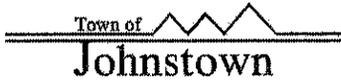


TOWN COUNCIL

MEETING

PACKET

September 3, 2014



Town Council

Agenda
Wednesday, September 3, 2014
Town Hall, Council Chambers
450 So. Parish Avenue
7:00 PM



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

*Members of the audience are invited to speak at the Council meeting. Public Comment (item No. 5) is reserved for citizen comments on items **not** contained on the printed agenda. Citizen comments are limited to three (3) minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position. If you wish to speak at the Town Council meeting, please fill out a sign-up sheet and present it to the Town Clerk.*

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

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

- 6) **CONSENT AGENDA**
 - A) Town Council Meeting – August 18, 2014
 - B) Resolution No. 2014-09, Approving the Final Plat for Thompson River Ranch Filing No. 3, Being a Subdivision Located in the Northeast One-quarter of the Southeast One-quarter of Section 22, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado
 - C) Resolution No. 2014-10, Approving the Final Plat for Thompson River Ranch Filing No. 4, Being a Subdivision Located in the Northeast One-quarter of the Southeast One-quarter of Section 22, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado
- 7) **STAFF REPORTS**
- 8) **OLD BUSINESS**
- 9) **NEW BUSINESS**
 - A) Consider Tavern Liquor License Renewal for Leo's Place
 - B) ***Public Hearing – (First Reading)** – Ordinance No. 2014-135, An Ordinance Amending Johnstown Municipal Code Section 13-68 Concerning Water Court Transfer Fees and Raw Water Credits
 - C) ***Public Hearing – (First Reading)** – Ordinance No. 2014-136, An Ordinance Disconnecting Certain Land Located in the West One-half of Section 14 and the East One-half of Section 15, in Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, State of Colorado
- 10) **COUNCIL REPORTS AND COMMENTS**
- 11) **MAYOR'S COMMENTS**
- 12) **ADJOURN**

WORKSESSION

- 1) Presentation by Mr. Dennis Reed, Executive Director, Johnstown Housing Authority
- 2) Preview of Updated Town of Johnstown Website



NOTICE OF ACCOMODATION

If you need special assistance to participate in the meeting, please contact the Town Clerk at (970) 587-4664. Notification at least 72 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to the meeting.

AGENDA ITEMS 6A-C

CONSENT

AGENDA

- **Council Minutes – August 18, 2014**
 - **Resolution No. 2014-09**
(Final Plat)
(Thompson River Ranch, Filing No. 3)
 - **Resolution No. 2014-10**
(Final Plat)
(Thompson River Ranch, Filing No. 4)

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: September 3, 2014

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 – August 18, 2014
- B) *Resolution No. 2014-09, Approving the Final Plat for Thompson River Ranch Filing No. 3, Being a Subdivision Located in the Northeast One-Quarter of the Southeast One-Quarter of Section 22, Township Five North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado
- C) * Resolution No. 2014-10, Approving the Final Plat for Thompson River Ranch Filing No. 4, Being a Subdivision Located in the Northeast One-Quarter of the Southeast One-Quarter of Section 22, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado

*The attached Resolutions merely memorialize the actions of the Town Council which approved the final plats on March 17th and June 16th, 2014.

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

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve Consent Agenda

SUGGESTED MOTION:

For Approval: I move to approve the Consent Agenda.

For Denial:

Reviewed:


Town Manager

**COUNCIL
MINUTES**

The Town Council of the Town of Johnstown met on Monday, August 18, 2014 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor Romanowski led the Pledge of Allegiance.

Roll Call:

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

Also present: Avi Rocklin, Town Attorney, Roy Lauricello, Town Manager. John Franklin, Town Planner, Brian Phillips, Chief of Police, Tom Hellen, Public Works Director and Diana Seele, Town Clerk/Treasurer

Agenda Approval

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

Consent Agenda

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

- August 4, 2014 Town Council meeting minutes
- Payment of Bills
- July Financial Statements

Motion carried with a unanimous vote.

New Business

A. Consider Hotel & Restaurant Liquor License Renewal for Bonefish Grill #6604 – Councilmember Lebsack made a motion seconded by Councilmember Berg to postpone action on the renewal until the Bonefish Grill #6604 can file an amended application and a representative from Bonefish Grill LLC is present. Motion carried with a unanimous vote.

B. Consider Employee Contribution Rate Increase to the Fire and Police Pension Association of Colorado (FPPA) - FPPA announced that the members of the Statewide Defined Benefit – Supplemental Social Security Plan (SWDB-SS) member's plan voted in favor of increasing the member contribution rate to the SWDB Plan by one-half percent (½%) per year phased in over eight (8) years, for a total of a four percent (4%) increase. There will not be an impact to the employer (Town) contribution rate. A vote by the Town Council is required in order for the increase to go into effect. Councilmember Berg made a motion seconded by Councilmember Mellon to approve the employee contribution rate increase to the Fire & Police Pension Association of Colorado. Motion carried with a unanimous vote.

C. Consider Resolution No. 2014-08, Approving an Intergovernmental Agreement by and Between the Town of Johnstown and the Town of Berthoud – The Town of Johnstown previously annexed property on the southwest corner of I-25 and State Highway 56, which is known as the Hart Farms. The property owner has requested to disconnect from Johnstown in order to annex into Berthoud. The Intergovernmental Agreement addresses potential benefits to each municipality i.e., sales and use tax revenue, collection of school impact fees, extension of sewer service, and Growth Management Areas. Councilmember Mellon made a motion seconded by Councilmember Molinar Jr. to approve the Intergovernmental Agreement with Berthoud and authorize the Mayor to sign it. Motion carried with a unanimous vote.

There being no further business to come before Council the meeting adjourned at 8:07 p.m.

Mayor

Town Clerk/Treasurer

RESOLUTION

No. 2014-09

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2014-09

APPROVING THE FINAL PLAT FOR THOMPSON RIVER RANCH FILING NO. 3, BEING A SUBDIVISION LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

WHEREAS, an application has been made to the Town of Johnstown for approval of a Final Plat for Thompson River Ranch Filing No. 3, a subdivision of certain lands located in the Northeast one-quarter of the Southeast one-quarter of Section 22, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado; and

WHEREAS, on January 8, 2014, the Planning and Zoning Commission held a hearing and reviewed the request and recommended that the Town Council approve the Final Plat for Thompson River Ranch Filing No. 3 with certain conditions; and

WHEREAS, on March 17, 2014 the Town Council held a hearing concerning approval of a Final Plat and after considering the Planning Commission recommendations, reviewing the file, and conducting such hearing, finds as follows with regard to the Final Plat:

1. The data requirements, design standards, and required improvements shown meet the requirements of the Johnstown Municipal Code Subdivision Regulations.
2. The Final Plat, as submitted, conforms substantially with the Preliminary Plat as approved.

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

Section 1. Final Plat Approval: The Final Plat for Thompson River Ranch Filing No. 3 located in the Northeast one-quarter of the Southeast one-quarter of Section 22, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado, is hereby approved.

Section 2. Recording: The Town Clerk is hereby directed to obtain the appropriate signatures for the Final Plat and once the conditions are satisfied regarding the form of the Final Plat, to have it properly recorded at the Office of the Weld County Clerk and Recorder.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS ___ DAY OF _____, 2014.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

RESOLUTION

No. 2014-10

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2014-10

APPROVING THE FINAL PLAT FOR THOMPSON RIVER RANCH FILING NO. 4, BEING A SUBDIVISION LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

WHEREAS, an application has been made to the Town of Johnstown for approval of a Final Plat for Thompson River Ranch Filing No. 4, a subdivision of certain lands located in the Northeast one-quarter of the Southeast one-quarter of Section 22, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado; and

WHEREAS, on April 23, 2014, the Planning and Zoning Commission held a hearing and reviewed the request and recommended that the Town Council approve the Final Plat for Thompson River Ranch Filing No. 4 with certain conditions; and

WHEREAS, on June 16, 2014 the Town Council held a hearing concerning approval of a Final Plat and after considering the Planning Commission recommendations, reviewing the file, and conducting such hearing, finds as follows with regard to the Final Plat:

1. The data requirements, design standards, and required improvements shown meet the requirements of the Johnstown Municipal Code Subdivision Regulations.
2. The Final Plat, as submitted, conforms substantially with the Preliminary Plat as approved.

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

Section 1. Final Plat Approval: The Final Plat for Thompson River Ranch Filing No. 4 located in the Northeast one-quarter of the Southeast one-quarter of Section 22, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado, is hereby approved.

Section 2. Recording: The Town Clerk is hereby directed to obtain the appropriate signatures for the Final Plat and once the conditions are satisfied regarding the form of the Final Plat, to have it properly recorded at the Office of the Weld County Clerk and Recorder.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS ___ DAY OF _____, 2014.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

AGENDA ITEM 9A

**TAVERN
LIQUOR LICENSE
RENEWAL
(Leo's Place)**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: September 3, 2014

ITEM NUMBER: 9A

SUBJECT: Consider Tavern Liquor License Renewal - Leo's Place

ACTION PROPOSED: Approve Tavern Liquor License Renewal

PRESENTED BY: Town Clerk

AGENDA ITEM DESCRIPTION: Mercy Rivera, operating manager of Leo's Place, has submitted a renewal application to the Town Clerk for a tavern liquor license (malt, vinous, and spirituous) for Leo's Place located at 19 1/2 So. Parish Ave., Johnstown. The required fees have been submitted to the Town. According to the Johnstown Police Department, the establishment has cooperated with law enforcement officials and there have been no violations of the liquor code during the last licensing period (refer to attachment).

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

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve the tavern liquor license renewal.

SUGGESTED MOTIONS:

For Approval: I move to approve the tavern liquor license renewal for Leo's Place.

For Denial: I move to deny approval of the tavern liquor license renewal for Leo's Place.

Reviewed:


Town Manager

**RENEWAL
APPLICATION**

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	500.00

LEO'S PLACE
 600 CHARLOTTE
 JOHNSTOWN CO 80534

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name RIVERA MERCY I		DBA LEO'S PLACE		
Liquor License # 41873750000	License Type Tavern (city)	Sales Tax License # 41873750000	Expiration Date 9/20/2014	Due Date 8/6/2014
Street Address 19 1/2 S PARISH JOHNSTOWN CO 80534-9099				Phone Number (970) 587 4866
Mailing Address 600 CHARLOTTE JOHNSTOWN CO 80534				
Operating Manager Mercy I Rivera	Date of Birth 4-22-1945	Home Address 600 Charlotte St Johnstown, CO 80534	Phone Number 970-587-4113	

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

AFFIRMATION & CONSENT

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

Type or Print Name of Applicant/Authorized Agent of Business Mercy I Rivera	Title Owner
Signature <i>Mercy I Rivera</i>	Date 8-2-2014

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

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

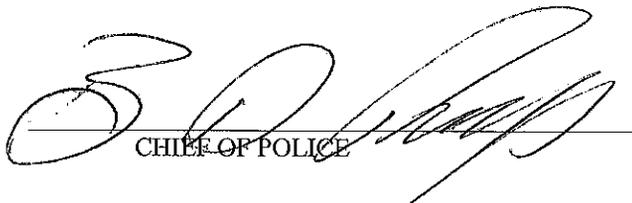
Local Licensing Authority For	Date
Signature	Title
	Attest

**POLICE
REPORTS**

TOWN OF JOHNSTOWN POLICE DEPARTMENT

Information 3.2% Beer or Liquor Application

- Name and address of Applicant} Mercy Rivera
600 Charlotte Street
Johnstown, CO 80534
1. Trade Name and Address} Leo's Place
19 ½ S. Parish
Johnstown, CO 80534
2. Date of Application: 08-04-2014
3. Type of Application: Tavern License
4. Documents Accompanying Application
- A. Local and State License Fees} Submitted with application
 - B. Evidence of Correct Zoning} CBD
 - C. Building Plans and or Sketch of Interior} N/A
 - D. Distance from School as per State} N/A
 - E. Deed or Lease or Assignment of Lease or Ownership} own
5. Evidence of Public Notice
- A. Posting of Premises} N/A
 - B. Legal Publication } N/A
6. Investigation: Police Department Case#}
- A. Applicant has made application for renewal of their Tavern License
 - B. Leo's Place has operated legally during its last license period.
 - C. Cooperation with law enforcement has been good.
8. Findings of fact:
- A. Leo's Place presently holds license 41873750000 that expires September 20, 2014
 - B. The required fees were submitted.
 - C. It is my recommendation that the renewal be approved.



CHIEF OF POLICE



DATE

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

APPLICANT: **Leo's Place**

ADDRESS: **19 ½ S. Parish**

TYPE LICENSE: **Tavern License**

POLICE CALLS FOR SERVICE AT THIS LOCATION:

LIQUOR VIOLATIONS AT THIS LOCATION: *NONE PER DEPT. of REVENUE*

ARRESTS DUE TO ALCOHOL AT THIS LOCATION: *NONE*

JPD RECOMMENDATION FOR RENEWAL: YES XXX NO _____

REPORTING OFFICER:



DATE:

8/20/14

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

AGENDA ITEM 9B

AMENDMENT

TO

MUNICIPAL CODE

(Section 13-68)

**(Water Court Transfer Fees and Raw Water
Credits)**

(Ordinance No. 2014-135 –First Reading)

(*Public Hearing)

**PUBLIC HEARING PROCEDURE- (*First Reading) Ordinance No. 2014-135,
An Ordinance Amending Johnstown Municipal Code Section 13-68 Concerning
Water Court Transfer Fees and Raw Water Credits**

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.

(SUGGESTED MOTIONS):

For Approval: I move to approve Ordinance No. 2014-135 on first reading.

For Denial: I move to deny approval of Ordinance No. 2014-135 on first reading.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: September 3, 2014

ITEM NUMBER: 9B

SUBJECT: *Public Hearing – (First Reading) – Ordinance No. 2014-135, An Ordinance Amending Johnstown Municipal Code Section 13-68 Concerning Water Court Transfer Fees and Raw Water Credits

ACTION PROPOSED: Consider Ordinance No. 2014-135 on First Reading

PRESENTED BY: Town Attorney

AGENDA ITEM DESCRIPTION: In 1998, the Town adopted an ordinance establishing water court transfer fees associated with the Town's acceptance of the dedication of water rights. The water court transfer fees have not been increased since that time. The Town's water engineer, Mr. Tom Williamsen, reviewed the Consumer Price Index and determined that costs to urban consumers have risen by approximately fifty-percent (50%) since adoption of the prior ordinance. Further, Mr. Williamsen and Mr. Ampe, the Town's water attorney, have indicated that the costs and expenses associated with the acceptance of water rights that are not decreed for municipal use is significantly higher than the costs and expenses associated with the acceptance of water rights that are decreed for municipal use.

The Town has previously filed two separate water court actions to change the use of existing water shares from irrigation to municipal, and has invited anyone with shares to participate in said water court actions at the sole expense of the Town.

Johnstown Municipal Code § 13-64 provides that "[a]ll costs and expenses necessary to change [] water rights so they can be diverted and used by the Town for municipal use shall be paid by the person required to dedicate water rights to the Town pursuant to this Article, or his or her successor in interest, by payment of all required water court transfer fees." To capture the costs and expenses associated with the acceptance of dedications of water rights that are not decreed for municipal use and to incentivize any person who seeks to dedicate water rights to the Town to dedicate water rights that are decreed for municipal use, the Town seeks to impose a two-tiered water court transfer fee structure and to discount the credit for raw water that is not decreed for municipal use.

LEGAL ADVICE: The Town Attorney and the Town's Water Attorney drafted the proposed amendment to Johnstown Municipal Code Section 13-68.

FINANCIAL ADVICE: N/A

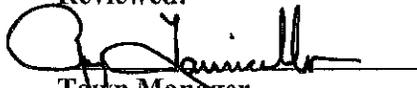
RECOMMENDED ACTION: Approve Amendment to Johnstown Municipal Code Section 13-68

SUGGESTED MOTION:

For Approval: I move to approve Ordinance No. 2014-135, amending Johnstown Municipal Code Section 13-68, on first reading.

For Denial: I move to deny approval of Ordinance No. 2014-135, amending Johnstown Municipal Code Section 13-68.

Reviewed:


Town Manager

ORDINANCE

No. 2014-135

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2014-135

**AN ORDINANCE AMENDING JOHNSTOWN
MUNICIPAL CODE SECTION 13-68 CONCERNING
WATER COURT TRANSFER FEES AND RAW WATER
CREDITS**

WHEREAS, in 1998, the Town of Johnstown ("Town") adopted an ordinance establishing water court transfer fees associated with the Town's acceptance of the dedication of water rights; and

WHEREAS, the Town's water engineer, Mr. Tom Williamsen, reviewed the Consumer Price Index and determined that the costs to urban consumers have risen by approximately fifty-percent (50%) since adoption of the prior ordinance; and

WHEREAS, the Town's water engineer and the Town's water attorney, Mr. Pete Ampe, have indicated that the costs and expenses associated with the acceptance of water rights that are not decreed for municipal use is significantly higher than the costs and expenses associated with the acceptance of water rights that are decreed for municipal use; and

WHEREAS, the Town has previously filed two separate water court actions to change the use of existing water shares from irrigation to municipal, and has invited anyone with shares to participate in said water court actions at the sole expense of the Town; and

WHEREAS, Johnstown Municipal Code § 13-64 provides that "[a]ll costs and expenses necessary to change [] water rights so they can be diverted and used by the Town for municipal use shall be paid by the person required to dedicate water rights to the Town pursuant to this Article, or his or her successor in interest, by payment of all required water court transfer fees;" and

WHEREAS, to capture the costs and expenses associated with the acceptance of dedications of water rights that are not decreed for municipal use and to incentivize any person who seeks to dedicate water rights to the Town to dedicate water rights that are decreed for municipal use, the Town seeks to impose a two-tiered water court transfer fee structure and to discount the credit for raw water that is not decreed for municipal use; and

WHEREAS, the Town desires to amend Johnstown Municipal Code § 13-68 to accomplish the foregoing; and

WHEREAS, it is in the best interest of the Town to adopt the following amendments and revisions.

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

Section 1. Section 13-68 subsection (d) of the Johnstown Municipal Code shall be amended to read as follows:

Section 13-68. Procedure.

(d) The Town shall evaluate any water rights offered to the Town for dedication. The Town shall determine whether said water rights are to be accepted based upon the following criteria: priority date, historical point of diversion, location of historical use, historical yield, historical consumptive use, the contribution to historical consumptive use of other water rights or sources of water supply, future use of the land historically irrigated, including future irrigation, considerations with respect to title, anticipated difficulties with transferring the water rights to appropriate points of diversion, places of storage and municipal uses, the Town's contractual obligations and arrangements, expected needs of the Town and of the Town's municipal water supply system, composition of the Town's water rights portfolio at the time of the proposed annexation, and any other appropriate factors. Recognizing that the Town will incur additional expenses in the future by accepting dedications of water rights under this Ordinance that are not decreed for municipal use by the Town, the Town has a two-tiered water court transfer fee structure and a two-tiered raw water credit structure:

TABLE I

(Water Rights Decreed for Municipal Use)

If the following water rights are decreed for municipal use and are accepted by the Town, the following water court transfer fees shall be applicable:

<u>Water Rights</u>	<u>Raw Water Credits</u>
Consolidated Home Supply Ditch & Reservoir Company	\$150.00 per S.F.E.
Colorado Big Thompson Project Units (CBT)	\$0.00
Other acceptable water rights	\$150.00 per S.F.E.

Water court transfer fees shall be paid not later than the time of approval of the plat(s) to which the water rights dedication is applicable. These values are subject to change at any time by ordinance of the Town Council.

TABLE II

(Water Rights Not Decreed for Municipal Use)

If the following water rights are not decreed for municipal use and are accepted by the Town, the following water court transfer fees shall be applicable:

<u>Water Rights</u>	<u>Raw Water Credits</u>
Consolidated Home Supply Ditch & Reservoir Company	\$300.00 per S.F.E.
Other acceptable water rights	\$300.00 per S.F.E.

Water court transfer fees shall be paid not later than the time of approval of the plat(s) to which the water rights dedication is applicable. These values are subject to change at any time by ordinance of the Town Council.

TABLE III

(Water Credits For Water Decreed for Municipal Use)

If the following water rights are accepted by the Town and are decreed for municipal use, the following raw water credits shall be applicable:

<u>Water Rights</u>	<u>Raw Water Credits</u>
Consolidated Home Supply Ditch & Reservoir Company	16 S.F.E.s per share
Colorado Big Thompson Project Units (CBT)	.71 S.F.E. per unit

These values are subject to change at any time by ordinance of the Town Council.

TABLE IV

(Water Credits For Water Not Decreed for Municipal Use)

If the following water rights are accepted by the Town and are not decreed for municipal use, the following raw water credits shall be applicable:

<u>Water Rights</u>	<u>Raw Water Credits</u>
Consolidated Home Supply Ditch & Reservoir Company	12.8 S.F.E.s per share
Colorado Big Thompson Project Units (CBT)	.71 S.F.E. per unit

For water rights acceptable to the Town for dedication which are not set forth in the table above, raw water credits shall be determined by the Town in the same manner as the raw water credits

listed above were determined, which determination shall include use of the criteria set forth in Section 13-64 and this Subsection (d). These values are subject to change at any time by ordinance of the Town Council.

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 _____, 2014.

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 _____, 2014.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

PASSED and APPROVED at a regular meeting of the Town Council of the Town of Johnstown on this ____ day of August, 2014.

TOWN OF JOHNSTOWN, COLORADO

By: _____
Mayor Mark Romanowski

ATTEST:

Diana Seele, Town Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING this ____ day of September, 2014.

TOWN OF JOHNSTOWN, COLORADO

By: _____
Mayor Mark Romanowski

ATTEST:

Diana Seele, Town Clerk

AGENDA ITEM 9C

DISCONNECTION

(Hart Farms)

Ordinance No. 2014-136

(First Reading)

(*Public Hearing)

**PUBLIC HEARING PROCEDURE- (*First Reading) Ordinance No. 2014-136,
An Ordinance Disconnecting Certain Land Located in the West ½ of Section 14
and the East ½ of Section 15, in Township 4 North, Range 68 West of the 6th
Principal Meridian, Town of Johnstown, State of Colorado**

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.

(SUGGESTED MOTIONS):

For Approval: I move to approve Ordinance No. 2014-136, disconnecting certain property from Johnstown, on first reading.

For Denial: I move to deny approval of Ordinance No. 2014-136 on first reading.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: September 3, 2014

ITEM NUMBER: 9C

SUBJECT: *Public Hearing (First Reading)-Ordinance No. 2014-136, An Ordinance Disconnecting Certain Land Located in West One-Half of Section 14 and the East One-Half of Section 15, in Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, State of Colorado

ACTION PROPOSED: Consider Ordinance No. 2014-136 on First Reading

PRESENTED BY: Town Attorney

AGENDA ITEM DESCRIPTION: Johnstown previously annexed a parcel of property known as Hart Farms located on the southwest corner of the Intersection of U.S. Interstate 25 and State Highway 56. Along with the annexation of Hart Farms, Johnstown also annexed a portion of U.S. Interstate 25. M & C Real Estate, LLC, the Hart Farms' property owner, requested to disconnect Hart Farms from Johnstown in order to annex into Berthoud.

The request prompted discussions between Johnstown and Berthoud. On August 19, 2014, Johnstown and Berthoud entered into an Intergovernmental Agreement, agreeing that Hart Farms may disconnect from Johnstown. Among other provisions, the municipalities also agreed that the portion of U.S. Interstate I-25 would disconnect from Johnstown and that Berthoud would thereafter annex and assume jurisdictional control of that portion of the highway.

C.R.S. § 31-12-501 provides that the owner of a tract of land within a municipality may apply to the governing body for disconnection of such property, and that the municipality, after giving due consideration to the application and determining that the best interests of the municipality will not be prejudiced by disconnection, may enact an ordinance disconnecting such property.

On August 25, 2014, M & C Real Estate, LLC filed an application to disconnect Hart Farms and the related portion of U.S. Interstate I-25 from Johnstown. Upon disconnection, M & C Real Estate, LLC has indicated that it intends to file a petition to annex such property into Berthoud.

LEGAL ADVICE: The Town Attorney drafted Ordinance 2014-136, disconnecting certain property from Johnstown.

FINANCIAL ADVICE: N/A

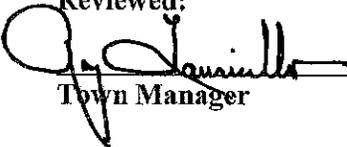
RECOMMENDED ACTION: Approve Ordinance 2014-136.

SUGGESTED MOTION:

For Approval: I move to approve Ordinance No. 2014-136, disconnecting certain property from Johnstown, on first reading.

For Denial: I move to deny approval of Ordinance No. 2014-136.

Reviewed:


Town Manager

ORDINANCE

No. 2014-136

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2014-136

**AN ORDINANCE DISCONNECTING CERTAIN LAND
LOCATED IN THE WEST ONE-HALF OF SECTION 14
AND THE EAST ONE-HALF OF SECTION 15, IN
TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH
PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN,
STATE OF COLORADO**

WHEREAS, the Town of Johnstown previously annexed a parcel of property known as Hart Farms located on the southwest corner of the Intersection of U.S. Interstate 25 and State Highway 56, which property is shown on the map attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, along with the annexation of Hart Farms, the Town of Johnstown also annexed a portion of U.S. Interstate 25;

WHEREAS, M & C Real Estate, LLC, the Hart Farms' property owner, requested to disconnect Hart Farms from the Town of Johnstown in order to annex into the Town of Berthoud; and

WHEREAS, on August 19, 2014, the Town of Johnstown and the Town of Berthoud entered into an Intergovernmental Agreement to accomplish the disconnection; and

WHEREAS, the Town of Johnstown and the Town of Berthoud also agreed that the portion of U.S. Interstate I-25 would disconnect from the Town of Johnstown in order to annex into the Town of Berthoud and that the Town of Berthoud would thereafter assume jurisdictional control of that portion of U.S. Interstate I-25; and

WHEREAS, on August 20, 2014, M & C Real Estate, LLC filed an application to disconnect Hart Farms and a portion of U.S. Interstate I-25 from the Town of Johnstown, which property is set out by legal description, attached hereto and incorporated herein by reference as Exhibit B, and is shown on the map, attached hereto and incorporated herein by reference as Exhibit C ("Property"); and

WHEREAS, the Town Council has given due consideration to the application and has determined that the best interests of the Town of Johnstown will not be prejudiced by disconnection of the Property; and

WHEREAS, the Town Council has determined that the requirements of C.R.S. § 31-12-501 have been met; and

WHEREAS, it is in the best interest of the Town of Johnstown to approve the disconnection of the Property.

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

Section 1. Disconnection of the Property, described on Exhibits B and C, is hereby approved.

Section 2. Disconnection of the Property shall be complete and effective on the effective date of this Ordinance.

Section 3. After the effective date of this Ordinance, the Town Clerk is hereby authorized and directed to:

- A. File the original copy of the Ordinance along with the legal description and attached maps in the office of the Town Clerk; and
- B. File two certified copies of Ordinance along with the legal description and attached maps with the Weld County Clerk and Recorder.

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

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 3rd day of September, 2014.

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 15th day of September, 2014.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

EXHIBIT B

Legal Description (Hart Disconnection)

A tract of land located in the west one-half of Section 14 and the east one-half of Section 15, all in T4N, R68W of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, described as follows:

Commencing at the Northeast Corner of Said Section 15, thence N89°22'39"E 225.00' to the east right of way of Interstate 25, the True Point of Beginning.

Thence along said right of way S00°01'35"E 28.00'; thence S82°53'29"W 176.33'; thence S00°01'35"W 2616'; thence S00°08'06"E 2643.21'; thence S00°12'07"W 1557.79'; thence S00°12'07"E to a point on the south line of the NW one-quarter of Section 23.

Thence S89°47'53"W along said south line 50.00'; thence along the south line of the NE ¼ of Section 22 2659.37' to the quarter corner of Section 22; thence N00°17'25"W along the west line of the NE one-quarter of Section 22 2645.28' to the N one-quarter corner of Section 22; thence north 00°01'02"W 31.90' to the north right of way line of State Highway 56; thence N88°14'27"E 241.25'; thence along said right of way N88°31'88"E 807.20'; thence N89°16'48"E 400.00' to the Northwesterly Corner of Interstate Highway 25.

Thence along said right of way N89°16'48"E 350.00' to the westerly right of way line of Interstate Highway 25; thence N23°14'24"E 1244.75'; thence northerly, 1171.81' along the arc of a curve concave to the west, said arc having a radius of 5955.00', a central angle of 12°00'00" and being subtended by a chord that bears N05°51'54"E 1169.67'; thence N00°08'06"W 271.50'; thence N00°08'06"E 271.50'; thence N00°01'35"W 1985.88'; thence N00°01'35"E 677.80' to the south line of Section 10; thence S89°16'57"E 250.00' to the Northeast Corner of Said Section 15, thence N89°22'39"E 225.00' to the east right of way of Interstate 25, the True Point of Beginning.

EXHIBIT C



- JOHNSTOWN GMA BOUNDARY
- JOHNSTOWN / BERTHOUD ADJACENT GMA BOUNDARIES
- BERTHOUD GMA BOUNDARY
- SUBJECT SITE

