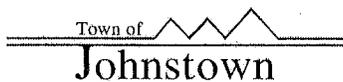


TOWN COUNCIL

MEETING

PACKET

December 16, 2013



Town Council

Agenda

Monday, December 16, 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 PROCLAMATION**
- 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 – December 2, 2013
 - B) Payment of Bills
 - C) November Financial Statements
- 7) **STAFF REPORTS**
- 8) **OLD BUSINESS**
- 9) **NEW BUSINESS**
 - A) Consider Resolution No. 2013-20, A Resolution Finding Substantial Compliance for Initiating Annexation Proceedings for the Daily and Robbins Annexation
 - B) ***Public Hearing** – Amendment to the Johnstown Area Comprehensive Plan
 - C) Consider Intergovernmental Agreement with the City of Loveland for Growth Management
 - D) ***Public Hearing – (First Reading)**, Ordinance No. 2013-129, An Ordinance to Repeal and Re-Enact Article XIV of Chapter 17 of the Johnstown Municipal Code to be Entitled "Flood Damage Prevention."
- 10) **COUNCIL REPORTS AND COMMENTS**
- 11) **MAYOR'S COMMENTS**
- 12) **ADJOURN**

AGENDA ITEMS 6A-C

CONSENT

AGENDA

- **Council Minutes – December 2, 2013**
 - **Payment of Bills**
 - **November Financial Statements**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 16, 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 – December 2, 2013
- B) Payment of Bills
- C) November Financial Statements

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 we approve the Consent Agenda.

For Denial:

Reviewed:


Town Manager

**COUNCIL
MINUTES**

The Town Council of the Town of Johnstown met on Monday, December 2, 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: Russ Anson, Town Attorney, Roy Lauricello, Town Manager. John Franklin, Town Planner and Diana Seele, Town Clerk

Agenda Approval

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

Consent Agenda

Councilmember Mellon made a motion seconded by Councilmember Berg to approve the Consent Agenda as amended:

- November 18, 2013 - Town Council Meeting Minutes
- Resolution No. 2013-19, Approving Final Plat for Stroh Farm Filing No. 7

Motion carried with a unanimous vote.

New Business

A. Consider Resolution No. 2013-16, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Johnstown, Colorado for the Calendar Year Beginning on the First Day of January, 2014 and Ending on the Last Day of December, 2014 – Councilmember Mellon made a motion seconded by Councilmember Lebsack to approve Resolution No. 2013-16, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Calendar Year Beginning on the First Day of January 2014 and Ending on the Last Day of December 2014. Motion carried with a unanimous vote.

B. Consider Resolution No. 2013-17, A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth, for the Town of Johnstown, Colorado for the 2014 Budget Year – Councilmember Lebsack made a motion seconded by Councilmember Mellon to approve Resolution No. 2013-17, A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth, for the Town of Johnstown, Colorado for the 2014 Budget Year. Motion carried with a unanimous vote.

C. Consider Resolution No. 2013-18, A Resolution Levying General Property Taxes for the Year 2014, to Help Defray the Costs of Government for the Town of Johnstown, Colorado for

the 2014 Budget Year – Councilmember James made a motion seconded by Councilmember Townsend to approve Resolution No. 2013-18, A Resolution Levying General Property Taxes for the Year 2014, to Help Defray the Costs of Government for the Town of Johnstown, Colorado for the 2014 Budget year. Motion carried with a unanimous vote.

D. Consider 3.2% Beer Retail License (Off Premises) Renewal for Hays Market Inc. – Councilmember Townsend made a motion seconded by Councilmember Berg to approve the 3.2% beer retail license (off premises) renewal for Hays Market Inc. Motion carried with a unanimous vote.

There being no further business to come before the council the meeting adjourned at 7:20 p.m.

Mayor

Town Clerk/Treasurer

**PAYMENT
OF
BILLS**

BILLS SUBMITTED FOR PAYMENT- DECEMBER 2013

ACE HARDWARE		\$ 240.54	
ADVANCED MECHANICAL		\$ 3,360.00	
AMSAN (NORTHERN COLORADO PAPER)		\$ 351.73	
ANSON, RUSSELL R.		\$ 4,083.50	
	TOWN ASSIGNMENT	\$ 1,664.00	
	CLEARVIEW	\$ 195.00	
	CORBETT GLEN	\$ 448.50	
	DAILY & ROBBINS	\$ 175.50	
	THOMPSON RIVER RANCH	\$ 156.00	
	STROH FARMS	\$ 19.50	
	2534 HOTEL	\$ 760.50	
	ADVOCATE HOMES	\$ 664.50	
BAJA BROADBAND		\$ 417.35	
BENJAMIN FRANKLIN PLUMBING		\$ 892.00	
BRANDON COPELAND		\$ 515.00	
BURNS MARKETING		\$ 3,400.00	
CASELLE		\$ 640.00	
CDR PROPANE		\$ 1,688.75	
CENTRAL INC		\$ 1,204.55	
CENTURY LINK		\$ 317.55	
CHARLES, CODY - REFUND		\$ 50.00	
CINTAS		\$ 342.23	
CIRSA		\$ 1,000.00	
CITY OF FORT COLLINS		\$ 4,509.46	
COLORADO INSPECTION CONNECTION		\$ 4,500.00	
COREN PRINTING		\$ 198.00	
COULSON EXCAVATING		\$ 360.48	
CRABTREE, BRECKYN - REFUND		\$ 45.00	
CUSTOM ON SITE - REFUND		\$ 405.82	
DBC IRRIGATION SUPPLY		\$ 142.57	
DPC INDUSTRIES (CHEMICALS)		\$ 9,511.60	
ENTENMANN-RAVIN CO.		\$ 69.50	
ERGO MED		\$ 150.00	
ESCAPE LANDSCAPES		\$ 2,675.00	
EVANS STANDARD PRODUCTS		\$ 115.18	
FIRST CLASS SECURITY SYSTEMS		\$ 78.90	
FIRST NATIONAL BANK		\$ 729.01	
FRONTIER FERTILIZER		\$ 41.96	
G&K SERVICES		\$ 249.08	EST
GLENN A JONES LIBRARY		\$ 28,750.00	
GREELEY ELECTRIC		\$ 1,822.56	
GREYSTONE TECHNOLOGY		\$ 1,075.00	
HACH COMPANY		\$ 778.09	
HAYS MARKET		\$ 301.67	
HELTON & WILLIAMSEN, P.C.		\$ 713.00	
HILL & ROBBINS PC		\$ 437.38	
J&S CONTRACTORS SUPPLY		\$ 151.55	
JOHNSTOWN BREEZE		\$ 301.86	
JOHNSTOWN SIGN'S		\$ 45.00	
JOHNSTOWN GRAPHIX (MAIL-n-COPY)		\$ 245.00	
LASALLE OIL		\$ 506.00	
LAZAR, MICHAEL A.		\$ 1,000.00	
LIGHT SPEED		\$ 1,160.00	
LOWE'S		\$ 359.02	
MAC EQUIPMENT		\$ 59.89	

MAIL N COPY		\$ 4.05	
MARES AUTO		\$ 218.00	EST
MARIPOSA PLANTS		\$ 85.00	
MARTIN MARIETTA MATERIALS		\$ 13,890.00	
MILLIKEN JOHNSTOWN ELECTRIC		\$ 360.00	
MORRIS, ED - REFUND		\$ 60.81	
MOUNTAIN STATES PIPE & SUPPLY CO.		\$ 534.18	
NALCO		\$ 2,076.69	
NAPA AUTO PARTS		\$ 634.80	
NEWCO INC		\$ 27.12	
NICOLETTI-FLATER ASSOCIATES		\$ 200.00	
NORTHERN SAFETY & INDUSTRIAL		\$ 218.30	
PAETEC		\$ 1,713.91	
PITNEY BOWES		\$ 150.00	
POLICE TECHNICAL		\$ 350.00	
POSTMASTER		\$ 80.00	
POUDRE VALLEY REA		\$ 8,420.04	
QUARTERMASTER		\$ 548.00	
QUILL		\$ 276.62	
REX OIL		\$ 7,170.47	
ROYAL-T ROOTER SERVICE		\$ 305.00	
SAFETY & CONSTRUCTION SUPPLY		\$ 872.23	
SCHULTZ, CASEY - REFUND		\$ 85.90	
SKYBEAM		\$ 71.45	
TRU-GREEN CHEM LAWN		\$ 1,000.00	
UNITED POWER		\$ 741.38	EST
UTILITY NOTIFICATION CENTER		\$ 410.76	
VERIZON WIRELESS		\$ 1,289.64	
VOLVO RENTS		\$ 530.92	
WASTE MANAGEMENT		\$ 35,478.26	
WELD COUNTY SHERIFF'S OFFICE		\$ 25.22	
WINTERS, HELLERICH & HUGHES		\$ 3,020.00	
XCEL ENERGY		\$ 43,274.49	
YOST CLEANING		\$ 1,972.00	
		\$ 206,086.02	

**NOVEMBER
FINANCIAL
STATEMENTS**

EXECUTIVE SUMMARY NOVEMBER 2013

92.00%

	Actual	Budget	Variance	%
GENERAL				
<u>Revenues</u>	7,814,709.00	6,090,400.00	(1,724,309.00)	128%
<u>Expenditures</u>				
Legislative	28,186.00	41,100.00	12,914.00	69%
Judicial	27,979.00	29,700.00	1,721.00	94%
Elections	-	16,200.00	16,200.00	0%
Administration	269,364.00	355,100.00	85,736.00	76%
Planning & Zoning	138,846.00	160,100.00	21,254.00	87%
Police	1,384,779.00	1,622,500.00	237,721.00	85%
Protective Inspections	148,119.00	209,400.00	61,281.00	71%
Streets	909,488.00	1,116,200.00	206,712.00	81%
Cemetery	23,861.00	35,300.00	11,439.00	68%
Animal Control	66,480.00	81,600.00	15,120.00	81%
Senior Coordinator	45,933.00	53,700.00	7,767.00	86%
Parks	33,953.00	50,400.00	16,447.00	67%
Community	568,820.00	724,700.00	155,880.00	78%
Transfers	1,183,540.00	1,458,600.00	275,060.00	81%
<u>Total Expenditures</u>	4,829,348.00	5,954,600.00	1,125,252.00	81%
 Excess Revenues over Expenditures	 2,985,361.00			

EXECUTIVE SUMMARY NOVEMBER 2013

92.00%

	Actual	Budget	Variance	%
WATER				
<u>Revenues</u>	4,311,206.00	1,873,600.00	(2,437,606.00)	230%
<u>Expenditures</u>				
Administration	156,105.00	196,600.00	40,495.00	79%
Operations	803,889.00	1,418,500.00	614,611.00	57%
Debt Services	1,724,786.00	1,730,000.00	5,214.00	100%
Transfer	86,215.00	90,000.00	3,785.00	
	2,770,995.00	3,435,100.00	664,105.00	81%
Excess Revenues over Expenditures	1,540,211.00			

EXECUTIVE SUMMARY NOVEMBER 2013

92.00%

	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>	<u>%</u>
WASTEWATER				
<u>Revenues</u>	1,990,089.00	1,205,500.00	(784,589.00)	165%
<u>Expenditures</u>				
Administration	213,362.00	294,700.00	81,338.00	72%
Operation	676,424.00	2,028,600.00	1,352,176.00	33%
	889,786.00	2,323,300.00	1,433,514.00	38%
Excess Revenues over Expenditures	1,100,303.00			

CITY OF JOHNSTOWN
REVENUES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAXES</u>					
01-01-4010-00 GEN. PROPERTY ACCOUNTS	13,691.26	3,057,195.62	2,735,000.00	(322,195.62)	111.8
01-01-4020-00 SPECIFIC OWNERSHIP TAXES	23,217.08	189,700.01	170,000.00	(19,700.01)	111.6
01-01-4030-00 FRANCHISE TAXES	29,617.34	330,678.56	270,000.00	(60,678.56)	122.5
01-01-4040-00 PENALTIES & INTEREST	1,001.26	4,274.05	4,000.00	(274.05)	106.9
01-01-4070-00 SALES TAX	218,132.83	1,924,652.10	1,690,000.00	(234,652.10)	113.9
01-01-4080-00 SEVERANCE TAX	.00	201,363.97	20,000.00	(181,363.97)	1006.8
TOTAL TAXES	285,659.77	5,707,864.31	4,889,000.00	(818,864.31)	116.8
<u>LICENSES & PERMITS</u>					
01-02-4110-00 LIQUOR LICENSE	587.75	1,314.46	400.00	(914.46)	328.6
01-02-4120-00 BUS. LIC. & PERMITS - OTHE	.00	10,881.00	8,900.00	(1,981.00)	122.3
01-02-4130-00 BUILDING PERMITS	65,847.56	812,613.11	230,000.00	(582,613.11)	353.3
01-02-4140-00 DOG LICENSE & PERMITS OTHE	22.00	2,605.93	2,000.00	(605.93)	130.3
01-02-4150-00 FINGERPRINTING	20.00	285.00	300.00	15.00	95.0
TOTAL LICENSES & PERMITS	66,477.31	827,699.50	241,600.00	(586,099.50)	342.6
<u>INTERGOVERNMENTAL</u>					
01-03-4210-00 CIGARETTE TAXES	1,298.66	13,303.84	14,000.00	696.16	95.0
01-03-4220-00 HIGHWAY USERS TAX	28,704.61	318,311.39	300,000.00	(18,311.39)	106.1
01-03-4230-00 ADD. VEH. REG. FEE	4,196.00	39,971.00	32,000.00	(7,971.00)	124.9
01-03-4240-00 COUNTY ROAD & BRIDGE	.00	73,600.99	65,000.00	(8,600.99)	113.2
TOTAL INTERGOVERNMENTAL	34,199.27	445,187.22	411,000.00	(34,187.22)	108.3
<u>CHARGES FOR SERVICES</u>					
01-04-4310-00 CEMETERY LOTS AND CARE	1,061.00	30,460.45	13,500.00	(16,960.45)	225.6
01-04-4320-00 TRASH CHARGES	36,142.72	379,436.29	350,000.00	(29,436.29)	108.4
01-04-4330-00 OTHER SERVICES	161.70	623.94	5,000.00	4,376.06	12.5
01-04-4340-00 FISHING PERMITS	.00	515.00	800.00	285.00	64.4
TOTAL CHARGES FOR SERVICES	37,365.42	411,035.68	369,300.00	(41,735.68)	111.3
<u>FINES</u>					
01-05-4315-00 COURT FEES REFUND	.00	(62.09)	.00	62.09	.0
01-05-4410-00 MUNICIPAL COURT FINES & FE	6,159.05	82,492.12	50,000.00	(32,492.12)	165.0
01-05-4420-00 SURCHARGE	1,025.00	11,957.00	5,000.00	(6,957.00)	239.1
TOTAL FINES	7,184.05	94,387.03	55,000.00	(39,387.03)	171.6

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>MISCELLANEOUS</u>					
01-06-4510-00 COMM. CENTER RENTAL FEES	995.00	14,122.50	5,500.00	(8,622.50)	256.8
01-06-4530-00 REFUND OF EXPENDITURES	609.60	20,920.07	5,000.00	(15,920.07)	418.4
01-06-4570-00 SCHOOL DISTRICT	.00	26,054.71	24,000.00	(2,054.71)	108.6
TOTAL MISCELLANEOUS	1,604.60	61,097.28	34,500.00	(26,597.28)	177.1
<u>EARNINGS ON INVESTMENTS</u>					
01-07-4610-00 EARNINGS ON INVESTMENTS	(856.38)	42,882.16	40,000.00	(2,882.16)	107.2
TOTAL EARNINGS ON INVESTMENTS	(856.38)	42,882.16	40,000.00	(2,882.16)	107.2
<u>TAXES</u>					
01-08-4520-00 TRANSFER FROM WATER FUND	.00	.00	45,000.00	45,000.00	.0
01-08-4530-00 DEVELOPERS COST PAYMENT	8,744.18	224,555.71	5,000.00	(219,555.71)	491.1
TOTAL TAXES	8,744.18	224,555.71	50,000.00	(174,555.71)	449.1
TOTAL FUND REVENUE	440,378.22	7,814,708.89	6,090,400.00	(1,724,308.89)	128.3

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>LEGISLATIVE</u>					
01-10-5010-00 BOARD MEMBERS COMPENSATION	2,600.00	17,775.00	22,800.00	5,025.00	78.0
01-10-5050-00 PAYROLL TAXES	198.90	1,359.92	1,800.00	440.08	75.6
01-10-5070-00 WORKMEN'S COMPENSATION	.00	653.50	800.00	146.50	81.7
01-10-6522-00 INSURANCE	207.00	600.00	600.00	.00	100.0
01-10-6544-03 EQUIPMENT/SOFTWARE - IPADS	48.99	5,062.25	10,000.00	4,937.75	50.6
01-10-8016-00 PROFESSIONAL SERVICES	.00	2,735.00	5,100.00	2,365.00	53.6
TOTAL LEGISLATIVE	3,054.89	28,185.67	41,100.00	12,914.33	68.6
<u>JUDICIAL</u>					
01-15-5011-00 SAL-JUDGE	890.00	9,290.00	10,000.00	710.00	92.9
01-15-5012-00 SAL-PROS. ATT.	1,650.00	17,910.00	19,000.00	1,090.00	94.3
01-15-6505-00 OFFICE EXPENSES	.00	778.94	600.00	(178.94)	129.8
01-15-8016-00 PROFESSIONAL SERVICES	.00	.00	100.00	100.00	.0
TOTAL JUDICIAL	2,540.00	27,978.94	29,700.00	1,721.06	94.2
<u>ELECTIONS</u>					
01-20-6413-00 PUBLISHING	.00	.00	500.00	500.00	.0
01-20-6526-00 SUPPLIES	.00	.00	10,000.00	10,000.00	.0
01-20-8017-00 ELECTION JUDGES	.00	.00	700.00	700.00	.0
01-20-8018-00 COORDINATING W/WELD CTY	.00	.00	5,000.00	5,000.00	.0
TOTAL ELECTIONS	.00	.00	16,200.00	16,200.00	.0

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
01-25-5010-00 SALARIES	8,205.02	65,733.53	73,200.00	7,466.47	89.8
01-25-5010-03 OVERTIME	15.16	50.69	600.00	549.31	8.5
01-25-5011-00 PART TIME OFFICE	.00	.00	2,500.00	2,500.00	.0
01-25-5015-00 CLEANING SALARIES	216.67	2,383.32	4,000.00	1,616.68	59.6
01-25-5025-00 MANAGER	5,224.23	41,793.84	47,100.00	5,306.16	88.7
01-25-5030-00 GRANT WRITER SALARY	.00	.00	10,000.00	10,000.00	.0
01-25-5050-00 PAYROLL TAXES	783.86	7,804.59	9,400.00	1,595.41	83.0
01-25-5060-00 RETIREMENT FUND	1,012.39	8,100.07	8,800.00	699.93	92.1
01-25-5065-00 HEALTH INSURANCE	2,157.80	24,362.17	31,700.00	7,337.83	76.9
01-25-5070-00 WORKMAN'S COMPENSATION	.00	254.97	500.00	245.03	51.0
01-25-6010-00 UTILITIES	306.73	3,719.69	5,000.00	1,280.31	74.4
01-25-6505-00 OFFICE EXPENSE	407.73	4,276.02	8,600.00	4,323.98	49.7
01-25-6506-00 UTILITY BILL MAILING	285.20	3,071.46	3,300.00	228.54	93.1
01-25-6510-00 TELEPHONE	145.50	1,419.18	2,300.00	880.82	61.7
01-25-6511-00 TRAINING	203.00	205.65	1,500.00	1,294.35	13.7
01-25-6513-00 PUBLISHING	576.18	3,891.41	6,000.00	2,108.59	64.9
01-25-6515-00 DUES AND SUBSCRIPTIONS	59.73	2,242.05	2,800.00	557.95	80.1
01-25-6518-00 CLEANING SUPPLIES	80.61	1,228.64	1,500.00	271.36	81.9
01-25-6520-00 MILEAGE & EXPENSES	49.84	595.38	2,200.00	1,604.62	27.1
01-25-6522-00 INSURANCE & BONDS	3,900.00	13,000.00	13,000.00	.00	100.0
01-25-6544-04 CAPITAL OUTLAY- COMPUTER	.00	206.79	2,000.00	1,793.21	10.3
01-25-6544-07 MISC. OFFICE EQPT.	.00	187.98	700.00	512.02	26.9
01-25-7020-00 MAINTENANCE & REPAIRS	94.95	3,276.08	3,500.00	223.92	93.6
01-25-8010-00 AUDIT	.00	6,700.00	8,900.00	2,200.00	75.3
01-25-8012-00 COMPUTER PROFESSIONAL SERV	535.20	6,298.16	13,000.00	6,701.84	48.5
01-25-8014-00 LEGAL	1,568.00	22,426.80	40,000.00	17,573.20	56.1
01-25-8015-00 TAPING MEETINGS	505.00	5,169.50	6,200.00	1,030.50	83.4
01-25-8016-00 SALARY STUDY FEES	.00	185.50	800.00	614.50	23.2
01-25-8017-00 PROFESSIONAL SERVICES	85.00	1,656.65	5,000.00	3,343.35	33.1
01-25-8019-00 TREASURER'S FEES	146.94	39,124.19	40,000.00	875.81	97.8
01-25-9028-00 COMMUNICATIONS	.00	.00	1,000.00	1,000.00	.0
TOTAL ADMINISTRATION	26,564.74	269,364.31	355,100.00	85,735.69	75.9

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PLANNING & ZONING</u>					
01-30-5010-00 SALARIES	11,679.24	93,433.92	101,600.00	8,166.08	92.0
01-30-5050-00 PAYROLL TAXES	886.18	7,067.60	7,800.00	732.40	90.6
01-30-5060-00 RETIREMENT FUND	1,078.65	8,629.20	9,400.00	770.80	91.8
01-30-5065-00 HEALTH INSURANCE	1,315.08	14,462.04	18,700.00	4,237.96	77.3
01-30-5070-00 WORKMENS COMPENSATION	.00	1,382.95	900.00	(482.95)	153.7
01-30-6010-00 UTILITIES	.00	2,700.00	2,700.00	.00	100.0
01-30-6505-00 OFFICE SUPPLIES	8.49	767.44	2,300.00	1,532.56	33.4
01-30-6510-00 TELEPHONE	128.36	1,304.46	1,200.00	(104.46)	108.7
01-30-6511-00 TRAINING	.00	.00	500.00	500.00	.0
01-30-6513-00 PUBLISH/RECORD	.00	66.96	200.00	133.04	33.5
01-30-6515-00 DUES/SUBSCRIPTIONS	.00	388.00	800.00	412.00	48.5
01-30-6520-00 MILEAGE & EXPENSES	.00	.00	100.00	100.00	.0
01-30-6522-00 INSURANCE AND BONDS	600.00	2,000.00	2,000.00	.00	100.0
01-30-6544-01 GIS PLOTTER/GIS CAM	.00	.00	800.00	800.00	.0
01-30-6544-04 MACHINERY AND EQPT.	.00	447.19	600.00	152.81	74.5
01-30-8014-00 LEGAL	.00	39.00	500.00	461.00	7.8
01-30-8016-00 PROFESSIONAL SERVICES	556.91	6,157.67	10,000.00	3,842.33	61.6
TOTAL PLANNING & ZONING	16,252.91	138,846.43	160,100.00	21,253.57	86.7

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>POLICE</u>					
01-35-5010-00 SALARIES	97,594.04	789,089.47	890,200.00	101,110.53	88.6
01-35-5010-03 OVERTIME PAY	827.81	11,162.75	20,000.00	8,837.25	55.8
01-35-5013-00 CLERICAL SALARIES	6,039.00	45,744.42	55,000.00	9,255.58	83.2
01-35-5050-00 PAYROLL TAXES	7,802.79	62,752.47	74,100.00	11,347.53	84.7
01-35-5060-00 RETIREMENT	5,801.74	46,877.12	65,000.00	18,122.88	72.1
01-35-5065-00 HEALTH INSURANCE	20,100.29	222,917.22	265,000.00	42,082.78	84.1
01-35-5070-00 WORKMEN'S COMPENSATION	.00	33,577.73	24,200.00	(9,377.73)	138.8
01-35-6010-00 UTILITIES	975.19	12,103.02	16,400.00	4,296.98	73.8
01-35-6505-00 OFFICE EXPENSE	260.57	3,829.05	5,500.00	1,670.95	69.6
01-35-6510-00 TELEPHONE	1,031.90	5,563.94	8,900.00	3,336.06	62.5
01-35-6511-00 TRAINING	3,273.79	7,979.18	10,000.00	2,020.82	79.8
01-35-6513-00 PUBLISHING	.00	611.81	500.00	(111.81)	122.4
01-35-6515-00 DUES AND SUBSCRIPTIONS	.00	909.00	1,200.00	291.00	75.8
01-35-6518-00 CLEANING SERVICES	592.72	6,587.92	8,100.00	1,512.08	81.3
01-35-6522-00 INSURANCE AND BONDS	4,440.00	35,500.00	39,500.00	4,000.00	89.9
01-35-6524-00 GAS AND OIL	1,347.85	28,831.94	35,000.00	6,168.06	82.4
01-35-6526-00 OPERATING SUPPLIES	286.88	4,076.60	5,500.00	1,423.40	74.1
01-35-6527-00 UNIFORMS AND CLEANING	590.14	3,346.43	5,000.00	1,653.57	66.9
01-35-6528-00 WELD COUNTY MAINT. AGREEME	.00	6,607.00	7,000.00	393.00	94.4
01-35-6544-02 COMPUTER SYSTEMS	299.99	898.99	6,000.00	5,101.01	15.0
01-35-6544-04 RADAR GUNS	.00	1,452.93	2,600.00	1,147.07	55.9
01-35-6544-05 CELLULAR PHONES	.00	.00	100.00	100.00	.0
01-35-6544-06 VESTS	.00	.00	4,500.00	4,500.00	.0
01-35-6544-07 CAMERA & INVESTIGATION EQPT.	.00	1,488.00	2,600.00	1,112.00	57.2
01-35-6544-09 SHOOTING RANGE SUPPLIES	1,747.00	2,657.06	3,500.00	842.94	75.9
01-35-6544-10 OFFICE IMPROVEMENTS	.00	2,773.99	4,000.00	1,226.01	69.4
01-35-6544-14 POLICE EQUIPMENT	331.02	3,035.07	5,000.00	1,964.93	60.7
01-35-7010-00 BLDG. REPAIR & MAINT.	363.63	6,376.21	8,000.00	1,623.79	79.7
01-35-7020-00 REPAIRS AND MAINTENANCE	445.50	9,867.98	10,000.00	132.02	98.7
01-35-8012-00 COMP. PROFESSIONAL SERVICE	329.07	2,361.69	10,900.00	8,538.31	21.7
01-35-8014-00 LEGAL	15.50	790.50	1,000.00	209.50	79.1
01-35-8016-00 PROFESSIONAL SERVICES	5,000.00	6,473.29	7,000.00	526.71	92.5
01-35-8017-00 JUVENILE ASSESSMENT CENTER	.00	5,340.00	5,400.00	60.00	98.9
01-35-8021-00 COMP. LINK TO RECORDS	600.17	5,777.86	7,100.00	1,322.14	81.4
01-35-9022-00 JAIL FEES	.00	580.06	600.00	19.94	96.7
01-35-9028-00 COMMUNITY SERVICES	406.00	1,311.27	2,000.00	688.73	65.6
01-35-9028-01 TASK FORCE	.00	2,000.00	2,000.00	.00	100.0
01-35-9028-02 SRO (SCHOOL RESOURCE OFFICER)	.00	.00	300.00	300.00	.0
01-35-9028-03 RECORDS CONTRACT	.00	3,527.00	3,800.00	273.00	92.8
TOTAL POLICE	160,502.59	1,384,778.97	1,622,500.00	237,721.03	85.4

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PROTECTIVE INSPECTIONS</u>					
01-40-5010-00 SALARIES	2,426.60	62,208.75	86,100.00	23,891.25	72.3
01-40-5010-03 OVERTIME	15.17	454.63	.00 (	454.63)	.0
01-40-5050-00 PAYROLL TAXES	184.96	4,773.40	6,600.00	1,826.60	72.3
01-40-5060-00 RETIREMENT	103.42	2,686.31	3,700.00	1,013.69	72.6
01-40-5065-00 HEALTH INSURANCE	351.06	14,234.89	21,800.00	7,565.11	65.3
01-40-5070-00 WORKMEN'S COMPENSATION	.00	3,549.63	2,900.00 (	649.63)	122.4
01-40-6010-00 UTILITIES	306.73	3,132.88	3,000.00 (	132.88)	104.4
01-40-6505-00 OFFICE EXPENSE	23.48	2,789.04	3,500.00	710.96	79.7
01-40-6510-00 TELEPHONE	160.30	1,623.74	1,600.00 (	23.74)	101.5
01-40-6511-00 TRAINING	.00	164.00	600.00	436.00	27.3
01-40-6513-00 PUBLISHING	.00	.00	500.00	500.00	.0
01-40-6515-00 DUES & SUBSCRIPTIONS	.00	150.00	200.00	50.00	75.0
01-40-6518-00 CLEANING & SUPPLIES	.00	264.17	600.00	335.83	44.0
01-40-6522-00 INSURANCE AND BONDS	1,500.00	7,000.00	7,000.00	.00	100.0
01-40-6524-00 GAS AND OIL	.00	1,809.15	2,100.00	290.85	86.2
01-40-6526-00 OPERATING SUPPLIES	.00	94.95	2,000.00	1,905.05	4.8
01-40-6544-02 COMPUTER	.00	132.98	1,000.00	867.02	13.3
01-40-6544-04 COMPUTER SOFTWARE	.00	.00	500.00	500.00	.0
01-40-6544-09 NEXTEL PHONES REPLACEMENT	.00	.00	200.00	200.00	.0
01-40-7020-00 REPAIR & MAINTENANCE	.00	93.32	2,000.00	1,906.68	4.7
01-40-8012-00 COMP. PROF. SERVICES	181.32	1,938.32	3,000.00	1,061.68	64.6
01-40-8014-00 LEGAL	.00	.00	500.00	500.00	.0
01-40-8016-00 PROFESSIONAL SERVICES	4,500.00	41,019.29	60,000.00	18,980.71	68.4
TOTAL PROTECTIVE INSPECTIONS	9,753.04	148,119.45	209,400.00	61,280.55	70.7

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>STREETS</u>					
01-45-5010-00 SALARIES	24,823.83	201,235.07	230,000.00	28,764.93	87.5
01-45-5010-03 OVERTIME	826.26	6,139.58	5,000.00	(1,139.58)	122.8
01-45-5015-00 PART-TIME SALARIES	828.00	6,658.00	15,000.00	8,342.00	44.4
01-45-5050-00 PAYROLL TAXES	1,979.78	15,813.41	19,200.00	3,386.59	82.4
01-45-5060-00 RETIREMENT FUND	1,500.12	12,082.57	15,000.00	2,917.43	80.6
01-45-5065-00 HEALTH INSURANCE	5,023.85	56,101.90	67,500.00	11,398.10	83.1
01-45-5070-00 WORKMEN'S COMPENSATION	.00	12,972.04	12,000.00	(972.04)	108.1
01-45-6010-00 UTILITIES	255.03	6,080.57	15,000.00	8,919.43	40.5
01-45-6015-00 UTILITIES - STREET LIGHTIN	18,034.35	179,852.25	210,000.00	30,147.75	85.6
01-45-6505-00 OFFICE EXPENSE	.00	355.04	300.00	(55.04)	118.4
01-45-6510-00 TELEPHONE	349.00	2,896.51	3,100.00	203.49	93.4
01-45-6511-00 TRAINING	.00	.00	800.00	800.00	.0
01-45-6515-00 DUES & SUBSCRIPTIONS	45.00	270.00	300.00	30.00	90.0
01-45-6518-00 CLEANING SUPPLIES	151.62	1,622.96	1,000.00	(622.96)	162.3
01-45-6522-00 INSURANCE AND BONDS	1,367.00	18,069.00	18,000.00	(69.00)	100.4
01-45-6524-00 GAS & OIL	816.36	16,234.88	17,000.00	765.12	95.5
01-45-6526-00 OPERATING SUPPLIES	46.77	3,232.83	4,000.00	767.17	80.8
01-45-6530-00 SNOW AND ICE REMOVAL	450.00	9,851.51	20,000.00	10,148.49	49.3
01-45-6532-00 TRASH SERVICE	34,934.94	340,526.68	410,000.00	69,473.32	83.1
01-45-6534-00 WEED CONTROL	.00	788.52	6,000.00	5,211.48	13.1
01-45-6536-00 STREET SIGNS	.00	698.06	4,000.00	3,301.94	17.5
01-45-6544-03 EQUIPMENT	.00	.00	4,000.00	4,000.00	.0
01-45-6544-06 HOLIDAY DECORATIONS	.00	447.97	5,000.00	4,552.03	9.0
01-45-6544-07 TOOLS	.00	1,264.91	3,500.00	2,235.09	36.1
01-45-6544-09 SAFETY EQUIPMENT	.00	1,148.90	4,000.00	2,851.10	28.7
01-45-7020-00 REP & MAINT - EQUIP & BLDG	638.58	11,870.32	20,000.00	8,129.68	59.4
01-45-7030-00 REPAIR & MAINT. BLDGS.	6.04	418.04	4,000.00	3,581.96	10.5
01-45-8016-00 PROFESSIONAL SERVICES	105.95	2,856.92	2,500.00	(356.92)	114.3
TOTAL STREETS	92,182.48	909,488.44	1,116,200.00	206,711.56	81.5

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CEMETERY</u>					
01-50-5015-00 SALARIES	238.00	5,977.25	11,500.00	5,522.75	52.0
01-50-5050-00 PAYROLL TAXES	18.21	457.21	900.00	442.79	50.8
01-50-5070-00 WORKMEN'S COMPENSATION	.00	1,028.24	1,000.00 (	28.24)	102.8
01-50-6513-00 PUBLISHING	.00	.00	300.00	300.00	.0
01-50-6522-00 INSURANCE	300.00	1,700.00	1,700.00	.00	100.0
01-50-6524-00 GAS & OIL	.00	1,070.99	1,000.00 (	70.99)	107.1
01-50-6526-00 SUPPLIES	.00	1,190.53	1,400.00	209.47	85.0
01-50-6533-00 TREE TRIMMING	.00	3,000.00	3,000.00	.00	100.0
01-50-6534-00 FERTILIZER & WEED CONTROL	.00	2,000.00	4,700.00	2,700.00	42.6
01-50-6544-02 HAND MOWER	.00	.00	1,000.00	1,000.00	.0
01-50-6544-03 SPINTRIMMER	.00	639.98	1,000.00	360.02	64.0
01-50-6544-06 TREES	.00	737.77	1,500.00	762.23	49.2
01-50-7020-00 REPAIRS AND MAINTENANCE	.00	4,194.52	3,000.00 (	1,194.52)	139.8
01-50-7025-00 SPRINKLER REPAIR	.00	1,696.91	2,800.00	1,103.09	60.6
01-50-8016-00 PROFESSIONAL SERVICES	.00	168.00	500.00	332.00	33.6
TOTAL CEMETERY	556.21	23,861.40	35,300.00	11,438.60	67.6
<u>ANIMAL CONTROL</u>					
01-55-5010-00 SALARIES	4,820.88	38,567.04	43,900.00	5,332.96	87.9
01-55-5010-03 OVERTIME	.00	60.26	200.00	139.74	30.1
01-55-5050-00 PAYROLL TAXES	365.15	2,914.87	3,400.00	485.13	85.7
01-55-5060-00 RET BEN	204.18	1,614.29	1,900.00	285.71	85.0
01-55-5065-00 HEALTH BEN	701.74	7,717.14	11,000.00	3,282.86	70.2
01-55-5070-00 WORKMENS COMPENSATION	.00	795.97	700.00 (	95.97)	113.7
01-55-6522-00 INSURANCE	769.00	1,869.00	1,800.00 (	69.00)	103.8
01-55-6524-00 GAS AND OIL	97.76	3,009.79	3,000.00 (	9.79)	100.3
01-55-6526-00 SUPPLIES	35.43	482.87	1,200.00	717.13	40.2
01-55-7020-00 REPAIR & MAINTENANCE	.00 (	35.16)	500.00	535.16 (	.0)
01-55-7030-00 WEED/NUISANCE CONTROL	133.50	7,249.81	9,000.00	1,750.19	80.6
01-55-8016-00 PROFESSIONAL SERVICES	.00	2,234.00	5,000.00	2,766.00	44.7
TOTAL ANIMAL CONTROL	7,127.64	66,479.88	81,600.00	15,120.12	81.5
<u>SENIOR COORDINATOR PROGRAM</u>					
01-60-5015-00 PART-TIME SALARIES	4,350.54	30,968.97	34,800.00	3,831.03	89.0
01-60-5050-00 PAYROLL TAXES	332.81	2,369.15	2,700.00	330.85	87.8
01-60-5070-00 WORKMEN'S COMPENSATION	.00	2,211.63	1,800.00 (	411.63)	122.9
01-60-6010-00 UTILITIES	.00	3,451.78	3,400.00 (	51.78)	101.5
01-60-6505-00 OFFICE EXPENSE	.00	53.94	400.00	346.06	13.5
01-60-6510-00 TELEPHONE	113.78	1,134.63	1,300.00	165.37	87.3
01-60-6520-00 MILEAGE	65.00	1,726.47	2,800.00	1,073.53	61.7
01-60-6522-00 INSURANCE	600.00	1,300.00	1,300.00	.00	100.0
01-60-7020-00 REPAIR & MAINTENANCE	252.20	2,716.22	5,200.00	2,483.78	52.2
TOTAL SENIOR COORDINATOR PROGRAM	5,714.33	45,932.79	53,700.00	7,767.21	85.5

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PARKS</u>					
01-65-5015-00 PART-TIME SALARIES	828.00	8,992.76	21,000.00	12,007.24	42.8
01-65-5050-00 PAYROLL TAXES	63.35	687.95	1,600.00	912.05	43.0
01-65-5070-00 WORKMEN'S COMPENSATION	.00	871.93	800.00 (	71.93)	109.0
01-65-6010-00 UTILITIES	702.29	6,260.24	4,000.00 (	2,260.24)	156.5
01-65-6511-00 TRAINING	.00	.00	300.00	300.00	.0
01-65-6522-00 INSURANCE AND BONDS	200.00	1,400.00	1,400.00	.00	100.0
01-65-6524-00 GAS AND OIL	450.46	2,155.76	1,000.00 (	1,155.76)	215.6
01-65-6526-00 SUPPLIES	30.88	1,274.65	1,500.00	225.35	85.0
01-65-6534-00 FERTILIZER AND WEED CONTROL	.00	4,276.43	7,000.00	2,723.57	61.1
01-65-6542-00 PORTA-POTTIES	125.40	707.66	2,000.00	1,292.34	35.4
01-65-6544-01 MOWER	.00	418.69	1,000.00	581.31	41.9
01-65-6544-02 SPIN TRIMMER	.00	511.93	800.00	288.07	64.0
01-65-7020-00 REPAIRS AND MAINTENANCE	68.13	4,868.86	4,500.00 (	368.86)	108.2
01-65-7025-00 SPRINKLER REPAIRS	.00	1,525.67	3,500.00	1,974.33	43.6
TOTAL PARKS	2,468.51	33,952.53	50,400.00	16,447.47	67.4
<u>LIBRARY</u>					
01-70-7000-00 TOWN SUPPORT-LIBRARY	28,750.00	316,250.00	345,000.00	28,750.00	91.7
TOTAL LIBRARY	28,750.00	316,250.00	345,000.00	28,750.00	91.7
<u>LEGISLATIVE</u>					
01-75-6526-00 COMMUNITY CENTER SUPPLIES	.00	435.37	8,200.00	7,764.63	5.3
01-75-7020-00 COMMUNITY CENTER REPAIR	23,559.90	35,891.92	70,000.00	34,108.08	51.3
01-75-7025-00 COMMUNITY CENTER UTILITIES	542.70	4,665.50	7,500.00	2,834.50	62.2
01-75-7031-00 DOWNTOWN BEAUTIFICATION	149.39	32,837.38	55,000.00	22,162.62	59.7
01-75-7032-00 DOWNTOWN PHASE 3,4/PARKING LOT	.00	109,080.00	105,000.00 (	4,080.00)	103.9
01-75-7051-00 MUSEUM IMPR.	2,400.00	5,300.00	32,500.00	27,200.00	16.3
01-75-7054-00 TOWN HALL IMPROVEMENTS	2,133.00	3,612.08	5,500.00	1,887.92	65.7
01-75-7055-00 ECONOMIC DEVELOPMENT CONT.	.00	7,500.00	10,000.00	2,500.00	75.0
01-75-7066-00 WEB SITE CONSULTANT	.00	2,157.20	3,100.00	942.80	69.6
01-75-7070-00 BARBEQUE DAYS CONTRIBUTION	.00	18,457.45	16,700.00 (	1,757.45)	110.5
01-75-7080-00 MOSQUITO SPRAYING	.00	16,500.00	16,700.00	200.00	98.8
01-75-7090-00 INSURANCE DEDUCTIBLES	.00	2,257.75	5,000.00	2,742.25	45.2
01-75-7100-00 SEPARATION BENEFITS	.00	.00	10,000.00	10,000.00	.0
01-75-7110-00 EQPT. REPLACEMENT	.00	300,000.00	300,000.00	.00	100.0
01-75-7125-00 GROUNDS MAINTENANCE	705.00	8,728.11	14,000.00	5,271.89	62.3
01-75-7129-00 NEWSLETTER	909.29	10,179.35	18,000.00	7,820.65	56.6
01-75-7130-00 TOWN HALL MAINT. AGREEMENT	78.90	1,996.51	5,000.00	3,003.49	39.9
01-75-7131-00 SAFETY AWARD PROGRAM	.00	.00	2,500.00	2,500.00	.0
01-75-7133-00 DOWNTOWN FACADE GRANT PROGRAM	.00	1,492.19	30,000.00	28,507.81	5.0
01-75-7134-00 COMM.CENTER FEASIBILITY REVIEW	.00	7,728.75	10,000.00	2,271.25	77.3
TOTAL LEGISLATIVE	30,478.18	568,819.56	724,700.00	155,880.44	78.5

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>TRANSFERS OUT</u>					
01-80-7040-00 TRANSFER WATER FUND	173,600.00	173,600.00	173,600.00	.00	100.0
01-80-7050-00 TRANSFER - CONTINGENT FUND	200,000.00	200,000.00	200,000.00	.00	100.0
01-80-7055-00 PUBLIC WKS BLD. CONST. FUND	.00	384,593.63	580,000.00	195,406.37	66.3
01-80-7080-00 TRANSFER TO DEVELOPERS COST	.00	.00	25,000.00	25,000.00	.0
01-80-7110-00 SALES TAX REFUND	29,081.98	109,096.31	135,000.00	25,903.69	80.8
TOTAL TRANSFERS OUT	402,681.98	867,289.94	1,113,600.00	246,310.06	77.9
TOTAL FUND EXPENDITURES	788,627.50	4,829,348.31	5,954,600.00	1,125,251.69	81.1
NET REVENUE OVER EXPENDITURES	(348,249.28)	2,985,360.58	135,800.00	(2,849,560.58)	2198.4

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SOURCE 00</u>					
02-00-4310-00 WATER CHARGES	84,204.67	1,841,494.73	1,575,000.00	(266,494.73)	116.9
02-00-4320-00 WATER TAP FEES	20,800.00	743,600.00	.00	(743,600.00)	.0
02-00-4322-00 RAW WATER DEV. FEE	116,000.00	1,456,232.65	.00	(1,456,232.65)	.0
02-00-4325-00 WATER REFUNDS	(1,495.16)	(9,046.69)	.00	9,046.69	.0
02-00-4330-00 MISCELLANEOUS	14,344.44	252,392.91	100,000.00	(152,392.91)	252.4
02-00-4610-00 EARNINGS ON INVESTMENTS	282.38	26,532.34	25,000.00	(1,532.34)	106.1
02-00-4830-00 TRANSFER FROM GENERAL FUND	.00	.00	173,600.00	173,600.00	.0
TOTAL SOURCE 00	234,136.23	4,311,205.94	1,873,600.00	(2,437,605.94)	230.1
TOTAL FUND REVENUE	234,136.23	4,311,205.94	1,873,600.00	(2,437,605.94)	230.1

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
02-25-5010-00 SALARIES	3,744.07	29,984.49	36,100.00	6,115.51	83.1
02-25-5010-03 OVERTIME	.00	16.29	400.00	383.71	4.1
02-25-5015-00 PART-TIME SALARIES	280.38	1,818.43	2,500.00	681.57	72.7
02-25-5020-00 JANITORIAL SALARIES	216.67	2,383.35	2,700.00	316.65	88.3
02-25-5025-00 MANAGER	2,691.27	21,530.16	23,500.00	1,969.84	91.6
02-25-5050-00 PAYROLL TAXES	386.49	3,848.48	4,800.00	951.52	80.2
02-25-5060-00 RETIREMENT FUND	520.68	4,167.52	5,500.00	1,332.48	75.8
02-25-5065-00 HEALTH INSURANCE	1,134.17	12,798.85	16,900.00	4,101.15	75.7
02-25-5070-00 WORKMEN'S COMPENSATION	.00	310.74	500.00	189.26	62.2
02-25-6010-00 UTILITIES	306.73	3,298.42	3,400.00	101.58	97.0
02-25-6505-00 OFFICE EXPENSE	237.83	3,709.56	5,700.00	1,990.44	65.1
02-25-6506-00 UTILITY BILL MAILING	285.18	3,071.46	3,300.00	228.54	93.1
02-25-6510-00 TELEPHONE	145.50	1,420.29	1,800.00	379.71	78.9
02-25-6511-00 TRAINING & MEETINGS	.00	135.00	1,000.00	865.00	13.5
02-25-6513-00 PUBLISHING	.00	1,140.12	1,000.00 (	140.12)	114.0
02-25-6515-00 DUES AND SUBSCRIPTIONS	14.73	2,009.36	2,200.00	190.64	91.3
02-25-6518-00 CLEANING SUPPLIES	80.61	742.23	800.00	57.77	92.8
02-25-6520-00 MILEAGE & EXPENSES	.00	49.28	500.00	450.72	9.9
02-25-6522-00 INSURANCE & BONDS	2,400.00	6,000.00	6,000.00	.00	100.0
02-25-6544-02 CAPITAL OUTLAY - COMP. SOFT	.00	219.99	1,500.00	1,280.01	14.7
02-25-6544-04 COMPUTER	.00	450.00	900.00	450.00	50.0
02-25-6544-07 MISCELLANEOUS OFFICE	.00	.00	200.00	200.00	.0
02-25-7020-00 REPAIR & MAINT.	.00	313.86	1,000.00	686.14	31.4
02-25-8010-00 AUDIT	.00	4,300.00	5,500.00	1,200.00	78.2
02-25-8011-00 PROF. SERV.-WATER ADJUDICATION	1,042.35	13,416.63	17,000.00	3,583.37	78.9
02-25-8012-00 COMP. PROFESSIONAL SERVICES	463.75	5,210.10	7,000.00	1,789.90	74.4
02-25-8014-00 LEGAL	139.50	3,859.50	8,000.00	4,140.50	48.2
02-25-8016-00 SALARY STUDY FEES	.00	.00	1,000.00	1,000.00	.0
02-25-8017-00 PROFESSIONAL SERVICES	2,211.00	29,000.08	35,000.00	5,999.92	82.9
02-25-9028-00 COMMUNICATIONS	.00	900.00	900.00	.00	100.0
02-25-9420-00 CWCB LOAN	.00	1,394,446.42	1,400,000.00	5,553.58	99.6
02-25-9460-00 98 BONDS	240,000.00	240,000.00	240,000.00	.00	100.0
02-25-9460-01 INTEREST 1998 BONDS	33,877.50	90,340.00	90,000.00 (	340.00)	100.4
TOTAL ADMINISTRATION	290,178.41	1,880,890.61	1,926,600.00	45,709.39	97.6

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OPERATIONS - WATER FUND</u>					
02-70-5010-00 SALARIES	18,363.46	147,077.54	163,400.00	16,322.46	90.0
02-70-5010-03 OVERTIME	331.60	3,933.48	10,000.00	6,066.52	39.3
02-70-5015-00 PART TIME SALARIES	.00	2,763.75	2,600.00	(163.75)	106.3
02-70-5050-00 PAYROLL TAXES	1,407.38	11,513.08	13,500.00	1,986.92	85.3
02-70-5060-00 RETIREMENT FUND	893.67	7,197.50	9,800.00	2,602.50	73.4
02-70-5065-00 HEALTH INSURANCE	3,576.41	39,056.22	48,000.00	8,943.78	81.4
02-70-5070-00 WORKMEN'S COMPENSATION	.00	8,409.53	5,800.00	(2,609.53)	145.0
02-70-6010-00 UTILITIES	14,439.71	150,587.86	158,000.00	7,412.14	95.3
02-70-6510-00 TELEPHONE	619.75	6,114.60	5,600.00	(514.60)	109.2
02-70-6511-00 TRAINING	.00	1,241.01	2,500.00	1,258.99	49.6
02-70-6518-00 CLEANING SUPPLIES	.00	230.67	1,000.00	769.33	23.1
02-70-6522-00 INSURANCE	6,816.00	23,569.00	23,500.00	(69.00)	100.3
02-70-6524-00 GAS AND OIL	548.54	11,353.60	14,000.00	2,646.40	81.1
02-70-6526-00 OPERATING SUPPLIES	6,617.84	117,554.13	120,000.00	2,445.87	98.0
02-70-6527-00 SUPPLIES-SAFETY EQPT.	.00	706.03	1,300.00	593.97	54.3
02-70-6544-01 METER UPGRADE	17,713.44	91,291.88	80,000.00	(11,291.88)	114.1
02-70-6544-02 TOOLS	.00	1,417.99	1,000.00	(417.99)	141.8
02-70-6544-07 TESTING EQUIPMENT	.00	2,148.96	4,000.00	1,851.04	53.7
02-70-6544-08 VEHICLE-PURCHASE	.00	12,289.16	13,000.00	710.84	94.5
02-70-6544-13 WATER PLANT IMPROVEMENTS	.00	3,582.00	200,000.00	196,418.00	1.8
02-70-6544-22 WATERLINE REPLACEMENT	.00	2,986.25	30,000.00	27,013.75	10.0
02-70-6544-29 INSTRUMENTATION UPGRADES	.00	.00	32,500.00	32,500.00	.0
02-70-6544-36 FIRE HYDRANT REPAIRS	.00	130.38	15,000.00	14,869.62	.9
02-70-6544-38 LONE TREE REPLACE PUMP/MOTORS	.00	.00	55,000.00	55,000.00	.0
02-70-6544-40 LONE TREE DIVERSION PIPELINE	.00	1,268.08	115,000.00	113,731.92	1.1
02-70-6544-41 STRATEGIC RAW WATER/CONS. PLAN	.00	.00	40,000.00	40,000.00	.0
02-70-6544-42 PUMP STATION IMPELLERS	.00	8,230.00	35,000.00	26,770.00	23.5
02-70-7015-00 R&M WATERLINES	7,239.73	24,625.42	13,000.00	(11,625.42)	189.4
02-70-7020-00 REPAIRS & MAINTENANCE	3,647.82	23,652.88	80,000.00	56,347.12	29.6
02-70-7022-00 VEHICLE REPAIRS	55.51	3,965.60	4,000.00	34.40	99.1
02-70-7035-00 WATER ASSESMENT	.00	83,354.61	85,000.00	1,645.39	98.1
02-70-7090-00 INSURANCE DEDUCTIBLES	.00	.00	2,000.00	2,000.00	.0
02-70-8012-00 PROFESSIONAL SERVICES	1,313.60	13,638.19	35,000.00	21,361.81	39.0
TOTAL OPERATIONS - WATER FUND	83,584.46	803,889.40	1,418,500.00	614,610.60	56.7
<u>TRANSFERS OUT</u>					
02-80-7051-00 TRANSFER TO OTHER FUNDS	86,214.42	86,214.42	90,000.00	3,785.58	95.8
TOTAL TRANSFERS OUT	86,214.42	86,214.42	90,000.00	3,785.58	95.8
TOTAL FUND EXPENDITURES	459,977.29	2,770,994.43	3,435,100.00	664,105.57	80.7
NET REVENUE OVER EXPENDITURES	(225,841.06)	1,540,211.51	(1,561,500.00)	(3,101,711.51)	98.6

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SOURCE 00</u>					
03-00-4310-00 SEWER CHARGES	124,517.49	1,320,532.77	1,175,000.00	(145,532.77)	112.4
03-00-4320-00 SEWER TAP FEES	14,400.00	514,800.00	.00	(514,800.00)	.0
03-00-4330-00 MISCELLANEOUS	2,900.00	132,819.86	7,500.00	(125,319.86)	1770.9
03-00-4610-00 EARNINGS ON INVESTMENTS	(428.33)	21,937.17	23,000.00	1,062.83	95.4
 TOTAL SOURCE 00	 141,389.16	 1,990,089.80	 1,205,500.00	 (784,589.80)	 165.1
 TOTAL FUND REVENUE	 141,389.16	 1,990,089.80	 1,205,500.00	 (784,589.80)	 165.1

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PERSONNEL</u>					
03-25-5010-00 SALARIES	6,181.82	49,529.09	55,700.00	6,170.91	88.9
03-25-5010-03 OVERTIME	.00	28.51	500.00	471.49	5.7
03-25-5015-00 PART-TIME SALARIES	280.38	1,818.43	2,500.00	681.57	72.7
03-25-5020-00 JANITORIAL SALARIES	216.66	2,383.33	2,600.00	216.67	91.7
03-25-5025-00 MANAGER SALARIES	5,224.23	41,793.84	46,400.00	4,606.16	90.1
03-25-5050-00 PAYROLL TAXES	648.54	6,692.54	8,100.00	1,407.46	82.6
03-25-5060-00 RETIREMENT FUND	903.30	7,230.77	7,800.00	569.23	92.7
03-25-5065-00 HEALTH INSURANCE	2,022.15	22,871.09	28,900.00	6,028.91	79.1
03-25-5070-00 WORKMEN'S COMPENSATION	.00	282.80	300.00	17.20	94.3
03-25-6010-00 UTILITIES - TOWN HALL	306.73	3,374.10	4,000.00	625.90	84.4
03-25-6505-00 OFFICE EXPENSES	237.83	3,535.29	4,400.00	864.71	80.4
03-25-6506-00 UTILITY BILL MAILING	285.20	3,071.49	3,300.00	228.51	93.1
03-25-6510-00 TELEPHONE	128.36	1,300.65	1,800.00	499.35	72.3
03-25-6511-00 TRAINING & MEETINGS	199.18	199.18	1,000.00	800.82	19.9
03-25-6515-00 DUES & SUBSCRIPTIONS	14.74	273.38	500.00	226.62	54.7
03-25-6518-00 CLEANING SUPPLIES	80.61	725.07	900.00	174.93	80.6
03-25-6520-00 MILEAGE & EXPENSES	.00	.00	800.00	800.00	.0
03-25-6522-00 INSURANCE & BONDS	3,100.00	7,200.00	7,200.00	.00	100.0
03-25-6544-02 COMPUTER SOFTWARE	.00	.00	1,500.00	1,500.00	.0
03-25-6544-04 CAPITAL OUTLAY - COMPUTER	.00	450.00	1,000.00	550.00	45.0
03-25-6544-07 MISCELLANEOUS OFFICE	.00	.00	500.00	500.00	.0
03-25-7020-00 REPAIR & MAINTENANCE	.00	313.84	1,100.00	786.16	28.5
03-25-8010-00 AUDIT	.00	6,800.00	6,800.00	.00	100.0
03-25-8012-00 PROFESSIONAL SERVICES	463.73	5,187.51	6,300.00	1,112.49	82.3
03-25-8014-00 LEGAL	1,746.00	15,934.75	30,000.00	14,065.25	53.1
03-25-8016-00 SALARY STUDY	.00	.00	800.00	800.00	.0
03-25-8017-00 PROFESSIONAL SERVICES - ENG.	.00	32,366.15	70,000.00	37,633.85	46.2
TOTAL PERSONNEL	22,039.46	213,361.81	294,700.00	81,338.19	72.4

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OPERATIONS - SEWER FUND</u>					
03-70-5010-00 SALARIES	22,444.23	179,761.09	197,800.00	18,038.91	90.9
03-70-5010-03 OVERTIME PAY	405.27	4,905.35	10,000.00	5,094.65	49.1
03-70-5050-00 PAYROLL TAXES	1,720.11	13,819.97	15,900.00	2,080.03	86.9
03-70-5060-00 RETIREMENT FUND	1,092.35	8,801.73	12,000.00	3,198.27	73.4
03-70-5065-00 HEALTH INSURANCE	4,371.17	47,735.58	58,900.00	11,164.42	81.1
03-70-5070-00 WORKMEN'S COMPENSATION	.00	5,410.24	4,500.00 (	910.24)	120.2
03-70-6010-00 UTILITIES	16,405.64	172,469.02	200,000.00	27,530.98	86.2
03-70-6510-00 TELEPHONE	392.48	3,998.56	6,500.00	2,501.44	61.5
03-70-6511-00 TRAINING	.00	1,080.00	1,000.00 (	80.00)	108.0
03-70-6518-00 CLEANING SUPPLIES	.00	230.65	1,000.00	769.35	23.1
03-70-6522-00 INSURANCE	6,939.50	24,934.00	25,000.00	66.00	99.7
03-70-6524-00 GAS AND OIL	548.56	10,925.14	14,500.00	3,574.86	75.4
03-70-6526-00 OPERATING SUPPLIES	12,597.16	85,605.60	98,000.00	12,394.40	87.4
03-70-6527-00 SUPPLIES-SAFETY EQPT.	.00	1,048.29	2,500.00	1,451.71	41.9
03-70-6544-03 PICKUP	.00	12,134.50	13,000.00	865.50	93.3
03-70-6544-04 MANHOLE INSTALLATION	.00	.00	10,000.00	10,000.00	.0
03-70-6544-07 CENTRAL PLANT EXPANSION-DESIGN	.00	.00	20,000.00	20,000.00	.0
03-70-6544-09 LITTLE THOMPSON WATER TESTING	.00	.00	3,500.00	3,500.00	.0
03-70-6544-10 SEWERLINE REPLACEMENT	.00	1,047.00	30,000.00	28,953.00	3.5
03-70-6544-16 INSTRUMENTATION UPGRADES	.00	.00	30,000.00	30,000.00	.0
03-70-6544-22 WASTEWATER EXPANSION PROJECT	.00	42,826.00	1,120,000.00	1,077,174.00	3.8
03-70-7015-00 REPAIRS AND MAINTENANCE	3,084.59	20,305.07	70,000.00	49,694.93	29.0
03-70-7020-00 R & M MAINS	2,066.54	11,320.63	20,000.00	8,679.37	56.6
03-70-7022-00 VEHICLE REPAIRS	80.52	3,330.15	3,500.00	169.85	95.2
03-70-7023-00 WEED CONTROL/GROUND MAINT.	.00	600.00	3,000.00	2,400.00	20.0
03-70-7025-00 SEWERLINE CLEANING	.00	.00	30,000.00	30,000.00	.0
03-70-7090-00 INSURANCE DEDUCTIBLES	.00	.00	3,000.00	3,000.00	.0
03-70-8012-00 PROFESSIONAL SERVICES	50.07	24,135.07	25,000.00	864.93	96.5
TOTAL OPERATIONS - SEWER FUND	72,198.19	676,423.64	2,028,600.00	1,352,176.36	33.3
TOTAL FUND EXPENDITURES	94,237.65	889,785.45	2,323,300.00	1,433,514.55	38.3
NET REVENUE OVER EXPENDITURES	47,151.51	1,100,304.35 (	1,117,800.00 ) (	2,218,104.35)	98.4

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

CONSERVATION TRUST

<u>SOURCE 00</u>	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED</u>	<u>PCNT</u>
05-00-4070-00 COLORADO LOTTERY	.00	42,177.21	40,000.00 (	2,177.21)	105.4
05-00-4110-00 PARK FEES	14,500.00	181,500.00	50,000.00 (	131,500.00)	363.0
05-00-4130-00 LARIMER COUNTY USE TAX	6,748.61	68,260.26	35,000.00 (	33,260.26)	195.0
05-00-4330-00 OTHER	.00	1,256.39	1,000.00 (	256.39)	125.6
05-00-4610-00 CT-EARNINGS ON INVEST.	83.14	2,612.51	3,000.00	387.49	87.1
TOTAL SOURCE 00	21,331.75	295,806.37	129,000.00 (	166,806.37)	229.3
TOTAL FUND REVENUE	21,331.75	295,806.37	129,000.00 (	166,806.37)	229.3

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

CONSERVATION TRUST

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 70</u>					
05-70-6533-00 TREE TRIMMING	1,200.00	3,600.00	4,000.00	400.00	90.0
05-70-6544-00 PARK EQPT. & IMPROVEMENTS	.00	2,731.70	3,000.00	268.30	91.1
05-70-6544-01 CAPITAL - TREES	.00	.00	7,000.00	7,000.00	.0
05-70-6544-04 LAWN MOWER	.00	16,066.77	20,000.00	3,933.23	80.3
05-70-6545-00 EDDIE ARAGON PARK	.00	736.67	2,500.00	1,763.33	29.5
05-70-6546-00 SUNRISE PARK	.00	728.45	2,500.00	1,771.55	29.1
05-70-6547-00 PARISH PARK	.00	747.91	2,500.00	1,752.09	29.9
05-70-6548-00 HAYS PARK	.00	317.80	2,500.00	2,182.20	12.7
05-70-6549-00 PIONEER RIDGE PARK	.00	.00	2,500.00	2,500.00	.0
05-70-6550-00 ROLLING HILLS RANCH PARK	.00	1,520.46	2,500.00	979.54	60.8
05-70-6551-00 JOHNSTOWN LAKE PARK	.00	768.71	2,500.00	1,731.29	30.8
05-70-6553-00 CLEARVIEW PARK	.00	.00	2,500.00	2,500.00	.0
05-70-7020-00 REPAIR & MAINT.	.00	216.36	2,000.00	1,783.64	10.8
05-70-8012-00 PROFESSIONAL SERVICES	.00	.00	300.00	300.00	.0
TOTAL DEPARTMENT 70	1,200.00	27,434.83	56,300.00	28,865.17	48.7
<u>DEPARTMENT 80</u>					
05-80-7020-00 SCHOOL/PARK SITE REIMB.	.00	.00	23,000.00	23,000.00	.0
TOTAL DEPARTMENT 80	.00	.00	23,000.00	23,000.00	.0
TOTAL FUND EXPENDITURES	1,200.00	27,434.83	79,300.00	51,865.17	34.6
NET REVENUE OVER EXPENDITURES	20,131.75	268,371.54	49,700.00 (	218,671.54)	540.0

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

CONTINGENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SOURCE 00</u>					
06-00-4110-00 TRANSFER FROM GENERAL FUND	.00	.00	200,000.00	200,000.00	.0
06-00-4330-00 OTHER	.00	2,130.02	.00	(2,130.02)	.0
06-00-4610-00 CF-EARNINGS ON INVESTMENTS	51.30	696.11	800.00	103.89	87.0
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL SOURCE 00	51.30	2,826.13	200,800.00	197,973.87	1.4
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL FUND REVENUE	51.30	2,826.13	200,800.00	197,973.87	1.4

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

CONTINGENT FUND

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEXPENDED</u>	<u>PCNT</u>
<u>DEPARTMENT 70</u>					
06-70-8544-00 TRANSFER TO BANK FUND	11,070.04	100,087.91	864,800.00	764,712.09	11.6
TOTAL DEPARTMENT 70	<u>11,070.04</u>	<u>100,087.91</u>	<u>864,800.00</u>	<u>764,712.09</u>	<u>11.6</u>
TOTAL FUND EXPENDITURES	<u>11,070.04</u>	<u>100,087.91</u>	<u>864,800.00</u>	<u>764,712.09</u>	<u>11.6</u>
NET REVENUE OVER EXPENDITURES	<u>(11,018.74)</u>	<u>(97,261.78)</u>	<u>(664,000.00)</u>	<u>(566,738.22)</u>	<u>(14.7)</u>

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

CEMETERY FUND

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED</u>	<u>PCNT</u>
<u>SOURCE 00</u>					
07-00-4310-00 CEMETERY LOTS AND CARE	99.00	3,209.55	2,000.00	(1,209.55)	160.5
07-00-4610-00 CP-EARNINGS ON INVESTMENTS	7.10	80.74	100.00	19.26	80.7
TOTAL SOURCE 00	<u>106.10</u>	<u>3,290.29</u>	<u>2,100.00</u>	<u>(1,190.29)</u>	<u>156.7</u>
TOTAL FUND REVENUE	<u>106.10</u>	<u>3,290.29</u>	<u>2,100.00</u>	<u>(1,190.29)</u>	<u>156.7</u>
NET REVENUE OVER EXPENDITURES	<u>106.10</u>	<u>3,290.29</u>	<u>2,100.00</u>	<u>(1,190.29)</u>	<u>156.7</u>

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

EQUIPMENT REPLACEMENT FUND

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED</u>	<u>PCNT</u>
<u>SOURCE 00</u>					
09-00-4110-00 TRANSFER FROM GENERAL FUND	.00	300,000.00	300,000.00	.00	100.0
09-00-4610-00 EARNINGS ON INVESTMENTS	.00	27.89	3,000.00	2,972.11	.9
TOTAL SOURCE 00	<u>.00</u>	<u>300,027.89</u>	<u>303,000.00</u>	<u>2,972.11</u>	<u>99.0</u>
TOTAL FUND REVENUE	<u>.00</u>	<u>300,027.89</u>	<u>303,000.00</u>	<u>2,972.11</u>	<u>99.0</u>

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

EQUIPMENT REPLACEMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 70</u>					
09-70-6544-02 EQUIPMENT PURCHASE	.00	60,208.00	61,000.00	792.00	98.7
09-70-6544-04 POLICE VEHICLE	.00	32,998.13	42,500.00	9,501.87	77.6
09-70-6544-05 SNOW PLOW FOR PICKUP	.00	.00	6,000.00	6,000.00	.0
09-70-6544-08 BUILDING DEPT. VEHICLE	3,094.27	24,347.27	26,000.00	1,652.73	93.6
09-70-6544-09 MINI EXCAVATOR	.00	59,895.00	70,000.00	10,105.00	85.6
TOTAL DEPARTMENT 70	3,094.27	177,448.40	205,500.00	28,051.60	86.4
TOTAL FUND EXPENDITURES	3,094.27	177,448.40	205,500.00	28,051.60	86.4
NET REVENUE OVER EXPENDITURES	(3,094.27)	122,579.49	97,500.00	(25,079.49)	125.7

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

DRAINAGE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SOURCE 00</u>					
11-00-4110-00 DRAINAGE FEES	28,665.00	319,319.16	297,000.00 (	22,319.16)	107.5
11-00-4610-00 EARNINGS ON INVESTMENTS	144.98	7,174.50	7,500.00	325.50	95.7
TOTAL SOURCE 00	28,809.98	326,493.66	304,500.00 (	21,993.66)	107.2
TOTAL FUND REVENUE	28,809.98	326,493.66	304,500.00 (	21,993.66)	107.2

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

DRAINAGE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
11-25-5010-00 CLERICAL SALARIES	1,958.13	15,717.87	17,000.00	1,282.13	92.5
11-25-5010-03 OVERTIME	.00	16.29	100.00	83.71	16.3
11-25-5011-00 PART TIME OFFICE	280.38	1,818.43	2,500.00	681.57	72.7
11-25-5025-00 MANAGER	2,691.27	21,530.16	23,600.00	2,069.84	91.2
11-25-5050-00 PAYROLL TAXES	251.31	2,772.97	3,400.00	627.03	81.6
11-25-5060-00 RETIREMENT FUND	331.50	2,654.92	3,200.00	545.08	83.0
11-25-5065-00 HEALTH INSURANCE	888.28	10,094.80	13,200.00	3,105.20	76.5
11-25-5070-00 WORKMAN'S COMPENSATION	.00	300.00	300.00	.00	100.0
11-25-6010-00 UTILITIES	352.08	352.08	1,700.00	1,347.92	20.7
11-25-6505-00 OFFICE SUPPLIES	.00	966.53	1,000.00	33.47	96.7
11-25-6506-00 UTILITY BILL MAILING	285.20	3,071.39	3,200.00	128.61	96.0
11-25-6510-00 TELEPHONE	.00	.00	700.00	700.00	.0
11-25-6522-00 INSURANCE AND BONDS	700.00	2,200.00	2,200.00	.00	100.0
11-25-6544-04 COMPUTER SOFTWARE	.00	.00	2,500.00	2,500.00	.0
11-25-6544-05 COMPUTER	.00	.00	500.00	500.00	.0
11-25-7020-00 MAINTENANCE AND REPAIRS	.00	.00	500.00	500.00	.0
11-25-8010-00 AUDIT	.00	2,200.00	2,200.00	.00	100.0
11-25-8012-00 COMPUTER PROF. SERVICES	.00	2,960.00	2,800.00	(160.00)	105.7
11-25-8014-00 LEGAL	.00	.00	2,000.00	2,000.00	.0
11-25-8017-00 PROFESSIONAL SERVICES	.00	90.23	1,500.00	1,409.77	6.0
TOTAL ADMINISTRATION	7,738.15	66,745.67	84,100.00	17,354.33	79.4
<u>OPERATIONS</u>					
11-70-5010-00 SALARIES	2,295.53	18,656.03	21,700.00	3,043.97	86.0
11-70-5010-03 OVERTIME	72.95	787.86	400.00	(387.86)	197.0
11-70-5050-00 PAYROLL TAXES	174.77	1,379.25	1,700.00	320.75	81.1
11-70-5060-00 RETIREMENT FUND	100.32	823.57	1,200.00	376.43	68.6
11-70-5065-00 HEALTH INSURANCE	603.56	7,486.99	10,100.00	2,613.01	74.1
11-70-5070-00 WORKMEN'S COMPENSATION	.00	1,000.00	1,000.00	.00	100.0
11-70-6510-00 TELEPHONE	.00	.00	800.00	800.00	.0
11-70-6511-00 TRAINING	.00	.00	500.00	500.00	.0
11-70-6522-00 INSURANCE	1,878.00	4,200.00	4,200.00	.00	100.0
11-70-6524-00 GAS & OIL	.00	2,000.00	2,000.00	.00	100.0
11-70-6526-00 OPERATING SUPPLIES	.00	.00	1,000.00	1,000.00	.0
11-70-6544-02 VEHICLE PURCHASE	.00	.00	700.00	700.00	.0
11-70-6544-06 INFRASTRUCTURE REPAIR	.00	.00	20,000.00	20,000.00	.0
11-70-7020-00 REPAIR & MAINTENANCE	.00	241.50	4,000.00	3,758.50	6.0
11-70-7024-00 INLET REPLACEMENT	.00	9,456.00	20,000.00	10,544.00	47.3
11-70-7026-00 CURB/GUTTER REPLACEMENT	2,984.00	34,095.00	20,000.00	(14,095.00)	170.5
11-70-9450-00 INTEREST PAYMENT	82,585.00	82,585.00	83,000.00	415.00	99.5
TOTAL OPERATIONS	90,694.13	162,711.20	192,300.00	29,588.80	84.6
TOTAL FUND EXPENDITURES	98,432.28	229,456.87	276,400.00	46,943.13	83.0

CITY OF JOHNSTOWN
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

DRAINAGE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
NET REVENUE OVER EXPENDITURES	(69,622.30)	97,036.79	28,100.00	(68,936.79)	345.3

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

PAVING FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SOURCE 00</u>					
12-00-4110-00 PAVING FEES	.00	2,617.00	.00	(2,617.00)	.0
12-00-4610-00 EARNINGS ON INVESTEMENTS	.00	.65	.00	(.65)	.0
TOTAL SOURCE 00	.00	2,617.65	.00	(2,617.65)	.0
TOTAL FUND REVENUE	.00	2,617.65	.00	(2,617.65)	.0

CITY OF JOHNSTOWN
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

		PAVING FUND				
		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 80</u>						
12-80-7050-00	TRANSFER CAPITAL PROJECTS FUND	.00	.00	400.00	400.00	.0
TOTAL DEPARTMENT 80		.00	.00	400.00	400.00	.0
TOTAL FUND EXPENDITURES		.00	.00	400.00	400.00	.0
NET REVENUE OVER EXPENDITURES		.00	2,617.65	(400.00)	(3,017.65)	654.4

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

LIBRARY

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SOURCE 00</u>					
14-00-4530-00 REFUND OF EXPENDITURES	.00	65,832.75	.00	(65,832.75)	.0
TOTAL SOURCE 00	.00	65,832.75	.00	(65,832.75)	.0
TOTAL FUND REVENUE	.00	65,832.75	.00	(65,832.75)	.0

CITY OF JOHNSTOWN
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

LIBRARY

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 00</u>					
14-00-5010-00 LIBRARY- SALARIES	25,200.56	203,536.81	.00 (	203,536.81)	.0
14-00-5050-00 LIBRARY-PAYROLL TAXES	1,901.37	15,279.50	.00 (	15,279.50)	.0
14-00-5065-00 HEALTH INS.	1,646.27	18,108.97	.00 (	18,108.97)	.0
14-00-5070-00 WORKMENS COMPENSATION	.00	709.10	.00 (	709.10)	.0
TOTAL DEPARTMENT 00	28,748.20	237,634.38	.00 (	237,634.38)	.0
TOTAL FUND EXPENDITURES	28,748.20	237,634.38	.00 (	237,634.38)	.0
NET REVENUE OVER EXPENDITURES	(28,748.20)	(171,801.63)	.00	171,801.63	.0

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

CAPITAL PROJECTS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SOURCE 00</u>					
15-00-4060-00 USE TAX	242,963.00	2,410,108.78	675,000.00	(1,735,108.78)	357.1
15-00-4140-00 GRANT MONIES	.00	.00	7,000.00	7,000.00	.0
15-00-4610-00 EARNINGS ON INVESTMENTS	(181.49)	36,232.79	40,000.00	3,767.21	90.6
15-00-4720-00 FROM WATER FUND	.00	.00	45,000.00	45,000.00	.0
15-00-4810-00 TRANSFER FROM PAVING FUND	.00	.00	500.00	500.00	.0
TOTAL SOURCE 00	242,781.51	2,446,341.57	767,500.00	(1,678,841.57)	318.7
TOTAL FUND REVENUE	242,781.51	2,446,341.57	767,500.00	(1,678,841.57)	318.7

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

CAPITAL PROJECTS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 70</u>					
15-70-8544-14 POLICE STATION PARKING LOT	.00	3,088.00	5,000.00	1,912.00	61.8
15-70-7015-00 ANNUAL OVERLAY	.00	200,831.49	200,000.00	(831.49)	100.4
15-70-7020-00 STREET REPAIR & MAINT.	.00	88,970.30	100,000.00	11,029.70	89.0
15-70-7022-00 ALLEY IMPROVEMENTS	.00	1,204.43	2,000.00	795.57	60.2
15-70-7035-00 COMMUNITY CENTER IMPROVEMENTS	27.24	1,648.94	10,000.00	8,351.06	16.5
15-70-7045-00 STREETLIGHTS	.00	.00	5,000.00	5,000.00	.0
15-70-7047-00 SIGNS	.00	3,977.66	5,000.00	1,022.34	79.6
15-70-7065-00 SIDEWALK/CURB REPL.	.00	4,863.00	20,000.00	15,137.00	24.3
15-70-7085-00 SHOP IMPROVEMENTS	1,320.00	1,320.00	2,500.00	1,180.00	52.8
15-70-7086-00 POLICE-ELECTRONIC TICKETING	.00	11,499.08	12,000.00	500.92	95.8
15-70-7088-00 EMERGENCY WARNING SIREN	.00	30,590.45	31,000.00	409.55	98.7
15-70-7130-00 BICYCLE/PEDESTRIAN ACCESS IMP.	.00	.00	10,000.00	10,000.00	.0
15-70-7140-00 TRAIL/SIDEWALK CONNECTIONS	9,152.80	17,927.80	200,000.00	182,072.20	9.0
15-70-7142-00 BOOSTER PUMP/PIONEER RIDGE	.00	.00	31,000.00	31,000.00	.0
 TOTAL DEPARTMENT 70	 10,500.04	 365,921.15	 633,500.00	 267,578.85	 57.8
<u>DEPARTMENT 80</u>					
15-80-7060-00 REBATE	.00	48,138.55	80,000.00	31,861.45	60.2
15-80-7080-00 PUBLIC WKS BLD. CONST. FUND	.00	1,255.00	151,900.00	150,645.00	.8
 TOTAL DEPARTMENT 80	 .00	 49,393.55	 231,900.00	 182,506.45	 21.3
 TOTAL FUND EXPENDITURES	 10,500.04	 415,314.70	 865,400.00	 450,085.30	 48.0
 NET REVENUE OVER EXPENDITURES	 232,281.47	 2,031,026.87	 (97,900.00)	 (2,128,926.87)	 2074.6

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

JOHNSON'S CORNER IMP. FUND

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED</u>	<u>PCNT</u>
<u>SOURCE 00</u>					
16-00-4070-00 FROM SALES TAX	7,176.34	81,484.52	83,000.00	1,515.48	98.2
16-00-4610-00 EARNINGS ON INVESTMENTS	.00	10.68	10.00 (	.68)	106.8
TOTAL SOURCE 00	<u>7,176.34</u>	<u>81,495.20</u>	<u>83,010.00</u>	<u>1,514.80</u>	<u>98.2</u>
TOTAL FUND REVENUE	<u>7,176.34</u>	<u>81,495.20</u>	<u>83,010.00</u>	<u>1,514.80</u>	<u>98.2</u>

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

JOHNSON'S CORNER IMP. FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 70</u>					
16-70-7010-00 CONSTRUCTION	35,000.00	79,400.00	98,110.00	18,710.00	80.9
16-70-7090-00 TOWN OF JOHNSTOWN	1,155.00	3,235.50	.00	(3,235.50)	.0
TOTAL DEPARTMENT 70	<u>36,155.00</u>	<u>82,635.50</u>	<u>98,110.00</u>	<u>15,474.50</u>	<u>84.2</u>
TOTAL FUND EXPENDITURES	<u>36,155.00</u>	<u>82,635.50</u>	<u>98,110.00</u>	<u>15,474.50</u>	<u>84.2</u>
NET REVENUE OVER EXPENDITURES	<u>(28,978.66)</u>	<u>(1,140.30)</u>	<u>(15,100.00)</u>	<u>(13,959.70)</u>	<u>(7.6)</u>

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

		IMPACT FEES				
		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SOURCE 00</u>						
17-00-4610-00	EARNINGS ON INVESTMENTS	103.56	23,448.02	30,000.00	6,551.98	78.2
	TOTAL SOURCE 00	103.56	23,448.02	30,000.00	6,551.98	78.2
<u>SOURCE 01</u>						
17-01-4110-01	TRANSPORATION FAC. DEV. FEE	53,252.41	719,279.72	180,000.00	(539,279.72)	399.6
17-01-4110-02	POLICE FACILTIES DEV. FEE	12,371.98	154,929.69	42,000.00	(112,929.69)	368.9
17-01-4110-03	PUBLIC FACILITIES DEV. FEE	32,992.43	415,152.78	112,000.00	(303,152.78)	370.7
17-01-4110-04	PARKS & OPEN SPACE DEV. FEE	32,076.03	400,999.50	109,000.00	(291,999.50)	367.9
17-01-4110-05	LIBRARY FACILITIES FEE	6,356.51	79,531.98	21,800.00	(57,731.98)	364.8
17-01-4110-06	TRAFFIC SIGNAL	3,324.12	23,274.39	300.00	(22,974.39)	7758.1
	TOTAL SOURCE 01	140,373.48	1,793,168.06	465,100.00	(1,328,068.06)	385.5
	TOTAL FUND REVENUE	140,477.04	1,816,616.08	495,100.00	(1,321,516.08)	366.9

CITY OF JOHNSTOWN
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

IMPACT FEES

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 70</u>					
17-70-6544-01 POLICE VEHICLE	.00	40,769.51	40,000.00 (	769.51)	101.9
17-70-6544-14 POLICE WORKSTATION	.00	3,864.70	3,700.00 (	164.70)	104.5
17-70-6544-15 POLICE EQUIPMENT	.00	7,000.00	7,000.00	.00	100.0
17-70-6544-16 COUNTY ROAD 46 BRIDGE	.00	170.00	90,000.00	89,830.00	.2
17-70-8016-00 PROFESSIONAL SERVICES	.00	3,033.04	15,000.00	11,966.96	20.2
17-70-8017-00 PARKS & OPEN - PROFESSIONAL	.00	.00	30,000.00	30,000.00	.0
17-70-8018-00 TRANSPORTATION EXPENDITURES	.00	49,367.00	65,000.00	15,633.00	76.0
TOTAL DEPARTMENT 70	.00	104,204.25	250,700.00	146,495.75	41.6
TOTAL FUND EXPENDITURES	.00	104,204.25	250,700.00	146,495.75	41.6
NET REVENUE OVER EXPENDITURES	140,477.04	1,712,411.83	244,400.00 (	1,468,011.83)	700.7

CITY OF JOHNSTOWN
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

PUBLIC WKS BLDG. CONST. FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SOURCE 00</u>					
19-00-4060-00 USE TAX	.00	.00	151,900.00	151,900.00	.0
19-00-4070-00 GENERAL FUND MONIES	.00	384,593.63	650,000.00	265,406.37	59.2
19-00-4610-00 EARNINGS ON INVESTMENTS	.00	23.85	100.00	76.15	23.9
TOTAL SOURCE 00	.00	384,617.48	802,000.00	417,382.52	48.0
TOTAL FUND REVENUE	.00	384,617.48	802,000.00	417,382.52	48.0

CITY OF JOHNSTOWN
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 11 MONTHS ENDING NOVEMBER 30, 2013

PUBLIC WKS BLDG. CONST. FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 70</u>					
19-70-6544-00 CONSTRUCTION	(459,459.92)	48,845.75	850,100.00	801,254.25	5.8
19-70-8016-00 PROFESSIONAL SERVICES	(16,400.01)	.00	.00	.00	.0
TOTAL DEPARTMENT 70	(475,859.93)	48,845.75	850,100.00	801,254.25	5.8
TOTAL FUND EXPENDITURES	(475,859.93)	48,845.75	850,100.00	801,254.25	5.8
NET REVENUE OVER EXPENDITURES	475,859.93	335,771.73	(48,100.00)	(383,871.73)	698.1

AGENDA ITEM 9A

**INITIATING
ANNEXATION
PROCEEDINGS**

(Daily and Robbins Annexation)

(Resolution No. 2013-20)

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 16, 2013

ITEM NUMBER: 9A

SUBJECT: Consider Resolution No. 2013-20, A Resolution Finding Substantial Compliance for Initiating Annexation Proceedings for the Daily and Robbins Annexation

ACTION PROPOSED: Approve Resolution No. 2013- 20

PRESENTED BY: Mr. John Franklin, Town Planner

AGENDA ITEM DESCRIPTION: This is a request for annexation of 54.8±acres consisting of two parcels of land - Daily - 39.5 ±acres and Robbins 15.3 ±acres - located west of High Plains Blvd. (LCR 3) and north of LCR 18. The sites abut the overall Thompson River Ranch PUD and are presently in use as agriculture.

The Johnstown Area Comprehensive Plan designates the properties as residential. The properties have been historically utilized for agriculture and are zoned FA in Larimer County. The owner is requesting annexation and PUD-R (Planned Unit Development-Residential) zoning of the property. The intent is to expand the existing Thompson River Ranch Development. Staff will work with the owners to ensure that development will be consistent with the Thompson River Ranch approved performance standards.

The Daily parcel will be developed first, and has primary access through Thompson River Ranch. There are minor appurtenant water rights with the property. The Robbins parcel will be developed at a later time and has access to LCR 18. The owners acknowledge the need to provide water rights acceptable to the Town at time of subdivision. Water and sanitary sewer improvements will need to be extended by the owner to serve the properties.

State statutes require that the governing body of the annexing municipality approve a resolution of substantial compliance of the annexation petition. As part of the resolution finding substantial compliance, the governing body must set a public hearing to determine if the proposed annexation complies with sections 31-12-105, C.R.S., (Eligibility for Annexation) and 31-12-105, C.R.S., (Limitations). In accordance with statute, a public hearing date of January 22, 2014 has been scheduled.

LEGAL ADVICE: The Town Attorney has reviewed the Annexation Petition and accompanying documents.

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve Resolution No. 2013-20.

SUGGESTED MOTIONS:

For Approval: I move to approve Resolution No. 2013-20, A Resolution Finding Substantial Compliance for Initiating Annexation Proceedings for the Daily and Robbins Annexation and schedule a public hearing for the annexation petition for January 22, 2014 at 7:00 p.m.

For Denial: I move we deny approval of Resolution No. 2013-20, A Resolution Finding Substantial Compliance for Initiating Annexation Proceedings for the Daily and Robbins Annexation.

Reviewed:


Town Manager

RESOLUTION

No. 2013-20

TOWN OF JOHNSTOWN

**RESOLUTION NO. 2013-20
FINDING SUBSTANTIAL COMPLIANCE FOR INITIATING
ANNEXATION PROCEEDINGS FOR THE DAILY AND ROBBINS ANNEXATION**

WHEREAS, a written petition, together with five (5) prints of an annexation map, was heretofore filed with the Town Clerk requesting the annexation of certain property to be known as the Daily and Robbins ANNEXATION, more particularly described as situate in the County of Larimer, State of Colorado, to wit:

See attached Exhibit A

WHEREAS, The Town Council desires to initiate annexation proceedings in accordance with the law.

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

Section 1. That the Town Council hereby accepts said annexation petition, finds and determines that the annexation petition and accompanying map are in substantial compliance with CRS 31 -12 -107, and desire to initiate annexation proceedings in accordance with law.

Section 2. The Town Council shall hold a hearing to determine if the proposed annexation complies with CRS 31 -12 -104 and 31 -12 -105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, CRS. A hearing shall be held on the 22nd day of January, 2014, in the Council meeting room of the Town of Johnstown, 450 S. Parish Ave., Johnstown, Colorado, at 7:00 p.m.

Section 3. The Town Clerk shall publish notice of such hearing once per week for four (4) successive weeks in the Johnstown Breeze, with the first publication at least thirty (30) days prior to the date of the hearing. The Town Clerk shall also send a copy of this resolution and the petition for annexation to the Clerk to the Board of County Commissioners, the County Attorney and to any special district or school district within the area proposed for annexation.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 20__

TOWN OF JOHNSTOWN, COLORADO

By:

Mayor

ATTEST:

Town Clerk

EXHIBIT A

ROBBINS PARCEL

LEGAL DESCRIPTION

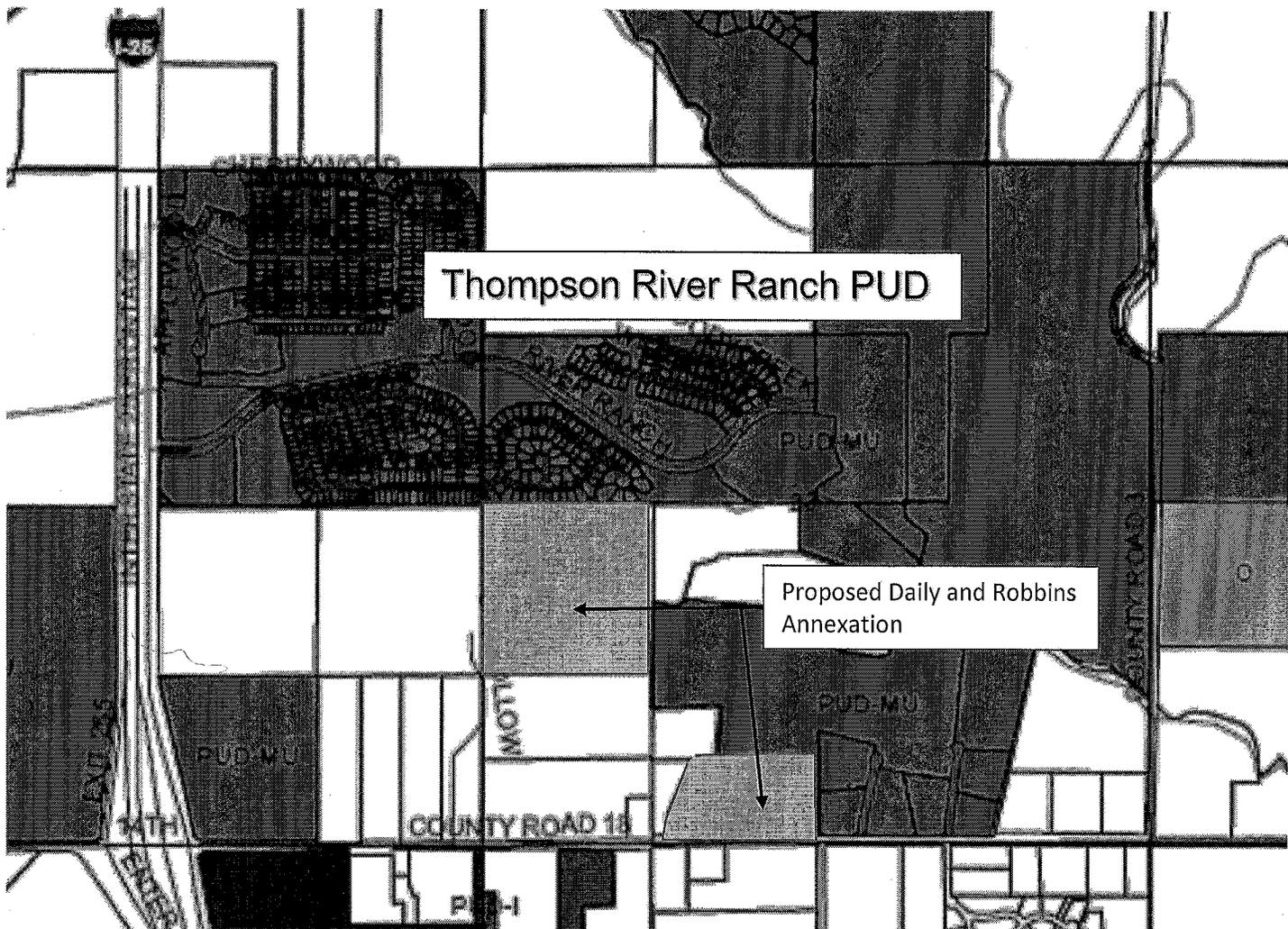
LOT 2, ROBBINS MINOR LAND DIVISION #05-S1485, COUNTY OF LARIMER, STATE OF COLORADO.

DAILY PARCEL

LEGAL DESCRIPTION

THE NE/4 OF THE SE/4 OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH PM. COUNTY OF LARIMER, STATE OF COLORADO.

**VICINITY
MAP**



VICINITY MAP



north

AGENDA ITEM 9B

**AMENDMENT
TO
JOHNSTOWN
COMPREHENSIVE
PLAN
(*Public Hearing)**

*** PUBLIC HEARING PROCEDURE-Amendment to the Johnstown Area
Comprehensive Plan**

1. Open public hearing.
2. Receive information from staff.
3. Ask to hear from anyone who supports the amendment.
4. Ask to hear from anyone who opposes the amendment.
5. Close the public hearing.
6. Ask for discussion.
7. Make decision and/or motion from Council.
 - a. Need motion to approve or deny the amendment to the Johnstown Area Comprehensive Plan.

(SUGGESTED MOTIONS):

For Approval:

I move to approve the amendment to the Johnstown Area Comprehensive Plan.

For Denial:

I move to deny approval of the amendment to the Johnstown Area Comprehensive Plan.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 16, 2013

ITEM NUMBER: 9B

SUBJECT: *Public Hearing - Consider Approval of Amendment to the Johnstown Area Comprehensive Plan

ACTION PROPOSED: Approve Amendment to the Johnstown Area Comprehensive Plan

PRESENTED BY: John Franklin, Town Planner

AGENDA ITEM DESCRIPTION: As part of discussions between the Town and City of Loveland, it was noted that the respective comprehensive plans should be amended to reflect compatible land use designations within the area where the two comprehensive plans overlap, and that the Planning Area/Growth Management Area Boundaries should be adjusted to more accurately reflect municipal boundaries and utility service areas..

In November 2012, the two communities participated in open houses for the property owners in the overlap area to explain Loveland's Plan amendment and the prospective IGA.

The City of Loveland has amended their Planning/Growth Management Area boundaries to exclude all areas east of I-25 and the Johnston property in the northwest corner of I-25/SH 402 annexed by the Town. Loveland requested that Johnstown exclude the property owned by and annexed to Loveland (Erlich) and the O'Connor property immediately to the south.

The Johnstown Planning and Zoning Commission held a public hearing on November 20, 2013 and voted unanimously to recommended approval of the amendment to the Johnstown Area Comprehensive Plan.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: The Planning and Zoning Commission has recommended approval of the amendment to the Johnstown Area Comprehensive Plan.

SUGGESTED MOTIONS:

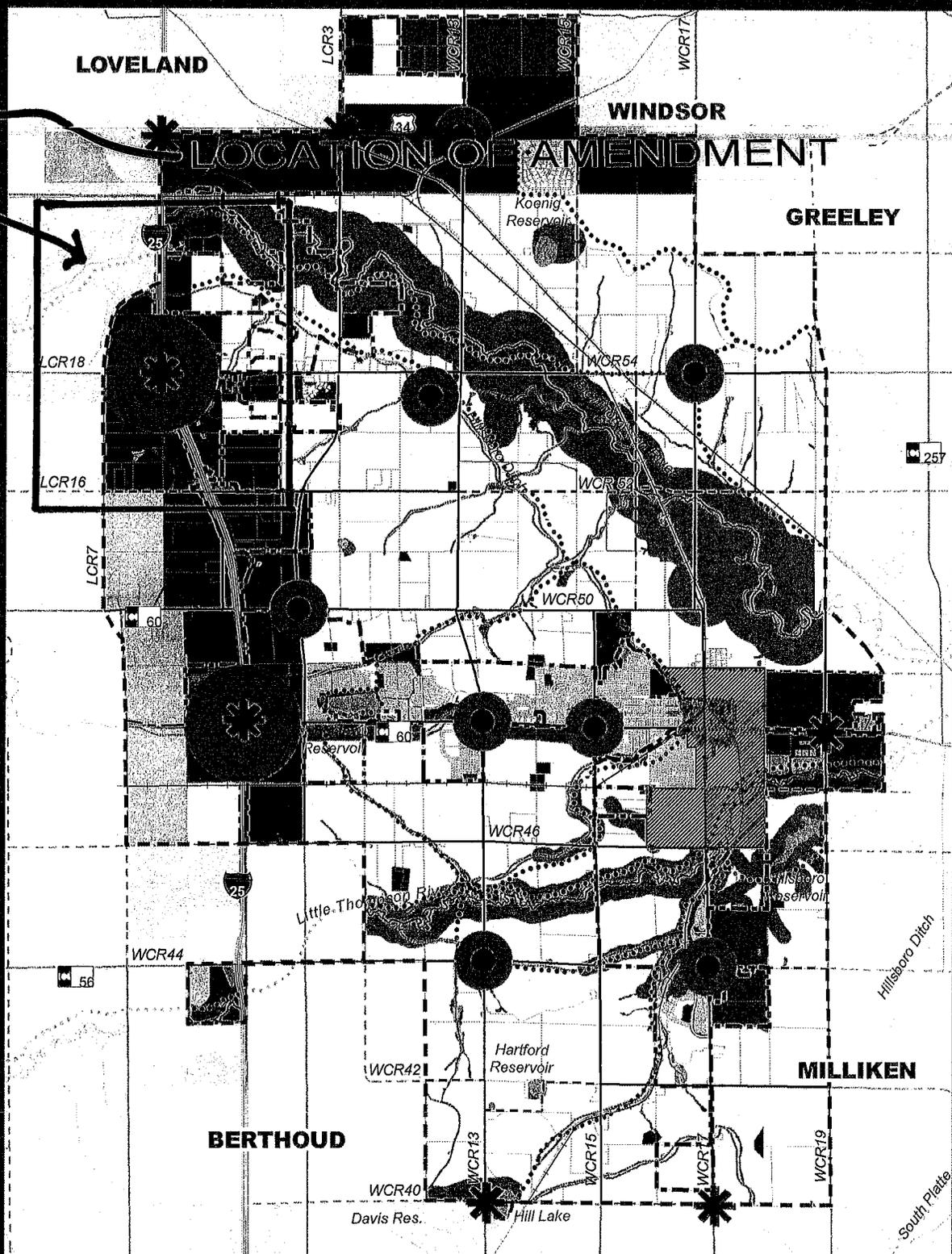
For Approval: I move to approve the amendment to the Johnstown Area Comprehensive Plan.

For Denial: I move to deny approval of the amendment to the Johnstown Area Comprehensive Plan.

Reviewed:


Town Manager

MAP



CENTERS

- Village Center
- Johnstown Gateway
- Gateway Center

DOWNTOWN

- Downtown
- (See downtown framework plan)

DISTRICTS

- Employment
- Commercial
- Commercial Mixed Use

NEIGHBORHOOD(S)

- Conservation-oriented Agricultural/Large Lot Residential
- Residential Mixed-Use
- Low Density Residential (avg. 3 du/ac)
- Medium Density Residential (avg. 6-8 du/ac)
- Public/Institutional

PARKS & GREENWAYS

- Greenways
- Park/Cemetery

MULTI-MODAL CORRIDORS

- Freeway
- Expressway
- Major Arterial
- Minor Arterial
- Local Roads
- Railroad
- Community Trail
- Primary Greenway

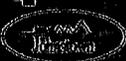
Land Use Framework Plan



Johnstown GMA Boundary

Town of Johnstown

Source: Town of Johnstown, EDAW



Johnstown Comprehensive Plan

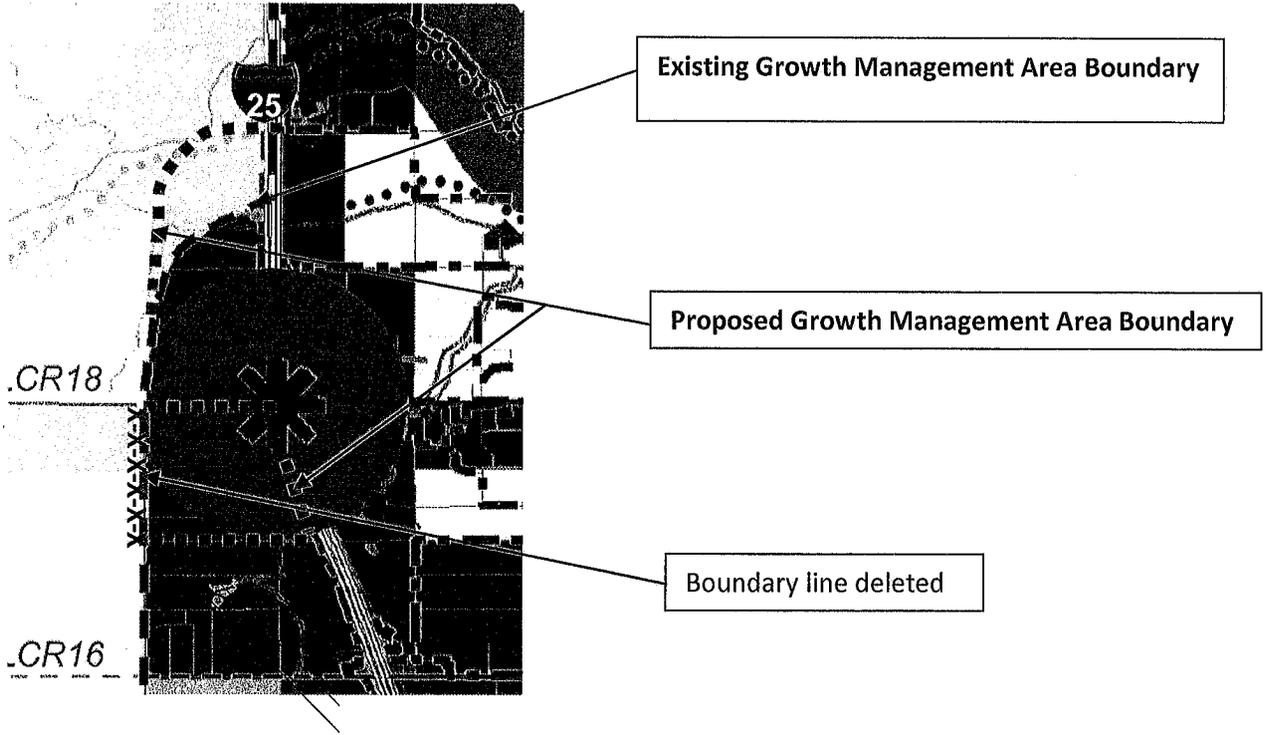
November 2006



EDAW | AECOM

Johnstown Area Comprehensive Plan

Proposed Growth Management Area boundary amendment



AGENDA ITEM 9C

**IGA
CITY OF LOVELAND
(Growth Management)**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 16, 2013

ITEM NUMBER: 9C

SUBJECT: Consider Intergovernmental Agreement (IGA) with City of Loveland for Growth Management

ACTION PROPOSED: Approve Intergovernmental Agreement

PRESENTED BY: Town Planner

AGENDA ITEM DESCRIPTION: The proposed IGA between the Town of Johnstown and the City of Loveland provides for communication, coordination and cooperation in land use, transportation and infrastructure planning in general and especially in the area where the growth area of the two municipalities overlap (see attached map). The agreement is also part of an effort to work with Larimer County and property owners in the overlap area to avoid conflicts when the properties are ultimately annexed and developed as planned employment or commercial uses. As noted in a previous agenda item, the two municipalities have also worked to amend their respective comprehensive plans for consistency of land uses in the overlap area.

Town Council and staff have previously reviewed drafts of the IGA.

On November 5, 2013 the Loveland City Council approved the IGA as presented.

LEGAL ADVICE: The Town Attorney previously reviewed the agreement.

FINANCIAL ADVICE: N/A

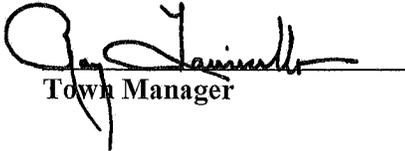
RECOMMENDED ACTION: Approve IGA

SUGGESTED MOTION:

For Approval: I move to approve the Intergovernmental Agreement, and authorize the Mayor to sign it.

For Denial: I move to deny approval of the Intergovernmental Agreement.

Reviewed:


Town Manager

IGA

Intergovernmental Agreement for Growth Management

by and between

The City of Loveland and Town of Johnstown

This Intergovernmental Agreement for Growth Management ("Agreement") is entered into as of the ___ day of _____, 2013, by and between the City of Loveland, Colorado, a home rule municipality ("Loveland") and the Town of Johnson, Colorado, a home rule municipality ("Johnstown").

RECITALS

WHEREAS, the management of growth is important to ensure that the benefits are realized and the negative consequences are minimized;

WHEREAS, changes that accompany growth and development in one community necessarily have impacts on adjacent communities;

WHEREAS, when nearby (adjacent) communities cooperate in the planning of urban growth there are benefits in the more efficient provision of public services to both communities for harmonizing land use arrangements;

WHEREAS, the geographical area covered by this Agreement is likely to face growth and development pressure due to its location in proximity to a major transportation corridor and planned future development by both Johnstown and Loveland;

WHEREAS, the geographical area covered by this Agreement is located within the growth management areas of both Loveland and Johnstown;

WHEREAS, growth management areas allow municipalities, landowners, community residents and developers to prepare for growth by signaling that a municipality is willing and preparing to extend urban level services;

WHEREAS, future land use plans benefit municipalities, landowners, community residents and developers by providing a framework for decision making related to future growth and development;

WHEREAS, future land use plans benefit landowners by providing options for the long-term use of their property and it is the goal of this agreement to provide land owners with options regarding into which municipality they will annex;

WHEREAS, cooperation between municipalities in the planning of utilities and infrastructure can create efficiencies and reduce costs;

WHEREAS, the goals of this intergovernmental agreement are to:

- Implement the Comprehensive Plans and Future Land Use Plans of the City of Loveland and Town of Johnstown;
- Establish effective means of joint planning and management of urbanization within the Overlap Area of the Growth Management Areas of the City of Loveland and Town of Johnstown (as hereinafter defined);

- Establish procedures for the processing of development applications for annexation and zoning in the Overlap Area including rules for the referral of applications between municipalities and the facilitation of meeting between municipalities and landowners / applicants;
- Provide a mechanism for cooperation and coordination between the Loveland and Johnstown in the arenas of land use and infrastructure planning;
- Establish programs designed to provide benefit to both Loveland and Johnstown when property is annexed into either municipality; and
- Prevent annexation conflicts between Loveland and Johnstown;

WHEREAS, pursuant to state law, local jurisdictions are authorized to: regulate the location of activities and developments; phase development of services and facilities; regulate development on the basis of its impact on the community or surrounding areas; plan for and regulate the use of land so as to provide for planned and orderly use of land and protection of the environment; and to cooperate or contract with other units of government for the purpose of planning and regulating the development of land including but not limited to, the joint exercise of planning, zoning, subdivision, building; and related regulations and annexations of property, all in a manner consistent with constitutional rights and statutory procedures;

WHEREAS, planning and regulation of land use within the northern Colorado region is the responsibility of local jurisdictions; and

WHEREAS, any provisions in this Agreement may be implemented only to the extent legally permitted by Colorado law.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants and obligations set forth herein, the parties agree as follows:

1.0 Definitions

As used herein, the following words, terms, and phrases shall be given the following meanings:

Annexation: Annexation means the incorporation of a land area into an existing municipality with a resulting change in the boundaries of that municipality.

Overlap Area: The area where the Loveland and Johnstown GMAs overlap, which is depicted on **Map 1** attached hereto and incorporated herein by reference, and which is bounded on the east by the I-25 right of way, on the south by the Colorado Highway 60 right of way, on the west by the Larimer County Road 7 right of way, and on the north by the north line of the parcel described as Bounded on the east by the right-of-way of I-25, on the south by the right-of-way of Colorado State Highway 60, on the west by the right-of-way of Larimer County Road 7 and having its north boundary as the north lot line of the parcel described as:

PARCEL LOCATED IN THE NORTHEWEST QUARTER OF SECTION 27 TOWNSHIP 5 NORTH 5 RANGE 68 WEST; COMMENCING AT THE WEST 1/4 CORNER OF SECTION 27 TOWNSHIP 5 NORTH 5 RANGE 68 WEST; THENCE S 89° 51' 50" E 30 FEET TO THE POINT OF BEGINNING; N 00° 02' 18" W 442.45 FEET; THENCE N 89° 40' 58" E 3243.65 FEET; S 23° 41' 05" E 511.7 FEET; THENCE N 89° 51' 50" W 852.47 FEET; THENCE N 89° 51' 50" W 2596.39 FEET TP THE POINT OF BEGINNING (PER 98004450)

as such parcel exists on the date of this Agreement.

Community Influence Area: Areas of unincorporated Larimer County near Loveland and Johnstown beyond their respective GMAs for which Loveland and/or Johnstown have an interest in future development proposals due to the potential impact upon the respective municipalities as the result of development.

Growth Management Area or GMA: Area adjacent to Johnstown and Loveland the boundaries of which are depicted on **Maps 2 and 3**, respectively, attached hereto and incorporated by reference, into which urban development and annexation shall be directed and within which urban level services to support urban development will be needed.

Larimer County Growth Management Area Overlay Zoning District: The overlay zoning district applied by Larimer County to municipal GMAs to implement the standards and requirements of intergovernmental agreements (Larimer County Land Use Code Chapter 4.2.1), as it may be amended from time to time.

Loveland Comprehensive Plan: The City of Loveland 2005 Comprehensive Plan and the City of Loveland 2005 Comprehensive Plan - 2011 Implementation Plan, as both Plans may be amended from time to time, including all elements, functional (departmental) components, and area plans, as adopted and as they may be amended from time to time by the City of Loveland, Colorado, pursuant to Title 31, Article 23 of the Colorado Revised Statutes and pursuant to the City's Charter and Code, all of which provide authority for the City to make and adopt a long-range master plan for the physical development of the City, including any areas outside its boundaries.

Johnstown Comprehensive Plan: The Town of Johnstown's 2006 Area Comprehensive Plan, as may be amended from time to time, as authorized by Title 31, Article 23 of the Colorado Revised Statutes and the Town's Charter and Municipal Code.

Utilities and Infrastructure: Public facilities required for the development of property at an urban level, including, but not limited to, roads, streets, sidewalks, bike lanes, water, sewer, and stormwater drainage facilities, and open space networks.

2.0 Delineation of Overlap Area where the IGA applies (Map)

This Agreement addresses and shall be applied to the Overlap Area, the boundaries of which are depicted on **Map 1** attached hereto and incorporated herein by this reference. The Overlap Area reflects a portion of the land included in both the Loveland GMA and the Johnstown GMA as of the date of this Agreement.

3.0 Amendments to City of Loveland and Johnstown Comprehensive Plans

Loveland and Johnstown may amend land use designations in their respective Comprehensive Plans at their sole discretion

4.0 Amendments to Growth Management Area Boundaries

Loveland and Johnstown shall provide notice to and meet with the other municipality to discuss any proposal to extend their Growth Management Area into an area within the Growth Management Area of the other municipality.

Nothing in this Agreement shall prevent either municipality from modifying their Growth Management Area boundaries as they see fit.

5.0 Relationship between Intergovernmental Agreement and Other Plans

5.1. Loveland Comprehensive Plan and Future Land Use Plan

The Loveland Comprehensive Plan and Future Land Use Plan will be the plan that guides land use decisions for any property annexed into the City of Loveland

5.2 Johnstown Comprehensive Plan and Future land Use Plan

The Johnstown Comprehensive Plan and Future Land Use Plan will be the plan that guides land use decisions for any property annexed into the Town of Johnstown

5.3 Larimer County Master Plan

The Larimer County Master Plan and Larimer County Land Use Code will continue to guide land use decisions for properties in unincorporated Larimer County.

5.4 Relationship to Other Plans

This Agreement is intended to further the goals of Loveland and Johnstown Comprehensive Plans and is not intended to conflict with any other plans.

6.0 Growth Management Area Overlay Zoning District

The municipalities agree to work with Larimer County to establish a Growth Management Overlay Zoning District on the properties located within the Overlap Area

7.0 Process for Annexations within Overlap Area

7.1 Process Initiation

The process set forth in this Section 7 shall be initiated by each municipality giving notice to the other municipality within seven (7) days after receipt of an inquiry regarding annexation of property within the Overlap Area that appears likely to proceed to a petition for annexation. If no such inquiry is received prior to receipt of a petition, each municipality shall initiate this process by notice to the other municipality within seven (7) days after receipt of an annexation petition for annexation of property within the Overlap Area. Notice initiating the process set forth in this Section 7 shall be given in writing and shall include such information, including but not limited to a copy of the petition for annexation, as the notifying municipality may have regarding the potential annexation (the "Initiating Notice").

7.2 Meetings between Municipalities

Loveland and Johnstown shall meet to discuss such an annexation proposal in an effort to agree upon which municipality it would make the most sense for the property to

annex into considering factors including but not limited to previous annexations, access, and land owner plans. The meeting shall be initiated by staff of the municipality receiving the inquiry or petition for annexation. At least one meeting shall include the Loveland Director of Development Services or his designee and Johnstown Town Planner. This meeting shall occur no later than thirty (30) days from the date of the Initiating Notice.

7.3 Three-Way Meetings

Loveland and Johnstown shall provide an opportunity to the applicant / property owner who made the inquiry or filed the petition ("Applicant") to meet and discuss the annexation and development proposal with the two municipalities jointly. If, notwithstanding reasonable efforts by the municipalities to facilitate and schedule such a meeting, the Applicant does not participate in the meeting with Loveland and Johnstown within sixty (60) days after the Initiating Notice, the municipalities may proceed to implement their agreement as to which municipality should annex the property within the Overlap Area in question.

7.4 Further Annexation Proceedings and Opportunity for Municipality Comment

Loveland and Johnstown shall complete the process set forth in this Section 7, including the meetings contemplated in Sections 7.2 and 7.3 above, with respect to a petition seeking annexation of property within the Overlap Area prior to scheduling for consideration by their respective governing bodies a resolution determining substantial compliance of an annexation petition as required by C.R.S. §31-12-107(1)(f) and setting the date, time and place of a public hearing on the proposed annexation as required by C.R.S. §31-12-108(1), under the Colorado Municipal Annexation Act (C.R.S. §31-12-101 et. seq) (the "Act"). Prior to holding any public hearings regarding a petition for annexation of property in the Overlap Area and after completing the notification and meeting processes set forth in this Section 7, the municipality in receipt of a petition for annexation of property in the Overlap Area shall provide the other municipality with written notice of the date, time and place of the public hearing on the proposed annexation and the other municipality shall have an opportunity provide written comments on the petition prior to the scheduled public hearing.

7.5 Annexation Agreements

The municipality annexing property in the Overlap Area shall, in good faith, consider placing any applicable conditions generated through the municipality comment process detailed in Section 7.4 into any annexation agreements adopted.

7.6 Final Approval Authority

The municipality receiving an annexation and zoning application has the final authority on whether or not to approve the application and annex the property. Nothing in this Agreement shall prohibit a municipality from annexing property at its discretion in accordance with State law.

8.0 Rights and Responsibilities of Municipalities and Property Owners

8.1 Decision to Pursue Annexation

The decision to apply for annexation and zoning shall rest solely with the property owner.

8.2 Ultimate Approval Authority for Annexation and Development Applications

The municipality receiving and processing an application for annexation and zoning has the sole discretion as to whether or not to approve the application.

8.3 Amendment of IGA

Either party may request amendment of this Agreement. No amendment of this Agreement shall be effective unless such amendment is set forth in writing, approved by the Loveland City Council and Johnstown Town Council and signed by the authorized representative of both municipalities.

9.0 Collaborative Planning Efforts

In order to achieve both the goals and purposes of this Agreement, as well as the region's broader planning goals, Loveland and Johnstown agree to participate in cooperative and regional planning efforts with other agencies in the region.

9.1 Further Planning Efforts in the Overlap Area and SH 402 Corridor

Within the Overlap Area, the municipalities agree to cooperate with each other on any planning efforts, including but not limited to, future land use plan amendments, zoning code amendments specific to the Overlap Area, transportation planning, and design guidelines.

The municipalities agree to cooperate with each other in planning efforts in the State Highway 402 Corridor.

9.2 Infrastructure

The municipalities agree to cooperate with each other and all other infrastructure providers in the planning of infrastructure in the Overlap Area with the goal of avoiding unnecessary duplication and providing services to current and future residents and businesses with the greatest level of efficiency, service efficacy, and cost savings possible.

9.3 Preserve Development Opportunities

The municipalities agree to cooperate in the consideration of ways to preserve development opportunities in the Overlap Area in accordance with their respective Comprehensive Plans.

10.0 Implementation of Agreement

10.1 Amendment of Codes and Plans

Each municipality shall initiate amendments to their respective plans, policies, procedures, and codes necessary to implement the terms and provisions of this Agreement within three hundred and sixty – five (365) days of the adoption of the Agreement.

10.2 Inform and Train Employees

The parties will notify newly elected officials, new managers, and key staff of the existence of this Agreement and conduct any necessary training to ensure it is implemented

11.0 Term and Termination

11.1 Term

This Agreement shall remain in force and effect for a period of ten (10) years from the date of its execution, subject to any earlier termination as may result from the provisions of Section 11.2 below. At the end of ten (10) years from the date of its execution, and on each five-year anniversary thereafter, the term of the Agreement shall be automatically extended for five years beyond its then stated expiration date, unless at least three hundred and sixty-five days (365) days prior to any five year anniversary, either party notifies the other in writing of its intention that the Agreement shall not be extended beyond its then stated expiration date.

11.2 Termination

Either party may terminate this Agreement for any reason and at any time upon three hundred and sixty-five (365) days written notice to other party. Prior to exercising any termination permitted by this Agreement, the governing body of the party seeking termination shall meet, in good faith, with governing body of non-terminating party in an attempt to resolve or explain the reasons for termination.

12.0 General Provisions

12.1 Amendment of Agreement

Either party may request an amendment of this Agreement at any time. Such request shall be in writing to the other party, and shall be considered without unreasonable delay and within no more than sixty (60) days of receipt.

12.2 Notice

Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail, return receipt requested, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below or at such other address as has been previously furnished in writing to the other party. Such notice shall be deemed given three (3) days after so deposited in the United States mail.

If to Loveland:

City-Manager
City of Loveland
500 E. Third Street, Suite 330
Loveland, Colorado 80537

With a copy to:

City Attorney
City of Loveland
500 E. Third Street, Suite 300
Loveland, Colorado 80537

If to Johnstown:

Town of Johnstown
Town Manager
P.O. Box 609
Johnstown, CO 80534

With a copy to:

Town of Johnstown
Town Attorney
PO Box 336155
Greeley, CO 80633

12.3 Application and Interpretation of Other Provisions

Whenever a provision of Loveland's Zoning Code or the Johnstown's Land Use Code are inconsistent with a specific provision of this Agreement, the party with the inconsistent code shall evaluate its regulations and initiate the process to amend its codes to be consistent with this Agreement and/or negotiate in good faith with the other party to amend this Agreement to be consistent with the applicable code and/or any amendment to the code. However, the decision of Loveland or Johnstown to so amend its code or to agree to amend this Agreement shall remain subject to the sole discretion of Loveland's and Johnstown's respective councils.

12.4 Exhibits or Maps

Exhibits and maps referred to in this Agreement are incorporated herein for all purposes.

12.5 Captions

The captions of the paragraphs are set forth herein only for the convenience of reference by the parties and are not intended in any way to define, limit or proscribe the scope or intent of this Agreement.

12.6 Additional Documents or Action

The parties may execute any additional documents or take any additional action reasonably necessary to carry out this Agreement.

12.7 Waiver of Breach

A waiver by any party to this Agreement of the breach of any term or provision of the Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach by either party.

12.8 No Third Party Beneficiaries

Any enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Loveland and Johnstown, and nothing contained in this Agreement shall give to or allow any such claim or right of action by any other third person. It is the express intention of the parties that there shall be no third party beneficiaries of this Agreement and any person or entity other than Loveland and Johnstown receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

12.9 Governing Law and Venue

This Agreement shall be governed by and enforced in accordance with the laws of the State of Colorado. In addition, the parties hereto acknowledge that there are legal constraints imposed upon Loveland and Johnstown by the constitutions, statutes, and rules and regulations of the State of Colorado and of the United States, and imposed upon the Loveland and Johnstown by their respective charters and municipal codes, and that, subject to such constraints, the parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any other provisions of this Agreement to the contrary, in no event shall the parties hereto exercise any power or take any action which shall be prohibited by applicable law. Whenever possible, each provision of this Agreement shall be interpreted in such a manner so as to be effective and valid under applicable law. Venue for any judicial proceeding concerning this Agreement shall only be in the District Court for Larimer County, Colorado.

13.0 Maps and Exhibits

Map 1 Overlap Area map

Map 2 Johnstown Land Use Plan (showing growth management area)

Map 3 Loveland Land Use Plan (showing growth management area)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the day and year first above written.

By: William D. Cahill

William D. Cahill, City Manager

ATTEST:



Jannet M. Weaver
Deputy
City Clerk

APPROVED AS TO FORM:

Just Schmidt
Deputy City Attorney

TOWN OF JOHNSTOWN, COLORADO

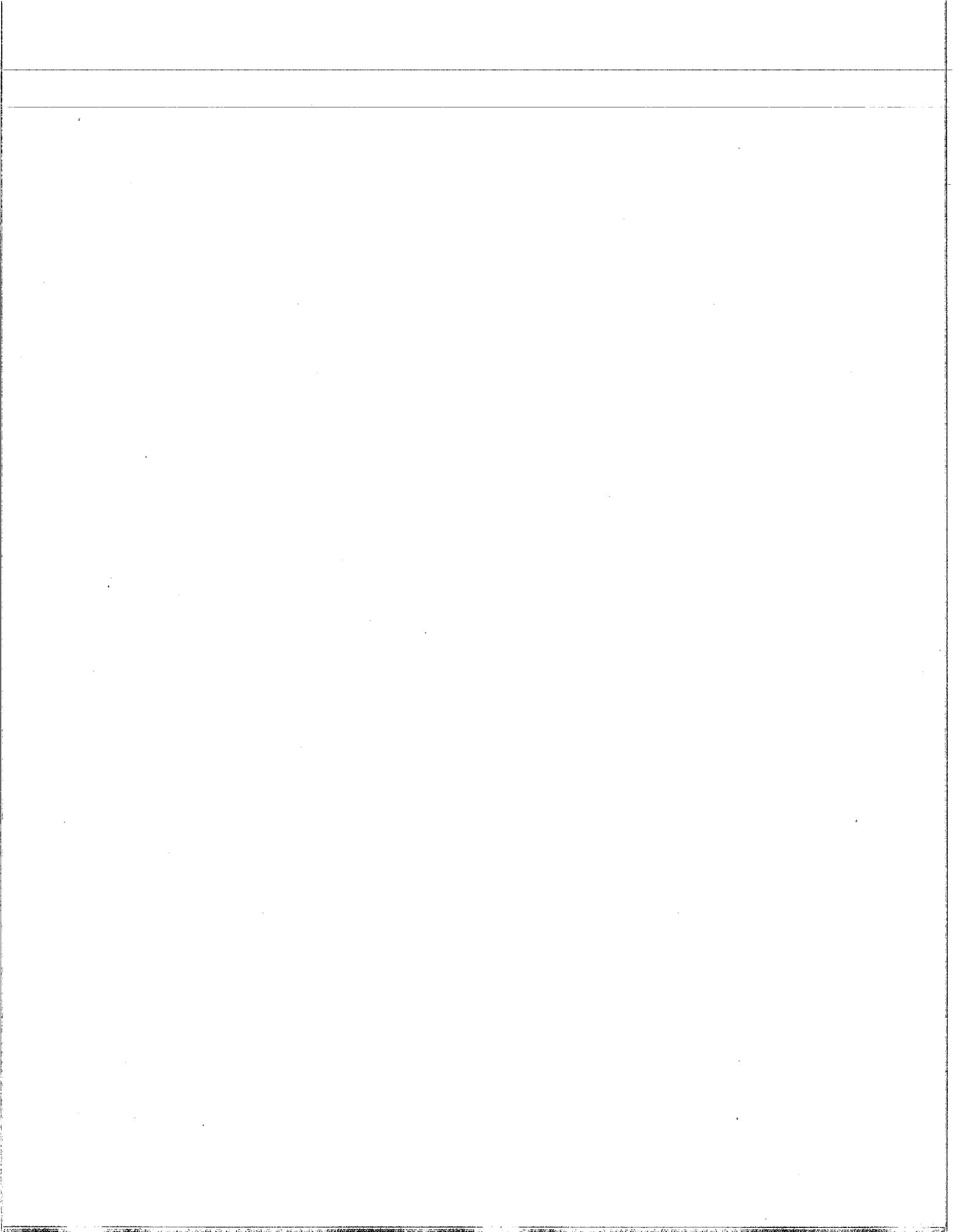
BY: _____

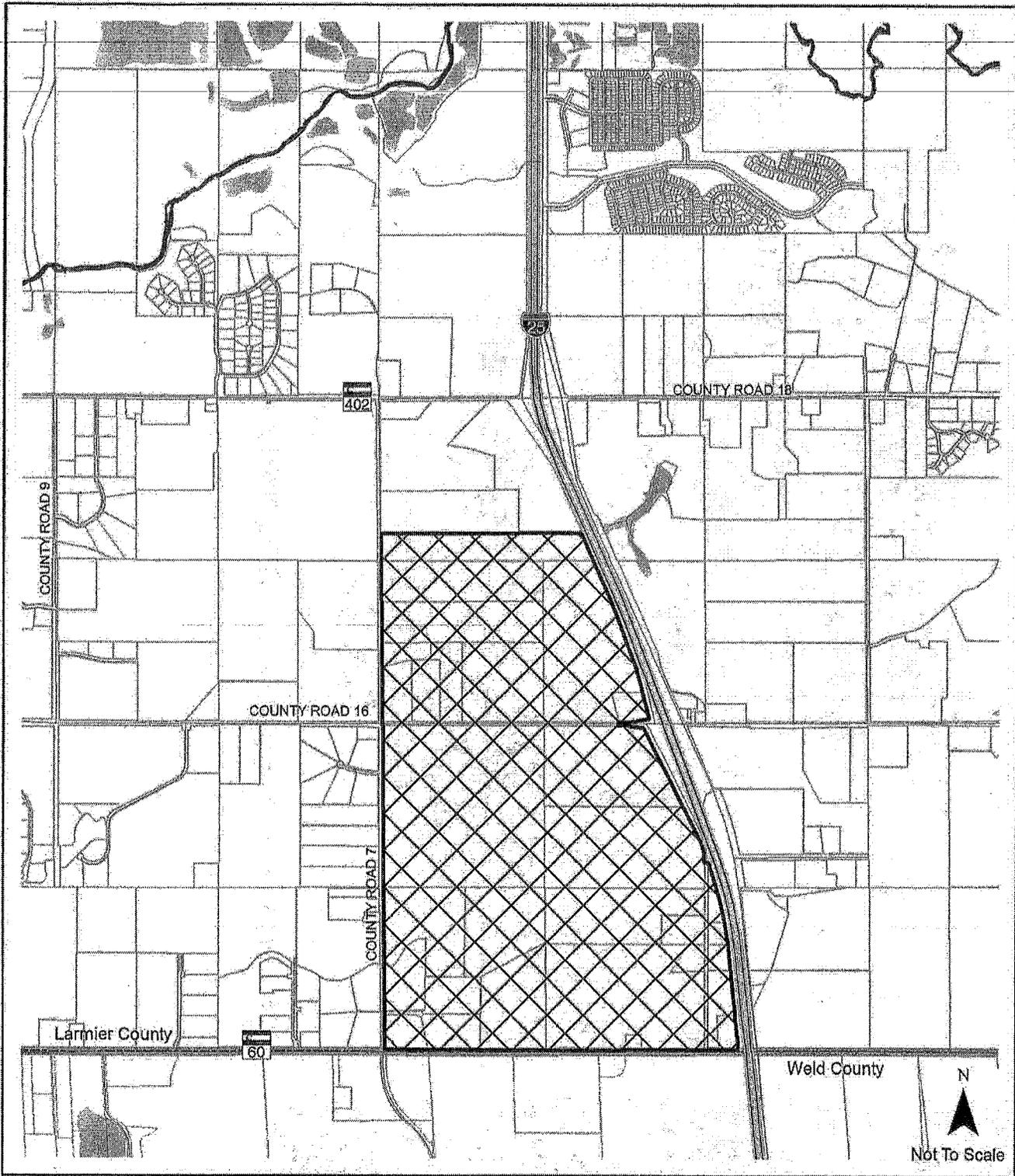
Mark Romanowski, Mayor

ATTEST:

BY: _____

Diana Seele, Town Clerk



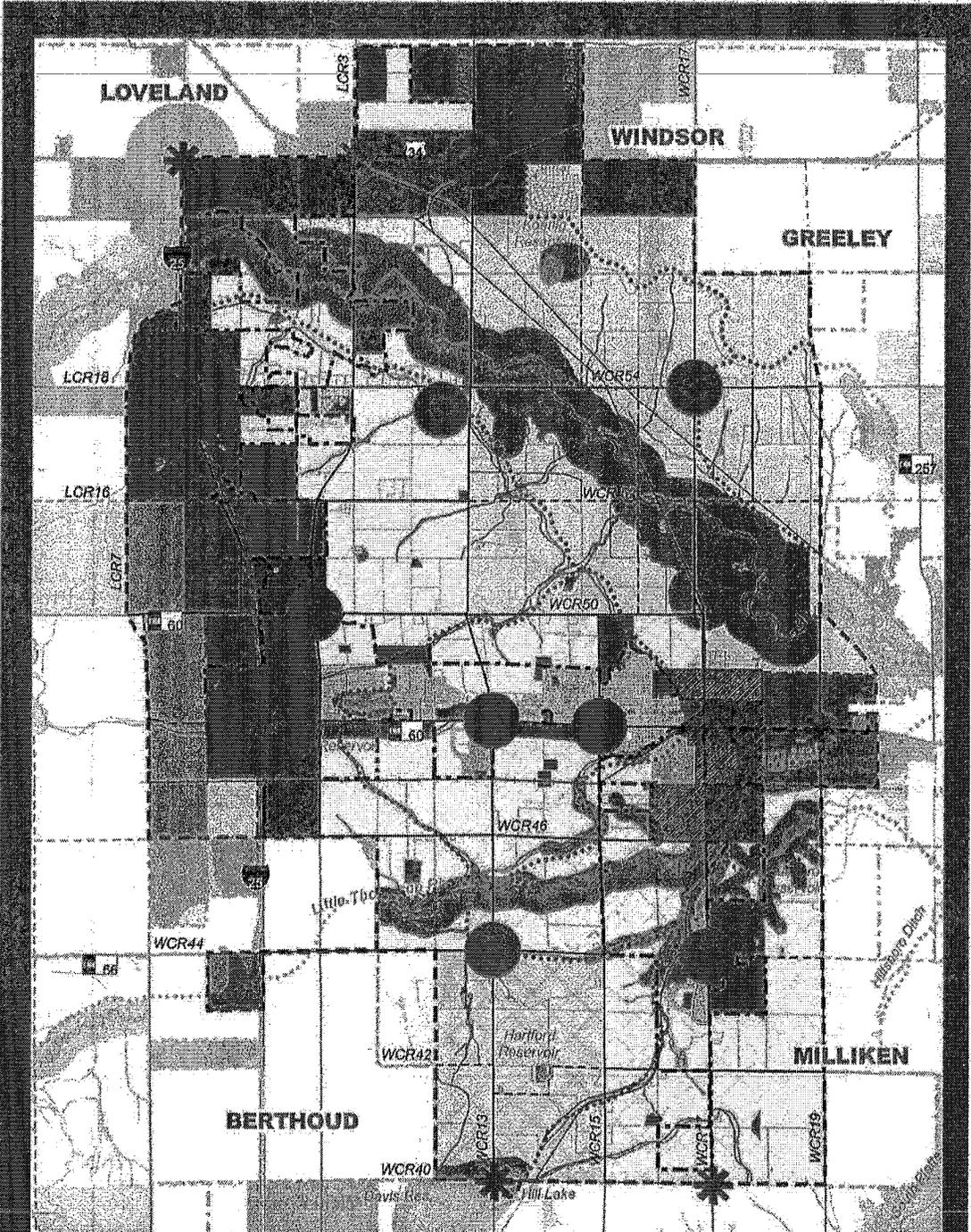


Overlap Area

MAP 1

Legend

- | | | | |
|---|-----------------|---|--------------------|
|  | Overlap Area |  | Big Thompson River |
|  | Parcels |  | Lakes and Ponds |
|  | County Boundary | | |



<p>CENTERS</p> <ul style="list-style-type: none"> Village Center Johnstown Gateway Gateway Center <p>DOWNTOWN Downtown (See downtown framework plan)</p> <p>DISTRICTS</p> <ul style="list-style-type: none"> Employment Commercial Commercial Mixed Use 	<p>NEIGHBORHOOD(S)</p> <ul style="list-style-type: none"> Conservation-oriented Agricultural/Large Lot Residential Residential Mixed-Use Low Density Residential (avg. 3 du/ac) Medium Density Residential (avg. 6-8 du/ac) Public/Institutional <p>PARKS & GREENWAYS</p> <ul style="list-style-type: none"> Greenways Park/Cemetery 	<p>MULTI-MODAL CORRIDORS</p> <ul style="list-style-type: none"> Freeway Expressway Major Arterial Minor Arterial Local Roads Railroad Community Trail Primary Greenway 	<p>Land Use Framework Plan</p> <p>0 0.25 0.5 1 1.5</p> <ul style="list-style-type: none"> Johnstown GMA Boundary Town of Johnstown <p><small>Source: Town of Johnstown, CO.gov</small></p>
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Johnstown Comprehensive Plan

November 2006





**CITY OF
 LOVELAND
 FUTURE LAND
 USE PLAN**

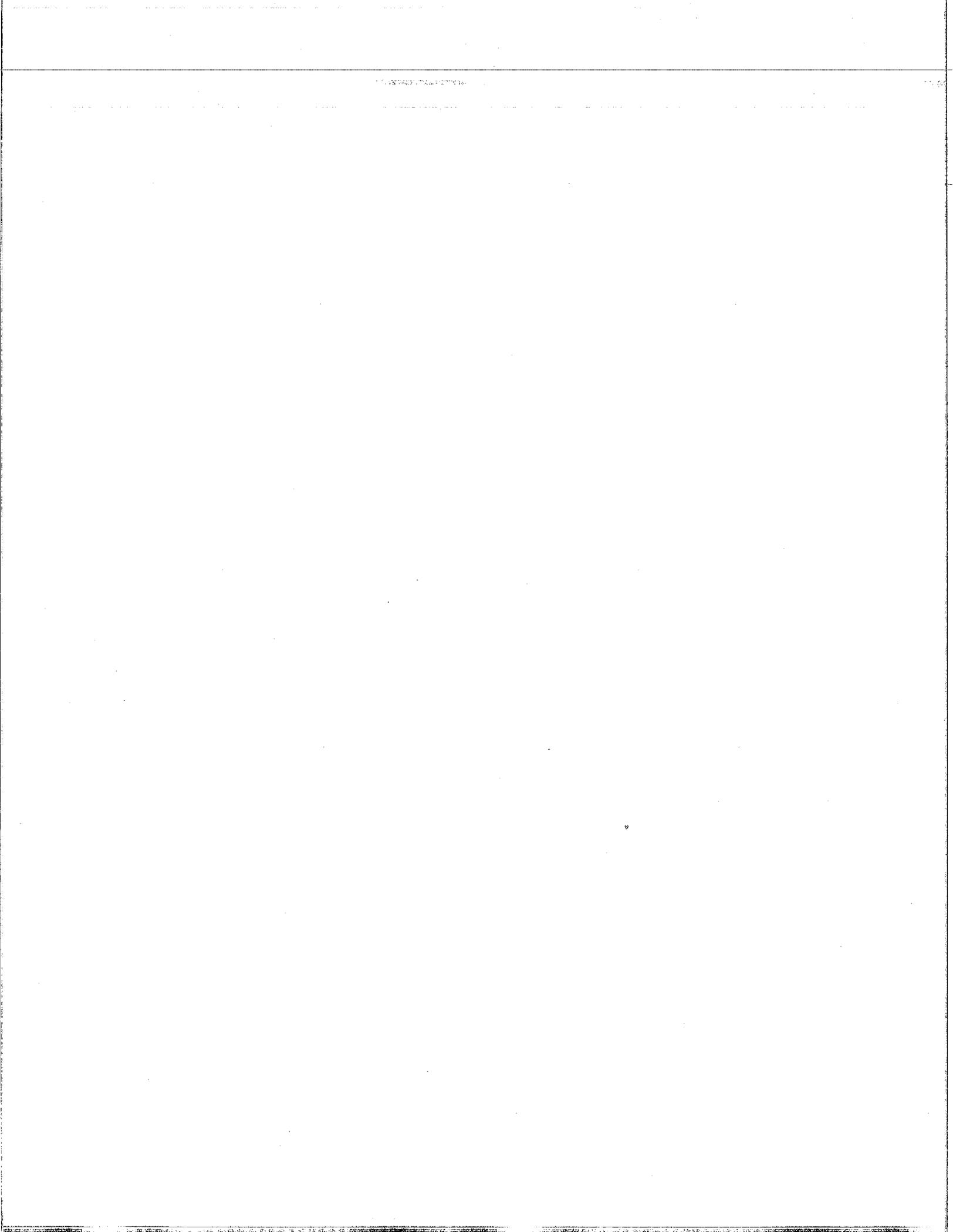


(1) This map is intended to serve as a guide for future land use patterns within Loveland's SMA and is advisory in nature. Land use patterns depicted on the map are generalized, recognizing that development proposals may contain a mixture of land uses and density levels which differ from the intent of the Comprehensive Master Plan. All development

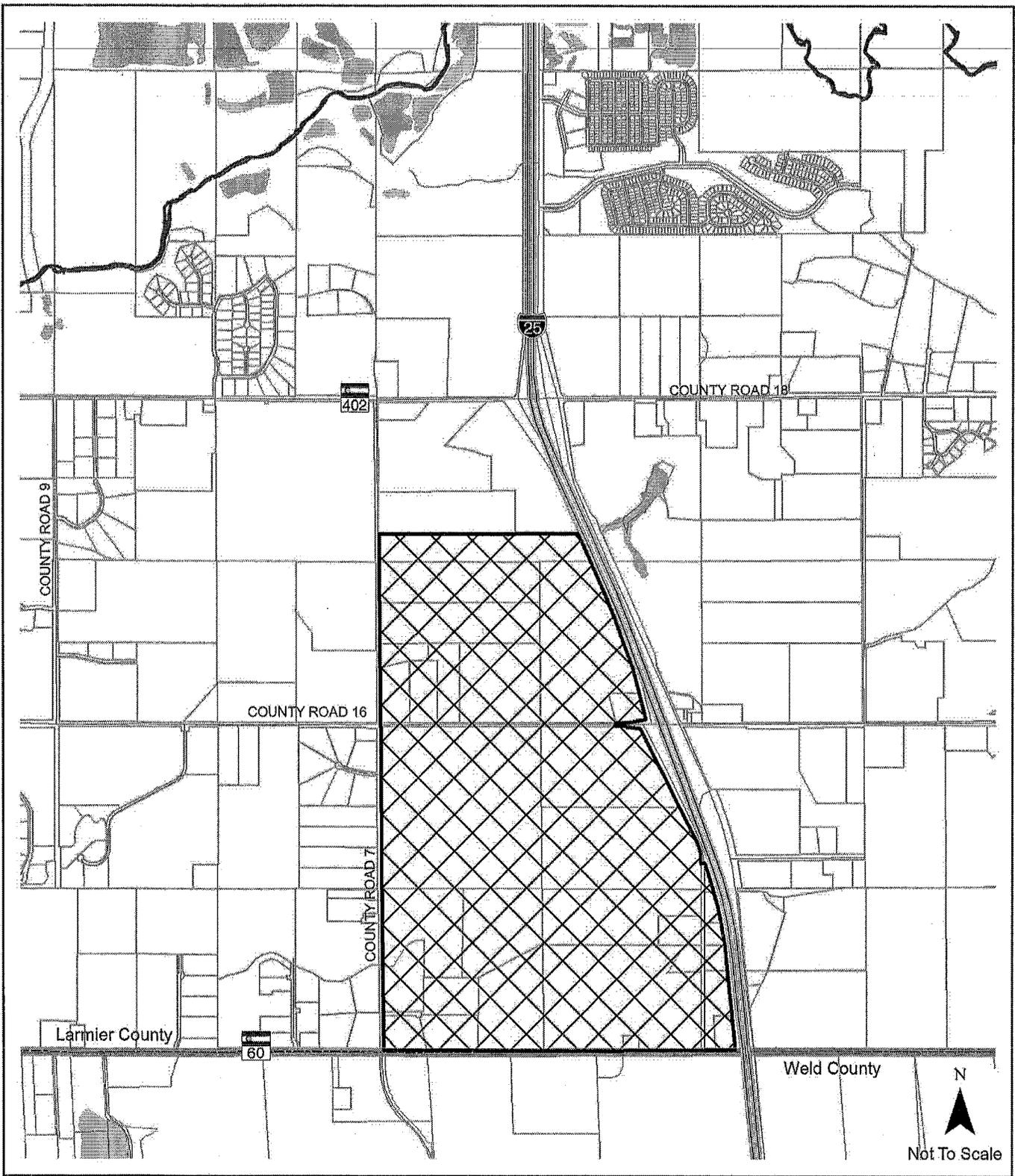
Land Use Categories

ER - Urban Residential	OS - Office/Professional
LDR - Low Density Residential	OS-2 - Office/Professional
MDR - Medium Density Residential	OS-3 - Office/Professional
HDR - High Density Residential	OS-4 - Office/Professional
OS - Office/Professional	OS-5 - Office/Professional
OS-2 - Office/Professional	OS-6 - Office/Professional
OS-3 - Office/Professional	OS-7 - Office/Professional
OS-4 - Office/Professional	OS-8 - Office/Professional
OS-5 - Office/Professional	OS-9 - Office/Professional
OS-6 - Office/Professional	OS-10 - Office/Professional
OS-7 - Office/Professional	OS-11 - Office/Professional
OS-8 - Office/Professional	OS-12 - Office/Professional
OS-9 - Office/Professional	OS-13 - Office/Professional
OS-10 - Office/Professional	OS-14 - Office/Professional
OS-11 - Office/Professional	OS-15 - Office/Professional
OS-12 - Office/Professional	OS-16 - Office/Professional
OS-13 - Office/Professional	OS-17 - Office/Professional
OS-14 - Office/Professional	OS-18 - Office/Professional
OS-15 - Office/Professional	OS-19 - Office/Professional
OS-16 - Office/Professional	OS-20 - Office/Professional
OS-17 - Office/Professional	OS-21 - Office/Professional
OS-18 - Office/Professional	OS-22 - Office/Professional
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OS-24 - Office/Professional	OS-28 - Office/Professional
OS-25 - Office/Professional	OS-29 - Office/Professional
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OS-94 - Office/Professional	OS-98 - Office/Professional
OS-95 - Office/Professional	OS-99 - Office/Professional
OS-96 - Office/Professional	OS-100 - Office/Professional

Map 3



MAP



Overlap Area

MAP 1

Legend

-  Overlap Area
-  Big Thompson River
-  Parcels
-  Lakes and Ponds
-  County Boundary

AGENDA ITEM 9D

REPEAL/RE-ENACT

ARTICLE XIV

CHAPTER 17

(Johnstown Municipal Code)

(“Flood Damage Prevention”)

(Ordinance No. 2013-129)

(1st Reading -*Public Hearing)

*** PUBLIC HEARING PROCEDURE- (First Reading) Ordinance No. 2013-129, An Ordinance Establishing Additional Flood Damage Prevention Measures As Required Under the Federal Emergency Management Agency**

1. Open public hearing.
2. Receive information from staff.
3. Ask to hear from anyone who supports the ordinance.
4. Ask to hear from anyone who opposes the ordinance.
5. Close the public hearing.
6. Ask for discussion.
7. Make decision and/or motion from Council.
 - a. Need motion to approve or deny the ordinance.

(SUGGESTED MOTIONS):

For Approval:

I move to approve Ordinance No. 2013-129 on first reading.

For Denial:

I move to deny approval of Ordinance No. 2013-129 on first reading.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: December 16, 2013

ITEM NUMBER: 9D

SUBJECT: *Public Hearing – (1st Reading) - Ordinance No. 2013-129, An Ordinance Establishing Additional Flood Damage Prevention Measures As Required Under the Federal Emergency Management Agency

ACTION PROPOSED: Approve Ordinance No. 2013-129 on First Reading

PRESENTED BY: John Franklin, Town Planner / Russ Anson, Town Attorney

AGENDA ITEM DESCRIPTION: In June 2006, the Town approved floodplain regulations, and continues to participate in the National Flood Insurance Program regulating use and development in the floodplains. Under the program, owners of eligible property can apply to private insurance carriers for flood insurance.

The Colorado Water Conservation Board (CWCB) has adopted a more advanced set of regulations regarding uses in the floodplain and floodway. The Town Engineer has reviewed the proposed regulations. Adopting the advanced regulations will allow the Town to continue participation in the program. Given the few structures that are in the floodplain and our policy of leaving the floodplains for open space and park uses, the new regulations may seldom - if ever - be needed for major construction.

LEGAL ADVICE: The Town Attorney prepared the ordinance based upon model regulations.

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve Ordinance No. 2013-129 on first reading.

SUGGESTED MOTIONS:

For Approval:

I move to approve Ordinance No. 2013-129 on first reading, An Emergency Ordinance Establishing Additional Flood Damage Prevention Measures as Required Under the Federal Emergency Management Agency.

For Denial: I move to deny approval of Ordinance 2013-129 on first reading.

Reviewed:


Town Manager

ORDINANCE

No. 2013-129

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2013-129

AN ORDINANCE TO REPEAL AND RE-ENACT ARTICLE XIV OF CHAPTER 17 OF THE JOHNSTOWN MUNICIPAL CODE TO BE ENTITLED "FLOOD DAMAGE PREVENTION."

WHEREAS, the purpose of this Ordinance is to adopt floodplain management regulations that adhere to the minimum standards of both the National Flood Insurance Program (NFIP) and the State of Colorado; and

WHEREAS, for the Town to participate in the NFIP, it must adopt and enforce floodplain management regulations that meet or exceed the minimum NFIP standards and requirements. These standards are intended to prevent loss of life and property as well as economic and social hardships that result from flooding. In return for the local adoption and enforcement of floodplain management regulations, the Federal Emergency Management Agency (FEMA) provides the availability of flood insurance coverage within the Town. The State of Colorado adopted higher standards for floodplain management which are outlined in the Rules and Regulations for Regulatory Floodplains in Colorado (Rules), effective January 14, 2011. The Rules are the effective minimum standards for the State of Colorado, and communities have three (3) years from January 14, 2011, to adopt a local ordinance consistent with the Rules. This Ordinance is adapted from the FEMA model ordinance and incorporates the minimum standards of the State of Colorado; and

WHEREAS, the Town Council believes it to be in the best interests of the Town to adopt this Ordinance.

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

Section 1. Article XIV of Chapter 17 of the Johnstown Municipal Code shall be repealed and re-enacted to read as follows:

ARTICLE XIV

Flood Damage Prevention

SECTION 17-261 – TITLE AND PURPOSE

SUBSECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town Council of the Town of Johnstown, Colorado, does hereby adopt the following floodplain management regulations:

SUBSECTION B. FINDINGS OF FACT

(1) The flood hazard areas of the Town of Johnstown are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SUBSECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is located in a flood hazard area.

SUBSECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION 17-262 - DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

100-YEAR FLOOD - A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

100-YEAR FLOODPLAIN - The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-YEAR FLOOD - A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

500-YEAR FLOODPLAIN - The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

ADDITION - Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

ALLUVIAL FAN FLOODING - A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

AREA OF SHALLOW FLOODING - A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD ELEVATION (BFE) - The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

BASEMENT - Any area of a building having its floor sub-grade (below ground level) on all sides.

CHANNEL - The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

CHANNELIZATION - The artificial creation, enlargement or realignment of a stream channel.

CODE OF FEDERAL REGULATIONS (CFR) - The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

COMMUNITY - Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

CONDITIONAL LETTER OF MAP REVISION (CLOMR) - FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

CRITICAL FACILITY - A structure or related infrastructure, but not the land on which it is situated, as specified in Section 17-265, Subsection H, that if flooded may result in significant

hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 17-265, Subsection H.

DEVELOPMENT - Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM DATABASE - Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) - FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

ELEVATED BUILDING - A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL REGISTER - The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA - Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

FLOOD OR FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

FLOOD INSURANCE RATE MAP (FIRM) – An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

FLOODPLAIN OR FLOOD-PRONE AREA - Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

FLOODPLAIN ADMINISTRATOR - The community official designated by title to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT – A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

FLOODPLAIN MANAGEMENT - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD CONTROL STRUCTURE - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPROOFING - Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

FREEBOARD - The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP REVISION (LOMR) - FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic

characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) – FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

LEVEE – A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

LEVEE SYSTEM - A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

MATERIAL SAFETY DATA SHEET (MSDS) – A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) – FEMA’s program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief

and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NO-RISE CERTIFICATION - A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

PHYSICAL MAP REVISION (PMR) - FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

RECREATIONAL VEHICLE - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

START OF CONSTRUCTION - The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

THRESHOLD PLANNING QUANTITY (TPQ) – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

VARIANCE - A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 17-263 - GENERAL PROVISIONS

SUBSECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the Town of Johnstown, Colorado.

SUBSECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Larimer County, Colorado and Incorporated Areas", dated December 19, 2006, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the Town Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

SUBSECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SUBSECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the Town Council from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

SUBSECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SUBSECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under State statutes.

SUBSECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

This ordinance does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Johnstown or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SUBSECTION H. SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 17-264 - ADMINISTRATION

SUBSECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Town Planner is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SUBSECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 17-264, Subsection C.
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with Section 17-263, Subsection B, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Section 17-265.
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.
9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

SUBSECTION C. PERMIT PROCEDURES

Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and

proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 17-265, Subsection B(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Section 17-264, Subsection B.

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

SUBSECTION D. VARIANCE PROCEDURES

1. The Town Council shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Town Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Town Council may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection C of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Town Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as stated in Section 17-261, Subsection C.
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:

- i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
- a. The criteria outlined in Section 17-264, Subsection D (1)-(9) are met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SUBSECTION E. PENALTIES FOR NONCOMPLIANCE

A person who violates the requirements of this Ordinance shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment of not more than one (1) year, or by both such fine and imprisonment. Each day that any such violation continues shall constitute a separate violation and shall subject the perpetrator to a separate penalty.

SECTION 17-265 - PROVISIONS FOR FLOOD HAZARD REDUCTION

SUBSECTION A. GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

- 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SUBSECTION B. SPECIFIC STANDARDS

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in (i) Section 17-263, Subsection B, (ii) Section 17-264, Subsection B(7), or (iii) Section 17-265, Subsection G, the following provisions are required:

1. RESIDENTIAL CONSTRUCTION

New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Section 17-265, Subsection H, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical,

heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 17-264, Subsection C.

3. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. MANUFACTURED HOMES

All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. RECREATIONAL VEHICLES

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet the permit requirements of Section 17-264, Subsection C, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this Subsection.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. PRIOR APPROVED ACTIVITIES

Any activity for which a Floodplain Development Permit was issued by the Town of Johnstown or a CLOMR was issued by FEMA prior to the effective date of this ordinance may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this ordinance if it meets such standards.

SUBSECTION C. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the Special Flood Hazard Area established in Section 17-263, Subsection B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. RESIDENTIAL CONSTRUCTION

All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Section 17-265, Subsection H, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 17-264, Subsection C, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

SUBSECTION D. FLOODWAYS

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 17-262). Located within Special Flood Hazard Area established in Section 17-263, Subsection B, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
2. If Section 17-265, Subsection D (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 17-265.

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

SUBSECTION E. ALTERATION OF A WATERCOURSE

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable Federal, State and the Town of Johnstown floodplain requirements and regulations.
6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Subsection D of this Section.
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

SUBSECTION F. PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

1. RESIDENTIAL CONSTRUCTION

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

2. NONRESIDENTIAL CONSTRUCTION

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

SUBSECTION G. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 17-263, Subsection C; Section 17-264, Subsection C; and the provisions of Section 17-265 of this ordinance.
3. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 17-263, Subsection B or Section 17-264, Subsection B of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SUBSECTION H. STANDARDS FOR CRITICAL FACILITIES

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. CLASSIFICATION OF CRITICAL FACILITIES

It is the responsibility of the Town Council to identify and confirm that specific structures in their community meet the following criteria:

Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

- a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

- i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
- iii. Designated emergency shelters;
- iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- vi. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town Council on an as-needed basis upon request.

- b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

- i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- iii. Refineries;
- iv. Hazardous waste storage and disposal sites; and
- v. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Article.

- c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- i. Elder care (nursing homes);
- ii. Congregate care serving 12 or more individuals (day care and assisted living);
- iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

d. Facilities vital to restoring normal services including government operations.

These facilities consist of:

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Town Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town Council on an as-needed basis upon request.

2. PROTECTION FOR CRITICAL FACILITIES

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

- a. Location outside the Special Flood Hazard Area; or
- b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

3. INGRESS AND EGRESS FOR NEW CRITICAL FACILITIES

New Critical Facilities shall, when practicable as determined by the Town Council, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

Section 2. Publication and Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the Town Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and the Town Clerk, and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance 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 _____, 20____.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 20____.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

