

# Greeley City Council Agenda

Regular Meeting  
Tuesday, May 16, 2023 at 6:00 p.m.

City Council Chambers at City Center South, 1001 11th Ave, Greeley, CO 80631 Zoom Webinar link: <https://greeleygov.zoom.us/j/88429125363>

## NOTICE:

City Council Meetings are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

Members of the public are also invited to choose how to participate in Council meetings in the manner that works best for them.

## Watch Meetings:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on GTV8 on cable television.



Meetings are livestreamed on the City's website, Greeleygov.com as well as YouTube at [Youtube.com/CityofGreeley](https://www.youtube.com/CityofGreeley)

For more information about this meeting or to request reasonable accommodations, contact the City Clerk's Office at 970-350-9740 or by email at [cityclerk@greeleygov.com](mailto:cityclerk@greeleygov.com).

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at [greeley-co.municodemeetings.com](https://greeley-co.municodemeetings.com)

## Comment in real time:

During the public input portion of the meeting and public hearings:



In person attendees can address the Council in the Chambers.



The public can join the Zoom Webinar and comment from the remote meeting.

## Submit written comments:



Email comments about any item on the agenda before Noon on the day of the meeting to [cityclerk@greeleygov.com](mailto:cityclerk@greeleygov.com)



Written comments can be mailed or Dropped off at the City Clerk's office at City Hall, at 1000 10<sup>th</sup> St. Greeley, CO 80631



Mayor  
John Gates

**Councilmembers**

Tommy Butler  
Ward I

Deb DeBoutez  
Ward II

Johnny Olson  
Ward III

Dale Hall  
Ward IV

Brett Payton  
At-Large

Ed Clark  
At-Large

A City Achieving  
Community Excellence  
Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

# City Council Meeting Agenda

May 16, 2023 at 6:00 PM

City Council Chambers, City Center South, 1001 11th Ave & via  
Zoom at <https://greeleygov.zoom.us/j/88429125363>

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Recognitions and Proclamations
6. Citizen Input
7. Reports from Mayor and Councilmembers
8. Initiatives from Mayor and Councilmembers

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### Consent Agenda

**The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.**

**Council Members may request an item be pulled off the Consent Agenda and considered separately under the next agenda item in the order they were listed.**

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9. Consideration of a motion to approve the City Council Proceedings of April 18, 2023, Work Session Proceedings of April 25, 2023 and City Council Proceedings of May 2, 2023
10. Introduction and first reading of an Ordinance amending Title 6, Chapter 2 of the Greeley Municipal Code relating to Vendor Responsible for Tax
11. Consideration of a Resolution to Amend the Intergovernmental Agreement with Weld County for Construction Improvements to O Street and 59<sup>th</sup> Avenue Intersection
12. Consideration of a Change Order for the “O” Street and 59<sup>th</sup> Avenue Intersection Improvement Design

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## End of Consent Agenda

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13. Pulled Consent Agenda Items
- [14.](#) Public hearing and second reading of an Ordinance amending Title 2, Chapter 10 (Boards and Commissions) of the Greeley Municipal Code designating the City of Greeley website as the official posting site for meeting notices
- [15.](#) Public hearing and second reading of an Ordinance amending the Greeley Municipal Code to create a new Article and Chapter under Title 6, Revenue & Finance, Chapter 16 - Grants
- [16.](#) Appointment of applicants to the Commission on Disabilities, Construction Trades Advisory & Appeals Board, and the Youth Commission.
- [17.](#) Scheduling of Meetings, Other Events
- [18.](#) Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances
19. Adjournment



## Council Agenda Summary

### Title

Recognitions and Proclamations

### Summary

Mayor Gates will present proclamations for Mental Health Month

Councilmember Hall will present the *What's Great about Greeley* Report.

### Attachments

Mental Health Month Proclamation

*What's Great about Greeley* Report



## Mental Health Month

**WHEREAS**, now, more than ever, we must understand that the health of our minds is as important as physical health; and

**WHEREAS**, one in every four people are affected by mental illness, with more Weld County residents having reported mental health challenges such as depression, anxiety, or other mental health conditions than in years past; and

**WHEREAS**, Greeley residents can find recovery through a variety of outpatient, residential, and critical walk-in crisis support options through Weld County's community mental health center, North Range Behavioral Health; and

**WHEREAS**, Greeley residents are healthier because of North Range's commitment to preventing hospitalizations, incarcerations, trauma, suicides, and substance use disorder through collaboration with community health centers, school districts, human services, law enforcement, United Way, and many others; and

**WHEREAS**, National Mental Health Month is observed every May to raise awareness about behavioral health, recovery and hope, the importance of prevention, and the factors that contribute to mental wellness.

**NOW, THEREFORE, I**, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim May 2023, as *Mental Health Month* in Greeley and call upon the citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of behavioral health and the need for appropriate and accessible services for all citizens.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 16th day of May, 2023.

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John Gates  
Mayor



**City Council Meeting**  
**May 16, 2023**

*A Story Best Lived In.*

***In all ways, we will transmit  
this City not only, not less, but  
greater and more beautiful than  
it was transmitted to us.***

***- Athenian Oath***

# UNC Men's Golf Earn 2023 Big Sky Championship and Head to NCAA Regionals

- Jack Castiglia, Yuze Zhang, and TJ Shehee Named to Big Sky 2023 Men's Golf All-Tournament Team
- Clayton Sikorshi Named Big Sky Men's Golf Coach of the Year





# Colorado Broadcasters Association Awards for Best Spot Coverage and Best Radio Podcast

- Jerry Schemmel – Best Sports Coverage(UNC): Voice of the Bears
- Stephanie Daniel – Best Radio Podcast (KUNC): The Colorado Dream podcast



# Shiloh Hatcher Receives Colorado Tree Coalition Lifetime Achievement Award

- Greeley Forester for 27 years
- Responsible for conservation and sustainability programs: Emerald Ash Borer Treatment, Share the Shade tree planting, and the "Giving Tree" school program at District 6



**CommuniTree**  
Lifetime Achievement Award

Presented to  
**Shiloh Hatcher**

Shiloh has been dedicated to maintaining, improving, and enhancing the urban forest within the City of Greeley for over 26 years. He is committed to education of tree workers, employees across the industry, and citizens. Shiloh's knowledge and ideas are highly respected and sought after. His efforts have led to landscape codes that preserve, renew, and enhance a healthy community forest. Shiloh champions planting trees in areas with low canopy cover. He continues to support community forests through multiple programs, including the citizen EAB treatment program, the Share the Shade Tree Planting Program, the annual Greeley Tree Care Workshop, and the Giving Tree School Program!

2022

 COLORADO TREE COALITION

# Erika Cardenas Wins Outstanding Colorado High School Educator of the Year Award

- Awarded by University of Colorado Boulder
- Erika is a Spanish Instructor at Greeley Central High School





*A Story Best Lived In.*



## Council Agenda Summary

### Title

Citizen Input

### Summary

During this 15-minute portion of the meeting, anyone may address the Council on any item of City Business appropriate for Council consideration that is not already listed as a public hearing on this evening's agenda.

As this meeting is being conducted in a hybrid format, citizen input will be accepted first from those in the City Council Chambers, and then from the virtual meeting audience via the meeting's webinar.

Written comments submitted for any item on the agenda will be placed in the public record and provided to the Council for their review and should include the name and city of residence of the person submitting the comments for the record.



## Council Agenda Summary

### Title

Reports from Mayor and Councilmembers

### Summary

During this portion of the meeting any Councilmember may offer announcements or reports on recent events and happenings. These reports should be a summary of the Councilmember's attendance at assigned board/commission meetings and should include key highlights and points that may require additional decision and discussion by the full Council at a future time.



## Council Agenda Summary

### Title

Initiatives from Mayor and Councilmembers

### Summary

During this portion of the meeting any Councilmember may bring before the Council any business that the member feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting.

Initiatives will generally fall into three categories:

- 1) A policy item for Council deliberation and direction for a future Worksession, Committee meeting, or regular/special Council meeting;
- 2) A request to the City Manager for information or research;
- 3) A request involving administrative processes or procedures.

At the close of this portion of the meeting, the Mayor will confirm Council's consensus that the individual requests be pursued.

### Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council							
Status Report of Council Initiatives							
Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council Meeting	Councilmember Olson will be following up with Manager Lee and Director Trombino on next steps  Staff preparing a revised funding application for the next cycle of USDOT Grant Funding expected to be available in May 2023.	Pending outcome of federal grant application submitted	Next grant application expected May 2023	Paul Trombino
09-2022	Butler	Review traffic and safety surrounding 15 acre open area between 71st Avenue and 8th Street	June 7, 2022 Council Meeting	Requested that Public Works review the traffic and to improve safety in this congested area.  In late 2022, Public Works Staff installed additional signage to improve safety and line of sight issues caused by parked cars. Furthermore, GPD with the help of Public Works have identified key times to enforce both speeding and stop sign compliance. City staff along with School District 6 and Westridge Academy held a public meeting with the neighborhood on January 26th, 2023. During this meeting we heard feedback regarding traffic safety and development concerns. This feedback is being used to develop solutions to address identified traffic safety concerns. These potential solutions will be brought back to the neighborhood to garner feedback prior to moving forward with the installation of identified improvements.	Additional signage installed for traffic and parking.  Staff worked with School District, builder and GPD to ensure road is passable for school buses.  GPD will focus enforcement times to ensure compliance with posted speed limit.  Staff developing neighborhood safety improvement options and working with School District on transportation issues to improve coordination and support related to safety and infrastructure around school sites.	Anticipate providing council an update on the next neighborhood meeting and safety improvements by late summer 2023	Paul Trombino
16-2022	Clark	Concerns over the increase in incidents and safety in the tunnel under Hwy 34 in the Hillside/Farr Park neighborhood	November 1, 2022 Council Meeting	Requested staff study implementing a closure of the tunnel entrance between the hours of 10:00 PM and 7:00 AM over safety concerns Post the neighborhood meeting and confirmation the neighborhood's desire to keep the underpass. Public Works Staff finalized a new design for the existing underpass. The final new underpass design concept was submitted for grant funding through the Colorado Department of Transportation – Transportation Alternatives Program	Neighborhood meeting scheduled for 1/25/23 5:30 - 7:00 pm at Jackson Elementary. PW finalizing new design for existing underpass. Submitted for grant funding through CDOT - Transportation Alternatives program	We plan to share the new design concept in a neighborhood meeting to be scheduled in late April/early May 2023.	Paul Trombino/Becky Safarik
17-2022	DeBoutez	Expressed concern about neighborhood issues, i.e. speeding and noise violations.	November 15, 2022 Council Meeting	Requested GPD and PW research technologies available for traffic calming, speed/red light cameras and decibel measuring devices to improve safety, wellbeing and quality of life in Greeley.  GPD and PW staff have completed their research regarding the betterment of neighborhood safety, well-being and quality of life using technology. Staff developed a comprehensive list of technology and other tools available and will bring those forward at an upcoming work session. April 13, 2022	CMO recommendation - Do we invest in additional technology tools and structure to combat neighborhood issues? PW/GPD provide report on technologies available, cost of such technology, and how different technologies are used in other communities and the results of implementing such technology. GPD completed research and provided to CMO. Waiting for direction on if this will be provided in CM report to Council or at WS. (3/21/23)	Work Session report/CMO recommendation on neighborhood issues and technological options  Per Councilor DeBoutez's request, a work session regarding the technologies/options will be scheduled.	Adam Turk/Paul Trombino
01-2023	Butler	Costs and feasibility study of translation services for agendas and meetings	January 3, 2023 Council Meeting	Request staff research the costs and feasibility of translating the agenda, agenda packet and live streamed meetings in other languages? Is Spanish the predominant language for translation or are other languages also appropriate?  CCO is almost finished gathering the costs connected to having an in-person translator at council meetings, along with options for agenda translation services. C&E has supplied the information needed about the percentage of Spanish speaker in the community.  Next Steps: Provide a written summary and recommendation to council by end of March. *April 12, 2023	CCO to work with C&E to gather statistical information for report.	CCO to provide a written report or Work Session Report in June	City Clerk's Office/Communication & Engagement
03-2023	Butler	Limits on individual campaign contributions	February 7, 2023 Council Meeting	Research and gather information from other municipalities to determine if they have implemented campaign contribution limits and provide update of what the process would be to set limits for individual campaign contributions.  CAO and CCO will have a written report ready in May.	CCO/CAO to come back to Council at a work session regarding the process	CCO/CAO report to Council in May	CCO/CAO
04-2023	Hall	Bridge over creek along the Poudre River Trail in Pumpkin Ridge area	March 7, 2023 Council Meeting	Would like a written report to Council regarding the history of the project and possibility of putting a wooden foot bridge across the trail and the timeline going forward  City staff will be setting up a neighborhood meeting with the Pumpkin Ridge Neighborhood regarding the proposed connection to the Sheep Draw Trail. We are planning the meeting for May/June 2023.	PW anticipated next neighborhood meeting for May/June 2023.	PW report provided to Council on March 24, 2023. Neighborhood meeting planned for May/June 2023.	PW



*Item No. 8.*

06-2023	Clark/DeBoutez	Asked staff to research zoning codes for artificial grass in housing developments	March 21, 2023 Council Meeting	Asked staff to research the zoning regulations and standards for putting artificial grass in residents' front yards and research the landscape code and provide updates on the alternatives for water conservation	Community Development/Water Conservation	CMO/Report to Council	CD/Water
07-2023	Butler	Asked staff to research a change to the code notification requirements for mobile home parks when changes in the code affect residents within a 500 feet radius of the park	May 2, 2023 Council Meeting	Request staff to research a change to the code requiring notification to affected owners of personal property (structures) in mobile home parks within 500 feet of new zoning changes	Community Development/Water Conservation	Report to Council	CD/Water
08-2023	DeBoutez	Asked City Attorney's Office to research the City's public nuisance ordinance	May 9, 2023 Council Work Session	Request staff to research ways to strengthen the City's public nuisance ordinances to address criminal behavior, including police assistance and code enforcement measures	City Attorney	Update in mid-June at Council work session	CAO



## Council Agenda Summary

### Title:

Consideration of a motion to approve the City Council Proceedings of April 18, 2023, Work Session Proceedings of April 25, 2023 and City Council Proceedings of May 2, 2023

### Summary:

Meetings of the City Council were held in the City Council's Chambers on April 18, 2023 and May 2, 2023. A work session of the City Council was held in the City Council's Chambers on April 25, 2023. The draft proceedings of each meeting have been prepared and are being presented for the Council's review and approval.

### Decision Options:

- 1) To approve the proceedings of the April 18, 2023 Council meeting as presented; and/or
- 2) To approve the proceedings of the April 25, 2023 Council work session as presented; or
- 3) To approve the proceedings of the May 2, 2023 Council meeting as presented; and/or
- 4) Amend the April 18, 2023 Council meeting proceedings, if amendments or corrections are needed, and approve as amended; and/or
- 5) Amend the April 25, 2023 Council work session proceedings, if amendments or corrections are needed, and approve as amended; and/or
- 6) Amend the May 2, 2023 Council meeting proceedings, if amendments or corrections are needed, and approve as amended.

### Council's Recommended Action:

A motion to approve the April 18, 2023 and May 2, 2023 City Council proceedings and April 25, 2023 Work Session Proceedings as presented (or amended).

### Attachments:

Draft Council meeting proceedings of April 18, 2023  
Draft Council work session proceedings of April 25, 2023  
Draft Council meeting proceedings of May 2, 2023

City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
April 18, 2023

**1. Call to Order**

Mayor Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

**2. Pledge of Allegiance**

Mayor Gates led the Pledge of Allegiance.

**3. Roll Call**

City Clerk Heidi Leatherwood called the roll.

Present:

Mayor John Gates

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Dale Hall was present via Zoom

Mayor Pro Tem Brett Payton

Councilmember Ed Clark

Councilmember Johnny Olson was absent (Excused).

**4. Approval of the Agenda**

City Manager Lee had no changes to the agenda.

**5. Recognitions and Proclamations**

Mayor Gates read the Youth Service Day Proclamation naming April 18, 2023, Youth Services Day at 6:01 p.m. Youth Commission Chair Maddie Zeller, was present in Council Chambers to accept the Proclamation. The Mayor announced the winner of the Youth Service Day Award: Marilyn Chavez. She was presented with a \$1000 scholarship.

Mayor Gates read the National Library Week Proclamation at 6:09 p.m. Executive Director of High Plains Library District Matt Hortt was present in Council Chambers to accept the Proclamation.

Mayor Gates read the Holocaust Memorial Observances Proclamation at 6:13 p.m. Laura Manuel and Tracey Adams from the Holocaust Memorial Observances of Greeley and Northern Colorado were present in Council Chambers to accept the Proclamation.

Mayor Gates read the National Crime Victims' Rights Week Proclamation at 6:17 p.m. Chief Turk, Brook Coughlin and Heather Wright, from the Greeley Police Department Victim Advocate Group received the Proclamation.

Councilmember Clark presented *What's Great about Greeley?*

**6. Citizen Input**

1. Steve Teets spoke about the affordable housing crisis in the community.
2. David Meek spoke about the community event Honor Flight at the Ranch on April 30, 2023, and Holocaust remembrance week.
3. Rodney Tashiro spoke as the president of the Greeley Chapter of the National Federation of the Blind. Mr. Tashiro requested updates to major intersections for speaking crosswalks and suggested cooperation with Safe Streets and Roads for All (SS4A) grant program.

**7. Reports from Mayor and Councilmembers**

None.

**8. Initiatives from Mayor and Councilmembers**

None.

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**Consent Agenda**

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- 9. Consideration of a motion to accept the City Council Proceedings of April 4, 2023.**
- 10. Consideration of a Resolution of the Greeley City Council ratifying the appointment of a certain nominee to the Board of Trustees of the Clearview Library District**
- 11. Introduction and first reading of an Ordinance authorizing a salary increase for the City Manager**
- 12. Introduction and first reading of an Ordinance authorizing a salary increase for the City Attorney**
- 13. Introduction and first reading of an Ordinance authorizing a salary increase for the Municipal Judge**
- 14. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Planned Unit Development (PUD) and Commercial-High Intensity (C-H) zone districts to the Residential Micro-Housing (R-MH) zone district changing the underlying land use designations for approximately 22.25 acres of property located south of F Street, west of N. 35th Avenue, and approximately one-half mile north of 4th Street (Stoneybrook Rezone)**
- 15. Introduction and first reading of an Ordinance amending Title 12, Chapter 2, Article IV, Section 12-151 and Title 24 of the Greeley Municipal Code relating to the allowance of private tobacco smoking establishments**

**Councilmember Butler moved to approve the Consent Agenda Items 9-15. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 6:38 p.m. with Councilmember Olson absent.**

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**End of Consent Agenda**

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**16. Pulled Consent Agenda Items**

**17. Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Commercial High Density (C-H) to Industrial Low Density (I-L) changing the underlying land use designations for approximately 2.54 acres of property located at the northwest corner of 31st Avenue and 29th Street (Cisneros Rezoning)**

Caleb Jackson, City Planner III introduced the item with a presentation at 6:40 p.m. Staff received a rezone request for approximately 2.54 acres of undeveloped land located at the northwest corner of 31<sup>st</sup> Avenue at 29<sup>th</sup> Street from C-H to I-L zoning district. The rezone will allow the site to be used for light industrial uses such as warehousing, outdoor storage, office and other services. The Planning Commission considered this request at its March 28, 2023, meeting and recommended City Council approval.

Councilmember Butler asked about removing use specifically for crematorium operations. In response, Mr. Jackson replied that the current development code cannot strike uses for what is allowed. Mr. Jackson added that the applicant intends to use the space for offices and personal services.

The public hearing opened at 6:42 p.m.  
With no speakers, the public hearing closed at 6:43 p.m.

**Mayor Pro Tem Payton moved to approve, based on the application received, the preceding analysis and Planning Commission recommendation, the proposed rezoning from Commercial High Density (C-H) to Industrial Low Density (I-L) as found to be in compliance with Title 24-204(b). Councilmember Clark seconded the motion. The motion passed 6-0 at 6:43 p.m. with Councilmember Olson absent. Mayor Pro Tem Payton moved to adopt the ordinance and publish by title only. Councilmember Clark seconded the motion. The motion passed 6-0 at 6:44 p.m. with Councilmember Olson absent.**

**18. Public hearing and second reading of an Ordinance extending the period during which the Greeley Downtown Development Authority (DDA) may allocate and collect tax increment financing for the Downtown Development Authority Area within the City of Greeley**

Becky Safarik, Interim Community Development Director introduced the item with a presentation at 6:45 p.m. This information was presented at the April 11 Work Session.

The Greeley DDA was established in 1998. An associated Plan of Development was approved by the City Council in November 2002, establishing 2003 as the property tax increment base assessment year. State law allows downtown development authorities to collect tax increment revenue from new construction activity that is excess of the base year for thirty years until 2034. The DDA tax increment district has used the funds for major redevelopment projects and smaller building rehabilitation projects.

The City of Greeley recently approved an update to the previous Downtown Investment Strategy for the next 10 years to have a sustainable income stream to stimulate private reinvestment in the downtown. The DDA TIF dollars are the first funds used for downtown redevelopment projects and supporting those projects that don't qualify for additional City funding.

The public hearing opened at 6:47 p.m.

1. Steve Teets asked if the DDA taxes collected were able to be used for the whole community or just the downtown? In response, Ms. Safarik replied that state law requires tax increment DDA funds to be used for downtown improvement projects only.

The public hearing closed at 6:50 p.m.

**Councilmember Butler moved to adopt the ordinance and publish by title only. Mayor Pro Tem Payton seconded the motion. The motion passed 6-0 at 6:51 p.m. with Councilmember Olson absent.**

**19. Appointment of applicants to the Citizen Budget Advisory Committee, Citizen Transportation Advisory Board, Commission on Disabilities, Golf Course Advisory Board, Greeley Urban Renewal Authority, Judicial Review Board, Museum Advisory Board, Parks & Recreation Advisory Board, Rodarte Community Center Advisory Board, and Union Colony Civic Center Advisory Board**

**City Clerk Leatherwood announced the appointments:**

- Citizen Budget Advisory Committee- Kim Revard and Merrie Foreman appointed for a 3-year term
- Citizen Transportation Advisory Board – James Riesberg appointed for a 3-year term
- Commission on Disabilities Recruit for additional applicants
- Greeley Urban Renewal Authority- Cesar Fernandez appointed for a 5-year term
- Golf Course Advisory Board- Chris Lomas and Kimberly Spencer appointed for a 3-year term
- Judicial Review Board- Rasheed Garza Archuleta appointed for a 3-year term
- Museum Advisory Board- Michael Weiland reappointed for a 3-year term
- Parks & Recreation Advisory Board- Adam Michaels appointed for a 3-year term
- Rodarte Community Center Advisory Board-Emma Pena-McCleave and Samantha DuVall reappointed for a 3-year term
- Union Colony Civic Center Advisory Board – Robert Wasson appointed for a 3-year term

**20. Scheduling of Meetings, Other Events**

None.

**21. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances**

**Councilmember Clark moved to approve the motion. Mayor Pro Tem Payton seconded the motion. The motion passed 6-0 at 6:53 p.m. with Councilmember Olson absent.**

**22. Consideration of a motion to go into Executive Session to receive legal advice from the City Attorney and to determine positions, develop strategy, and give instructions to negotiators regarding 2023 collective bargaining with Greeley Firefighters**

**Mayor Pro Tem Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 6-0 at 6:54 p.m. with Councilmember Olson absent.**

**23. Adjournment**

Mayor Gates adjourned the meeting at 6:55 p.m.

**22. The Executive Session was called to order at 7:04 p.m. to receive legal advice from the City Attorney and to determine positions, develop strategy, and give instructions to negotiators regarding 2023 collective bargaining with Greeley Firefighters.**

Present for participation in the Executive Session were all members of City Council except Councilmember Olson, who was excused, plus the following:

Doug Marek, City Attorney  
Noel Mink, Human Resources Director  
Raymond Lee, City Manager  
Paul Fetherston, Deputy City Manager  
Brian Kuznik, Fire Chief  
John Karner, Finance Director

Mayor Gates cautioned each participant to confine discussion to the stated purpose and reminded that no formal action may occur in Executive Session. If at any point any participant believed that the discussion was going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

The meeting concluded at 7:27 p.m. and the current Executive Session was adjourned.

The recording will be retained as provided in the City's records retention policy and in conformity with the Colorado Open Meetings Law for a period of 90 days.

Approved:

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John D. Gates, Mayor Attest:

Attest:

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Heidi Leatherwood, City Clerk



City of Greeley, Colorado  
**CITY COUNCIL WORK SESSION REPORT**  
April 25, 2023

**1. Call to Order**

Mayor John Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

**2. Pledge of Allegiance**

Mayor Gates led the Pledge of Allegiance.

**3. Roll Call**

City Clerk Heidi Leatherwood called the roll.

The following members of Council were present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Dale Hall

Mayor Pro Tem Brett Payton

Councilmember Ed Clark

Councilmember Johnny Olson

Mayor John Gates

**4. Reports from Mayor and Council Members**

Councilmember DeBoutez attended the Jazz Festival at the University of Northern Colorado (UNC), indicated that she enjoyed the talent and highlighted upcoming events including the Greeley Philharmonic performance on Saturday, April 29, 2023, from 7-9 p.m. at the Union Colony Civic Center and Greeley Friday Fests will begin on May 5 & 6, with the Cinco de Mayo celebration at 9<sup>th</sup> Street Plaza, Downtown Greeley from 6-10 p.m.

Councilmember Olson indicated that he enjoyed celebrating Arbor Day events with two elementary school classes.

Councilmember Butler reported that he and Mayor Gates had breakfast with Astronaut Jose Hernandez. Mr. Hernandez gave a presentation at Greeley West the previous week.

Mayor Gates reminded everyone that Arbor Day will be celebrated on Saturday, April 29 at 9 a.m. with the planting of five trees. He also reminded members, staff liaisons, executive staff, and councilmembers to attend the Boards and Commissions Reception in the Longs Peak Room at UNC on Thursday, April 27 at 5:30 p.m.

## **5. Water & Sewer Department Integrated Water Resource Master Plan Update**

Water & Sewer Director, Sean Chambers, presented an update on the Water & Sewer Master Plan at 6:02 p.m. Greeley Water Resources Planning Manager Kelen Dowdy, Neil Stewart – a consultant with Stantec Engineering and Water & Sewer Board President, Harold Evans were available in person for questions.

Over the past 20 months, the utility’s water resource and engineering staff have been working with a team of expert consultants on a data-driven, industry best practice, scenario-based planning effort known as an Integrated Water Resource Master Plan or IWRP. The IWRP provides a modern framework of planning for a range of variable future conditions.

Councilmember Clark asked about the growing population and future use needed. In response to the question, Mr. Chambers replied that they are using adaptive models to plan for a variety of scenarios and that with new efficiencies built into homes and appliances, there is better conservation of water.

Councilmember Hall asked about Colorado River Basin concerns and how that might affect Greeley. In response, Mr. Chambers noted that the City staff are planning for resiliency to handle bursts and chronic drought through aggressive scenarios.

Councilmember Olson asked about the infrastructure needed and costs that are lower today than will be in years to come. How will the City balance the costs of investment? In response, Mr. Chambers noted that the Enterprise Fund is a rate bearing fund of extensive capital needs.

Councilmember DeBoutez asked if Greeley would be at risk to provide for other communities to those who may not have water resources. In response, Mr. Chambers said there was no risk or legal liability to provide water. In a practical sense, all stakeholders would be sharing the circumstance of the Colorado River water levels.

Mr. Chambers also shared that with the City’s current water management practices, Greeley is able to maximize its water usage/reusage up to three separate times.

## **6. 2021 Financial Audit Report and Annual Comprehensive Financial Report**

Finance Director, John Karner, presented an update on the 2021 Financial Audit and Annual Comprehensive Financial Report at 6:38 p.m.

Timothy St. Andrew, Partner with Plante & Moran (attending via Zoom) gave a short presentation on the City's financial condition at year-end 2021 and the independent auditor's report.

Improvements to the City's ERP system have been completed allowing for a significant reduction in manual corrections required. The City has also hired external help to assist with the preparation for the 2022 audit and identify improvements in the financial reporting process. The City's audit schedule is to complete the accounting records and related reconciliations for 2022 in spring/summer 2023 and have the 2022 financial statements audit completed by September 30, 2023.

Councilmember Clark asked about the total amount of money spent so far working on the ERP including additional resources that were added. In response to the question, Mr. Karner replied that approximately \$7 million, and some of these funds were used to backfill positions key to the success of the project.

Mayor Gates thanked the staff for their hard work on this project.

## **7. Review of proposed regulations concerning abandoned shopping carts**

Interim Community Development Director, Becky Safarik, presented a review of Proposed Regulations Concerning Abandoned Shopping Carts at 6:52 p.m.

City Attorney, Bobbier Cranston, attended in person, and was available for questions.

Some retail establishments provide shopping carts for customer convenience. However, some parties take the carts off premises and abandon them in other locations where they become a nuisance to other property owners, may impede sidewalks, become an obstacle or hazard to traffic or parked cars, and litter parks and open spaces and on private property.

Legislative intent for this issue:

- Provide prompt removal for safety and community appeal
- Require owners to deter, prevent or mitigate removal of carts and retrieve
- Prevent the illegal removal of carts, take possession to prevent accumulation

If there is support, and before presenting an ordinance for formal consideration, staff proposes to conduct a stakeholder meeting with shop owners who offer shopping carts for customer convenience and will also formulate a tactical and operational proposal to manage cart retrieval, storage, and return to City Council with final recommendations.

Councilmember Hall asked if there is a boot that can be placed on the cart. In response, Ms. Safarik noted that some retailers have tried this only if the cart will not move, then it becomes a trash obstacle.

Mayor Pro Tem Payton asserted that the City Council is not ready for a draft ordinance yet, and it is not fair to penalize the owner and business. He agrees that meeting with the stakeholders and other communities that have faced this issue is the next step. Ms. Safarik added that ideas offered at the meeting may include shop owners paying into an account to capture the cost of abandoned carts.

Councilmember Olson added that it would be difficult to hold people liable for taking carts. He likes the fund idea and that carts should be branded appropriately.

Councilmember Butler said that he would like additional time for business owners to pick up identified carts collected by the city.

Councilmember DeBoutez realized there is a cost to all of this. She asked if working with nonprofits would help. Some people do not have cars and need a cart to transport their goods.

Mayor Gates realized that this is a problem and is not sure where the carts are coming from.

The council consensus was to have staff meet with stakeholders and communities and come back with additional information.

## **8. Legislative Review**

Intergovernmental Affairs Officer, Stacy Coons and the City's contract lobbyist Matt LaCrue (attending via Zoom) presented information on this item at 7:16 p.m.

### **SB23-286 Access to Government Records**

Makes several changes to the Colorado Open Records Act  
Staff Recommendation: Monitor

### **HB23-1282; Protect Consumers from Public Utilities**

The bill grants protections under the Colorado Consumer Protection Act against any public utility that violates the act. It may increase state revenue, and state and local expenditures, beginning in FY 2023-24.

Staff Recommendation: Oppose; unless amended by amending the definition to not include municipalities

### **HB23-1190; Affordable Housing Right of First Refusal (ROFR)**

The bill creates a right of first refusal of a local government to match an acceptable offer for the sale of a residential or mixed-use multifamily property.

Staff Recommendation: Monitor

**HB23-1249; Reduce Justice Involvement for Young Children**

The bill raises the age for juvenile involvement in the criminal justice system to 13-years-old in most situations and requires that juveniles below this age be referred to local collaborative management programs to receive services.

Staff Recommendation: Oppose

Matt LaCrue briefly discussed each bill.

Councilmember DeBoutez asked for a pro/con statement and analysis to read. She would like a better way to address 10–13-year-olds. Mayor Gates indicated his belief that this bill is not sound as it relates to murder or sexual assault issues and would release the perpetrators from doing serious harm to others. Councilmember Clark agreed. (HB23-1249)

Councilmember Olson was concerned about the ROFR and having to wait to sell a home or decide on private property. Councilmember Butler offered that the wait time was not extensive.

Mayor Pro Tem Payton added that anytime an entity exempts themselves from the process (SB23-286) is a sign to watch the bill.

Consensus from Council:

To monitor SB23-286

To oppose HB23-1282

NOT to monitor; consensus to oppose HB23-1190

To oppose HB23-1249

**9. Scheduling of Meetings, Other Events**

None.

**10. Adjournment**

Mayor Gates adjourned the meeting at 7:38 p.m.

Approved:

\_\_\_\_\_  
John D. Gates, Mayor

Attest:

\_\_\_\_\_  
Heidi Leatherwood, City Clerk

City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
May 2, 2023

**1. Call to Order**

Mayor Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

**2. Pledge of Allegiance**

Mayor Gates led the Pledge of Allegiance.

**3. Roll Call**

City Clerk Heidi Leatherwood called the roll.

Present:

Mayor John Gates  
Councilmember Tommy Butler  
Councilmember Deb DeBoutez  
Councilmember Dale Hall  
Mayor Pro Tem Brett Payton  
Councilmember Ed Clark  
Councilmember Johnny Olson

**4. Approval of the Agenda**

City Manager Lee had no changes to the agenda.

**5. Recognitions and Proclamations**

Mayor Gates read the Historic Preservation Month Proclamation at 6:01 p.m. Historic Preservation Commission Members, Christen DePetro and Robert Brunswig accepted the Proclamation.

Mayor Gates read the National Travel & Tourism Week Proclamation at 6:06 p.m. Greeley Area Chamber of Commerce, Business Travel and Tourism Director Heather Anderson accepted the Proclamation.

Mayor Gates read the Small Business Week Proclamation. Greeley Area Chamber of Commerce President and CEO, Jaime Henning, accepted the Proclamation.

Councilmember Olson presented *What's Great about Greeley?* at 6:13 p.m.

## Recognition

Councilmember Clark gave special recognition at 6:17 p.m. to Paxton Daggett for winning the state wrestling championship as a University High School student.

## 6. Citizen Input

1. Steve Teets spoke about housing and homeless needs and finding solutions.
2. Edwin Grant spoke about increased property taxes and community challenges.
3. Christina Hornby spoke about the shooting incident on 1802 27<sup>th</sup> Street and thanked the Greeley Police Department. She noted that the neighbors do not feel safe due to the string of recent activities at the location.

## 7. Reports from Mayor and Councilmembers

Councilmember Olson spoke about the Boards and Commissions appreciation event.

## 8. Initiatives from Mayor and Councilmembers

Councilmember Butler asked staff to research a change to the code requiring notification to affected owners of personal property (structures) in mobile home parks within 500 ft of new zoning changes.

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## Consent Agenda

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9. **Approval of the City Council Work Session Proceedings of April 11, 2023, and Approval of the Special City Council Proceedings of April 11, 2023**
10. **Consideration of a Resolution approving a Redevelopment Agreement between 1024 8th Avenue, LLC, DDA and the City of Greeley**
11. **Consideration of a Resolution appointing Mark Gonzales as the Primary Liquor Licensing Hearing Officer of Greeley, Colorado**
12. **Introduction and first reading of an Ordinance amending Title 2, Chapter 10 (Boards and Commissions) of the Greeley Municipal Code designating the City of Greeley website as the official posting site for meeting notices**
13. **Introduction and first reading of an Ordinance amending the Greeley Municipal Code to create a new Article and Chapter under Title 6, Revenue & Finance, Chapter 16**

**Mayor Pro Tem Payton moved to approve the Consent Agenda Items 9-13. Councilmember Butler seconded the motion. The motion passed 7-0 at 6:35 p.m.**

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**End of Consent Agenda**

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**14. Pulled Consent Agenda Items**  
None**15. Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Planned Unit Development (PUD) and Commercial-High Intensity (C-H) zone districts to the Residential Micro-Housing (R-MH) zone district changing the underlying land use designations for approximately 22.25 acres of property located south of F Street, west of N. 35th Avenue, and approximately one-half mile north of 4th Street (Stoneybrook)**

City of Greeley Planner, Michael Franke, introduced the item with a presentation at 6:35 p.m.

The subject site was annexed into the City of Greeley in 1985 as part of Puttnam Farm Annexation. In 1999, the land was subdivided into two separate lots as part of the Stoneybrook Subdivision Filing No. 1. The intention of the current rezone request was to provide adequate zoning for expansion of the existing Stoneybrook Mobile Home Park development adjacent to the land. The Planning Commission recommended approval of this rezone at the April 11, 2023, meeting.

Councilmember DeBoutez asked for clarification on the housing types. In response, Mr. Franke said that the definition of a mobile home is listed as a permanent structure on a plot of land that is usually for sale or rent. Manufactured homes, on the other hand, have a portion of the home built off site and then it is brought to the site and final assembly is conducted. He added that tiny homes are also allowed in this zoning. Councilmember DeBoutez asked about expanding the streets and creating more parking. Mr. Franke replied that the plans are created in accordance with the Greeley Municipal Code.

Councilmember Clark asked about the 11 notification letters mailed (550 feet from the subject site) and would like to know if the residences located in Stoneybrook (Lot 1) were notified. In response to the question, Mr. Franke replied that the property owner of Stoneybrook was notified of the public hearing for the rezone. Stoneybrook Representative Bob Eck reported that he did not know if the residences had been notified because residents lease the land from the property owner and under the Greeley Municipal Code, only the property owner was notified. Councilmember Clark spoke about the complaints he has received regarding Stoneybrook and expressed potential concerns for the future development of the 142 units.

Councilmember Butler spoke about the notice process and was concerned that only the property owner was notified and not the other residents. Councilmember Butler asked if the City could change the notification code by Ordinance. In response, Mr. Franke noted that the Greeley Municipal Code could be reviewed and updated by ordinance.



Councilmember DeBoutez asked if the 142 units would be for sale/rent and what would be the market price. In response to the question, Mr. Eck said that homes are owned by the resident and property is leased by the resident. He noted that the price of homes will likely be sold in the low \$100,000's, and site leases start at \$600 a month.

The public hearing opened at 6:48 p.m.

1. Steve Teets spoke about increased traffic to the community with the additional housing units.
2. Edwin Grant spoke about the confusion with roundabouts.

The public hearing closed at 6:51 p.m.

Councilmember DeBoutez remarked that developments like this address some of the affordable housing problem needs.

Councilmember Clark was concerned to hear of the water problems in the current development of Stoneybrook. He wanted residents to be heard and such challenges corrected.

**Mayor Pro Tem Payton moved to approve, based on the application received, the preceding analysis, and Planning Commission recommendation, the proposed rezoning from PUD and C-H zoning districts to the R-MH zoning district is found to be in compliance with Title 24-204(b). Councilmember Olson seconded the motion. The motion passed 7-0 at 6:52 p.m.**

**Mayor Pro Tem Payton moved to adopt the ordinance and publish it by title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:53 p.m.**

**16. Public hearing and second reading of an Ordinance amending Title 12, Chapter 2, Article IV, Section 12-151, and Title 24 of the Greeley Municipal Code relating to the allowance of private tobacco smoking establishments**

Interim Community Development Director, Don Threewitt introduced the item with a presentation at 6:54 p.m.

The City was presented with a request to establish a private cigar smoking club. Greeley's Municipal Code (GMC) Article IV, Section 12.153 expressly bans any form of smoking in any public or private establishment. To enable such a use, an ordinance was required amending the GMC in two sections, 12-153 and 24 to:

1. Permit an exception for smoking of tobacco products in certain circumstances; and
2. Establish the zoning category and define the physical and operational characteristics associated with such a use.

The definition of a private tobacco smoking club includes a nonprofit organization, that maintains selective members, is operated by the members, and has its primary purpose as the legal consumption or use of tobacco smoking products as an aspect of its recreational, fraternal, or social purpose for its members. It cannot be for pecuniary gain and can only sell or distribute alcoholic beverages to its members incidental to its operations. The Planning Commission recommended approval of the proposed amendments to the Development Code at the April 25, 2023, meeting.

Councilmember Olson asked about the nonprofit status requirement. In response, Mr. Threewitt noted that this is like the club license. Councilmember Olson wanted to confirm there will not be marijuana consumption. Mr. Threewitt confirmed that only legal tobacco products would be allowed for consumption. Marijuana is not a tobacco product.

Councilmember Butler asked about stipulations. In response, Mr. Threewitt said that such stipulation requirements included: vapor barriers, HVAC systems, and ventilation measures. He added that with some scenarios, such as standalone buildings, which are not connected to other businesses, would not have to invest in ventilation requirements.

Councilmember Hall asked about how this works with the State of Colorado “no smoking” ban. In response, Mr. Threewitt said that state law is silent about private smoking clubs. City Attorney Doug Marek mentioned that this proposed code change is a zoning amendment and does not authorize anything illegal. If an establishment meets the criteria to operate in this way, it would be up to the business owner to follow local and state laws.

Councilmember Butler requested that staff review the Ordinance in a work session format, 2 years after the first application is received or if four applications are approved. He emphasized that the intent

Applicant Brad Inhulsen addressed the City Council with his appreciation to staff and council.

Councilmember Clark asked about why the business must be a non-profit. In response to the question, City Attorney Doug Marek stated that for-profit smoking clubs are prohibited.

Councilmember Olson asked if nonmembers could purchase cigars to use at their convenience. In response, Mr. Inhulsen said he would like to sell cigars to the public in the future and hasn’t created an operating plan yet.

The public hearing opened at 7:12 p.m.

1. Edwin Grant spoke about court cases and believes these clubs may bring more issues.
2. Ryan Roth spoke in support of this Ordinance.

The public hearing closed at 7:17 p.m.

**Councilmember Olson moved to adopt the ordinance and publish it by title only. Mayor Pro Tem Payton seconded the motion. The motion passed 7-0 at 7:18 p.m.**

**17. Public hearing and second reading of an Ordinance authorizing a salary increase for the City Manager**

Noel Mink, Human Resources Director, gave a presentation on the salary increases for the City Manager, City Attorney and Municipal Court Judge at 7:21 p.m.

Councilmember Clark asked City Manager Lee how long he has been in this position. In response to the question, City Manager Lee replied that he has been the city manager for a year and a half.

The public hearing opened at 7:23 p.m.

1. Steve Teets spoke about his concerns with transportation, infrastructure, and housing. The community has many needs and feels the raises could go toward community improvements and needs.

The public hearing closed at 7:25 p.m.

Councilmember Clark noted that he would be voting “nay” in response to the request for a one-time incentive of \$10,000. Councilmember Clark believed the ranking the City Manager in the top third tier was proof that he has done a great job.

Councilmember Olson responded to Mr. Teet’s comments and believed the city needs to pay good employees to retain them for the evolution of the community.

Councilmember Butler responded to Mr. Teets and agreed with Councilmember Olson and see the strides the city has made with City Manager Lee.

**Councilmember Butler moved to adopt the ordinance and publish it by title only. Councilmember DeBoutez seconded the motion. The motion passed 6-1 at 7:28 p.m.**

**18. Public hearing and second reading of an Ordinance authorizing a salary increase for the City Attorney**

Noel Mink, Human Resources Director, gave a joint presentation on the salary increases for the City Manager, City Attorney and Municipal Court Judge at 7:21 p.m.

The public hearing opened at 7:28 p.m.

With no speakers, the public hearing closed at 7:28 p.m.

**Councilmember Hall moved to adopt the ordinance and publish by title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 7:29 p.m.**

**19. Public hearing and second reading of an Ordinance authorizing a salary increase for the Municipal Judge**

Noel Mink, Human Resources Director, gave a joint presentation on the salary increases for the City Manager, City Attorney and Municipal Court Judge at 7:21 p.m.

The public hearing opened at 7:29 p.m.

With no speakers, the public hearing closed at 7:29 p.m.

Mayor Gates spoke about the reasons why City Council direct reports were given increases in compensation.

**Mayor Pro Tem Payton moved to adopt the ordinance and publish it by title only. Councilmember Hall seconded the motion. The motion passed 7-0 at 7:30 p.m.**

**20. Scheduling of Meetings, Other Events**

None.

**21. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances**

**Mayor Pro Tem Payton moved to approve the motion. The motion passed 7-0 with a voice vote at 7:32 p.m.**

**22. Adjournment**

Mayor Gates adjourned the meeting at 7:32 p.m.

Approved:

\_\_\_\_\_  
John D. Gates, Mayor

Attest:

\_\_\_\_\_  
Heidi Leatherwood, City Clerk



## Council Agenda Summary

May 16, 2023

Key Staff Contact: John Karner, Finance Director

### Title:

Introduction and first reading of an Ordinance amending Title 6, Chapter 2 of the Greeley Municipal Code relating to Vendor Responsible for Tax

### Summary:

As introduced previously during the May 9th City Council work session, a change to the municipal code is necessary to allow the City to collect sales tax through the Sales & Use Tax System (SUTS). The update provides the opportunity for remote sellers & marketplace facilitators to remit tax returns in one online location. SUTS participation also allows the City to reduce the monetary and clerical burden taxpayers may experience while adhering to Colorado's taxability matrix.

The State of Colorado Interim Committee, the Sales and Use Tax Simplification Task Force, was originally created in 2017 to find ways to make it easier for businesses to navigate this highly complex system. Simplicity within the Colorado Sales and Use Tax landscape became imperative after the 2018 Supreme Court's ruling in *South Dakota v. Wayfair* that allowed states to require that sellers collect, and remit sales tax based on the establishment of an "economic nexus," doing away with the previous "physical presence" test.

In 2019, the State of Colorado Department of Revenue (DOR) and the Governor's Office of Information Technology (OIT) collaborated to deliver a Sales & Use Tax System (SUTS) that could be a single web portal where businesses could both look up sales and use tax information and file and remit to all jurisdictions at once. Current sale tax collections are remitted directly to the City of Greeley (City).

Two important items to consider in potentially utilizing SUTS include:

- While this is a choice for Home Rule municipalities in Colorado, participating in SUTS opens the possibility for remote sellers & marketplace facilitators to remit tax returns in one online location. SUTS participation also allows the City to reduce the monetary and clerical burden taxpayers may experience while adhering to Colorado's taxability matrix and complying with the *South Dakota v. Wayfair* ruling. The City was not an early adopter and is now one of only 11 home rule municipalities that are currently not on the SUTS system. As the system becomes more mature and adopted more broadly, City staff believe now is the appropriate time to participate in the SUTS system.

- Moving forward, municipalities across Colorado engaged in SUTS should monitor any legislation and/ or regulations that would result in the State of Colorado retaining any portion of local sales and use taxes.

Attached is an ordinance amending the City’s Municipal Code to allow for the SUTS system to collect and remit taxes to the City. The City will also enter into an intergovernmental agreement with the State of Colorado for the purposes of permitting access to the SUTS System and its related tax information search capabilities.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	No

**Legal Issues:**

Consideration of this matter is a legislative process.

**Other Issues and Considerations:**

N/A

**Strategic Focus Area:**



**Business Growth**



**Community Vitality**



**High-Performance Government**

**Decision Options:**

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

**Council's Recommended Action:**

A motion to introduce the ordinance and schedule the public hearing and second reading for June 6, 2023.

**Attachments:**

Ordinance with Appendix A  
Sales and Use Tax System (SUTS) Summary Report

**CITY OF GREELEY, COLORADO  
ORDINANCE NO. 20, 2023**

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 2 OF THE GREELEY  
MUNICIPAL CODE RELATING TO VENDOR RESPONSIBLE FOR TAX**

WHEREAS, The State of Colorado Interim Committee, the Sales and Use Tax Simplification Task Force, was originally created in 2017 to find ways to make it easier for businesses to navigate this highly-complex system, and simplicity became imperative after the 2018 Supreme Court’s ruling in *South Dakota v. Wayfair* that allowed states to require that sellers collect and remit sales tax based on the establishment of an “economic nexus,” doing away with the previous “physical presence” test; and

WHEREAS, In 2019, the State of Colorado Department of Revenue (DOR) and the Governor's Office of Information Technology (OIT) collaborated to deliver a Sales & Use Tax System (SUTS) that could be a single web portal where businesses could both look up sales and use tax information and file and remit to all jurisdictions at once; and

WHEREAS, Current sale tax collections are remitted directly to the City of Greeley (City). By participating in SUTS, the City opens the possibility for remote sellers & marketplace facilitators to remit tax returns in one online location. SUTS participation also allows the City to reduce the monetary and clerical burden taxpayers may experience while adhering to Colorado’s taxability matrix; and

WHEREAS, City Council has determined that maintaining the local collection of sales and use taxes for the City is important to insure the continued financial strength of the City; and

WHEREAS, City Council acknowledges that the retail business community desires better uniformity and simplicity when operating in multiple cities; and

WHEREAS, the proposed changes to the Municipal Code are for the purpose of clarification and uniformity only, and will not result in the implementation of any new policy, nor will they result in the implementation of any new taxes, nor result in the elimination of any current tax exemptions; and

WHEREAS, it is in the best interests of the citizens of the City of Greeley to repeal and replace Chapter 2, Title 6, Section 281 with those amended codes,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY,  
COLORADO:**

Section 1. That Section 6-281 contained in Chapter 2 of Title 6 of the Greeley Municipal Code shall be amended as shown on Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.



**PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS \_\_\_\_ DAY OF JUNE, 2023.**

**ATTEST**

**THE CITY OF GREELEY, COLORADO**

**By:** \_\_\_\_\_  
**City Clerk**

**By:** \_\_\_\_\_  
**Mayor**

**APPENDIX A**  
**AN ORDINANCE AMENDING TITLE 6, CHAPTER 2 OF THE GREELEY  
MUNICIPAL CODE**

Section 1. Section 6-281. - Vendor responsible for tax. of the above-entitled ordinance be amended to read as follows:

- (a) Amount. Every vendor shall add the tax imposed by section 6-278(a) to the purchase price or charge of all lodging within the city.
- (b) Returns. Every vendor shall, before the 20th day of each month thereafter, make a return to the director of finance or the director's designee for the preceding calendar month, and remit to the director of finance or director's designee, simultaneously therewith the total amount due the city. The monthly returns of the vendor as required hereunder shall be made in such manner and upon such forms as the director of finance may prescribe.
- (c) Accounting practice. If the accounting methods regularly employed by the vendor in the transaction of business, or other conditions, are such that the returns aforesaid made on a calendar-month basis will impose unnecessary hardship, the director of finance may, upon request of the vendor, accept returns at such intervals as will, in the director's opinion, better suit the convenience of the vendor and will not jeopardize the collection of the tax.

Item No. 10.



**COLORADO**

Department of Revenue



# Colorado Sales & Use Tax Software (SUTS) System

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Summary Report: July 8, 2020



# Colorado’s Sales & Use Tax Software “SUTS” System

Summary Report: July 8, 2020

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## **For more information on the SUTS system:**

- [SUTS general information](#) for description, updates, consortium members, etc.
- [SUTS Portal](#) for businesses to look up tax rates, sign up, log in, remit tax, etc.
- Call Center support for general questions: (303) 238-7378
- [Joining SUTS](#) if you are a Home Rule jurisdiction: email [Tracy.Winchester@state.co.us](mailto:Tracy.Winchester@state.co.us)
- [CML Model Ordinance](#) assisting Home Rule jurisdictions seeking to join SUTS
- [Press inquiries](#): email [Meghan.Tanis@state.co.us](mailto:Meghan.Tanis@state.co.us)



## ***Executive Summary***

The Sales and Use Tax Software (SUTS) system allows businesses to go to a single web “portal” (website) to find all sales and use taxes associated with a specific destination, as well as exemptions, and file a single remittance that will then go to multiple jurisdictions.

SUTS was exceptionally successful in every way:

- (a) The SUTS *development* was completed on May 6, 2020, seven weeks ahead of what was already an aggressive estimate of June 30, 2020.
- (b) The SUTS *budget* was \$18,750,000 over fiscal years 2020 and 2021, but SUTS was completed at almost \$6 million under budget for FY20 and \$4.6 million under budget for FY21. About \$10.6 million in savings (56.30% of the appropriation) was given back to the General Fund at a critical time given the overall budget shortfalls due to COVID-19.
- (c) The SUTS *functionality* exceeded the minimal viable product established at the start, allowing lookups of sales and use tax but also exemptions with a robust remittance service.
- (d) The SUTS *acceptance* rate also exceeded expectations. The original requirement was for three of the 71 self-collecting-tax municipalities to voluntarily use the system upon launching online and to reach 100% engagement within three years. As of July 6, 2020, twelve (17%) have already signed on, 24% more are in the process of approval, and 48% more are in the evaluation stage.
- (e) SUTS yearly *maintenance & support* is far less than originally anticipated and less than maintaining a system in-house. Starting in FY22, support is estimated to be only about \$2.2 million (see “Budget” below), which includes vendors, hosting, call center and infrastructure support for all jurisdictions across Colorado.

The significant success of SUTS illustrates the collaboration achieved between state government, local jurisdictions, vendors, and the business community. SUTS is a first-of-its-kind software program for the state of Colorado, developed using an [Agile methodology](#). Stakeholders have been engaged throughout the process, from designing the functionality, through procurement, development and ongoing improvements.

This report outlines the background that started the SUTS legislation, then covers the controlled launch, budget, methodology, change management and the future of the system, as well as the stakeholder engagement and Governance that ensured its success. Stakeholder feedback is also included.

## ***Background***

Colorado has a unique tax landscape with 272 municipalities, out of which 97 are [Home Rule](#) jurisdictions that can establish their own tax base, requiring businesses to file and remit tax directly to the municipality. Out of the 97, Colorado has 71 that are self-collecting-tax jurisdictions.

The [Sales and Use Tax Simplification Task Force](#) was originally created in 2017 to find ways to make it easier for businesses to navigate this highly-complex system, and simplicity became imperative after the 2018 Supreme Court’s ruling in [South Dakota v. Wayfair](#) that allowed states to require that sellers collect and remit sales tax based on the establishment of an “economic nexus,” doing away with the previous “physical presence” test.



In 2019, the Task Force advocated for legislation and the General Assembly passed [Senate Bill 19-006](#) which required that the Department of Revenue (DOR) and the Governor's Office of Information Technology (OIT) collaborate to deliver a Sales & Use Tax System (SUTS) that could be a single web portal where businesses could both look up sales and use tax information and file and remit to all jurisdictions at once.

Beginning in July, 2019, DOR and OIT designed the concept of a stakeholder [Consortium](#) with multiple layers of constituents to participate at every level of development. The Consortium included legislative representation, local jurisdictions, technical and tax experts and members of the business community. The Consortium was empowered to drive real decisions on the functionality, interface and development from the onset of this project.

The procurement was done using a newly-authorized "[Invitation to Negotiate](#)" (ITN) process that allowed DOR and OIT to work with vendors closely to find the right match and cost structure. Incorporating [Agile methodologies](#) enabled the direction of the project to evolve as understanding grew and requirements developed, culminating in a final product that is truly responsive and adaptive in meeting the needs of the stakeholders.

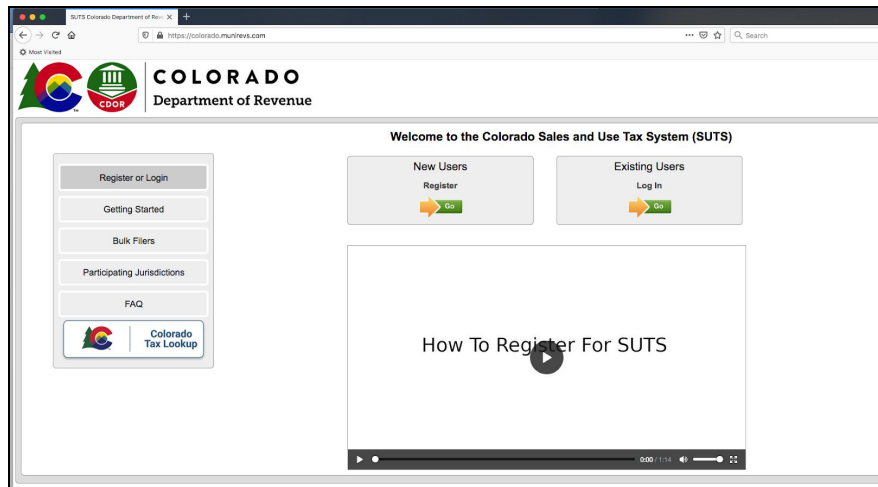
SUTS was designed collaboratively with the Consortium stakeholders with the expectation that it will be readily adopted.

### **Controlled Launch**

On May 6, 2020, DOR and OIT initiated a controlled launch of [Colorado.Gov/Revenue/SUTS](#), a new, one-stop portal that allows users to do two things: (1) look up the sales and use tax rates, including exemptions, for any address in Colorado, and (2) file and remit sales and use tax to multiple jurisdictions in an easy, automated and seamless fashion.

Rifle, Craig, Ridway, and approximately 50 counties and all state-administered (statutory) cities participated in the launch that allowed the SUTS Team to actively operate the system from end-to-end in a controlled environment with a select number of taxpayers.

SUTS originally launched with three separate vendor agreements that Home Rules needed to sign, which proved cumbersome and legally challenging. Again, with Consortium support and guidance, the agreements were consolidated, streamlined and re-emerged as one inter-governmental agreement (IGA) between DOR and the Jurisdiction. That improved agreement significantly facilitated Home Rule jurisdictions signing up.





**Budget**

For Colorado fiscal year, July 1, 2019, to June 30, 2020, (“FY20”), [SB19-006](#) required an appropriation from the General Fund of \$9.183 million for the remittance part of the software, and \$817,000 for the “GIS” part that would be the tax look-up functionality, for a total of \$10 million. An additional \$8.75 million was designated for FY21. The total appropriation for both years was \$18,750,000 which was based on a *Request for Information (RFI)* issued as required by HB18-1022.

<b>SB19-006 FUNDING</b>	<b>FY20</b>	<b>FY21</b>	<b>TOTAL</b>	<b>FY22*</b>
<b>Budget Appropriation</b>	<b>\$10,000,000</b>	<b>\$8,750,000</b>	<b>\$18,750,000</b>	<b>\$2,218,566</b>
<b>Vendor development</b>	\$3,797,619	\$716,266	\$4,513,885	\$0
<b>Vendor Support</b>	\$0	\$1,915,275	\$1,915,275	\$1,819,200
<b>State Tech/User Support Cost</b>	\$228,662.72	\$1,150,600	\$1,379,263	\$399,366
<b>Total Budget Impact</b>	<b>\$4,026,282</b>	<b>\$3,782,141</b>	<b>\$7,808,423</b>	<b>\$2,218,566</b>
<b>Balance</b>	<b>\$5,973,718</b>	<b>\$4,967,859</b>	<b>\$10,941,577</b>	<b>\$0</b>
General Fund Reversion (56%)	\$5,973,718	\$4,600,000	\$10,573,718	
Contingency in FY21 (2%)	\$0	\$367,859	\$367,859	

**FY22\* Request for FY22 support**

As the chart above shows, total spending for SUTS in FY20 is \$4,026,282, which is almost \$6 million under budget. For FY21, SUTS spending is estimated to be \$3,782,141, leaving a balance of almost \$5 million. The original intention was to ask the General Assembly for a rollover to use the unspent amount for years of support going forward, as DOR had negotiated a discount with vendors for pre-paid support. Then, the pandemic hit and it was more critical to give back all unspent funds to the General Fund to cover economic shortfalls throughout the state. SUTS gave back \$5,973,718 in FY20 and \$4,600,000 in FY21, for a total of \$10,573,718 which is 56.39% of the entire appropriation, without loss of time or functionality.

As the Department looks to the future, DOR requests \$2,218,566 in FY22 to cover vendor support, hosting, technical and user support and some minor infrastructure costs. This includes only one “Product Owner” (an important Agile role) and four FTE for call center staff as DOR is contractually obligated to provide Tier-1 (general) support. The original appropriation for the system never allocated maintenance and support funding to address ongoing operational needs past FY21. A properly maintained SUTS system is essential for accurate and effective usability of the product for all taxpayers. Without this ongoing support funding, SUTS would have to be shut down. The FY22 request is a fraction of the estimated 28 FTE plus hosting and support needed if the system had been created completely in-house instead of SUTS implementing a [SaaS approach](#).

In FY21, we will be auditing and assessing the amount of additional money brought into Colorado from SUTS, especially from out-of-state retailers who must comply with the state’s destination sourcing laws.

**Project Management Methodology**

The SUTS team used [Agile methodology](#) for planning and development. Instead of creating a comprehensive blueprint at the outset of a project, when understanding is at its lowest, planning happens continuously, through a process of on-going stakeholder engagement and adaptation.

The system’s final design emerged through a collaborative effort between developers and business users, requiring a shift in the traditional procurement approach relying heavily on functional specifications written up front.

OIT and DOR employed a relatively new procurement method called an *Invitation to Negotiate* (ITN), rather than the normally used *Request for Proposal* (RFP) process. SUTS was the first major technology project in the state to embrace the ITN approach, allowing for greater insight on core products in the marketplace and how the state could fit into that solution rather than assuming needs and fitting a vendor into the solution. DOR was able to take on the role as agency lead in negotiating price and functionality, with OIT in a supporting role helping vendors meet state standards and bringing technical expertise.

MUNIREvs was the vendor contracted to develop and support the filing and payment (remittance) portal, and TTR was contracted to develop the Geographic Information System (GIS) and taxability matrix. FAST Enterprises took the role of integration with DOR's existing Revenue Online system.

### ***Change Management Plan***

Change management is the engagement and adoption of SUTS into local governments and businesses. The Change Management Plan (CMP) outlines the processes, systems, organizational structure, and responsibilities for local governments and businesses to transition to SUTS.

The CMP is for:

- Statutory Cities, Counties, and Special Districts that have state-administered tax collection and need to know how this affects their traditional relationship and the process.
- Home Rule Municipalities that want to know how it benefits their communities, yet lets them retain the independence they cherish.
- Businesses that need to know how this works and how it makes collection and remittance easier.
- DOR and OIT where employees and infrastructure will be needed to support the system.

The CMP details the onboarding, maintenance and support that jurisdictions and businesses can receive from DOR, OIT and the vendors to facilitate the transition and process for using the SUTS System. The support involves individual meetings with each Home Rule municipality to demonstrate the use of the system and to review questions on the SUTS Agreement.

Tutorial video instructions for using the GIS and the remittance portal have been developed for taxpayers and are linked on the DOR Sales Tax webpage.

DOR will continue to work with Home Rule jurisdictions until all 71 self-collecting-tax municipalities have adopted the SUTS System.

### ***Maintaining the SUTS System***

From a Governance level, the Governance committee will continue to meet monthly to go over financials and any high-level issues around scope, resources, contract management, etc. The Consortium Executive Committee will also meet periodically to look at enhancements.

From a tax data perspective, as sales taxes change due to the passage of new laws, each jurisdiction is responsible for updating their local tax information. A detailed user agreement has been put in place for self-collecting jurisdictions, and users will be held harmless for incorrect data as DOR has certified TTR as an official "source-of-truth" database of sales and use tax information. DOR will make administrative changes for tax changes at the state level.



From a user point of view, DOR will maintain a “Tier-1” call center to handle simple user questions and help them get on the system. The vendors will be supporting “Tier-2” level issues around the software and technology.

From a cost position, the state has contractual payments due to vendors and the costs of call centers and product management which are captured in decision items yearly. When legislation changes the imposition of sales and use tax rates or exemptions, DOR fiscal notes will request funding for changes needed in the SUTS system and the state tax administration system (GenTax).

### Stakeholder Engagement & Governance

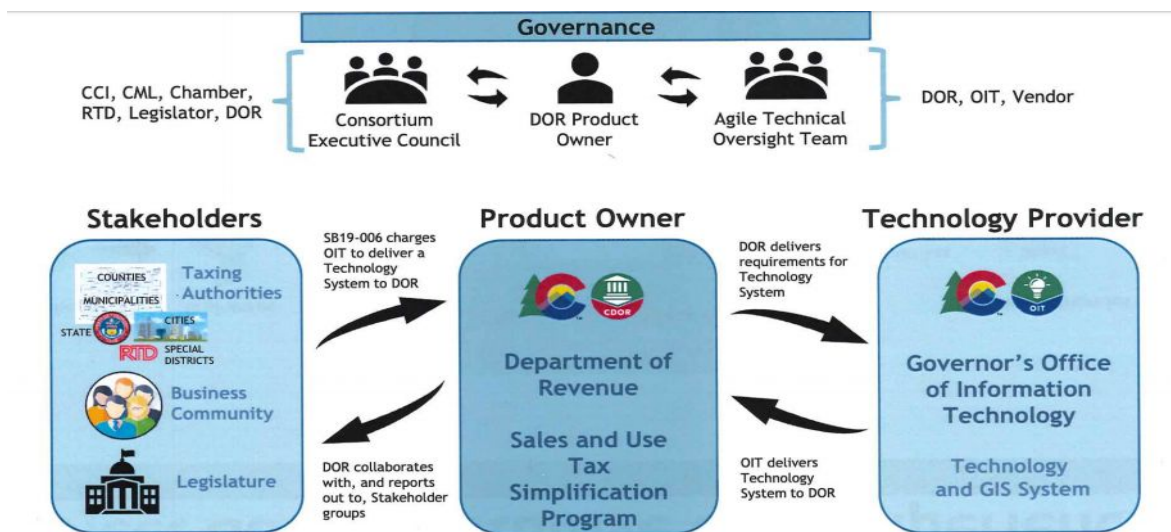
From inception, SUTS was a collaborative effort. The Sales & Use Tax Task Force was made up of representatives from government and business, as were the many associations that came together to create the initial specification for what was needed.

The plan from the beginning was to not build it in a state silo, but rather engage the stakeholders in every phase to build it together. The concept of a Consortium was formed. The largest group in the Consortium was open to the public and invited all the stakeholders, where hundreds had input and were kept involved along the way for feedback at key moments of development, but a smaller group, a Consortium Executive Committee, was set up to meet more frequently and guide the project at critical decision points.

Additional subsets included a selection committee to review and select the vendors that would best meet their needs, and a technical committee with those having particularly deep technical knowledge, who helped in the specification and scope of software creation.

Lastly, a Governance Committee meets monthly to review progress and next steps and anything that affects scope, budget or resources.

Details of the Consortium, including members of the Executive Committee, can be found in Appendix A below.





## ***Feedback from Representatives of the Consortium Executive Council***

- *"Since its inception in 2017, the Sales and Use Tax Simplification Task Force, in collaboration with the Joint Technology Committee, has been working towards the day when Colorado would have a centralized sales tax collection system between state and local governments; that day is here and the SUTS system has surpassed our expectations. CDOR/OIT created a stakeholder consortium of local jurisdictions and businesses to successfully build technology to meet the needs of a 21st century state government."* - State Senator Jack Tate, General Assembly, Joint Technology Committee representative.
- *"We appreciate the work that DOR has put into making this goal a reality. We appreciate the work of lawmakers and opportunity to participate in the conversation and take an active role in the selection process."* - Dave Davia, Vice President and CEO of the Colorado Association of Mechanical and Plumbing Contractors (CAMPC), Chairman and representative from Simplify Colorado Sales Tax Coalition.
- *"I am truly amazed by the level of cooperation and focus on delivering a solution that not only simplifies sales and use tax filings in Colorado but also meets the needs of government and businesses. The SUTS team was truly impressive in the way they mobilized resources quickly to deliver a sales and use tax filing system that provides significant benefit to all users."* - Ezequiel Vasquez, Revenue Manager, City of Arvada, representative from Colorado Municipal League.
- *"The Executive Council gave us a chance to see all sides of sales and use tax, the good and the bad. The feedback and collaboration from all sides of sales and use tax gave us a chance to create a system that works for all parties involved with sales and use tax."* - Ray Baca, Sales and Use Tax Analyst, El Paso County, representative from Colorado Counties, Inc.
- *"The development of the Sales and Use Tax System has been a well-organized and thought-out process. The opportunity for all stakeholders, including the businesses of Colorado, to be deeply involved in this process has been extremely beneficial and has allowed for a well-considered product set up for success. The Department has listened and considered the thoughts and concerns of all involved in the process."* - Ashley Granger, CPA, Manager, State and Local Tax, Rubin Brown, representative from Colorado Chamber of Commerce.

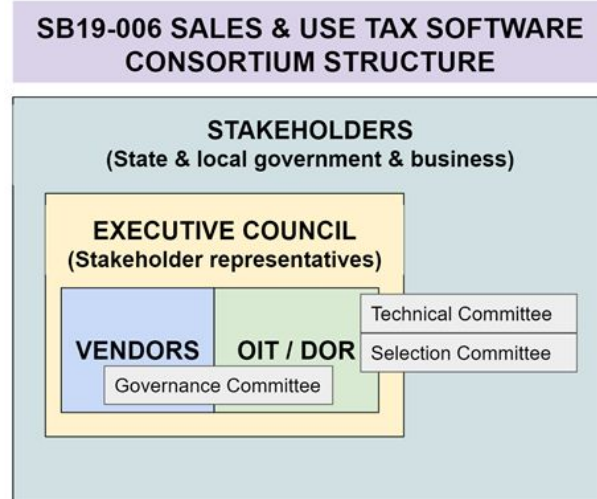


**APPENDIX A: THE CONSORTIUM**

**Stakeholders Consortium:** General stakeholder input was solicited for those who would interface with the SUTS software to ensure a human-centered design. They assisted with the scope of work on the remittance software and convened several times to review the scope of the work on the GIS software side. An Agile approach was used to solicit input and gather information in the form of user stories. Businesses and local taxing jurisdictions were asked to provide examples of their current operation for collecting sales taxes and to describe obstacles or barriers they would like to see removed or beneficial features added to the new system.

Most common feedback from user needs included:

- Search for tax rate and location code by address
- View map of jurisdictional boundaries
- Upload multiple addresses for batch searches
- Download data sets
- Provide specific reports; contact information, trending data, etc.



**Consortium Executive Council:** The Consortium Executive Council was created to provide perspective from stakeholders who are currently operating within the boundaries of multiple taxing jurisdictions. Their role is to deliberate on direction, prioritization, and strategic input on issues that affect both taxing authorities and the business customer. The Council has representatives from the General Assembly, Colorado counties, Home Rule jurisdictions, special districts, business organizations, and included the [following members](#), to whom we owe a great deal of appreciation and gratitude:

- General Assembly: Senator Jack Tate, Joint Technology Committee
- Counties and Commissioners Acting Together: Ramona Farineau, CFO, Boulder County
- Colorado Chamber of Commerce: Ashley Granger, CPA Manager, RubinBrown
- Special District Association: Heather McKillop, CFO, Regional Transportation District
- Colorado Counties, Inc: Breanna Paderewski-Vice, Senior Budget Analyst, Douglas County, and Ray Baca, Sales and Use Tax Analyst, El Paso County
- Colorado Municipal League: Heather Pezella, Revenue Services Manager, Town of Breckenridge, and Ezequiel Vasquez, Revenue Manager, City of Arvada
- Simplify Colorado Sales Tax Coalition: Lee Nelson, Assistant Controller, American Furniture Warehouse



## APPENDIX B: SUTS VENDORS



MuniRevs: MUNIRevs provides the easiest way for jurisdictions to collect, and businesses to remit, sales and other taxes. Over 50,000 businesses utilize MUNIRevs to remit taxes, manage licenses and ensure compliance with jurisdiction requirements. Founded in 2011, the MUNIRevs team provides expertise and nimble software solutions to jurisdictions for sales tax, licensing and permitting. MUNIRevs has automated the delivery of over \$1 billion in tax revenues to jurisdictions throughout the United States. To learn more, visit [www.munirevs.com](http://www.munirevs.com).



TTR (The Tax Research Company) provides everything sales, use, and transaction tax related. Access to tax laws, a best in class research system, the most accurate tax rates and taxability rules available anywhere; with 10,000 companies and counting, TTR has become a "best practice" in the area of sales, use, and transaction tax. TTR also provides software solutions for companies and governments. TTR's revolutionary Artificial Intelligence Enabled Exemption Certificate Management System (ECMS), Tax Automation software, and proprietary nationwide GIS Tax Rate System allow businesses and states to Get Tax Right. To learn more, visit [www.ttrus.com](http://www.ttrus.com).



Implementation Specialists. Software Pioneers. Adventure Seekers. FAST Enterprises is committed to being a premier provider of software and consulting services to government agencies. FAST is dedicated to problem-solving, creating solutions, and maintaining strong partnerships with government agencies. We help our clients serve the needs of their communities to the best of their ability. To learn more, visit [fastenterprises.com](http://fastenterprises.com)



# Council Agenda Summary

May 16, 2023

Key Staff Contact: Paul Trombino, Public Works Director

**Title:**

Consideration of a Resolution to Amend the Intergovernmental Agreement with Weld County for Construction Improvements to O Street and 59<sup>th</sup> Avenue Intersection

**Summary:**

The proposed amendment to the Intergovernmental Agreement with Weld County for Construction Improvements to O Street & 59<sup>th</sup> Avenue Intersection adds a routine Mill & Overlay of Weld County Road 31 also known as 59<sup>th</sup> Avenue from the limits of the planned intersection project north to State Highway 392. Weld County and the City of Greeley will share 50/50 cost of the Mill & Overlay as each party had plans to Mill & Overlay this segment of roadway and combining the work during the intersection improvements is more cost effective and less impactful to the residents and businesses. Additionally, the proposed amendment adjusts the completion date of the project to from December 31, 2023, to December 31, 2024.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	No
What fund of the City will provide Funding?	321 – Keep Greeley Moving
Is there grant funding for this item?	No

**Legal Issues:**

None.

**Other Issues and Considerations:**

N/A

**Strategic Focus Area:**



**Business Growth**



**Community Vitality**



**Infrastructure and Mobility**



## Quality of Life

### Decision Options:

- 1) Adopt the resolution as presented; or
- 2) Amend the resolution and adopt as amended; or
- 3) Deny the resolution; or
- 4) Continue consideration of the resolution to a date certain.

### Council's Recommended Action:

A motion to adopt the Resolution.

### Attachments:

- 1) Resolution
- 2) Amendment to IGA
- 3) Original IGA dated August 3, 2021

**THE CITY OF GREELEY, COLORADO**

**RESOLUTION 15, 2023**

**A RESOLUTION OF THE CITY OF GREELEY CITY COUNCIL AUTHORIZING THE CITY TO ENTER INTO AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH WELD COUNTY FOR THE CONSTRUCTION OF IMPROVEMENTS TO “O” STREET AND 59<sup>TH</sup> AVENUE INTERSECTION**

WHEREAS, in accordance with C.R.S. §29-1-203, governments may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units;

WHEREAS, the City and Weld County currently share operational maintenance and jurisdiction of the intersection of 59<sup>th</sup> Avenue and “O” Street;

WHEREAS, the City Council authorized the City to enter into an Intergovernmental Agreement with Weld County for the Construction of Improvements to the “O” Street and 59<sup>th</sup> Avenue Intersection via Resolution 25, 2021; and

WHEREAS, the parties executed the Intergovernmental Agreement on August 3, 2021; and

WHEREAS, the parties now deem it necessary to amend the Intergovernmental Agreement to extend the timeframe for completion of the intersection improvements, to document the increased amount the City has budgeted for the project, and to memorialize the parties’ agreement to split the cost of Mill and Overlay; and

WHEREAS, it is in the best interests of the citizens of the City to amend the Intergovernmental Agreement so that the project can continue.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO:**

Section 1. The City Council hereby authorizes the City to execute the Amendment to the Intergovernmental Agreement for Construction of Improvements to “O” Street & 59<sup>th</sup> Avenue Intersection, a copy of which is attached hereto and incorporated herein as Exhibit A.

Section 2. City staff is hereby authorized to make changes and modifications to the Amendment, so long as the substance of the Amendment and the original Intergovernmental Agreement remains unchanged.

Section 3. This Resolution shall become effective immediately upon its passage, as provided by the Greeley Charter.

**PASSED AND ADOPTED, SIGNED AND APPROVED THIS \_\_\_\_\_ DAY OF MAY, 2023.**

**ATTEST:**

**THE CITY OF GREELEY, COLORADO**

**By:** \_\_\_\_\_  
**City Clerk**

**By:** \_\_\_\_\_  
**Mayor**



**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT  
FOR CONSTRUCTION OF IMPROVEMENTS  
TO “O” STREET & 59th AVENUE INTERSECTION**

This AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR CONSTRUCTION OF IMPROVEMENTS TO “O” STREET & 59th AVENUE INTERSECTION (“IGA Amendment”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, between the City of Greeley, Colorado, a home rule municipality of the State of Colorado, whose address is 1000 10th Street, Greeley, Colorado 80631 (“GREELEY”), and the County of Weld, State of Colorado, by and through the Board of County Commissioners of the County of Weld, Colorado, whose address is P.O. Box 758, 1150 “O” Street, Greeley, Colorado 80632 (“WELD COUNTY”).

WHEREAS, GREELEY and WELD COUNTY entered into the attached Intergovernmental Agreement for Construction of Improvements to “O” Street & 59th Avenue Intersection (“Original IGA”), fully executed and effective August 25, 2021; and,

WHEREAS, the parties wish to continue to work on the subject PROJECT until its completion; and

WHEREAS, GREELEY AND WELD COUNTY also desire to expand the Project scope of work to include a routine mill and overlay of Weld County Road (WCR) 31, also known as 59<sup>th</sup> Avenue in GREELEY, from the limits of these intersection improvements north to State Highway (SH) 392 (“the WCR 31 Mill and Overlay).

NOW, THEREFORE, FOR CONSIDERATION, THE ADEQUACY OF WHICH IS ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

A. The recited amount GREELEY has budgeted to offset its portion of the costs of the construction of the improvements is increased from \$5,212,000 to \$7,245,017; and

B. Paragraph 2 of the Original IGA is hereby deleted in its entirety and replaced as follows:

2. PROJECT: Subject to the terms contained in the Original IGA, GREELEY plans to undertake and complete the PROJECT no later than December 31, 2024; however, if the PROJECT is not completed by December 31, 2025, GREELEY shall reimburse WELD COUNTY for any amount contributed to the PROJECT to that date.

C. Paragraph 4 of the Original IGA is hereby deleted in its entirety and replaced as follows:

4. CONTRIBUTION BY WELD COUNTY: WELD COUNTY agrees, upon receipt of an invoice, after the PROJECT has been bid and awarded to a contractor, to pay to GREELEY the sum of \$1,669,565 in 2024 to assist with construction, inspection, and oversight of the PROJECT. In addition, WELD COUNTY AND GREELEY agree to share fifty-fifty (50/50) the costs associated with the WCR 31 Mill and Overlay, which will be included with the PROJECT bid.

D. Paragraph 11 of the Original IGA is hereby deleted in its entirety and replaced as follows:

11. NOTICES: All notices required herein shall be mailed via First Class Mail to the parties' representatives at the addresses set forth below:

**GREELEY:**

Bhooshan Karnik  
Deputy PW Director/Chief Engineer  
2835 W. 10th Street  
Greeley, CO 80631

**WELD COUNTY:**

Elizabeth Relford  
Deputy PW Director  
1150 "O" Street  
Greeley, CO 80632

D. ALL OTHER TERMS OF THE ORIGINAL IGA REMAIN IN FULL FORCE AND EFFECT.

[Remainder of page intentionally left blank; signature page to follow.]

IN WITNESS WHEREOF, the parties have executed this Amended IGA in duplicate on the date written above.

**GREELEY:**

APPROVED AS TO SUBSTANCE:

\_\_\_\_\_  
City Manager

APPROVED AS TO AVAILABILITY OF FUNDS:

\_\_\_\_\_  
Director of Finance

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney

**WELD COUNTY:**

ATTEST:  
WELD COUNTY Clerk to the Board

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

By: \_\_\_\_\_  
(Deputy) Clerk to the Board

By: \_\_\_\_\_  
Scott K. James, Chair

**INTERGOVERNMENTAL AGREEMENT**  
**FOR CONSTRUCTION OF IMPROVEMENTS**  
**TO "O" STREET & 59<sup>th</sup> AVENUE INTERSECTION**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this 3<sup>rd</sup> day of August, 2021, by and between the City of Greeley, Colorado, a home rule municipality of the State of Colorado, whose address is 1000 10<sup>th</sup> Street, Greeley, Colorado 80631, hereinafter referred to as "GREELEY," and the County of Weld, State of Colorado, by and through the Board of County Commissioners of the County of Weld, Colorado, whose address is P.O. Box 758, 1150 "O" Street, Greeley, Colorado 80632, hereinafter referred to as "WELD COUNTY."

WITNESSETH:

WHEREAS, at present, WELD COUNTY and GREELEY share operational maintenance and jurisdiction of the intersection of WCR 31 (also known as 59<sup>th</sup> Avenue) and WCR 64 (also known as "O" Street), hereinafter together referred to as the "O STREET & 59<sup>TH</sup> AVENUE INTERSECTION," which GREELEY intends to annex, and

WHEREAS, WELD COUNTY AND GREELEY wish to make certain improvements to the "O" STREET & 59<sup>TH</sup> AVENUE INTERSECTION, with said improvements being hereinafter referred to as the "PROJECT," and

WHEREAS, GREELEY has agreed to be the lead agency on design, acquiring right-of-way, utility relocations, and constructing the PROJECT, and

WHEREAS, GREELEY has budgeted \$5,212,000 to offset its portion of the costs of the construction of the PROJECT, and

WHEREAS, both parties to this Agreement are authorized to enter into said Agreement by C.R.S. §29-1-203 and the Colorado Constitution Article XIV, Sec. 18(2), for the purpose of achieving greater efficiencies for the provision of services to the public.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

1. RECITALS: The Recitals are incorporated into the Agreement as if fully set forth herein.
2. PROJECT: Subject to the terms contained in this Agreement, GREELEY plans to undertake and complete the PROJECT no later than December 31, 2022; however, if the PROJECT is not completed by December 31, 2023, GREELEY shall reimburse WELD COUNTY for any amount contributed to the PROJECT to that date.
3. TERM: Unless WELD COUNTY provides GREELEY with sixty (60) days' notice, in writing, of its cancellation of the PROJECT, the term of this Agreement shall be from the date first written above to and until such time as GREELEY makes the final payment described in Paragraph 4 below.

4. CONTRIBUTION BY WELD COUNTY: WELD COUNTY agrees, upon receipt of an invoice, after the PROJECT has been bid and awarded to a contractor, to pay to GREELEY the sum of \$1,669,565 in 2022 to assist with construction, inspection, and oversight of the PROJECT.
5. DESIGN AND CONSTRUCTION: GREELEY shall allow WELD COUNTY to review GREELEY's design prior to the PROJECT being approved for bid and awarded to a contractor. Should WELD COUNTY request any changes after the PROJECT has been bid and awarded to a contractor, WELD COUNTY shall pay for design and construction-related costs associated with such changes. GREELEY shall provide WELD COUNTY with pdf and electronic CAD as-built construction drawings upon completion of the PROJECT.
6. ANNEXATION OF PROJECT: Upon receipt of the completed petition for annexation from WELD COUNTY, GREELEY agrees to process the annexation of those portions of the PROJECT not currently within its jurisdiction that are eligible and able to be annexed.
7. ENTIRE AGREEMENT: This writing, together with the exhibits attached hereto, constitutes the entire agreement between the parties hereto with respect to the subject matter herein, and shall be binding upon said parties, their officers, employees, agents and assigns and shall inure to the benefit of the respective survivors, heirs, personal representatives, successors and assigns of said parties.
8. NO THIRD-PARTY BENEFICIARY ENFORCEMENT: It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in the Agreement. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.
9. SEVERABILITY: If any term or condition of this Agreement shall be held to be invalid, illegal, or unenforceable, this Agreement shall be construed and enforced without such provision to the extent that this Agreement is then capable of execution within the original intent of the parties hereto.
10. MODIFICATION AND BREACH: No modification, amendment, notation, renewal, or other alteration of or to this Agreement shall be deemed valid or of any force or effect whatsoever, unless mutually agreed upon in writing by the undersigned parties. No breach of any term, provision, or clause of this Agreement shall be deemed waived or excused, unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. Any consent by any party hereto, or waiver of, a breach by any other party, whether express or implied, shall not constitute a consent to, waiver of, or excuse for any other different or subsequent breach.

11. NOTICES: All notices required herein shall be mailed via First Class Mail to the parties' representatives at the addresses set forth below:

GREELEY:  
Joel Hemesath  
Deputy PW Director  
1001 9<sup>th</sup> Avenue  
Greeley, CO 80631

WELD COUNTY:  
Elizabeth Relford  
Deputy PW Director  
1150 "O" Street  
Greeley, CO 80632

12. NO WAIVER OF GOVERNMENTAL IMMUNITY: No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions, of the Colorado Governmental Immunity Act, C.R.S. §24-10-101, et seq., as applicable now or hereafter amended.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate on the date written above.

CITY OF GREELEY:

APPROVED AS TO SUBSTANCE:

DocuSigned by:  
Roy H. Otto  
\_\_\_\_\_  
City Manager

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:  
John Karner  
\_\_\_\_\_  
Director of Finance

APPROVED AS TO LEGAL FORM:

DocuSigned by:  
Douglas Mark  
\_\_\_\_\_  
City Attorney

ATTEST:  
WELD COUNTY Clerk to the Board

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

By: \_\_\_\_\_  
(Deputy) Clerk to the Board

By: See attached county signature  
Steve Moreno, Chair

RESOLUTION

RE: APPROVE INTERGOVERNMENTAL AGREEMENT FOR CONSTRUCTION OF IMPROVEMENTS TO "O" STREET AND 59TH AVENUE INTERSECTION AND AUTHORIZE CHAIR TO SIGN – CITY OF GREELEY

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board has been presented with an Intergovernmental Agreement for the Construction of Improvements to the "O" Street and 59th Avenue Intersection between the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, on behalf of the Department of Public Works, and the City of Greeley, commencing August 25, 2021, and ending December 31, 2023, with further terms and conditions being as stated in said intergovernmental agreement, and

WHEREAS, after review, the Board deems it advisable to approve said intergovernmental agreement, a copy of which is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the Intergovernmental Agreement for the Construction of Improvements to the "O" Street and 59th Avenue Intersection between the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, on behalf of the Department of Public Works, and the City of Greeley, be, and hereby is, approved.

BE IT FURTHER RESOLVED by the Board that the Chair be, and hereby is, authorized to sign said intergovernmental agreement.

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 25th day of August, A.D., 2021.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST: *Cather G. Meick*  
Weld County Clerk to the Board

EXCUSED  
Steve Moreno, Chair

BY: *Mark N. King*  
Deputy Clerk to the Board

*Scott K. James*  
Scott K. James, Pro-Tem

*Perry L. Buck*  
Perry L. Buck

APPROVED AS TO FORM  
*Mike Freeman*  
County Attorney

EXCUSED  
Mike Freeman

*Lori Saine*  
Lori Saine

Date of signature: 08/31/21

cc: PW(ER/CH)  
09/09/21

2021-2553  
EG0079

**INTERGOVERNMENTAL AGREEMENT  
FOR CONSTRUCTION OF IMPROVEMENTS  
TO "O" STREET & 59<sup>th</sup> AVENUE INTERSECTION**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this <sup>25<sup>th</sup></sup> day of August, 2021, by and between the City of Greeley, Colorado, a home rule municipality of the State of Colorado, whose address is 1000 10<sup>th</sup> Street, Greeley, Colorado 80631, hereinafter referred to as "GREELEY," and the County of Weld, State of Colorado, by and through the Board of County Commissioners of the County of Weld, Colorado, whose address is P.O. Box 758, 1150 "O" Street, Greeley, Colorado 80632, hereinafter referred to as "WELD COUNTY."

WITNESSETH:

WHEREAS, at present, WELD COUNTY and GREELEY share operational maintenance and jurisdiction of the intersection of WCR 31 (also known as 59<sup>th</sup> Avenue) and WCR 64 (also known as "O" Street), hereinafter together referred to as the "O STREET & 59<sup>TH</sup> AVENUE INTERSECTION," which GREELEY intends to annex, and

WHEREAS, WELD COUNTY AND GREELEY wish to make certain improvements to the "O" STREET & 59<sup>TH</sup> AVENUE INTERSECTION, with said improvements being hereinafter referred to as the "PROJECT," and

WHEREAS, GREELEY has agreed to be the lead agency on design, acquiring right-of-way, utility relocations, and constructing the PROJECT, and

WHEREAS, GREELEY has budgeted \$5,212,000 to offset its portion of the costs of the construction of the PROJECT, and

WHEREAS, both parties to this Agreement are authorized to enter into said Agreement by C.R.S. §29-1-203 and the Colorado Constitution Article XIV, Sec. 18(2), for the purpose of achieving greater efficiencies for the provision of services to the public.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

1. **RECITALS:** The Recitals are incorporated into the Agreement as if fully set forth herein.
2. **PROJECT:** Subject to the terms contained in this Agreement, GREELEY plans to undertake and complete the PROJECT no later than December 31, 2022; however, if the PROJECT is not completed by December 31, 2023, GREELEY shall reimburse WELD COUNTY for any amount contributed to the PROJECT to that date.
3. **TERM:** Unless WELD COUNTY provides GREELEY with sixty (60) days' notice, in writing, of its cancellation of the PROJECT, the term of this Agreement shall be from the date first written above to and until such time as GREELEY makes the final payment described in Paragraph 4 below.

2021-2553



4. CONTRIBUTION BY WELD COUNTY: WELD COUNTY agrees, upon receipt of an invoice, after the PROJECT has been bid and awarded to a contractor, to pay to GREELEY the sum of \$1,669,565 in 2022 to assist with construction, inspection, and oversight of the PROJECT.
5. DESIGN AND CONSTRUCTION: GREELEY shall allow WELD COUNTY to review GREELEY's design prior to the PROJECT being approved for bid and awarded to a contractor. Should WELD COUNTY request any changes after the PROJECT has been bid and awarded to a contractor, WELD COUNTY shall pay for design and construction-related costs associated with such changes. GREELEY shall provide WELD COUNTY with pdf and electronic CAD as-built construction drawings upon completion of the PROJECT.
6. ANNEXATION OF PROJECT: Upon receipt of the completed petition for annexation from WELD COUNTY, GREELEY agrees to process the annexation of those portions of the PROJECT not currently within its jurisdiction that are eligible and able to be annexed.
7. ENTIRE AGREEMENT: This writing, together with the exhibits attached hereto, constitutes the entire agreement between the parties hereto with respect to the subject matter herein, and shall be binding upon said parties, their officers, employees, agents and assigns and shall inure to the benefit of the respective survivors, heirs, personal representatives, successors and assigns of said parties.
8. NO THIRD-PARTY BENEFICIARY ENFORCEMENT: It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in the Agreement. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.
9. SEVERABILITY: If any term or condition of this Agreement shall be held to be invalid, illegal, or unenforceable, this Agreement shall be construed and enforced without such provision to the extent that this Agreement is then capable of execution within the original intent of the parties hereto.
10. MODIFICATION AND BREACH: No modification, amendment, notation, renewal, or other alteration of or to this Agreement shall be deemed valid or of any force or effect whatsoever, unless mutually agreed upon in writing by the undersigned parties. No breach of any term, provision, or clause of this Agreement shall be deemed waived or excused, unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. Any consent by any party hereto, or waiver of, a breach by any other party, whether express or implied, shall not constitute a consent to, waiver of, or excuse for any other different or subsequent breach.

DocuSign Envelope ID: 2B0B4CF1-5644-4DEF-976B-CDC3AA40D5FD

- 11. NOTICES: All notices required herein shall be mailed via First Class Mail to the parties' representatives at the addresses set forth below:

GREELEY:  
 Joel Hemesath  
 Deputy PW Director  
 1001 9<sup>th</sup> Avenue  
 Greeley, CO 80631

WELD COUNTY:  
 Elizabeth Relford  
 Deputy PW Director  
 1150 "O" Street  
 Greeley, CO 80632

- 12. NO WAIVER OF GOVERNMENTAL IMMUNITY: No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions, of the Colorado Governmental Immunity Act, C.R.S. §24-10-101, et seq., as applicable now or hereafter amended.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate on the date written above.

CITY OF GREELEY:

APPROVED AS TO SUBSTANCE:

DocuSigned by:  
*Roy H. Otto*  
 \_\_\_\_\_  
 City Manager

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:  
*Walter Warner*  
 \_\_\_\_\_  
 Director of Finance

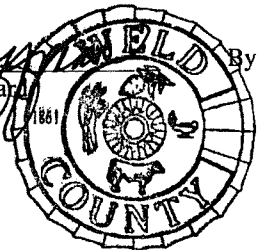
APPROVED AS TO LEGAL FORM:

DocuSigned by:  
*Douglas Mark*  
 \_\_\_\_\_  
 City Attorney

ATTEST: *Sather G. Meoick*  
 WELD COUNTY Clerk to the Board

BOARD OF COUNTY COMMISSIONERS  
 WELD COUNTY, COLORADO

By: *Cheryl H. [Signature]* (Deputy) Clerk to the Board By: *[Signature]*  
 Scott K. James, Pro-Tem



AUG 25 2021

*2021-2553*



## Council Agenda Summary

May 16, 2023

Key Staff Contact: Paul Trombino, Public Works Director

**Title:**

Consideration of a Change Order for the “O” Street and 59<sup>th</sup> Avenue Intersection Improvement Design

**Summary:**

This intersection will be re-designed based on value and safety engineering recommendations from the City of Greeley staff. This will require updating the right-of-way plans, revising legal descriptions, additional design to accommodate the new recommendations, quality assurance and updated plans for the bid process. The change order also includes constructability reviews, a revised construction schedule. Additional fees for street lighting and landscaping were also added. The project will be substantially completed by December 2024. No additional traffic analysis or railroad work is required for this project. This change order will increase the design fees from previously authorized \$364,296.90 to \$675,507.90

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$311,211, one time
What is the annual impact?	None
What fund of the City will provide Funding?	334
What is the source of revenue within the fund?	Road Development Fees
Is there grant funding for this item?	No
If yes, does this grant require a match?	N/A
Is this grant onetime or ongoing?	N/A
Additional Comments:	The project has \$1,669,565 in funding from Weld County that will be paid by Weld County in 2024.

**Legal Issues:**

None.

**Other Issues and Considerations:**

None.

**Strategic Focus Area:**



**Business Growth**



**Community Vitality**



**Infrastructure and Mobility**



**Quality of Life**

**Decision Options:**

- 1) Adopt the change order as presented; or
- 2) Amend the change order and adopt as amended; or
- 3) Deny the change order; or
- 4) Continue consideration of the change order to a date certain.

**Council's Recommended Action:**

A motion to approve the Change Order No. 7.

**Attachments:**

- 1) Change Order No. 7 to Contract with JR Engineering



# CHANGE ORDER FORM

### Project Information

Change Order #:	7	Date:	March 15, 2023
Project Name:	O St. and 59th Ave Intersection Improvements Design		
Bid Number:	FD20-05-092	Dept/Division:	Public Works / Engineering
Original Budget Unit #:	3120006006287053	PO #:	20001188/(20201316)
New Oracle Charge Number:	334-4101-10505	Project Number:	12591
Oracle Expenditure Type:	8229 - Professional Services	Oracle PO:	P20230020
Expenditure Organization:	Public Works		
Project Manager:	Dave Wells	Title:	Project Manager

### Contractor/Consultant Information

Contractor/Consultant:	JR ENGINEERING. LLC/Daren Sterling	Phone /Extension:	[REDACTED]
------------------------	------------------------------------	-------------------	------------

The CONTRACTOR/CONSULTANT is hereby directed to perform the WORK described in the CONTRACT for design/construction as amended by this CHANGE ORDER.

See attached **8** sheets with full explanation for the change order.

### Compensation to Contractor/Consultant

The original contract sum was:	\$311,316.00
The net change by previous change order was:	\$52,980.90
The contract sum prior to this change order was:	\$364,296.90
The contract sum will be: (See List) <b>Increased</b>	\$311,211.00
The new contract sum, including this change order is:	\$675,507.90
The contract time will be: (See List) <b>Increased</b>	365
The new date for project completion is: (Date Adjusted for Re-Design)	March 1, 2024

This CHANGE ORDER is intended to, and the OWNER agrees that it shall, fairly and adequately compensate the CONTRACTOR/CONSULTANT for the extra direct costs (time and materials, etc.) as well as all expenses and damages which may result from any delays, suspensions, stretch-outs, scheduling, inefficiencies and accelerations in the WORK associated with this CHANGE ORDER, and the CONTRACTOR/CONSULTANT releases the OWNER from any claims for such expenses and damages.

This CHANGE ORDER is intended to, and the CONTRACTOR/CONSULTANT agrees that it does, provide the CONTRACTOR/CONSULTANT a reasonable and adequate period of time in which to complete the WORK in accordance with the CONTRACT for establishment of policies, as amended by this CHANGE ORDER, and the CONTRACTOR/CONSULTANT releases the OWNER from any claims for additional time to perform the WORK associated with this CHANGE ORDER.

The Contract Documents may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document. The Contract Documents, including all component parts set forth above, may be executed and delivered by electronic signature by any of the parties and all parties consent to the use of electronic signatures.

### Signatures for Council (Council minutes need to be attached)

IN WITNESS WHEREOF, the parties have caused this instrument to be executed in two (2) original counterparts as of the day and year first above written.

Approved as to Substance	Reviewed as to Legal Form
City Manager	City Attorney
Certification of Contract Funds Availability	Departmental Certification
Director of Finance	Department Director
Purchasing Official	Project Manager

### Certification of Content by Contractor/Consultant

Representative of Contractor/Consultant	Title
---	-------

Additional Approval:

Budget      Supervisor      CPC      Finance

**Cumulative change orders totalling \$364,192 for a total of 117.0%.**

# CHANGE ORDER FORM



## Project Information

Change Order #:	<b>7</b>
Project Name:	<b>O St. and 59th Ave Intersection Improvements Design</b>
Date:	<b>3/15/2023</b>
Project Manager:	<b>Dave Wells</b>

## Change Order Justification

Why was this not in original contract?	The intersection will be re-designed based on value and safety engineering recommendations from City of Greeley staff.
Budget Impact/Funding	This change order will increase the contract amount by \$311,211 and charged to Project #12591.
Impact to project schedule	This change order will increase the project schedule by 1 year. The project has been on hold for several months.
Detailed Explanation Of Change Order	We removed all QL-B SUE work and railroad crossing design. We included fees to update the ROW plans, revise three legal descriptions, and staking of ROW points/lines. It is assumed three review submittals will occur (no 75% set). We added in time to get the project from FOR to Bid, which was not included in the previous versions. We included tasks for QA Inspections RFP prep/update, constructability reviews, and construction schedule preparation based on previous City requests to add this work. The subconsultant fees for the street lighting and landscaping are shown as single line items under the miscellaneous tasks. Minimal updates are being assumed for this fee. No additional traffic analysis is required. No additional railroad work will be required. The speed criteria may preclude passing large vehicles and farm equipment through the roundabout. We will model vehicle passage and discuss the results with the City and get additional direction.



March 3, 2023

Dave Wells, PE  
Project Manager  
City of Greeley Public Works  
1001 9th Avenue  
Greeley, CO 80631

Re: O Street and 59<sup>th</sup> Avenue Intersection Improvements – Change Order Request No. 7  
Additional Services #7 – Final Design Plans and Estimate for Reduced Speed Roundabout

Dear Mr. Wells:

Thank you for the opportunity for JR to provide this change order request for Final Design Plans and Estimate for a Reduced Speed Roundabout at the intersection of O Street and 59<sup>th</sup> Avenue. The intent is to revise the roundabout design to a multi-lane roundabout (striped as a single-lane roundabout initially) with a combined entry and pass-through speed range of 20-25 miles per hour.

This work will involve redesigning the roundabout geometry while utilizing as much of the previous design as possible. The work will include the following:

- 1) Major revisions to the horizontal and vertical layouts to revise the entry and pass-thru speeds,
- 2) Drainage Analysis, utility relocations, street lighting, landscaping, and construction specifications,
- 3) Coordination with utility companies,
- 4) Prepare 15%, FIR, FOR (90%), and final design plans for a Reduced Speed Roundabout,
- 5) Update ROW and legal descriptions for the northeast corner parcel,
- 6) Coordinate and obtain environmental, utility, and right-of-way clearance letters for CDOT,
- 7) Prepare Cost Estimates,
- 8) Constructability reviews, and construction schedule,
- 9) Coordinate w/Olsson on water line design and incorporate it into one bid package,
- 10) Revise RFP for QA inspections.

The total fee for this change order is \$311,211.00. We had an hourly rate increase in 2022, and we are showing our new rates for this change order. Since our original design work has been completed, this is a fair point in this project to ask for a change in our billing rates.

The following provides some of the thoughts that went into preparing this change order request. We are flexible on what work to include in this change order. We are trying to be as comprehensive as we can with our services so that there are no fee issues down the road. We are open to discussing adjusting the scope and fees.

- We removed all QL-B SUE work and railroad crossing design.
- We included fees to update the ROW plans, revise three legal descriptions, and staking of ROW points/lines.
- It is assumed three review submittals will occur (no 75% set).
- We added in time to get the project from FOR to Bid, which was not included in the previous versions.
- We included tasks for QA Inspections RFP prep/update, constructability reviews, and construction schedule preparation based on previous City requests to add this work.
- The subconsultant fees for the street lighting and landscaping are shown as single line items under the miscellaneous tasks. Minimal updates are being assumed for this fee.
- No additional traffic analysis is required.
- No additional railroad work will be required.
- The speed criteria may preclude passing large vehicles and farm equipment through the roundabout. We will model vehicle passage and discuss the results with the City and get additional direction.

If additional information or clarification is needed, please feel free to contact me or Eric.

Respectfully submitted,

JR ENGINEERING, LLC



Daren A. Sterling, PE  
Client Manager

ec: Eric Lee, PE, Project Manager

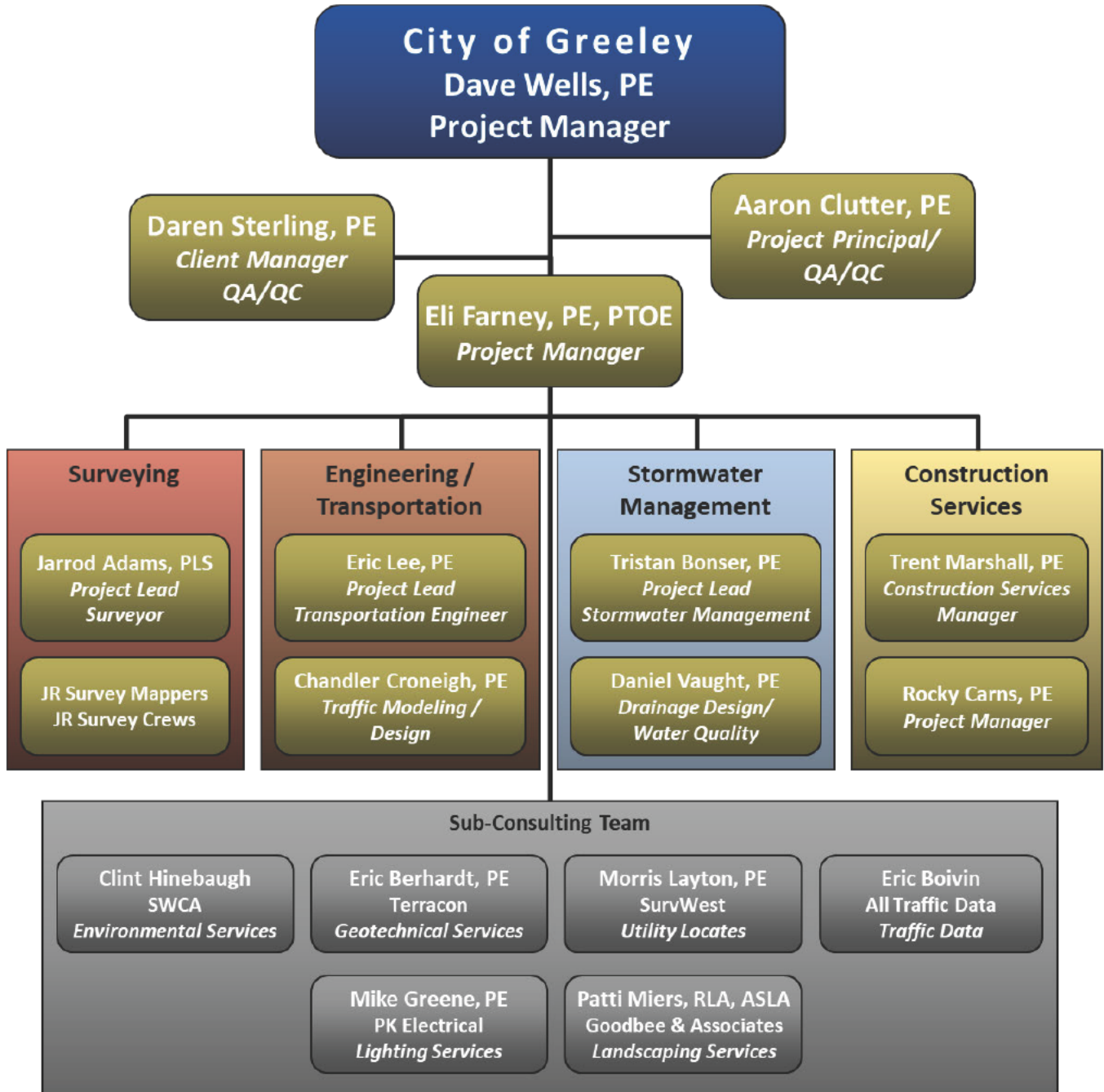
Enclosures:

- Fee spreadsheet
- Project Team



Fee Schedule & Resource Allocation									
City of Greeley - O Street and 59th Avenue Intersection Improvements									
Additional Services #7 - Final Design Plans and Estimate for Reduced Speed Roundabout									
TASKS	WORK ITEM						Sub-Consultant	Direct Expense	Totals
		Manager / Group Lead	Project Lead	Project Engineer/ Surveyor	Engineer/ Surveyor	Two-Man Field Survey			
		\$180	\$160	\$145	\$130	\$170	L.S.	L.S.	
	<b>Additional Services #7</b>								
8000	15% Design Package								
8001	Horizontal Layout of Reduced Speed Roundabout	4.0	24.0		4.0				\$5,080
8002	Verify Vertical Profiles for Revised Roundabout	2.0	8.0						\$1,640
8003	Drainage Analysis for Reduced Speed Roundabout	3.0	6.0		16.0				\$3,580
8004	Prepare 15% Plans for Revised Roundabout (12 Sheets)	2.0	8.0		48.0				\$7,880
8005	Prepare 15% Cost Estimate	1.0	2.0	2.0	8.0				\$1,830
	Subtotal								\$20,010
	<b>Project Management</b>								
8100	Project Management								
8101	Kick-off and Progress Meetings (Assumed 16 Meetings)	64.0		16.0					\$13,840
8102	Attend 30% FIR Meeting + Agenda and Minutes	8.0		4.0					\$2,020
8103	Attend 90% FOR Meeting + Agenda and Minutes	8.0		4.0					\$2,020
8104	Coordination with External Agencies and Utility Providers	16.0		8.0					\$4,040
8105	Project Management	52.0							\$9,360
	Subtotal								\$31,280
	<b>Survey and Utility Mapping</b>								
8200	Survey and Utility Mapping								
8201	Conduct Additional Topographic and Property Survey	4.0		6.0	4.0	8.0			\$3,470
8202	Conduct Additional Staking for ROW Acquisitions	2.0		4.0	4.0	12.0			\$3,500
8203	Collect QL-A Test Holes (15 max) + Traffic Control (SurvWest)						\$35,970		\$35,970
8204	Prepare Test Hole Exhibits and Review Data	8.0		16.0	8.0				\$4,800
8205	Survey Coordination and Data Processing	4.0		6.0	8.0				\$2,630
	Subtotal								\$50,370
	<b>ROW Plans and Legals</b>								
8300	ROW Plans and Legals								
8301	Prepare Legal Description and Exhibit (3 Total)	4.0		6.0	4.0			\$2,100	\$4,210
8302	Prepare CDOT Style ROW Plans	8.0	16.0		8.0				\$5,040
8302	Modify ROW Acquisition Documents per Comments	4.0	16.0		8.0			\$2,100	\$6,420
	Subtotal								\$15,670
	<b>30% Design Documents</b>								
8400	30% Design Documents								
8401	Update Horizontal and Vertical Design per 15% Comments	6.0	24.0		12.0				\$6,480
8402	Title Sheet, Notes, and M&S Standard Plans	0.5		1.0	4.0				\$755
8403	Summary of Approximate Quantities and Tabulation Sheets	1.0		6.0	4.0				\$1,570
8404	Typical Sections	1.0		8.0	16.0				\$3,420
8405	Demolition and Utility Plans	2.0		12.0	16.0				\$4,180
8406	Horizontal Control Plan	0.5		2.0	4.0				\$900
8407	Roadway Plan and Profiles	2.0		24.0	16.0				\$5,920
8408	Intersection Plans	1.0		16.0	12.0				\$4,060
8409	Signage and Striping Plans	1.0		6.0	12.0				\$2,610
8410	Storm Sewer Plans	2.0	8.0	32.0	40.0				\$11,480
8411	Pond and Ditch Plans	2.0	8.0	32.0	40.0				\$11,480
8412	GESD and SWMP Sheets	2.0	4.0	8.0	24.0				\$5,280
8413	Detail Sheets	0.5		2.0	6.0				\$1,160
8414	Prepare 30% Cost Estimate	4.0		12.0	12.0				\$4,020
8415	Prepare 30% Specifications	4.0		4.0					\$1,300
8416	Drainage Report Updates	6.0	8.0	16.0	16.0				\$6,760
8417	Coordinate Water Line Design with Olsson	4.0	2.0	4.0	6.0				\$2,400
	Subtotal								\$73,775
	<b>90% Design Documents</b>								
8500	90% Design Documents								
8501	Address 30% Comments and Prepare 90% Plans	12.0	12.0	80.0	120.0				\$31,280
8502	Prepare 50' Roadway Cross Sections	1.0		12.0	16.0				\$4,000
8503	Traffic Control and Construction Phasing Plans	8.0		24.0	24.0				\$8,040
8504	Prepare 90% Cost Estimate	2.0		8.0	6.0				\$2,300
8505	Prepare 90% Specifications	4.0		2.0					\$1,010
8506	Address 90% Comments and Submit Bid Set	8.0	10.0	60.0	100.0				\$24,740
	Subtotal								\$71,370
	<b>Miscellaneous Tasks and Reimbursables</b>								
8600	Miscellaneous Tasks and Reimbursables								
8601	Mileage							\$1,220	\$1,220
8602	Revise RFP for QA Inspections	6.0		8.0					\$2,240
8603	Two Constructability Reviews + 1 Construction Schedule	8.0		20.0	16.0				\$6,420
8604	Updated Environmental Reporting (SWCA)						\$12,095		\$12,095
8605	Street Lighting Design (PK Electric)						\$11,728		\$11,728
8606	Landscaping Design (Goodbee & Assoc)						\$15,034		\$15,034
	Subtotal								\$48,736
	<b>Total:</b>	282.5	156.0	471.0	642.0	20.0	\$74,826	\$5,420	\$311,211

JR Project Team





## Council Agenda Summary

May 16, 2023

Key Staff Contact: Heidi Leatherwood, City Clerk

### Title:

Public hearing and second reading of an Ordinance amending Title 2, Chapter 10 (Boards and Commissions) of the Greeley Municipal Code designating the City of Greeley website as the official posting site for meeting notices

### Summary:

On May 2, 2023, Council passed the first reading of this ordinance.

The Colorado Open Meetings Act, C.R.S. §24-6-402, includes a requirement that each year the governing body is required to designate public places(s) for posting meeting notices.

Effective July 2019, changes to this law intend local governments to transition away from relying on posting physical notices of public meetings in physical locations and toward posting notices on its public website.

Designating the City of Greeley's (City) meeting portal found at <https://greeley-co.municodemeetings.com/> and posted prominently throughout the City's public website, [www.greeleygov.com](http://www.greeleygov.com), as the official posting location for meeting notices of the Boards and Commissions meets the requirements of the Open Meetings Act and is therefore recommended.

C.R.S. §24-6-402 (2)(c)(III) requires designation of a public location for physical notices in the event of exigent or emergency circumstances that may prevent the public from accessing a notice online.

Greeley Municipal Code Sec. 2-553 designates both entrances to City Hall as the official posting sites for physically posting meeting notices for Council's appointed Boards and Commissions. With the remodel of City Hall completed in 2020, there are no longer physical bulletin boards accessible to the public at the building entrances. For the purpose of designating a backup physical location for posting, electronic monitors located in the public lobby of City Hall is recommended.

Monitors have been installed in the City Hall lobby, in addition to similar displays existing in other City facilities. The City Clerk's Office has worked with the Facilities Division of the Public Works Department to ensure that all Boards and Commissions meeting notices are being posted on the City Hall monitor. In addition, a hard copy of the agendas will be located on the City Clerk's counter in the main lobby.

**Legal Issues:**

Consideration of this matter is a legislative process.

**Other Issues and Considerations:**

Posting a site designation is required under the Colorado Open Meetings Act.

**Strategic Focus Area:**



**High-Performance Government**

**Decision Options:**

- 1) Adopt the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

**Council's Recommended Action:**

A motion to adopt the ordinance and publish with reference to title only.

**Attachments:**

Ordinance with Appendix A  
Appendix B  
B&C Posting Sites Presentation

**CITY OF GREELEY, COLORADO  
ORDINANCE NO. 18, 2023**

**AN ORDINANCE AMENDING SECTION 2.553 OF THE GREELEY  
MUNICIPAL CODE RELATING TO THE OFFICIAL POSTING SITE  
FOR BOARDS AND COMMISSIONS MEETING NOTICES**

WHEREAS, the Colorado Open Meetings Act, C.R.S. §24-6-402, includes a requirement that each year the governing body is required to designate public places(s) for posting meeting notices; and

WHEREAS, effective July 2019, changes to this law intend local governments to transition away from relying on posting physical notices of public meetings in physical locations and toward posting notices on its public website; and

WHEREAS, designating the City of Greeley's (City) meeting portal found at <https://greeley-co.municodemeetings.com/> and posted prominently throughout the City's public website, [www.greeleygov.com](http://www.greeleygov.com), as the official posting location for meeting notices of the Boards and Commissions meets the requirements of the Open Meetings Act; and

WHEREAS, C.R.S. §24-6-402 (2)(c)(III) requires designation of a public location for physical notices in the event of exigent or emergency circumstances that may prevent the public from accessing a notice online; and

WHEREAS, Greeley Municipal Code Sec. 2-553 designates both entrances to City Hall as the official posting sites for physically posting meeting notices for Council's appointed Boards and Commissions; and

WHEREAS, with the remodel of City Hall completed in 2020, there are no longer physical bulletin boards accessible to the public at the building entrances; and

WHEREAS, for the purpose of designating a backup physical location for posting, the electronic monitors located in the public lobby of City Hall is recommended; and

WHEREAS, monitors have been installed in the City Hall lobby, in addition to similar displays existing in other City facilities; and

WHEREAS, the City Clerk's Office has worked with the Facilities Division of the Public Works Department to ensure that all Boards and Commissions meeting notices are being posted on the City Hall monitor. In addition, a hard copy of the agendas will be located on the City Clerk's counter in the main lobby.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY,  
COLORADO:**

Section 1. That Section 2-553 contained in Chapter 10, Boards and Commissions, of Title 2, Administration and General Government, of the Greeley Municipal Code shall be amended as shown in Appendix A.

Section 2. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

**PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS \_\_\_\_ DAY OF MAY, 2023.**

**ATTEST:**

**THE CITY OF GREELEY, COLORADO**

**By:** \_\_\_\_\_  
**City Clerk**

**By:** \_\_\_\_\_  
**Mayor**

**APPENDIX A**  
**ORDINANCE AMENDING SECTION 2.553 OF THE GREELEY  
MUNICIPAL CODE RELATING TO THE OFFICIAL POSTING SITE  
FOR BOARDS AND COMMISSIONS MEETING NOTICES**

Section 2-553 contained in Chapter 10, Boards and Commissions, of Title 2, Administration and General Government, of the Greeley Municipal Code, shall be amended to read as follows:

**Sec. 2-553. – Powers and duties.**

- (a) Annually each board shall select from its membership appointed by the city council, a chair and vice chair, and establish its own rules of procedure not in conflict with the city Charter or laws and ordinances of the city.
- (b) Each board may establish subcommittees or invite any number of nonvoting, ex officio members to participate in meetings or assist in carrying out its responsibilities.
- (c) Proceedings shall be conducted in accordance with Robert's Rules of Order.
- (d) With openness and accessibility being addressed in state law as well as council's goals, each board shall notify the public of meetings to be held by posting meeting notices ~~at both entrances to city hall~~ prominently throughout the City's public website as well as in the public lobby of City Hall Additionally, records of board meetings and actions shall be open and accessible to the public pursuant to the Colorado Open Records Act.

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**Sec. 2-553. Powers and duties.**

- (a) Annually each board shall select from its membership appointed by the city council, a chair and vice chair, and establish its own rules of procedure not in conflict with the city Charter or laws and ordinances of the city.
- (b) Each board may establish subcommittees or invite any number of nonvoting, ex officio members to participate in meetings or assist in carrying out its responsibilities.
- (c) Proceedings shall be conducted in accordance with Robert's Rules of Order.
- (d) With openness and accessibility being addressed in state law as well as council's goals, each board shall notify the public of meetings to be held by posting meeting notices at both entrances to city hall. Additionally, records of board meetings and actions shall be open and accessible to the public pursuant to the Colorado Open Records Act.

(Prior Code, § 2-10.1(b); Code 1994, § 2.30.020; Ord. No. 70, 2002, § 1, 12-17-2002)





# Boards & Commission Posting Sites

Heidi Leatherwood, City Clerk



# Code Update

- Procedural code update for consistency with the City Council meeting posting site
- Official posting site is the Greeleygov website with back up notices on the monitor at City Hall, and complimentary hard copies at the City Clerk window

Got  
Meeting  
Notices?

Greeleygov.com

Questions?



# Council Agenda Summary

May 16, 2023

Key Staff Contact: John Karner, Finance Director

**Title:**

Public hearing and second reading of an Ordinance amending the Greeley Municipal Code to create a new Article and Chapter under Title 6, Revenue & Finance, Chapter 16 - Grants

**Summary:**

As the City grows, the amount of grant opportunities available to the City has significantly increased in both dollar amount and frequency. To streamline the grant acceptance process, staff have proposed a change to existing code on the appropriation requirements for grants valued under \$500,000. This ordinance will allow for revenues from a grant <\$500,000 to be treated as custodial funds and allow the City Manager or his/her delegate to accept grants <\$500,000 and expend these funds without a separate appropriation approval from City Council. This process will significantly reduce the number of supplemental appropriations made during a fiscal year. The Department of Finance will provide a quarterly report on grant funds received through this new process and post such reports on the City’s website.

Grants greater than \$500,000 or, in combination with other grants received from the same source for the same project or program in the preceding year, will be subject to City Council approval and will require appropriation. Grants that require a matching contribution by the city in the form of an expenditure for which a budget and appropriation has not previously been approved by City Council approval will continue to require a separate appropriation, regardless of the amount of the matching contribution.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	N/A

**Legal Issues:**

Grant monies shall be deposited into the treasury of the city and credited to the appropriate fund. Upon closing of the grant, any remaining balance shall be closed as prescribed by the Director of Finance. Any unexpended funds shall be transferred to those specific funds which supported the grant administration; however, if the terms of the grant will require other treatment, an ordinance closing such grant will direct the unexpended funds.

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff

- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

**Other Issues and Considerations:**

If the item is not approved, the current procedure will continue requiring several budget amendments during the year.

**Strategic Focus Area:**



**Business Growth**



**Community Vitality**



**High-Performance Government**



**Housing for All**



**Infrastructure and Mobility**



**Quality of Life**



**Safe and Secure Communities**

**Decision Options:**

- 1) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

**Council's Recommended Action:**

A motion to adopt the ordinance and publish with reference to title only.

**Attachments:**

Ordinance

PowerPoint Presentation

**CITY OF GREELEY, COLORADO  
ORDINANCE NO. 19, 2023**

**AN ORDINANCE AMENDING TITLE 6 OF THE GREELEY MUNICIPAL  
CODE RELATING TO REVENUE & FINANCE: ADDING  
A NEW CHAPTER 16 GRANTS**

WHEREAS, the City of Greeley, Colorado, (the "City"), is a home rule municipality, organized and existing under Article I, Section 6 of the Colorado Constitution; and

WHEREAS, pursuant to Article I, Section 6 of the Colorado Constitution, the right to enact, administer and enforce received grant revenue is within the constitutional grant of power to the City and is necessary to record revenue received with which to conduct the affairs and render the services performed by the City; and

WHEREAS, this ordinance amends the Greeley Municipal Code to create a new Article and Chapter under Title 6, Revenue & Finance, Chapter 16

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY,  
COLORADO:**

Section 1: That Chapter 16 of Title 6 of the Greeley Municipal Code be amended to add a new Article I to read as:

**ARTICLE I. GRANTS**

**Sec.6-1017 Title**

This Article I shall establish and be known as the City of Greeley's Grants.

**Sec. 6-1018 Purpose.**

Revenues from any grant shall be treated as custodial funds of the city to be expended exclusively for the purpose of carrying out the project or program for which the grant was given and shall not be subject to appropriation.

**Sec. 6-1019 Definitions.**

As used in this Article I, the following phrases shall have the following meanings unless the context clearly indicates another meaning:

- a. The term "grant" shall mean any discretionary disbursement to the city by any public or private entity to support a specific project or program of the city. The term "grant" shall not include any payment made to the city in consideration for services or work performed by the city on behalf of another entity.

## **Sec. 6-1020 Approval of Grants**

- a. Approval of the council shall be required prior to the acceptance of any grant by the city or by any department or agency thereof if:
    1. The Grant is for a dollar amount more than five hundred thousand dollars (\$500,000.00) or, in combination with other grants received from the same source for the same project or program in the preceding year, will cause the total amount received to exceed five hundred thousand dollars (\$500,000.00).
    2. The Grant specifically requires a matching contribution by the city in the form of an expenditure for which a budget and appropriation has not previously been approved by the council, regardless of the amount of the matching contribution; or
    3. Council approval of the Grant has been required as provided in subsection (c) of this section.
    4. Council approval of the Grant is required by any other section of this code.
  - b. A quarterly report submitted to the City Manager's Office by the Director of Finance, shall clearly delineate the grant applications that have been added and grant applications in progress since the last quarterly report. The report shall include for each grant application listed therein the name of the grant program, the source of the proposed grant, the requested amount of the grant, a brief description of the purpose for which the grant is sought, and a departmental contact with knowledge of the grant application.
  - c. Council approval shall not be required for a time extension or other amendment of any contract or other instrument accepting a grant as previously approved by council unless the amendment changes the purpose of the grant or requires council approval under any other law.
  - d. The revenues from any Grants shall be treated as custodial funds of the city to be expended exclusively for the purpose of carrying out the project or program for which the grant was given and shall not be subject to appropriation. These revenues shall be deposited into the treasury of the city and credited to the appropriate fund.
  - e. Upon closing of the grant, any remaining budget balance shall be closed as prescribed by the Director of Finance and any unexpended funds shall be transferred to those specific funds which supported the grant administration; however, if the terms of the grant will require other treatment, an ordinance closing such grant will direct the unexpended funds. The Director of Finance shall make such book and record entries and do such other things as may be necessary to effectuate the requirements of this section.
-

Section 2: This ordinance shall become effective on the first day of the month that is at least thirty (30) days after date of its adoption.

**PASSED AND ADOPTED, SIGNED AND APPROVED THIS \_\_\_\_\_ DAY OF MAY, 2023.**

**ATTEST:**

**CITY OF GREELEY, COLORADO**

**By: \_\_\_\_\_**  
**City Clerk**

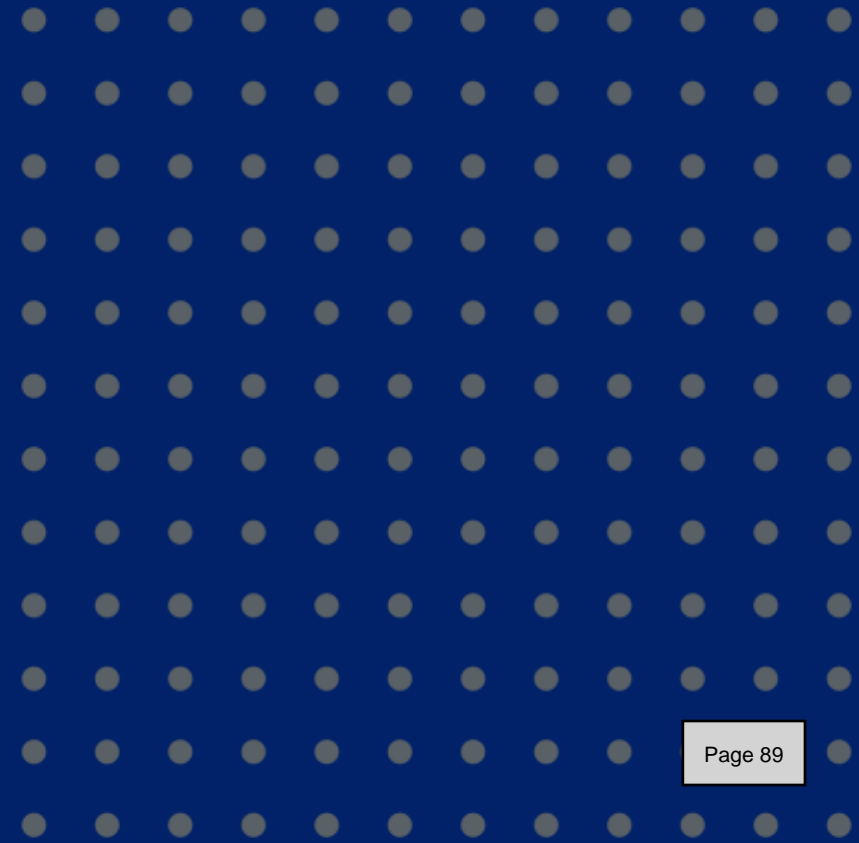
**By: \_\_\_\_\_**  
**Mayor**



# Grant Ordinance

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2nd Reading  
May 16, 2023



# Definition of a Grant



- The term "grant" *shall* mean any discretionary disbursement to the city by any public or private entity to support a specific project or program of the city.
- The term "grant" *shall not* include any payment made to the city in consideration for services or work performed by the city on behalf of another entity.

# Background

## Background of Proposal

- City's growth has allowed for broader and more frequent grant opportunities. Greeley has resulted in an increase in grant awards in both dollar and frequency.
- City growth has added higher demands for Council input and review.
- Finance staff continuously explores opportunities to streamline processes that maintain transparency and reporting of City funds and expenditures.

## Current Grant Approval Process

- City code requires all grant revenue to be appropriated by City Council prior to expending grant funds.
- Grants the City receives that are unable to be incorporated within the existing annual budget appropriation require supplemental appropriation be approved by ordinance and requires two readings by Council.

# Proposed Process for Grants <\$500,000

- Grant revenues under \$500,000 shall be treated as custodial funds and not be subject to appropriation by City Council, but will be considered appropriated upon receipt.
- City Council authorizes the City Manager or his/her delegate to administer Grants received.
- Finance Department shall provide a quarterly report to the City Manager's Office that identifies grant applications that have been added to the City's budget through the custodial fund process, as well as grant applications in progress.
- Finance Department will post quarterly report on City website along side annual budget documentation.

# Proposed Process for Grants >\$500,000

Council will continue to appropriate through existing ordinance process in following scenarios:

1. Grants that are >\$500,000
2. Grants that require matching contribution by the City in the form of an expenditure for which a budget and appropriation has not previously been approved by the council, regardless of the amount of the matching contribution.

# Benefits of Proposal and Next Steps

## Benefits of Proposal

- Streamline approval process and ability of City to accelerate grant funded projects/services.
- Reduces administrative demand for Council agenda/meetings.
- Maintains transparency and reporting to Council and public on grant receipts and expenditures through open reporting and in the City's annual financial statement.

## Next Steps

- Pending adoption, grants received post approval will follow new process starting this month.
- First quarterly report on grants received <\$500,000 will be submitted to CMO office and posted on City website on June 1, 2023.

# Questions?



# Thank you

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# Council Agenda Summary

May 16, 2023

Key Staff Contact: Heidi Leatherwood, City Clerk

**Title:**

Appointment of applicants to the Commission on Disabilities, Construction Trades Advisory & Appeals Board, and the Youth Commission.

**Summary:**

Council appointment is needed to the above-mentioned Boards and Commissions due to vacancies and term expirations. City staff continues to actively recruit to fill all other vacant positions

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	N/A
Is there grant funding for this item?	N/A

**Legal Issues:**

The City Attorney’s Office reviewed the applications and advised of potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from servicing on a Board or Commission in general, just that particular agenda item.

**Other Issues and Considerations:**

None.

**Strategic Focus Area:**



**Community Vitality**

**Decision Options:**

- 1) Appoint or reappoint the individuals to serve on applicable board or commission.
- 2) Direct staff to re-advertise applicable vacancy

**Council's Recommended Action:**

No motion is necessary. The City Council's Policies and Protocol authorize appointment of Board and Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments. This policy was adopted by Council as a time-savings measure. Accordingly, a ballot is attached for Council's use in making appointments. Candidates receiving a majority vote (at least 4 votes) are appointed with no further action needed by Council.

**Attachments:**

May 2023 Boards and Commissions Transmittal Summary  
Ballot

# Boards & Commissions Transmittal

May 5, 2023

Key Staff Contact: Allie Powell, Senior Assistant City Clerk, 350-9746

Interview Date

May 9, 2023

Council Interview Team

Councilmembers Clark & Olson

Council Appointment Date

May 16, 2023

Boards and Commissions Being Interviewed

- **Commission on Disabilities**
- **Construction Trades Advisory & Appeals Board**
- **Youth Commission**

Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol)

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective

Infrastructure & Growth – Establish the capital & human infrastructure to support & maintain a safe, competitive, appealing, and dynamic community.

Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by:  Raymond Lee, City Manager  Heidi Leatherwood, City Clerk  
City Council Agenda - City of Greeley, Colorado



Applicants for the boards and/or commissions listed below are in alphabetical order and recommendations from the interview team are shown in bold.

\*\*\*\*\* BALLOT \*\*\*\*\*

<b>Commission on Disabilities</b>	
<i>1 Position: 3 Year Term, 2 Term Limit</i>	
<input type="checkbox"/>	Vanessa Valenciano
<input type="checkbox"/>	(Recruit for Additional Applicants)

<b>Construction Trades Advisory &amp; Appeals Board</b>	
<i>4 Positions: 3 Year Term, No Term Limit</i>	
<input type="checkbox"/>	David Powell (I)
<input type="checkbox"/>	Don Hobart (I)
<input type="checkbox"/>	Jay Jensen
<input type="checkbox"/>	(Recruit for Additional Applicants)

<b>Youth Commission</b>	
<i>5 Positions: 2 Year Term, 2 Term Limit</i>	
<input type="checkbox"/>	David Andersen (I)
<input type="checkbox"/>	Diana Calhoun (I)
<input type="checkbox"/>	Jordan Navarro
<input type="checkbox"/>	Joshua Rascon
<input type="checkbox"/>	(Recruit for Additional Applicants)

(I) = Incumbent



## Council Agenda Summary

**Title:**

Scheduling of Meetings, Other Events

**Summary:**

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Planning Calendar and Schedule for City Council Meetings and Work Sessions and make any necessary changes regarding any upcoming meetings or events.

**Attachments:**

Council Meetings and Other Events Calendars

Council Meeting and Work Session Schedule/Planning Calendar

# May 15, 2023 - May 21, 2023

May 2023							June 2023							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	
28	29	30	31				25	26	27	28	29	30		

## Monday, May 15

**3:00pm - 4:30pm CML Spring Outreach Meeting- Greeley** (Greeley Recreation Center, 651 10th Ave., Room 101AB) - Council Master Calendar

## Tuesday, May 16

**3:00pm - 4:00pm Sergeant Dennis Lobato #202 Retiring** (Greeley Police Department; Donahue Room) - Council Master Calendar

**6:00pm - City Council Meeting** (R\_CCS\_Council Chambers - WiFi Ready; R\_CCS\_Council Chambers Overflow Room 103) - Council Master Calendar ↻



## Wednesday, May 17

**7:30am - Visit Greeley (Butler)** ↻

**2:00pm - 5:00pm Water & Sewer Board (Gates)** ↻

## Thursday, May 18

**7:30am - 8:30am DDA (DeBoutez/Butler)** ↻

**3:30pm - 4:30pm Airport Authority (Clark/Payton)** ↻

## Friday, May 19

## Saturday, May 20

**11:00am - 11:30am Armed Forces Day Celebration** (Bittersweet Park)

## Sunday, May 21

# May 22, 2023 - May 28, 2023

May 2023							June 2023							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	
28	29	30	31				25	26	27	28	29	30		

## Monday, May 22

- 11:30am - 12:30pm Greeley Chamber of Commerce (Hall) ↻
- 6:00pm - 7:00pm Youth Commission (Clark) ↻

## Tuesday, May 23

- 6:00pm - City Council Work Session Meeting (R\_CCS\_Council Chambers - WiFi Ready) - Council Master Calendar ↻



## Wednesday, May 24

- 3:00pm - 4:00pm Deputy Chief Rafael Gutierrez Retirement (Greeley Police Department; Donahue Room) - Council Master Calendar

## Thursday, May 25

- 3:00pm - 5:00pm Save-the-Date: 4P Meeting w/ Weld County - Option #1 (Weld County Admin Bldg, 1150 O Street, Greeley, CO) - Council Master Calendar

## Friday, May 26

## Saturday, May 27

## Sunday, May 28

# May 29, 2023 - June 4, 2023

May 2023							June 2023							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	
28	29	30	31				25	26	27	28	29	30		

## Monday, May 29

## Tuesday, May 30

6:00pm - 6:30pm (No Council Meeting - 5th Tuesday)

## Wednesday, May 31

7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar

3:00pm - 4:00pm Celebratory Swearing in of New Officers (Greeley Police Department; Donahue Room) - Council Master Calendar

## Thursday, June 1

7:30am - Poudre River Trail (Hall)

3:30pm - IG Adv. Board (Butler)

6:00pm - 8:30pm North Front Range MPO Meeting (Olson/Payton)

## Friday, June 2

## Saturday, June 3

## Sunday, June 4




# June 5, 2023 - June 11, 2023

June 2023							July 2023						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

**Monday, June 5**

**Tuesday, June 6**

**6:00pm - 6:30pm City Council Meeting** (R\_CCS\_Council Chambers - WiFi Ready; R\_CCS\_Council Chambers Overflow Room 103) - Council Master Calendar 



**Wednesday, June 7**

**Thursday, June 8**

**Friday, June 9**

**Saturday, June 10**

**Sunday, June 11**

## City Council Meeting Scheduling 2023

5/9/2023			
This schedule is subject to change			
Date/Type	Description	Sponsor	Placement/Time
23-May-23 Council Work Session	Traffic Technology Update	Adam Turk/Paul Trombino	
	Hillside Tunnel Update	Paul Trombino	
6-Jun-23 Council Meeting	Proclamation - Juneteenth	Mayor	Intro
	Proclamation - PFLAG/Pride Month	Mayor Intro	
	Minutes Approval (5/9/23 Work Session; 5/16/23 Council Meeting)	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Adoption of Integrated Water Resources Maser Plan (IWRP)	Sean Chambers	Consent
	Consideration of a Resolution - Seeley 1-5 Annexation	Doug May	Consent
	Consideration of a Resolution - IGA w/CDOT for Signs, Markings and Signals	Paul Trombino	Consent
	Consideration of a Resolution - Amending the Lease Agreement with TPL re Shurview Lease Purchase Agreement	John Dargle	Consent
	Resolution and IGA w/State of Colorado on SUTS collection system	John Karner	Regular
13-Jun-23 Council Work Session	PH & 2nd Rdg Ord - Code Amendment to allow SUTS collection system	John Karner	Regular
	Homelessness - Point-in-Time numbers	Juliana Kitten	
	Homelessness - Strategic Plan Update	Juliana Kitten	
	Greeley/Weld County - Community Health Survey	Juliana Kitten	
20-Jun-23 Council Meeting	Proclamation - Parks & Recreation Month	Mayor	Intro
	Proclamation - Greeley Stampede	Mayor	Intro
	Minutes Approval (5/23/23 Work Session; 6/6/23 Council Meeting)	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Seeley 1-5 Zoning	Doug May	Consent
	Intro & 1st Rdg Ord - Seeley 1-5 Annexations	Doug May	Consent
	PH & 2nd Rdg Ord -Adoption of Integrated Water Resources Master Plan (IWRP)	Sean Chambers	Regular
	Authorization to Acquire Real Property by Purchase or Exercise of Eminent Domain (C Street - 59th Ave. to 66th Ave.)	Paul Trombino	Regular
Boards & Commissions Appointments	Heidi Leatherwood	Regular	



## Council Agenda Summary

**Title:**

Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

**Council's Recommended Action:**

A motion to approve the above authorizations.