARTICLE VII Storm Water Utility

Sec. 13-173. Storm water fees
System development charges \$1,100/acre
Storm water management utility fee (monthly) \$5.00/ERU

Sec. 13-175. Administrative review; appeals process.
Docket fee \$50.00

Sec 15 - Annexation

Sec. 15-4 Procedure prior to approval or denial of petition; approval or denial
Annexation filing fee \$100.00

Chapter 16 - Zoning

ARTICLE V Amendments

Sec 16-62 Procedure
Amendment fee \$25.00

ARTICLE XX Sign Code

Sec 16-363 Permit Requirements
Sign Permit Varies based on project valuation

ARTICLE XIX - Wireless Communication Facilities

Sec 16-345(f) Review Procedures and Requirements
Application fee Maximum allowed by FCC or Town's actual consultant costs

Chapter 17 - Subdivisions

ARTICLE II Applicability of Regulations

Sec. 17-13 Fees
Preliminary Plat \$500.00
Final Plat \$500.00
Each filing \$25.00
Recording Fee Actual Cost

ARTICLE IV Dedication and Reservation of Land

Sec. 17-51 Dedication
Park Fee \$500.00/lot

ARTICLE XII Impact Fees*

Sec. 17-224 Transportation Facilities Development Fee

	Development Fee per Dwelling Unit (as of Jan 1st of each year)				
	2022	2023	2024	2025	2026
Residential:					
Detached Housing	2,777.00 \$2,916	\$3,062	\$3,215	\$3,375	\$3,544
Attached Housing	2,363.00 \$2,481	\$2,605	\$2,735	\$2,872	\$3,016

Town of Johnstown - Fee Schedule

Item #11.

Nonresidential Development by Type:

Retail	\$4.92/SF	\$5.17/SF	\$5.42/SF	\$5.70/SF	\$5.98/SF	\$6.28/SF
Office	\$2.98/SF	\$3.13/SF	\$3.29/SF	\$3.45/SF	\$3.62/SF	\$3.80/SF
Industrial/Other	\$1.92/SF	\$2.02/SF	\$2.12/SF	\$2.22/SF	\$2.33/SF	\$2.45/SF

Sec. 17-225 Parks and Recreation Facilities Development Fee

Residential:

Single-family detached	Detached Housing	1,194.00	\$1,254	\$1,316	\$1,382	\$1,451	\$1,524
All other dwelling units	Attached Housing	1,016.00	\$1,067	\$1,120	\$1,176	\$1,235	\$1,297

Sec. 17-226 Public Facilities Development Fee

Residential:

Detached Housing	1,589.00	\$1,668	\$1,752	\$1,839	\$1,931	\$2,028
Attached Housing	1,352.00	\$1,420	\$1,491	\$1,565	\$1,643	\$1,726

Nonresidential Development by Type:

Retail	\$7.74/SF	\$7.78/SF	\$8.2/SF	\$8.6/SF	\$9.0/SF	\$9.4/SF
Office	\$7.74/SF	\$7.78/SF	\$8.2/SF	\$8.6/SF	\$9.0/SF	\$9.4/SF
Industrial/Other	\$7.74/SF	\$7.78/SF	\$8.2/SF	\$8.6/SF	\$9.0/SF	\$9.4/SF

Sec. 17-227 Library Facilities Development Fee

Residential:

Single-family detached	Detached Housing	1,148.00	\$1,205	\$1,266	\$1,329	\$1,395	\$1,465
All other dwelling units	Attached Housing	977.00	\$1,026	\$1,077	\$1,131	\$1,188	\$1,247

Sec. 17-228 Police Facilities Development Fee

Residential:

Detached Housing	733.00	\$759	\$797	\$837	\$879	\$922
Attached Housing	624.00	\$647	\$679	\$713	\$748	\$786

Nonresidential Development by Type:

	Development Fee per square foot (as of Jan 1st of each year)					
	2022	2023	2024	2025	2026	2027
Retail	\$6.68/SF	\$7.1/SF	\$7.5/SF	\$7.9/SF	\$8.3/SF	\$8.7/SF
Office	\$2.25/SF	\$2.6/SF	\$2.8/SF	\$2.9/SF	\$3.0/SF	\$3.2/SF
Industrial/Other	\$2.25/SF	\$2.6/SF	\$2.8/SF	\$2.9/SF	\$3.0/SF	\$3.2/SF

Sec. 17-230 - Fire and emergency services provider facilities development fee

Loveland Fire Rescue Authority

	Fee Per Dwelling Unit
Residential	
Single Family	1,000.00
Multi Family	692.00

Nonresidential	
Commercial (per square foot)	0.60
Industrial (per square foot)	0.12

Front Range Fire Rescue Fire Protection District

	Fee Per Dwelling Unit
Residential	
Single Family or Two-Family	1,087.00
Multi Family	692.00

Town of Johnstown - Fee Schedule

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	Nonresidential (per square foot)	0.60
Sec. 17-247 Payment of Costs		
	Site specific development plan based on external costs including:	Actual costs
	Development Review	Actual costs
	Publication and Printing	Actual costs
	Public Hearings & Reviewing	Actual costs
Sec. 17-288 Administrative review; appeals		
	Docket fee	\$50.00

* Impact fees are set by ordinance but for convenience have been included in this document.

Article XV - 402 Interchange Fee

Sec. 17-283 Establishment and payment of 402 Interchange Fee

402 Interchange Fee

Single Family Residential
Multi-Family/Units
Office (per 1000 SF)
Retail/Commercial (per 1000 SF)
Industrial (per 1000 SF)

<u>Tier 1 Zone</u>	<u>Tier 2 Zone</u>
\$566	\$283
\$439	\$220
\$584	\$292
\$1,450	\$725
\$298	\$149

Building Permit Fees

Sec. 18-121 Fees and Charges

IBC/IRC Building Permit Fee Table:

Total Valuation (in dollars)	Base Fee	Additional fee (or fraction thereof)
1 - 500	23.50	0
500 - 2,000	23.50	\$3.05 per \$100 of value
2,000 - 25,000	69.25	\$14.00 per \$1000 of value
25,000 - 50,000	391.25	\$10.10 per \$1000 of value
50,000 - 100,000	643.75	\$7.00 per \$1000 of value
100,000 - 500,000	993.75	\$5.60 per \$1000 of value
500,000 - 1,000,000	3,233.75	\$4.75 per \$1000 of value
1,000,000 +	5,608.75	\$3.65 per \$1000 of value

Fees will be doubled if construction begins before a building permit has been issued.

Building Plan Submittal/Review Fees:

Non-residential	65% of Permit Fee
Residential	30% of Permit Fee
Residential - new home or new stock plan review	\$500.00
Residential - new stock home, basement, alteration	\$50.00
Residential - addition, detached garage, shed, etc	\$100.00
Residential - miscellaneous, deck, arbor	\$20.00
Plan resubmittal fee	\$50.00
Cost of external consulting reviews	Actual cost

Electrical Fees:

Meter (temporary & permanent) - each	\$38.00
--------------------------------------	---------

Commercial, Solar & Non-living Residential spaces:

Total Valuation (in dollars)	Base Fee	Additional fee (or fraction thereof)
≤ \$2,000	77.00	n/a
≥ \$2,000	77.00	\$6.00 per \$1000 of value

Town of Johnstown - Fee Schedule

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Residential Living Space:

Total Valuation (in square feet)	Base Fee	Additional fee (or fraction thereof)
≤ 1,000	77.00	n/a
1,001 - 1,500	116.00	n/a
1,501 - 2,000	155.00	n/a
2,001 +	155.00	\$6.00 per 100 square feet

Development and Other Fees:

Johnstown Use Tax 3.50%

Inspection & Miscellaneous Fees:

Backflow Preventer \$47.00
 Building Re-inspection, After Hours, Plan Resubmittal (per hour) \$47.00
 Electrical Re-inspection (per hour) \$50.00
 Temporary Certificate of Occupancy (6 month expiration) \$600.00



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: January 19, 2022

SUBJECT: Request for Acceptance of the Dedication of 2.5 Shares Capital Stock in the Consolidated Hillsborough Ditch Company in Exchange for 150 AF Water Credits in the Platte Land and Water, LLC Water Bank Held by the Town of Johnstown

ACTION PROPOSED: Consider Authorization to Sign the Water Dedication and Water Bank Agreement to Provide Hillsborough Water Consisting of 2.5 Shares and Providing for 150 AF Water Credit

ATTACHMENTS: 1. Letter to Tim Walsh Dated September 29, 2021

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

In September 2021, Council was presented in the informational packet with a letter which would accept 2.5 Shares of Hillsborough Water in exchange for 150 AF of water credit. This volume allocates 60 AF per share. A copy of this letter is attached. During the Council Meeting, there were no objections to this request and Council was generally supportive of this acceptance considering many factors. A key factor included the fact that the Town is currently preparing a change case for water and these shares would be included in that upcoming change case. The water acceptance request also proposed storage rights for water, but considering the Hillsborough does not currently have storage rights, it was recommended that the Town pass on this option.

While this offer and consideration is unique and outside of our normal course of action, Town Staff does not intend to provide for additional opportunities of this nature considering our current need to complete an updated operating agreement with the Home Supply Ditch Company. Notwithstanding this pending agreement with the Home Supply Company, the Town's Water Engineers also support acceptance of this water in this condition.

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www.TownofJohnstown.com

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

There is a risk/reward for acceptance of these shares in this current condition. Following a change case, the actual yield provided in the decree may be more or less than the 60 AF per share allocated. If the yield is more, the Town would receive the benefit of the excess water yield. Conversely, if the yield was less, the entity dedicating the water would receive the benefit of the 60 AF of water per share. In the interim, the Town would backfill the water need until the decree is completed. In our portfolio of water, there is sufficient firm water yield to meet this demand.

Approval of this agenda item would authorize creation of the water bank and establish 150 AF of water credit for the developer to use pending approval of any Water Sewer Service Agreement. Generally, the Town Manager signs the establishment of Water Dedication and Water Bank. Since the water bank is being established with water our Town Code does not address, this item is presented to Council for formal consideration.

LEGAL ADVICE:

The Town Attorney reviewed the Water Dedication and Water Bank Agreement.

FINANCIAL ADVICE:

Not Applicable

RECOMMENDED ACTION: Authorize the Town Manager to sign the Water Bank Agreement and provide for 150 AF of water credit.

SUGGESTED MOTIONS:

For Approval: I move to authorize the Town Manager to sign the Water Dedication and Water Bank Agreement Between the Town of Johnstown and Platte Land & Water LLC and provide for 150 AF water credit.

For Denial: I move to deny authorization for the Town Manager to sign the Water Dedication and Water Bank Agreement Between the Town of Johnstown and Platte Land & Water LLC and provide for 150 AF water credit.

Reviewed and Approved for Presentation,



Town Manager

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Town of Johnstown

September 29, 2021

Mr. Tim Walsh, President
Platte Land and Water LLC
201 University Blvd Suite 710
Denver, CO 80206

RE: Request for Acceptance of the Dedication of 2.5 Shares Capital Stock in the Consolidated Hillsborough Ditch Company in Exchange for Water Credits in Platte Land and Water, LLC Water Bank Held by the Town of Johnstown

Dear Mr. Walsh,

I hope this letter finds you well. We apologize for the delayed response regarding your July 7, 2021 letter related to the above stated request. After a discussion with the Town's water resource professionals and a review of your request, the Town is receptive to offering the following alternative as a solution for accepting the 2.5 shares capital stock in the Consolidated Hillsborough Ditch Company in exchange for 150 acre-feet of water credits, which may be applied for the development of property. This action is subject to approval by the Mayor and Town Council as per the Johnstown Municipal Code.

Your inquiry also contemplates the ability to utilize water storage to compliment the water and considers the ability of increasing the availability of water by 50 acre-feet assuming that the water storage is available. This too would also be used for development of property within Town. While the Town is receptive to this idea, we currently cannot provide this additional yield and use of the water storage as a credit. This is simply because of the fact that the water would need to be changed and available for water storage in the final decree. If a water court change case is successful and does permit for the storage of water, we would be receptive to revisiting this request at that time.

If Platte Land and Water, LLC chooses not to dedicate the 2.5 Consolidated Hillsborough Ditch Company to the Town, this proposal would not be accepted by the Town. Please note this proposal is subject to Town Council approval. I am hopeful that this answers your questions. If this letter requires further dialogue, please contact me at your convenience.

Regards,


Matt LeCerf
Town Manager

cc: Tom Williamsen, Helton & Williamsen
Dan Gillham, Helton & Williamsen
Tod Matuga, Platte Land & Water
Eric McCarty, Front Range Land & Water Consulting, LLC

The Community That Cares

johnstown.colorado.gov

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WATER DEDICATION AND WATER BANK AGREEMENT
BETWEEN TOWN OF JOHNSTOWN AND
PLATTE LAND & WATER, LLC

This Water Dedication and Water Bank Agreement (“Agreement”) is made and entered into on this ____ day of _____, 202__, by and between the Town of Johnstown, Colorado, a Colorado home rule municipal corporation (“Town”), and Platte Land & Water, LLC, a Delaware limited liability company (“PLW”).

RECITALS

WHEREAS, PLW is the owner of real property situated in the Town of Johnstown, County of Weld, State of Colorado, the description of which is set forth on **Exhibit A** attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, PLW or a successor in interest may seek to develop the Property (“Development”) in the future; and

WHEREAS, Article IV of Chapter 13 of the Johnstown Municipal Code requires PLW to dedicate water in a sufficient amount to satisfy the water demands projected for all proposed uses within the Development; and

WHEREAS, PLW is also the owner of two and one-half (2.5) shares of The Consolidated Hillsboro Ditch Company (“Water Shares”) represented by Certificate Number 949 (the “Stock Certificate”), a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference; and

WHEREAS, the Water Shares equate to 150 acre-feet of raw water credit; and

WHEREAS, PLW desires to dedicate the Water Shares to the Town to be used to satisfy the raw water demands of the Development, or a portion thereof, and to create a water bank, to be known as the “PLW Held Farm Water Bank,” in the form attached hereto as **Exhibit C** and incorporated herein by reference, and include the corresponding 150 acre-feet of raw water credit into the PLW Held Farm Water Bank; and

WHEREAS, PLW further desires to continue to dedicate raw water to the Town to be included in the PLW Held Farm Water Bank upon the additional acquisition of raw water and to create a mechanism to accomplish such transactions; and

WHEREAS, the Town agrees to accept the dedication of the Water Shares and, from time to time, the dedication of additional raw water and, upon each such dedication, to include the corresponding raw water credit in the PLW Held Farm Water Bank; and

WHEREAS, to effectuate and memorialize the foregoing, the parties desire to enter into this Agreement.

AGREEMENT

1. **Water Dedication.** Subsequent to the execution of this Agreement, PLW shall dedicate the Water Shares to the Town and shall assign the Stock Certificate to the Town pursuant to a stock assignment substantially in the form attached to this Agreement as **Exhibit D.**

2. **PLW Held Farm Water Bank.** Upon dedication of the Water Shares to the Town, the Town shall add 150 acre-feet of raw water credit to the PLW Held Farm Water Bank, which raw water credit may be used to satisfy projected water demands within the Development or a portion thereof.

3. **Subsequent Water Dedications.** At any date subsequent to the execution of this Agreement, PLW may dedicate additional raw water to the Town, of a type acceptable to the Town, to be included in the PLW Held Farm Water Bank, which raw water credit shall thereafter be available to satisfy projected water demands within the Development or a portion thereof. The Town shall determine the raw water credit attributable to such subsequent raw water dedications. Upon each such dedication, the Town and PLW shall execute the form of Acknowledgment of Raw Water Credit attached hereto and incorporated herein by reference as **Exhibit E.**

4. **Use of Raw Water Credits in PLW Held Farm Water Bank.**

a. Prior to issuance of any building permits for commercial or industrial development or recordation of a final plat for residential lots in any phase in the Development, the Town and PLW shall enter into a water and sewer service agreement setting forth the raw water demands for the portion of the Development that is the subject of the water and sewer service agreement and, if raw water credit is available, allocate water from the PLW Held Farm Water Bank to those uses.

b. Absent written notice from PLW and written approval from the Town, which approval shall not be unreasonably withheld, the water contained in the PLW Held Farm Water Bank shall not be allocated to any other properties or development or other use in the Town.

c. For the avoidance of doubt, the Town shall not authorize the water in the PLW Held Farm Water Bank to be used outside the municipal boundaries of the Town.

5. Water Court Transfer Fees. PLW recognizes and agrees that, at the time of execution of water and sewer service agreements allocating water from the PLW Held Farm Water Bank, PLW shall be required to pay the Water Court Transfer Fees as that term is defined in and required by the Johnstown Municipal Code.

6. Binding Effect. This Agreement shall benefit PLW, PLW's heirs, successors, assigns and transferees and any other person or entity acquiring or purchasing any interest in any of the Property.

7. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado and Municipal Code of the Town of Johnstown. Venue for any claim, proceeding or action arising out of this Agreement shall be in Weld County, Colorado.

8. No Presumption. Each party acknowledges that it has obtained, or has had the opportunity to obtain, the advice of legal counsel of its own choosing in connection with the negotiation and execution of this Agreement and with respect to all matters set forth herein. In the event of any dispute, disagreement or controversy arising from this Agreement, the parties shall be considered joint authors and no provision shall be interpreted against any party because of authorship.

9. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the parties and supersedes all prior agreements or understandings. Any amendment to this Agreement must be in writing and signed by the parties.

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

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, and agreeing to be fully bound by the terms of this Agreement, the parties have set their hands below.

PLATTE LAND & WATER, LLC,

a Delaware limited liability company

By: _____

Name: Timothy B. Walsh

Title: President

STATE OF _____)

) ss.

COUNTY OF _____)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 202__, by Timothy B. Walsh, as President of Platte Land & Water, LLC, a Delaware limited liability company.

WITNESS my hand and official seal.

My commission expires:

Notary Public

TOWN OF JOHNSTOWN, COLORADO

a Colorado Home Rule Municipal Corporation

By: _____

Matthew LeCerf, Town Manager

ATTEST:

By: _____

Diana Seele, Town Clerk

EXHIBIT A**(Property)**

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

EXCEPTING THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED RECORDED AUGUST 23, 1926 IN BOOK 807 AT PAGE 76 IN THE SW1/4 OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P. M., WELD COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY OF THE GREAT WESTERN RAILWAY, WHICH POINT IS LOCATED 123 FEET EAST AND 540 FEET SOUTH OF THE NORTHWEST CORNER OF THE SW1/4 OF SAID SECTION 4; THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 123 FEET DISTANCE FROM AND PARALLEL TO THE WEST LINE OF SAID SECTION, FOR A DISTANCE OF 230 FEET, THENCE EAST FOR A DISTANCE OF 15 FEET, THENCE NORTH 138 FEET DISTANT FROM AND PARALLEL TO THE WEST LINE OF SAID SECTION, FOR A DISTANCE OF 230 FEET; THENCE WEST FOR A DISTANCE OF 15 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION AS CONVEYED IN DEED RECORDED AUGUST 1, 1904 IN BOOK 218 AT PAGE 175,

ALSO EXCEPT THAT PORTION CONVEYED IN DEED RECORDED APRIL 8, 1905 IN BOOK 228 AT PAGE 4.

EXHIBIT B
(Copy of the Water Certificate)

No. 949	---2.5--- Shares
The Consolidated Millshoro Ditch Co. CAPITAL STOCK, \$11,800.	
This Certifies that <u>Platte Land & Water, LLC</u>	
is the <u>owner</u> of <u>---two and one-half---</u>	<u>Shares of the Capital Stock of</u>
The Consolidated Millshoro Ditch Company <i>transferable only on the books of the Corporation by the holder hereof, or by attorney, upon surrender of this Certificate properly endorsed.</i>	
In Witness Whereof. The said Corporation has caused this Certificate to be signed by its duly authorized officers and to be sealed with the seal of the Corporation at Johnstown, Colorado, this <u>8th</u> day of <u>January</u> , A. D. 19 <u>2021</u>	
<u>Margaret S. Vetter</u> Secretary	<u>Dean Binda</u> President

EXHIBIT C
(PLW Held Farm Water Bank)

EXHIBIT D
(Form of Stock Assignment)

STOCK ASSIGNMENT
(The Consolidated Hillsboro Ditch Company – Certificate No. 949)

FOR VALUE RECEIVED, PLATTE LAND & WATER, LLC, a Delaware limited liability company (“Grantor”), hereby grants, transfers and assigns unto the TOWN OF JOHNSTOWN, COLORADO, a Colorado home rule municipal corporation (“Grantee”), all of Grantor’s right, title and interest in two and one-half (2.5) shares of the Capital Stock of The Consolidated Hillsboro Ditch Company (the “Company”) represented by Stock Certificate No. 949 (the “Water Shares”), which stock is standing in the name of the undersigned on the books and records of the Company. Grantor hereby authorizes and empowers the secretary of the Company to cancel said certificates and issue new certificates for the Water Shares to Grantee and to effectuate this transfer on the books of the Company.

Signed this _____ day of _____ 202__.

PLATTE LAND & WATER, LLC,
a Delaware limited liability company

By: _____
Name: Timothy B. Walsh, President

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____ 202__, by Timothy B. Walsh, President of Platte Land & Water LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT E
(Acknowledgement of Raw Water Credit)

ACKNOWLEDGEMENT OF RAW WATER CREDIT

RECITALS

WHEREAS, on or about _____, 202____, the Town of Johnstown, Colorado, a Colorado home rule municipal corporation (“Town”), and Platte Land & Water, LLC, a Delaware limited liability company (“PLW”), entered into a Water Dedication and Water Bank Agreement (“Agreement”); and

WHEREAS, pursuant to the Agreement, PLW desires to dedicate additional raw water to the Town to be included in the PLW Held Farm Water Bank; and

WHEREAS, the Town desires to accept such additional dedication and provide a raw water credit in the PLW Held Farm Water Bank in the amount set forth below.

ACKNOWLEDGEMENT

1. PLW hereby dedicates, and the Town hereby accepts the dedication, of _____ (____) shares of The Consolidated Hillsboro Ditch Company represented by Certificate Number(s) _____ (“Water Shares”).

2. The Water Shares equate to _____ acre-feet of raw water credit (“Water Credit”).

3. Upon the issuance of a new stock certificate in the name of the Town of Johnstown, the Town shall include the Water Credit into the PLW Held Farm Water Bank.

4. A revised copy of the PLW Held Farm Water Bank is attached hereto.

PLATTE LAND & WATER,

a Delaware limited liability company

By: _____

Name:

Title:

TOWN OF JOHNSTOWN, COLORADO

a Colorado Home Rule Municipal Corporation

By: _____

Matthew LeCerf, Town Manager

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022 - _____

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

WHEREAS, the Town of Johnstown, Colorado is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

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

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

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

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

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

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

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

ARTICLE XII SPECIAL EVENT PERMITS

Sec. 6-220. Purpose.

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

Sec. 6-221. Definitions.

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

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

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

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

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

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

Sec. 6-222. Permit required.

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

Sec. 6-223. Application procedure and fee.

- (a) Any person or organization desiring to conduct a special event shall apply for a special event permit by submitting an application to the Town Clerk, on a form supplied by the Town Clerk. Applications must be submitted not less than forty-five (45) business days nor more than six (6) months before the special event date.
- (b) If the applicant is not an organization qualified for exemption from the payment of Town sales and use taxes, the application for a special event permit shall be accompanied by a nonrefundable application fee in an amount set forth in the Town Fee Schedule.
- (c) Upon receipt of a complete application and fee, if applicable, the Town Clerk shall approve, conditionally approve or deny an application for the reasons specified in this Article.

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

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

- (1) Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail,
- (2) The applicant fails to complete the application form after having been notified of the additional information or documents required;
- (3) Another special event permit or application has been received prior in time, or has already been approved, to hold another special event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion;
- (4) The time, route or size of the special event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to traffic congestion;
- (5) The size, nature or location of the special event will present a substantial risk to the public health, safety or welfare, participants in the event or other persons;
- (6) The location of the special event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Town streets or a previously granted encroachment permit;

- (7) The special event will occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;
- (8) The special event involves the use of hazardous, combustible or flammable materials which could create a fire hazard;
- (9) The special event will violate an ordinance or statute; or
- (10) The issuance of the special event permit is not in the best interest of the public health, safety or welfare.

Sec. 6-225. Permit conditions and requirements.

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

- (1) Approval of any other jurisdiction in addition to the Town that may be part of the proposed special event;
- (2) Submission of a traffic control plan to be approved by the Town Clerk and the Johnstown Police Department;
- (3) All required traffic control shall be done at the permittee's expense;
- (4) A written operational plan regarding the management of the special event;
- (5) Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the special event to only a portion of a street or highway;
- (6) Requirements for the use of traffic cones, barricades or other traffic-control devices to be provided, placed and removed by the permittee at its expense;
- (7) Requirements for provision of first aid or sanitary facilities, including portable toilets;
- (8) Requirements for arrangement of supplemental fire protection and emergency medical services personnel to be present at the special event at the permittee's expense;
- (9) Requirements for use of special event monitors and providing notice of permit conditions to event participants and affected property owners;
- (10) Restrictions on the number and type of vehicles as may be required for fire safety by the Front Range Fire Rescue Fire Protection District and/or the Loveland Fire Rescue Authority;
- (11) Requirements for use of garbage containers, cleanup and restoration of Town property;
- (12) Restrictions on the use of amplified sound; and/or
- (13) Requirements for public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from the special event. The Town Clerk shall determine whether to require such insurance and the amount of any required insurance.

Sec. 6-226. Appeal procedure.

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

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

Sec. 6-227. Permit issuance.

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

Sec. 6-228. Rules and regulations.

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

Sec. 6-229. Indemnification.

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

Sec. 6-230. Duties of permittee.

- (a) The permittee shall comply with all terms and conditions of the special event permit.
- (b) The permittee shall ensure that the person leading a parade or other special event along a route, or the person in charge of any other special event, is familiar with all the provisions of the permit and carries the special event permit on his or her person for the duration of the event.
- (c) Immediately following the completion of the special event, the permittee shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event.

Sec. 6-231. Revocation of permit.

- (a) The Town Clerk may, at any time prior to the special event, revoke or terminate a special event permit to protect the public health, safety or welfare or if conditions have changed since issuance of the permit in a manner that would have required denial of the issuance of the permit in the first instance.
- (b) The Town Manager or the Town Clerk may revoke or terminate the special event permit during the course of the special event if continuation of the event presents a clear and present danger to the participants or the public.

Sec. 6-232. Violations.

- (a) It is unlawful for any person to sponsor or conduct a special event unless a permit has been issued for the event. It is unlawful for any person to participate in a special event with the knowledge that the sponsor of the event has not been issued a permit.
- (b) It is unlawful for any person to interfere with or disrupt a special event.
- (c) The special event permit authorizes the permittee to conduct only the special event described in the permit in accordance with the terms and conditions of the permit. It is unlawful for the permittee to knowingly violate the terms and conditions of the permit, or for any special event participant with knowledge of the permit to knowingly violate the terms and conditions of the permit.
- (d) Any person who violates any provision of this Article may be punished in accordance with the provisions of Article IV of Chapter 1 of the Code.
- (e) No remedy provided herein shall be exclusive, but the same shall be cumulative. The taking of any action permitted by this Article shall not preclude or prevent the taking of other action, including the filing a charge or conviction of a violation of this Article in the Municipal Court.

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

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

Section 4. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

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

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

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

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

The regular meeting of the Glenn A. Jones, M.D. Memorial Library Board was called to order at 7:20 pm. Chad Young, Debi Sauer, Jenna Hall, Corina Strickland, Sheryl Ballard and Director Kristi Plumb were in attendance.

October 2021 minutes were approved after a spelling correction. The financial report for October was reviewed and approved as follows:

October beginning balance	\$ 136,552.33	Petty Cash beginning balance	\$ 1,607.84
Inflow	94,846.56		-0-
Outflow	186,315.10 (75,000 to CO Trust)		100.00
Transfers	-0-		-0-
Ending balance	\$ 45,083.79		\$ 1,507.84
CO Trust: \$ 5,182,466.91			

Director's Report:

Artist-in-Residence: Presented by Johnstown Historical Society-display based on the life of Dr. Glenn A. Jones.

Building: November 10th walk about - Tyler from Fransen Pitman and Robbie Pike from Environmental Landworks Landscaping Company walked the property, focusing immediate plans on the south and future projects for the west and north. Possible solar projects were discussed, although feasibility and costs for retrofitting were definite negative factors. Original landscaping plans were requested and Pat will be consulted for location! Tyler was then joined by Architect Randell Johnson of Infusions Architects of Loveland and Eric Craft of Empire Glass to formulate plans for new doors to include: entry, outdoor classroom and makerspace. Estimates and plans will follow.

Staff: Alyse (Franklin) Bieber resigned after working almost a month. Kristi will re-ignite her search. North Range Behavioral Health will be providing Mental Health Training on December 2nd. They will focus on these three questions: How do we identify a person in crisis? What should our responses be? When is the right time to involve the authorities? Staff will be joined by other District visitors.

Outreach: Milliken Treat Street was short-lived! Within 55 minutes, 370 treats were handed out. Alas, the event was scheduled to last 2 hours, but no one was prepared for the numbers. Weld County Health Vaccine Clinic will be held December 2nd, 2-6 pm. COVID vaccines (first, second, third, pediatric) and flu shots will be offered.

Programming: Crafter Ween, card making, and Christmas Pictures were all well attended. Staff continues to implement creative programming that our patrons are excited to attend and most appreciative! December 4th Mr. and Mrs. Claus will be reading stories and giving away (one per family) Library ornaments provided by Amy Tallent.

Donations: Quilters Andrea Crawford and Bernita Cesaer donated a book adorned wall hanging to Johnstown! Brady Jackson donated \$300 to Milliken as an engagement gift to his almost wife, Emily. Kristi purchased 24 books with the donation!

Save the date: Holiday Gathering – December 3rd, 6-9 p.m. Smorgasbord of Boards – December 13th, 6:15 p.m.

Meeting adjourned at 8:30 pm. Next meeting will be January 18, 2022.

October stats: Johnstown –door count: 7465	circulation: 7627
Milliken – door count: 474	circulation: 634

Respectfully submitted, Sheryl Ballard, secretary

JONES MEMORIAL LIBRARY CASH FLOW REPORT - NOV 2021			Y-T-D	2021 BUDGET		Notes
						Item #14.
BEGINNING CHECKING BALANCE		\$ 45,083.79	\$ -	\$ 20,000.00	To Date	
INFLOWS	Donations/Grants	\$ -	\$ 694.45	\$ 3,500.00		
	Interest	\$ 3.95	\$ 2,013.88	\$ 60,000.00		
	Misc Income	\$ 27.99	\$ 1,906.44	\$ 7,500.00		
	Investments	\$ -	\$ -	\$ -		
	Town of Johnstown	\$ 94,804.75	\$ 1,163,644.99	\$ 1,138,005.00		
	High Plains Library District	\$ -	\$ 550,267.28	\$ 550,267.00		
	Transfer from Reserve Account	\$ -	\$ 122.95	\$ -		
INFLOWS TOTAL		\$ 94,836.69	\$ 1,718,649.99	\$ -		
TOTAL AVAILABLE FUNDS		\$ 139,920.48		\$ 1,779,272.00		
OUTFLOWS	Advertising	\$ 1,508.00	\$ 19,851.48	\$ 22,000.00		
	Audio/CD -12	\$ 365.38	\$ 5,348.83	\$ 12,000.00	154	
	Books - 258	\$ 2,997.73	\$ 33,741.15	\$ 50,000.00	2670	Milliken \$20.70
	Collection Fees/Bad Debts	\$ -	\$ -	\$ 2,000.00		(M - \$5000 in bks. HPLD grant)
	Computer Expenses	\$ -	\$ 1,897.93	\$ 5,000.00		
	Equipment & Furniture	\$ 2,291.84	\$ 15,533.74	\$ 45,000.00		Milliken - \$6829.40
	Insurance, Bldg. Contents	\$ -	\$ -	\$ 5,000.00		
	Investments	\$ -	\$ 1,125,000.00	\$ 684,772.00		
	Legal Fees/Consulting Fees	\$ -	\$ 148.00	\$ 10,000.00		
	Maintenance	\$ 8,701.20	\$ 46,281.33	\$ 60,000.00		
	Memberships/Licenses	\$ 15.94	\$ 484.33	\$ 2,500.00		*Bessie Minor grant
	Outreach/PCC	\$ -	\$ 7,194.91	\$ 10,000.00		\$1,065
	Professional Enrichment	\$ 270.61	\$ 737.46	\$ 5,000.00		
	*Programming/Gifts \$1031.82	\$ 1,193.65	\$ 12,323.63	\$ 15,000.00		Milliken - \$265.38
	Salaries/Bonuses/Parties	\$ 7,700.00	\$ 253,626.77	\$ 450,000.00		
	Subscriptions, Periodicals	\$ 2.99	\$ 2,466.04	\$ 5,000.00		
	Supplies, Janitorial	\$ 155.64	\$ 826.95	\$ 3,000.00		
	Supplies, Library	\$ 275.31	\$ 4,257.61	\$ 12,000.00		Milliken - \$281.75
	Telephone	\$ 457.82	\$ 5,530.28	\$ 8,000.00		
	Utilities	\$ 2,676.23	\$ 29,624.39	\$ 40,000.00		
	Video/DVD - 22	\$ 523.30	\$ 3,818.08	\$ 10,000.00	160	Milliken - \$14.25
	Worker's Comp.	\$ -	\$ -	\$ 3,000.00		**Interior Refresh
	**Capital Improvement	\$ -	\$ 58,748.92	\$ 320,000.00		\$23,436.00
	Transfers	\$ -	\$ -	\$ -		**Landscaping
OUTFLOWS TOTAL		\$ 29,135.64	\$ 1,627,441.83	\$ 1,779,272.00		\$19,727.92
ENDING CHECKING BALANCE		\$ 110,784.84				**Mechanical Upgrades
						\$15,585.00

						Notes	
BEGINNING PETTY CASH BALANCE		\$ 1,507.84					Item #14.
	Programming	\$ 300.00					
ENDING PETTY CASH BALANCE		\$ 1,207.84					
BEGINNING RESERVE ACCOUNT BALANCE		\$ -	Y-T-D				
	Interest	\$ -	acct. closed				
ENDING RESERVE ACCOUNT BALANCE		\$ -					
	COLORADO TRUST INVESTMENT		Y-T-D				
BEGINNING BALANCE		\$ 5,182,466.91					
	Income - 0.0266%	\$ 113.41	\$ 1,951.42				
	Contribution	\$ -					
ENDING BALANCE		\$ 5,182,580.32					