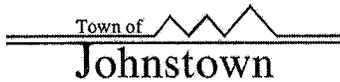


TOWN COUNCIL

MEETING

PACKET

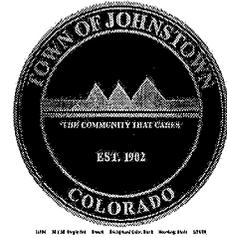
November 4, 2013



Town Council

Agenda

Monday, November 4, 2013
Town Hall, Council Chambers
450 So. Parish Avenue
7:00 PM



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

Members of the audience are invited to speak at the Council meeting. Public Comment (item No. 5) 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. If you wish to speak at the Town Council meeting, please fill out a sign-up sheet and present it to the Town Clerk.

- 1) **CALL TO ORDER**
 - A) Pledge of Allegiance
- 2) **ROLL CALL**
- 3) **AGENDA APPROVAL**
- 4) **RECOGNITIONS AND PROCLAMATIONS**
- 5) **PUBLIC COMMENT (three-minute limit per speaker)**

*The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to have an item discussed or if there is public comment on those ordinances marked with an *asterisk. The Council member may then move to have the subject item removed from the Consent Agenda for discussion separately.*

- 6) **CONSENT AGENDA**
 - A) Town Council's Meeting Minutes – October 21, 2013
 - B) ***(2nd Reading)** – Ordinance No. 2013-128, An Ordinance Repealing and Readopting Article XIII of Chapter 10 of the Town of Johnstown Municipal Code Concerning Possession and Use of Marijuana and Marijuana Accessories and Personal Cultivation of Marijuana
 - C) Resolution No. 2013-14, Approving an Amendment to the 2534 Design Guidelines Land Use Plan to Allow Multi-Family Residential on Specific Lots in Area B
- 7) **STAFF REPORTS**
- 8) **OLD BUSINESS**
- 9) **NEW BUSINESS**
 - A) Consider 3.2% Beer Retail License (Off Premises) Renewal for 7-Eleven Store 34316H
 - B) Consider Resolution No. 2013-15, A Resolution Authorizing the Conduct of a Mail Ballot Election for the Town of Johnstown Regular Municipal Election Scheduled for April 1, 2014
 - C) Consider Club Liquor License Renewal for J&M Post Veterans Club

10) **COUNCIL REPORTS AND COMMENTS**

11) **MAYOR'S COMMENTS**

12) **ADJOURN**

AGENDA ITEM 6A-C

CONSENT

AGENDA

- **Council Minutes – October 21, 2013**
 - **Ordinance No. 2013-128**
(Repealing/Readopting Article XIII,
Chapter 10-Johnstown Municipal Code)
(Marijuana)
(*2nd Reading)
 - **Resolution No. 2013-14**
(Amending 2534 Design Guidelines-Land
Use Plan)
(Multi-Family Residential)

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 4, 2013

ITEM NUMBER: 6A-C

SUBJECT: Consent Agenda

ACTION PROPOSED: Approve Consent Agenda

PRESENTED BY: Town Clerk

AGENDA ITEM DESCRIPTION: The following items are included on the Consent Agenda, which may be approved by a single motion approving the Consent Agenda:

- A) Town Council Minutes – October 21, 2013
- B) ***(2nd Reading)** –Ordinance No. 2013-128, An Ordinance Repealing and Readopting Article XIII of Chapter 10 of the Town of Johnstown Municipal Code Concerning Possession and Use of Marijuana and Marijuana Accessories and Personal Cultivation of Marijuana
- C) ****Resolution No. 2013-14-** Approving an Amendment to the 2534 Design Guidelines Land Use Plan to Allow Multi-Family Residential on Specific Lots in Area B

****** The Resolution merely memorializes the decision of the Town Council that was approved by the Council on September 19, 2013.

LEGAL ADVICE: The entire Consent Agenda may be approved by a motion of the Town Council approving the Consent Agenda, which automatically approves each and every item listed on the Consent Agenda. If a Council member wishes to have a specific discussion on an individual item included with the Consent Agenda, they may move to remove the item from the Consent Agenda for discussion.

FINANCIAL ADVICE: N/A

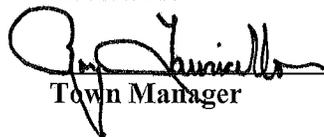
RECOMMENDED ACTION: Approve Consent Agenda

SUGGESTED MOTION:

For Approval: I move to approve the Consent Agenda.

For Denial:

Reviewed:


Town Manager

**COUNCIL
MINUTES**

The Town Council of the Town of Johnstown met on Monday, October 21, 2013 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor Romanowski led the Pledge of Allegiance.

Roll Call:

Those present were: Councilmembers Berg, James, Lebsack, Mellon, Molinar Jr., and Townsend

Also present: Avi Rocklin, Town Attorney, John Franklin, Town Planner, Roy Lauricello, Town Manager and Diana Seele, Town Clerk

Agenda Approval

Councilmember James made a motion seconded by Councilmember Berg to approve the Agenda as submitted. Motion carried with a unanimous vote.

Consent Agenda

Councilmember Lebsack made a motion seconded by Councilmember James to approve the Consent Agenda with the following items included:

- October 7, 2013 - Town Council Meeting Minutes
- Payment of Bills
- September Financial Statements

Motion carried with a unanimous vote.

New Business

A. Public Hearing – First Reading – Ordinance No. 2013-128, An Ordinance Repealing and Readopting Article XIII of Chapter 10 of the Town of Johnstown Municipal Code Concerning Possession and Use of Marijuana and Marijuana Accessories and Personal Cultivation of Marijuana – Due to the passage and approval by the voters of Amendment 64 changing the laws regarding the possession and use of marijuana, it is necessary to modify Article XIII of Chapter 10 of the Municipal Code to comply with the provisions of Amendment 64.

Mayor Romanowski opened the Public Hearing at 7:13 p.m. and having no public comments closed the hearing at 7:33 p.m.

Councilmember James made a motion seconded by Councilmember Berg to approve Ordinance No. 2013-128 on first reading. Motion carried with a unanimous vote.

B. Consider Award of Contract to Les Matson Construction, Inc. for Bridge Replacement on Weld County Road (WCR) 46 - A request for bids was advertised in the local newspaper and also sent to contractors in the area. Les Matson Construction was the sole respondent. Councilmember Molinar Jr. made a motion seconded by Councilmember Lebsack to award the contract for the bridge replacement on WCR 46 to Les Matson Construction, Inc. in a total

amount not to exceed \$94,680.00, and authorize the Town Manager to approve change orders in an amount not to exceed ten (10) percent of the contract amount, and also authorize the Mayor to sign the agreement. Motion carried with a unanimous vote.

C. Consider Resolution No. 2013-13, A Resolution Appropriating Additional Sums of Money to Defray Expenses and Transfers in Excess of Amounts Budgeted for the Town of Johnstown, Colorado – Councilmember Lebsack made a motion seconded by Councilmember Mellon to approve Resolution No. 2013-13, A Resolution Appropriating Additional Sums of Money to Defray Expenses and Transfers in Excess of Amounts Budgeted for the Town of Johnstown, Colorado.

There being no further business to come before the council the meeting adjourned at 7:56 p.m.

Mayor

Town Clerk/Treasurer

ORDINANCE
No. 2013-128
(*2nd Reading)

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2013-128

**AN ORDINANCE REPEALING AND READOPTING ARTICLE XIII OF
CHAPTER 10 OF THE TOWN OF JOHNSTOWN MUNICIPAL CODE
CONCERNING POSSESSION AND USE OF MARIJUANA AND
MARIJUANA ACCESSORIES AND PERSONAL
CULTIVATION OF MARIJUANA**

WHEREAS, Colorado voters passed Amendment 64, which amended Article XVIII of the Constitution of the State of Colorado by the addition of a new section 16 regarding the personal use and regulation of marijuana; and

WHEREAS, Amendment 64 allows the possession, use, display, purchase or transportation of one ounce or less of marijuana for persons age twenty-one years (21) or older and of marijuana accessories; and

WHEREAS, Amendment 64 allows possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature flowering plants, provided that possession of the marijuana produced by the plants in excess of one ounce is kept on the premises where the plants are grown, the growing takes place in an enclosed, locked space, and is not conducted openly or publicly and the marijuana is not made available for sale; and

WHEREAS, Amendment 64 allows local governments to prohibit the possession of marijuana and marijuana accessories by persons under the age of twenty-one years and to prohibit the open and public consumption of marijuana by persons of any age; and

WHEREAS, the Town of Johnstown enacted Ordinance 2013-126 prohibiting marijuana cultivation facilities, testing facilities, product manufacturing facilities, and retail marijuana stores within the Town of Johnstown; and

WHEREAS, the Town of Johnstown has determined that it is in the best interests of the Town to enact an ordinance concerning possession of marijuana and marijuana accessories, use of marijuana and personal cultivation of marijuana to conform to state statute.

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

Section 1. Repeal and Readoption: Article XIII of Chapter 10 of the Town of Johnstown Municipal Code is hereby repealed in its entirety and readopted to read as follows in its entirety.

ARTICLE XIII
Offenses Related to Marijuana

Sections:

10-251	Definitions
10-252	Possession of Marijuana and Marijuana Accessories
10-253	Sale and Transfer of Marijuana and Marijuana Accessories
10-254	Public Use of Marijuana
10-255	Prohibitions Regarding Minors on Private Property
10-256	Personal Cultivation of Marijuana
10-257	Violations

10-251 Definitions

The following terms have the meanings set forth herein:

A. Colorado Medical Marijuana Code: The Colorado Medical Marijuana Code means Article 43.3 of Title 12, Colorado Revised Statutes.

B. Marijuana: Marijuana means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana includes Marijuana Products as defined herein. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

C. Marijuana Accessories: Marijuana Accessories means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

D. Marijuana Products: Marijuana Products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

E. Medical Marijuana Card: Medical Marijuana Card means a card properly and duly issued under the Colorado Medical Marijuana Code.

10-252 Possession of Marijuana and Marijuana Accessories

A. No person under twenty-one (21) years of age shall possess Marijuana or Marijuana Accessories unless such person has been issued a Medical Marijuana Card. If such person has been issued a Medical Marijuana Card, such person shall not possess more than two ounces of Marijuana unless otherwise authorized to do so by the Colorado Medical Marijuana Code.

B. No person twenty-one (21) years of age or older shall possess more than one ounce of Marijuana unless such person has been issued a Medical Marijuana Card. If such person has been issued a Medical Marijuana Card, such person shall not possess more than two ounces of Marijuana unless otherwise authorized to do so by the Colorado Medical Marijuana Code.

10-253 Sale and Transfer of Marijuana and Marijuana Accessories

A. No person shall sell, distribute, transfer, trade, exchange or give Marijuana or Marijuana Accessories, with or without remuneration, to a person under the age of twenty-one (21).

B. No person shall sell, distribute, transfer, trade or exchange Marijuana or Marijuana Accessories, with remuneration, to a person twenty-one (21) years of age or older.

C. No person shall give more than one ounce of Marijuana to a person twenty-one (21) years of age or older.

10-254 Public Consumption or Use of Marijuana

A. No person shall openly and publicly consume or use Marijuana. In addition to other circumstances that may result in open and public consumption or use, a person shall be deemed to be openly and publicly consuming or using Marijuana if such consumption or use is visible and identifiable at or from a public location.

B. No person shall consume or use Marijuana in a manner that endangers others.

C. No person shall consume or use Marijuana in a location or facility owned or operated by the Town of Johnstown, including but not limited to public parks, public buildings and public streets.

D. As the relevant terms are defined in § 42-4-1305, C.R.S., no person while in the passenger area of a motor vehicle shall: (1) use or consume Marijuana; or (2) have in his or her possession an open marijuana container. Nothing in this section or in any section of the Town of Johnstown Municipal Code is intended to allow driving under the influence of Marijuana or driving while impaired by Marijuana or to supersede Colorado State law regarding the same, whenever enacted.

10-255 Prohibitions Regarding Minors on Private Property

No person who is in possession and control of private property shall knowingly allow any person under the age of twenty-one (21) to possess or consume Marijuana on such private property, unless such minor person has been issued a Medical Marijuana Card. For purposes of this section, "possession and control of private property" shall include the owner, tenant or designated custodian, such as a house-sitter or babysitter, of such private property.

10-256 Personal Cultivation of Marijuana

A. No person twenty-one (21) years of age or older shall possess more than six marijuana plants, only three or fewer of which are mature flowering plants. The Marijuana produced by such plants, in excess of one ounce, shall be maintained on the premises where grown and shall not be sold.

B. Cultivation of the marijuana plants shall be conducted in an enclosed space which shall be locked. Cultivation shall be conducted in compliance with all other relevant provisions of the Town of Johnstown Municipal Code.

D. No person shall openly or publicly cultivate Marijuana. In addition to other circumstances that may result in open or public cultivation, a person shall be deemed to be openly or publicly cultivating Marijuana if the marijuana plants are visible and identifiable at or from a public location or cause a public nuisance.

10-257 Violations

A person who violates the provisions of this Article XIII shall be subject to the penalties set forth in Section 1-62 of the Town of Johnstown Municipal Code.

Section 2. Severability: If any article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Safety: This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

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

PASSED and APPROVED at a regular meeting of the Town Council of the Town of Johnstown, Colorado on this 21 day of Oct, 2013.



TOWN OF JOHNSTOWN, COLORADO

By: M E M

Mayor

PASSED, APPROVED AND ADOPTED ON SECOND READING this ___ day of _____, 2013.

TOWN OF JOHNSTOWN, COLORADO

By: _____

Mayor

ATTEST:

Town Clerk

RESOLUTION

NO. 2013-14

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2013-14

**APPROVING AN AMENDMENT TO THE 2534 DESIGN
GUIDELINES LAND USE PLAN TO ALLOW MULTI-
FAMILY RESIDENTIAL ON SPECIFIC LOTS IN AREA B**

WHEREAS, on November 1, 2004, the Town Council approved the guidelines for the 2534 development; and

WHEREAS, an application has been submitted by Chrisland Commercial, Inc., for an amendment to the 2534 Design Guidelines and specifically to the Land Use Plan as described in Section 1.4 and as illustrated on the Land Use Plan to allow multi-family residential in Area B; and

WHEREAS, such amendments would be effective specifically for 10.5 acres in Area B described as Lots 1 and 2, Block 1, 2534 Filing No. 2, located south of Ronald Reagan Boulevard and west of Thompson Parkway; and

WHEREAS, pursuant to the 2534 Design Guidelines, under Section 1.5.5, changes in land use constitute a major change and shall be approved through action by the Planning Commission and final approval by the Town Council; and

WHEREAS, this property is located in Area B of the Land Use Plan which is designated for office, flex, and retail, but not for multi-family residential; and

WHEREAS, the Planning and Zoning Commission held a hearing on August 28, 2013, and voted to recommend approval of the proposed accessory use with the following conditions:

1. The quality of the overall project, including architecture and amenities, shall be equal to, or better than, the representations provided with the request.
2. Development shall be preceded by the Town staff approval of a Final PUD Development Plan and related civil engineering in accordance with the 2534 Design Guidelines and Town Public Improvements Design Criteria.
3. No parking shall be allowed on Thompson Parkway.

and

WHEREAS, a hearing was held before the Town Council on September 19, 2013, during which Council heard presentation by the applicant. Based upon all the evidence received by the Council, the Council finds that the proposed use is appropriate.

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

Section 1. The Town Council of the Town of Johnstown, Colorado, hereby approves the amendments to the 2534 Design Guidelines, subject to the above-stated conditions.

Section 2. This Resolution shall be in full force and effect from and after its passage and approval.

PASSED, SIGNED, APPROVED, AND ADOPTED this ____ day of _____, 2013.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

AGENDA ITEM 9A

3.2%

BEER

RETAIL LICENSE

RENEWAL

(Off Premises)

(7-Eleven Store 34316H)

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 4, 2013

ITEM NUMBER: 9A

SUBJECT: Consider 3.2% Beer Retail License (Off Premises) Renewal-7-Eleven Store 34316H

ACTION PROPOSED: Approve 3.2% Beer Retail (Off Premises) License Renewal

PRESENTED BY: Town Clerk

AGENDA ITEM DESCRIPTION: Ms. Cheryl Swinford, as attorney-in-fact of 7-Eleven Inc. has submitted a renewal application to the Town Clerk for a 3.2% Beer Retail License (Off Premises) for 7-Eleven Store 34316H located at 6150 East Hwy. 34, Johnstown, CO 80534. The required fees have been submitted to the Town. According to the Johnstown Police Department, the establishment has cooperated with law enforcement officials and there have been no violations of the liquor code during the last licensing period (refer to attachment).

The Town Council acts as the Local Licensing Authority and is responsible for reviewing and issuing liquor licenses.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve the 3.2% Beer Retail License (Off Premises) renewal for 7-Eleven Store 34316H

SUGGESTED MOTIONS:

For Approval: I move to approve the 3.2% Beer Retail License (Off Premises) renewal for 7-Eleven Store 34316H.

For Denial: I move to deny approval of the 3.2% Beer Retail License (Off Premises) renewal for 7-Eleven Store 34316H.

Reviewed:


Town Manager

**RENEWAL
APPLICATION**

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

7-ELEVEN 34316H
 PO BOX 219088
 DALLAS TX 75221-9088

RECEIVED
OCT 01 2013
 LICENSE DEPT

Fees Due	
Renewal Fee	\$96.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name 7-ELEVEN INC		DBA 7-ELEVEN 34316H		
Liquor License # 24111110365	License Type 3.2% Beer Off Premises (city)	Sales Tax License # 24111110365	Expiration Date 12/29/2013	Due Date 11/14/2013
Street Address 6150 EAST HWY 34 JOHNSTOWN CO 80534				Phone Number (303) 740 9333
Mailing Address PO BOX 219088 DALLAS TX 75221-9088				
Operating Manager Lars Downing	Date of Birth 2-28-80	Home Address 911 E. 3rd St. Loveland, CO 80541	Phone Number (970)-613-9581	

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented *If rented, expiration date of lease 12-31-19
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit - Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT
 I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Lars Downing	Title A-P manager
Signature <i>[Signature]</i>	Date 10-17-13

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY
 The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

THAT 7-Eleven, Inc. ("7-Eleven"), hereby appoints each of the individuals named below as its attorney-in-fact for the purposes and the period of time hereinafter set forth:

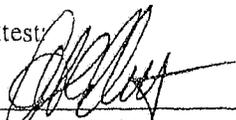
1. Jason Heffelfinger
2. Lori A. Weiss
3. Kevin R. Wolf
4. James S. Barefield (renewals only)
5. Cheryl A. Swinford (renewals only)

THAT each attorney-in-fact appointed herein is authorized to take all actions necessary and appropriate to obtain and renew all licenses that relate to 7-Eleven and to the sale of alcoholic beverages at any 7-Eleven store located in Colorado. Such actions shall include, but not be limited to, the execution of applications or other documents and the designation of individuals who are managers of any 7-Eleven store from which alcoholic beverages are being sold pursuant to an alcoholic beverage license issued to 7-Eleven by the State of Colorado or will be sold following the issuance of an alcoholic beverage license to 7-Eleven by the State of Colorado; and

THAT each individual appointed as an attorney-in-fact herein shall remain an attorney-in-fact with the authority granted herein for as long as such individual is employed by 7-Eleven or until such appointment is otherwise revoked by 7-Eleven.

IN WITNESS WHEREOF, the undersigned Senior Vice President of 7-Eleven has executed this document this 12 day of September, 2013.

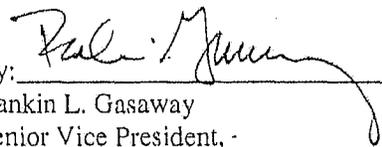
Attest:



Arthur E. Rubinfett
Assistant Secretary

7-ELEVEN, INC.

By:



Rankin L. Gasaway
Senior Vice President, -
General Counsel and Secretary

State of Texas
County of Dallas

On this 10 day of September, 2013, before me, Karen Pennell, the undersigned notary public, personally appeared Rankin L. Gasaway, who acknowledged himself to be Senior Vice President, General Counsel and Secretary of 7-Eleven, Inc., and that he, as such Senior Vice President, being authorized to do so, executed the foregoing instrument on behalf of the corporation for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.



Notary Public



7-Eleven, Inc. Suspensions (Last 3 years - Colorado Only)

STORE	CITY/COUNTY	TYPE	DATE	DISCIPLINARY ACTION
27094	Loveland	Employee consumption	01/28/10	10 day suspension; 7 days held in abeyance for 1 year; 3 days served with fine in lieu of suspension, \$200.
26682	Aurora	Sale to minor	03/17/10	31 day suspension, 20 days held in abeyance for one year, 11 days served
27551A	Broomfield	Sale to minor	05/21/10	7 day suspension, 4 days held in abeyance for one year, 3 days served with fine in lieu of suspension.
13071A	El Paso County	Sale to minor	08/13/10	2 day suspension, 2 days served with fine in lieu of suspension, \$200.
34238	Johnstown	Sale to minor	08/31/10	11 day suspension, 7 days held in abeyance for one year, 4 days served with fine in lieu of suspension. (\$200.)
19570	Wray	Sale to minor	10/16/10	15 day suspension; 10 days held in abeyance for one year; 5 days served with fine in lieu of suspension, \$200.
39274	Lakewood	Sale to minor	10/20/10	10 day suspension; 5 days held in abeyance for one year; 5 days served with fine in lieu of suspension, \$200.
20343B	Colorado Springs	Sale to minor	12/01/10	5 day suspension; 5 days held in abeyance for one year
16068A	Lakewood	Sale to minor	12/15/10	10 day suspension; 5 days held in abeyance for one year; 5 days served.
39082B	Loveland	Sale after hours	01/08/11	5 day suspension; all days held in abeyance for one year.
13164	Boulder	Sale to minor	02/11/11	14 day suspension; 3 days served; 11 days held in abeyance for one year
22613A	Colorado Springs	Sale to minor	03/09/11	Written Warning
32695	Jefferson County	Sale to minor	05/19/11	7 day suspension; 3 days served; 4 days held in abeyance for one year.
24079A	Jefferson County	Sale to minor	05/19/11	7 day suspension; 3 days served; 4 days held in abeyance for one year.
34035A	Parker	Sale to minor	05/27/11	20 day suspension; 10 days served; 10 days held in abeyance for 2 years.
19565	Buena Vista	Sale to minor	05/27/11	15 day suspension; 5 days served; 10 days held in abeyance for one year.
22613A	Colorado Springs	Sale to minor	06/08/11	15 day suspension; 3 days served; 12 days held in abeyance for one year. Training required within 90days.
39035	Arvada	Sale to minor	06/29/11	10 day suspension; 3 days served; 7 days held in abeyance for one year. Training required within 90 days.
25476	Longmont	Sale to minor	12/03/11	14 day suspension; \$200 fine paid in lieu of all 14 days
13185	Greeley	Sale to minor	01/21/12	5 day suspension; 3 days served with fine in lieu of suspension(\$200); 2 days held in abeyance for one year.
39075	Greeley	Sale to minor	01/21/12	5 day suspension; 3 days served with fine in lieu of suspension(\$200); 2 days held in abeyance for one year.
13206A	Englewood	Sale to minor	01/28/12	4 day suspension; 4 days held in abeyance for one year and \$300 fine. Training required within 60 days.

7-Eleven, Inc. Suspensions (Last 3 years - Colorado Only)

STORE #	CITY/COUNTY	TYPE	DATE	DISCIPLINARY ACTION
32159C	Colorado Springs	Sale to minor	02/07/12	5 day suspension; 5 days held in abeyance for one year, pending no further violations.
39034(A)	Englewood	Sale to minor	02/23/12	4 day suspension; 4 days held in abeyance for one year and \$300 fine. Training required within 60 days.
17142	Loveland	Sale to minor	04/14/12	15 day suspension; 10 days held in abeyance for one year; 5 days served with fine in lieu of suspension, \$200.
39296C	Thornton	Sale to minor	04/19/12	10 day suspension; 3 days served; 7 days held in abeyance for one year.
25740A	Aurora	Sale to minor	06/21/12	14 day suspension; 11 days held in abeyance for one year; 3 days served with fine in lieu of suspension, \$200
20104A	Fort Collins	Sale to minor	09/06/12	15 day suspension; 10 days held in abeyance for one year; 5 days served with fine in lieu of suspension, \$200
13079	Colorado Springs	Sale to minor	11/01/12	Written warning

**POLICE
REPORTS**

TOWN OF JOHNSTOWN POLICE DEPARTMENT

Information 3.2% Beer or Liquor Application

- Name and address of Applicant} 7-Eleven 34316H
7-Eleven Licensing
PO Box 219088
Dallas, TX 75221-9088
1. Trade Name and Address} 7-Eleven 34316H
6150 East Hwy 34
Johnstown, CO 80534
2. Date of Application: 10-02-2013
3. Type of Application: 3.2% Beer Off Premises
4. Documents Accompanying Application
A. Local and State License Fees} Submitted with application
B. Evidence of Correct Zoning} CBD
C. Building Plans and or Sketch of Interior} N/A
D. Distance from School as per State} N/A
E. Deed or Lease or Assignment of Lease or Ownership} Leased
5. Evidence of Public Notice
A. Posting of Premises} N/A
B. Legal Publication } N/A
6. Investigation: Police Department Case#}
A. Applicant has made application for renewal of their 3.2% Beer Off Premises
B. 7-Eleven #34316H has operated legally during its last license period.
C. Cooperation with law enforcement has been good.
8. Findings of fact:
A. 7-Eleven #34316H presently holds license 24-11111-0365 that expires December 29, 2013
B. The required fees were submitted.
C. It is my recommendation that the renewal be approved.



CHIEF OF POLICE

10/18/13

DATE

**JOHNSTOWN POLICE DEPT.
LIQUOR LICENSE RENEWAL INFORMATION SHEET**

APPLICANT: **7-Eleven, Inc.**

ADDRESS: **6150 East Hwy 34**

TYPE LICENSE: **3.2% Beer**

POLICE CALLS FOR SERVICE AT THIS LOCATION:

LIQUOR VIOLATIONS AT THIS LOCATION:

ARRESTS DUE TO ALCOHOL AT THIS LOCATION:

JPD RECOMMENDATION FOR TRANSFER: YES XXX NO _____

REPORTING OFFICER:



DATE: 10/16/13

ADDITIONAL INFORMATION: ** All calls were minor service calls.

AGENDA ITEM 9B

**AUTHORIZATION
TO
CONDUCT
MAIL BALLOT
ELECTION
(Resolution No. 2013-15)**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 4, 2013

ITEM NUMBER: 9B

SUBJECT: Consider Resolution No. 2013-15, A Resolution Authorizing the Conduct of a Mail Ballot Election for the Town of Johnstown's Regular Municipal Election Scheduled for April 1, 2014

ACTION PROPOSED: Approve Resolution No. 2013-15

PRESENTED BY: Diana Seele, Town Clerk

AGENDA ITEM DESCRIPTION: The regular municipal election for the Town of Johnstown is scheduled for April 1, 2014. State law now allows a municipality to conduct what is called a mail ballot election. The use of a mail ballot election and the procedures contained in State law instead of the poll election procedures that the Town has traditionally used in the past would increase voter participation.

LEGAL ADVICE: The Town Attorney has assisted the Town Clerk in preparing the attached Resolution and has verified the application of State law to conducting a mail ballot election.

FINANCIAL ADVICE: The costs associated with a mail ballot election may increase the cost for postage; however, it's anticipated that it may not increase the overall cost of the election.

RECOMMENDED ACTION: Approve Resolution No. 2013-15.

SUGGESTED MOTIONS:

For Approval: I move to approve Resolution No. 2013-15 and direct the Town Clerk to conduct a mail ballot election for the municipal election scheduled for April 1, 2014.

For Denial: I move to deny approval of Resolution No. 2013-15.

Reviewed:


Town Manager

RESOLUTION

No. 2013-15

TOWN OF JOHNSTOWN

RESOLUTION NO. 2013-15

**A RESOLUTION AUTHORIZING THE CONDUCT OF A MAIL BALLOT
ELECTION FOR THE TOWN OF JOHNSTOWN'S REGULAR MUNICIPAL
ELECTION SCHEDULED FOR APRIL 1, 2014**

WHEREAS, pursuant to the requirements of the Town Charter, a regular municipal election is to be conducted on April 1, 2014 and

WHEREAS, the Town Council of the Town of Johnstown would like to increase voter participation by utilizing mail ballot; and

WHEREAS, Section 31-10-102.7, C.R.S. permits a municipality to utilize the requirements and procedures of the Uniform Election Code of 1992 with respect to any municipal election; and

WHEREAS, the Town Council wishes to adopt a portion of the Uniform Election Code of 1992 relating to mail ballot elections for the April 1, 2014 Regular Municipal Election; and

WHEREAS, Section 1-7.5-104, C.R.S. of the Uniform Election Code of 1992 provides that the governing board of any political subdivision may determine that an election may be held by mail ballot; and

WHEREAS, Staff has recommended that the Town Council consider authorizing a mail ballot election for the April 1, 2014 Regular Municipal Election.

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

Section 1. The Town of Johnstown hereby adopts the mail ballot election provision of the Uniform Election Code (C.R.S., Title 1, Article 7.5, also known as the "Mail Ballot Election Act") pertaining to mail ballot elections for the conduct of the April 1, 2014, Regular Municipal Election. In the event a procedure for the election is not provided for in the Mail Ballot Election Act, the Town shall comply with the Municipal Election Code (C.R.S., Title 31, Article 10) or applicable Town ordinances or regulations.

Section 2. The Accu-vote electronic system shall be used to record votes at said election.

PASSED AND APPROVED at a regular meeting of the Town Council of the Town of Johnstown on this 4th day of November, 2013.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Mayor

Town Clerk

AGENDA ITEM 9C

**CLUB
LIQUOR LICENSE
RENEWAL
(J&M Post Veterans Club)**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 4, 2013

ITEM NUMBER: 9C

SUBJECT: Consider Club Liquor License Renewal - J&M Post Veterans Club

ACTION PROPOSED: Approve Club Liquor License Renewal

PRESENTED BY: Town Clerk

AGENDA ITEM DESCRIPTION: Mr. Steven Kroh, operating manager of the J&M Post Veterans Club, has submitted a renewal application to the Town Clerk for a Club Liquor License for the Club located at 104 SE 1st Place, Johnstown. The required fees have been submitted to the Town. According to the Johnstown Police Department, the establishment has cooperated with law enforcement officials and there have been no violations of the liquor code during the last licensing period (refer to attachment).

The Town Council acts as the Local Licensing Authority and is responsible for reviewing and issuing liquor licenses.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve the Club Liquor License Renewal.

SUGGESTED MOTIONS:

For Approval: I move to approve the Club Liquor License renewal for the J&M Post Veterans Club.

For Denial: I move to deny approval of the Club Liquor License renewal for the J&M Post Veterans Club.

Reviewed:


Town Manager

**RENEWAL
APPLICATION**

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$308.75
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

J & M POST CLUB
 PO BOX 729
 JOHNSTOWN CO 80534

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name J & M POST VETERANS CLUB		DBA J & M POST CLUB		
Liquor License # 14095490000	License Type Club License (city)	Sales Tax License # 14095490000	Expiration Date 12/31/2013	Due Date 11/16/2013
Street Address 104 S E 1ST PL JOHNSTOWN CO 80534-0000				Phone Number (970) 587 4500
Mailing Address PO BOX 729 JOHNSTOWN CO 80534				
Operating Manager STEVEN Kroh	Date of Birth 11-2-1952	Home Address 1022 N 1 ST ST JOHNSTOWN CO		Phone Number 970 405 8619

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit - Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business STEVEN L Kroh	Title MANAGER
Signature <i>Steve L Kroh</i>	Date 10-4-13

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

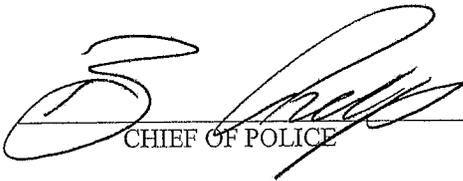
Local Licensing Authority For	Date
Signature	Title
	Attest

**POLICE
REPORTS**

TOWN OF JOHNSTOWN POLICE DEPARTMENT

Information 3.2% Beer or Liquor Application

- Name and address of Applicant} J & M Post Veterans Club
PO Box 729
Johnstown, CO 80534
1. Trade Name and Address} J & M Post Club
104 S.E. 1st Place
Johnstown, CO 80534
2. Date of Application } 10/04/2013
3. Type of Application: Club Liquor License
4. Documents Accompanying Application
A. Local and State License Fees} Submitted with application
B. Evidence of Correct Zoning} CBD
C. Building Plans and or Sketch of Interior} N/A
D. Distance from School as per State} N/A
E. Deed or Lease or Assignment of Lease or Ownership} owned
5. Evidence of Public Notice
A. Posting of Premises} N/A
B. Legal Publication } N/A
6. Investigation: Police Department Case#}
A. Applicant has made application for renewal of their Club Liquor License
B. J & M Post Club has operated legally during its last license period.
C. Cooperation with law enforcement has been good.
8. Findings of fact:
A. J & M Post Club presently holds license 14-09549-0000 that expires December 31, 2013
B. The required fees were submitted.
C. It is my recommendation that the renewal be approved.



CHIEF OF POLICE



DATE

**JOHNSTOWN POLICE DEPT.
LIQUOR LICENSE RENEWAL INFORMATION SHEET**

APPLICANT: **J * M Post Club**

ADDRESS: **104 S E 1st Place**

TYPE LICENSE: **Club Liquor License**

POLICE CALLS FOR SERVICE AT THIS LOCATION:

LIQUOR VIOLATIONS AT THIS LOCATION:

ARRESTS DUE TO ALCOHOL AT THIS LOCATION:

JPD RECOMMENDATION FOR TRANSFER: YES XXX NO _____

REPORTING OFFICER:



DATE: 10/24/13

ADDITIONAL INFORMATION: ** All calls were minor service calls.

