

Greeley City Council Agenda

Tuesday, February 21, 2023, Regular Meeting; 6 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. Meeting agendas, minutes, and archived videos are available on the City's meeting portal at 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



Written comments can be mailed or Dropped off at the City Clerk's office at City Hall, at 1000 10th 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

February 21, 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. Initiatives from Mayor and Councilmembers
8. Reports from Mayor and Councilmembers

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.

9. Consideration of a motion to approve the City Council Work Session Proceedings of January 24, 2023, and the City Council Proceedings of February 7, 2023
10. Consideration of a Resolution Authorizing the City to Enter into the First Amendment to the Intergovernmental Agreement for Potable Water Interconnect with North Weld County Water District and East Larimer County Water District
11. Consideration of a Resolution appointing Keith Coleman and Diane Knutson as Assistant Municipal Judges and Assistant Liquor Licensing Hearing Officers for the City of Greeley, Colorado

- [12.](#) Introduction and first reading of an Ordinance amending Title 24 of the Greeley Municipal Code by repealing Title 2, Chapter 9 (Metropolitan Districts) and enacting Title 24, Chapter 12 (Metropolitan Districts) and making amendments thereto

End of Consent Agenda

- [13.](#) Pulled Consent Agenda Items
- [14.](#) Public hearing and second reading of an Ordinance amending Title 24 of the City of Greeley Municipal Code to update the allowance for childcare centers/preschools and make various revisions and clarifications to development requirements
- [15.](#) Public hearing and second reading of an Ordinance amending Title 12, Chapter 7 of the Greeley Municipal Code relating to vacant and abandoned buildings
- [16.](#) Appointment of applicants to the Citizen Budget Advisory Committee, Golf Course Advisory Board, Parks and Recreation Advisory Board, and Stormwater Board
- [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.](#) 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
- [20.](#) Consideration of a motion to go into Executive Session for the purpose of completing the annual performance review of the City Council Appointees – City Manager, City Attorney and Municipal Judge
21. Adjournment



Council Agenda Summary

Title

Recognitions and Proclamations

Summary

Mayor Gates will present a proclamation for Youth Art Month

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

Attachments

Youth Art Month Proclamation

What's Great about Greeley Report



YOUTH ART MONTH 2023

WHEREAS, art education gives powerful educational benefits to all students; and

WHEREAS, art education develops creative problem solving, critical thinking, and brings to life what students learn in other subjects; and

WHEREAS, art education teaches sensitivity to beauty, order, and an understanding of world cultures; and

WHEREAS, in recognition of Youth Art Month, Greeley/Evans Art Educators from Kindergarten to College have partnered with the Greeley Creative District, the City of Greeley, the Downtown Development Authority, and area businesses to display student artwork at various businesses located from the UNC campus to Downtown during the month of March; and

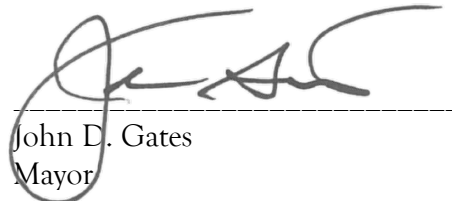
WHEREAS, parents, family, community members and other artists are encouraged to participate in First Friday receptions on March 3rd throughout this art corridor to view this impressive body of artwork and performances to support these young artists as guided by their art educators; and

WHEREAS, the Greeley Art Commission also commemorates this month by distributing a custom coloring book with illustrations representing the City's Public Art Collection, and

WHEREAS, March is observed throughout the nation as Youth Art Month.

NOW, THEREFORE, I, John D. Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado, do hereby proclaim March 2023, as Youth Art Month in the City of Greeley and urge all citizens to support quality school art programs for our children and our youth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 21st day of February 2023.


John D. Gates
Mayor



City Council Meeting
February 21, 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

BizWest Honors ‘Top 50 Most Influential Business Leaders for 2023’

- Bianca Fisher, Downtown Development Authority
- Jamie Henning, Greeley Area Chamber of Commerce
- Kristin Todd, Community Foundation of Northern Colorado
- Brent Coan, Coan, Payton & Payne



MOST-INFLUENTIAL



BUSINESS LEADERS

UNC's First Generation and Underrepresented Students to Benefit from New Scholarship

- Funding through the Colorado Housing and Finance Authority's 'Building the Future Scholarship' fund.
- One of seven Colorado universities
- UNC to receive \$10,000 annually from 2023-2032



Greeley West's Kourtney Smith Named 4A Northern Conference Swimmer of the Year

- Coach Colin Shaha named 4A Northern Conference Coach of the Year
- Girls Swimming and Diving team undefeated during regular season dual meets



Councilmember Johnny Olson Appointed to Transportation and Infrastructure Services Committee

- Committee shapes NLC's policy positions
- Advocates on behalf of America's cities, town, and villages before Congress and with President's administration





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.

CITIZEN INPUT
February 21, 2023 Council Meeting

From: Richard Mata [REDACTED]
Sent: Friday, February 17, 2023 3:02 PM
To: CityClerks <CityClerk@Greeleygov.com>
Subject: [EXTERNAL] Safety for our kids

Good evening council , I would ask you to please add a speed bump or a stop sign on 3rd st between 9th ave and 11th ave right on 10th ave due to the excessive

speed. Other citizens use it as a means to get from 11th ave to 8th ave with one stop sign on 9th ave and they speed very quickly many times a day to avoid the lights on 5th st and the stop sign on 4th st . Also there has been a skate park added to the corner of 11th ave and 3rd st with many children attending the skate park and it is my concern that one of these children sooner or later may be hurt or even worse because of careless and or young drivers speeding to get to their destination.It is worse in the summer when the children are out of school,but does happen all year round. I believe a speed bump would be more effective due to the rolling through stop signs. I do have a camera in my front yard that saves up to three days of footage if more proof is needed .Thank you for your time,Kind regards Richard.

--

Richard Mata

CAUTION: This email is from an external source. Ensure you trust this sender before clicking on any links or attachments.



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	Pending outcome of federal grant application submitted	Report to Council early 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.	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 report to Council on Improvements in early 2023	Paul Trombino
10-2022	Butler	Review costs and strategies to live stream Planning Commission and Water Board meetings for public and Councilmembers	June 7, 2022 Council Meeting	Asked staff to investigate the cost of live streaming Planning Commission and Water and Sewer Board meetings and return to Council with findings	Additional technology costs ~ \$15,000. Parts are backordered, eta approx. mid-January. Anticipate additional operation costs to include 1 add'l staff at each B&C meeting to accommodate hybrid meeting. Assessing costs related to staffing, overtime expenses or other flexible staff options. Some testing has occurred for broadcasting of meetings. Additional equipment testing will be done once equipment is received. Staff will identify long-term operational impacts at that time.	Anticipated report to Council 1st Qtr 2023	Kelli Johnson
12-2022	Butler	Varying Boards & Commissions meeting times	September 6, 2022 Council Meeting	Asked staff to research the ability for alternative meeting times for Boards & Commissions to increase community engagement and recruitment	CCO survey to Boards due back 12/16. Gathering feedback and will work with CMO on how to deliver to Council. Request to share data of B&C survey with ELT prior to a Work Session. Could be coupled with 10-2022 at a single WS	Report to Exec. Team and Council/1st Qtr 2023	City Clerk's Office
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	Neighborhood meeting scheduled for 1/25/23 5:30 - 7:00 pm at Jackson Elementary.	Report to Council between 3/25/23 and 4/25/23	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.	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.	Work Session report/CMO recommendation on neighborhood issues and technological options	Adam Turk/Paul Trombino

Item No. 7.

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 to work with C&E to gather statistical information for report.	Work Session Report	City Clerk's Office/Communication & Engagement
02-2023	Hall	Letter received from Governor Polis regarding proposed land use legislation	January 24, 2023 Council Work Session	Request Staycie Coons work with CAO to draft letter of response to Governor Polis on proposed legislation regarding housing matters in Colorado	CAO to work with Staycie Coons in CMO to draft letter	CMO report to Council	CMO/CAO
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	CCO/CAO to come back to Council at a work session regarding the process	CCO/CAO report to Council	CCO/CAO



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:

Consideration of a motion to approve the City Council Work Session Proceedings of January 24, 2023, and the City Council Proceedings of February 7, 2023

Summary:

A work session of the City Council was held in the City Council's Chambers on January 24, 2023. A meeting of the City Council was held in the City Council's Chambers on February 7, 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 Council meeting as presented; and/or
- 2) To approve the proceedings of the Council work session as presented; or
- 3) Amend the Council meeting proceedings, if amendments or corrections are needed, and approve as amended; and/or
- 4) Amend the Council work session proceedings, if amendments or corrections are needed, and approve as amended.

Council's Recommended Action:

A motion to approve the City Council Work Session proceedings and City Council proceedings as presented (or amended).

Attachments:

Draft Council work session proceedings of January 24, 2023

Draft Council meeting proceedings of February 7, 2023

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
January 24, 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 Olson reported that the legislative breakfast was a success and commended City Manager, Raymond Lee, and Stacye Coons, Governmental Affairs Officer, for their efforts.

Councilmember Hall discussed opposition to an initial proposal to have a “certificate of zoning” from the State level. Council expressed support on responding to the proposal with a letter to the Governor. Stacye Coons will draft a letter and work with the City Attorney’s Office to circulate for council review.

5. Updates: Enterprise Resource Planning (ERP) and Financial Audits (2021, 2022, 2023)

ERP

Chief Information Officer, Bret Naber and Senior Project Manager/Information Technology, Krystal Dilka shared a presentation at 6:12 p.m.

Ms. Dilka presented the phases of the project. Phase 1 addressed the most critical issues such as payroll stabilization, better employee experience, error resolutions, improved reporting, essential review, license assessment, and project management oversight.

Phase 2 included configuration and system error, reconciliation, support structure, self-service features, reporting dashboard functionality, and compensation/class activities.

Councilmember DeBoutez asked if staffing shortages were an issue. In response, Ms. Dilka responded that staffing resources were an issue due to turnover. Deputy City Manager, Paul Fetherston added that additional staffing will be needed for the critical function of payroll.

Mayor Gates acknowledged the team's efforts, knowing there is still work to do, and he is pleased with the progress.

Audits

Finance Director John Karner, and Deputy Finance Director Tammy Hitchens updated Council on the status of the 2021 Audit. The City was notified that in accordance with Colorado statutes (a) the State of Colorado will withhold specified grant funding; and (b) Weld County will withhold property tax payments an audited financial audit is submitted to the State.

Ms. Hitchens spoke on the timeline and efforts to get back on track in future years. The City's external auditor is in the process of completing the audit of the City's 2021 financials. The goal is to have the audit out and approved by the end of February/early March. The audit for 2022 will begin immediately, anticipating that data would be caught up by July.

Councilmember Clark inquired about the City's ratings. In response, Mr. Karner replied that he has been in contact with the ratings agency. The City does not expect an impact on ratings.

Councilmember DeBoutez and Mayor Gates acknowledged the team's efforts and thanked the team for their hard work.

6. Overview of "Cigar Bar" Legislative Options

Interim Community Development Director, Becky Safarik, led a presentation on this item at 6:41 p.m.

Brad Inhulsen was interested in a venue to smoke cigars and consume incidental refreshments. He asked that Council consider a change of regulation, as the Greeley Municipal Code bans smoking in public places.

Proceeding with this request would involve an ordinance change in one of the following ways:

1. Amend Sec. 12-153. - Ban on smoking to provide an exception for Private Smoking Clubs
2. Provide a definition of a Private Smoking Club
3. Assign the land use category for this land use, including any further conditions associated with such a club.

City Attorney Doug Marek advised there is a State overlay of the indoor air quality act which specifically applies to home rule municipalities. In 2013 similar proposals for hookah bars were considered.

Mayor Gates allowed Brad Inhulsen to comment briefly to Council.

Councilmember Butler emphasized the importance of including some regulation requirements.

Councilmember DeBoutez inquired as to why this can't be at his own residence, and she asked if he intended to have employees. In response, Mr. Inhulsen expressed that his private residence is not an option. He has not considered employees at this time, as he preferred not to invest time and money into an idea that the Council may oppose.

Ms. Safarik expressed that the next steps, if Council were to consider pursuing this proposal, was to clarify the Health Department's position, and the statutory community to confirm there aren't any limitations. Mr. Marek advised that there are limitations, specifically pertaining to employment.

Council consensus was to proceed with research for the private club option.

7. Scheduling of Meetings, Other Events

None.

Mayor Gates reminded Council that there will not be a Council Meeting next Tuesday, as it is the fifth Tuesday of the month.

8. 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.

Councilmember Olson made the motion to go into Executive Session, seconded by Councilmember Butler. The motion carried 7-0 at 7:04 p.m.

Council will not return to the open meeting and therefore will adjourn and go into executive session.

9. Adjournment

Mayor Gates adjourned the meeting at 7:05 p.m. and went into Executive Session.

At 7:11 p.m. Mayor Gates, made record as required by Open Meetings Law and noted that the session was being electronically recorded, except during Attorney-Client privilege.

Present for participation in the Executive Session were all members of Council, City Attorney Doug Marek, City Manager Raymond Lee, Fire Chief Brian Kuznik, and Director of Human Resources Noel Mink. Deputy City Manager Paul Fetherston joined at 7:14 p.m.

The Executive Session was for the following purpose: To confer with the City Attorney to receive legal advice and to determine positions, develop strategies, and provide instructions to negotiators regarding collective bargaining, as provided in C.R.S. 24-6-402(4)(b) and 24-6-402(4)(e)(I), and Greeley Municipal Code 2-151(a)(2) and 2-151(a)(5).

The City Attorney cautioned each participant to confine discussion to the stated purpose and reminded that no formal action may occur during the 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 recording resumed at 7:39 p.m. and the Executive Session concluded.

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:

John D. Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
February 7, 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

None.

5. Recognitions and Proclamations

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

6. Citizen Input

1. Steve Teets spoke about transportation and affordable housing needs, infrastructure maintenance and ADA service issues.
2. Edwin Grant spoke about government and tax issues.

7. Reports from Mayor and Councilmembers

Councilmember Clark expressed his appreciation for the staff and residents who participated in the Hillside neighborhood meeting to talk about the safety issues related to the tunnel under Hwy 34 in the Hillside/Farr Park area. The community provided improvement options and ideas to keep the tunnel operational.

Mayor Gates recognized Councilmember Olson for being appointed to the National League of Cities Transportation and Infrastructure Services Committee.

8. Initiatives from Mayor and Councilmembers

Councilmember Butler requested staff gather information from surrounding municipalities on individual campaign contribution limits and the process to set limits.

Consent Agenda

9. Consideration of a motion to approve the City Council Work Session Proceedings of January 10, 2023 and the City Council Proceedings of January 17, 2023

10. Consideration of a motion to cancel the February 14, 2023, and March 28, 2023, Work Sessions

11. Introduction and first reading of an Ordinance amending Title 24 of the City of Greeley Municipal Code to update the allowance for childcare centers/preschools and make various revisions and clarifications to development requirements

12. Introduction and first reading of an Ordinance amending Title 12, Chapter 7 of the Greeley Municipal Code relating to vacant and abandoned buildings

Councilmember Olson moved to approve the Consent Agenda Items 9-12. Mayor Pro Tem Payton seconded the motion. The motion passed 7-0 at 6:16 p.m.

End of Consent Agenda

13. Pulled Consent Agenda Items

None.

14. Public hearing and second reading of an Ordinance Amending Section 20-62 and Adopting Section 20-64 for the Water & Sewer Department Updated Utility Design Criteria & Construction Specifications

Water and Sewer Director, Sean Chambers introduced the item with a presentation at 6:16 p.m.

Water and sewer design criteria and specifications have not been updated since 2008. Goals for 2023 are to provide comprehensive and clear guidance that align with 2021 Water and Sewer Infrastructure Plan, the 2022 Water Efficiency Plan, and the 2018 Comprehensive Plan.

The Water and Sewer Department conducted several public outreach and engagement efforts targeted at local business/development community stakeholders and landscape/irrigation stakeholders.

The design criteria standards and specifications include six sections: general requirements of development, submittal requirements, potable water, sanitary sewer, non-potable water, and commercial landscape and irrigation.

Councilmember Olson thanked staff for meeting with him and asked for confirmation that they would work closely with the Public Works Department regarding vegetation in the rights of way to meet beautification standards.

Councilmember Hall asked about the process for developers to provide oversized public infrastructure, reimbursement and correct charges for the subsequent developers tapping into that system. In response, Mr. Chambers replied that the new standards and criteria provided the mechanism for such reimbursement and incorporated correct charges for the next development.

The Public Hearing opened at 6:32 p.m.

1. Edwin Grant spoke about the Veteran's memorial park landscaping and Lincoln Park landscaping.

The Public Hearing closed at 6:35 p.m.

Councilmember Clark moved to adopt the ordinance and publish by title only. Councilmember Hall seconded the motion. The motion passed 7-0 at 6:36 p.m.

15. Scheduling of Meetings, Other Events

None.

- 16. 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. Councilmember Butler seconded the motion. The motion passed 7-0 with a voice vote at 6:37 p.m.

- 17. Consideration of a motion to go into Executive Session to receive feedback pertaining to completing the annual performance review of the City Manager**

Mayor Pro Tem Payton moved to go into an Executive Session to discuss the following matter as provided under C.R.S. Section 24-6-402(4)(f) and Greeley Municipal Code Section 2.151(6)(a): To discuss personnel reporting to the City Council. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:37 p.m.

18. Adjournment

Mayor Gates announced that Council will not be returning to the regular meeting and adjourned the meeting at 6:39 p.m.

The Executive Session was called to order at 6:45 p.m. to receive feedback pertaining to completing the annual performance review of the City Manager.

Present for participation in the Executive Session were all members of City Council plus the following:

Raymond Lee, City Manager
Heidi Brinkman, Brinkman Consultant

The Executive Session for the following purpose: To discuss the following matter as provided under C.R.S. Section 24-6-402(4)(f) and Greeley Municipal Code Section 2.151(6)(a): To discuss personnel reporting to the City Council: the City Manager.

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 7:22 p.m.

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:

John D. Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk



Council Agenda Summary

February 21, 2023

Key Staff Contact: Sean Chambers, Water & Sewer Director

Title:

Consideration of a Resolution Authorizing the City to Enter into the First Amendment to the Intergovernmental Agreement for Potable Water Interconnect with North Weld County Water District and East Larimer County Water District

Summary:

The 2019 Intergovernmental Agreement for Potable Water Interconnect (“2019 IGA”) is an agreement between City of Greeley, North Weld County Water District, (NWCWD), and the East Larimer County Water District. The agreement provides a framework for the construction of a new municipal grade potable interconnections that will give the parties the physical and legal ability to exchanged raw water from another party, treat that water and deliver the water back through the new interconnection or other existing interconnections under the limited terms of the agreement.

The First Amendment to the 2019 IGA will provide Greeley and NWCWD a new point of interconnect that will be located between the Weld County Road 15 and Larimer County Road 1 and approximately 400 feet south of Harmony Road. The proposed interconnect would be located north of 60” Bellvue transmission line and directly connected to the new 36” Terry Ranch pipeline.

The water providers would also like to share the costs associated with the acquisition, construction, and installation of infrastructure for efficient and cost-effective construction. Greeley will initially fund the interconnect buried pipelines located in Greeley’s easements and NWCWD will reimburse the City for 100% of the project costs.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
What is the annual impact?	None
What fund of the City will provide Funding?	Water Capital
What is the source of revenue within the fund?	Plant Investment Fee’s
Is there grant funding for this item?	N/A
Additional Comments:	Expenses incurred by the city will be 100% reimbursed by NWCWD in the amount of \$1,285,247.20.

Legal Issues:

Section 3-5 of the Greeley City Charter and Section 2-461 of the Greeley Municipal Code authorize the City to enter into contracts with other governmental entities for the performance

of cooperative or joint activities. The City Attorney's Office has reviewed and approved the First Amendment to the 2019 IGA and proposed resolution as to legal form.

Strategic Focus Area:



Infrastructure and Mobility

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:

- Resolution Authorizing the City to Enter into First Amendment to the 2019 IGA
- 2019 IGA with Exhibits A-C
- First Amendment to the 2019 IGA.
- Exhibit D – Showing the Proposed Location of the Interconnect
- Exhibit E – Showing the Detailed Drawings, Specifics of the Cost Share, Details of Operations and Maintenance of the Interconnect Infrastructure

CITY OF GREELEY, COLORADO
RESOLUTION NO. 4, 2023

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO THE FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR POTABLE WATER INTERCONNECT WITH NORTH WELD COUNTY WATER DISTRICT AND EAST LARIMER COUNTY WATER DISTRICT

WHEREAS, pursuant to C.R.S. § 29-1-203, governmental entities may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the following cooperating units of government; and

WHEREAS, in accordance with Greeley Municipal Code § 2-186, Greeley has the authority to enter into cooperative or joint activities with other governmental bodies by intergovernmental agreement; and

WHEREAS, Greeley and the Districts previously entered into that certain Intergovernmental Agreement for Potable Water Interconnect, dated October 14, 2019 (“2019 IGA”); and

WHEREAS, Greeley and Districts entered into the 2019 IGA to set forth the terms and conditions on which the Parties would cooperate on the design, construction, operation, repair, and maintenance of three interconnections, specifically: the Mason Interconnect, Mulberry Interconnect, and Lemay Interconnect; and

WHEREAS, after executing the 2019 IGA, Greeley and North Weld have determined that the development of an additional interconnect is desirable and wish to cooperate with one another in the design, construction, operation, repair, and maintenance of an additional shared interconnection under substantially the same terms and conditions as set forth in the 2019 IGA and as set forth more fully in the First Amendment to Intergovernmental Agreement for Potable Water Interconnect (“First Amendment”), attached hereto as Appendix A; and

WHEREAS, it is in the best interest of the citizens of Greeley for the parties to enter into the First Amendment.

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

Section 1. The City Council hereby approves the First Amendment, attached hereto and incorporated herein as Appendix A, and authorizes the appropriate City officials to execute the same.

Section 2. The City Council hereby delegates authority to City staff and legal counsel to make minor revisions to the First Amendment before execution, provided the material substance remains unchanged, and authorizes City staff to perform all terms and conditions contemplated by the First Amendment upon its final execution.

Section 3. The City Council hereby delegates authority to the Water and Sewer Board to approve all future amendments to the 2019 IGA and/or the First Amendment, provided the material substance remains unchanged.

Section 4. This resolution shall become effective immediately upon its passage and signature.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF FEBRUARY, 2023.

ATTEST:

**THE CITY OF GREELEY,
COLORADO**

By: _____
City Clerk

By: _____
Mayor

CITY OF GREELEY, COLORADO
RESOLUTION NO. 38, 2019

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR POTABLE WATER INTERCONNECT WITH NORTH WELD COUNTY WATER DISTRICT AND EAST LARIMER COUNTY WATER DISTRICT.

WHEREAS, pursuant to C.R.S. § 29-1-203, governmental entities may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the following cooperating units of government; and

WHEREAS, in accordance with Greeley Municipal Code § 2.07.040, the City of Greeley (“Greeley”) has the authority to enter into cooperative or joint activities with other governmental bodies by intergovernmental agreement; and

WHEREAS, North Weld County Water District, East Larimer County Water District (collectively “Districts”), and Greeley previously entered into that certain Potable Water Intergovernmental Agreement on September 27, 2018, which expired on November 15, 2018 (“2018 IGA”) and is attached hereto as Exhibit B; and

WHEREAS, Greeley and Districts are neighboring water providers that have a continuing common interest in obtaining high-quality potable water in sufficient quantities to meet the present and future needs of their citizens and service areas during times of emergency and operational need; and

WHEREAS, in addition to their own needs and demands, Greeley and Districts from time to time may have excess capacity to treat raw water for one another; and

WHEREAS, Greeley and Districts wish to cooperate with one another by operating interconnections and providing temporary service between their respective water treatment and distribution systems in order to meet the needs of their respective customers; and

WHEREAS, Greeley and Districts will continue to own their raw water supplies, each relying upon the yield of its own supply to provide the raw water necessary for treatment; and

WHEREAS, Greeley and Districts desire to exchange engineering and operational data in furtherance of the design, construction, operation, repair, and maintenance of a new interconnection; and

WHEREAS, Greeley and Districts desire to exchange engineering and operational data in furtherance of the operation, repair, and maintenance of two extant interconnections; and

WHEREAS, Greeley and Districts are agreeable to entering into a long-term contract (“2019 Interconnect IGA”) for the treatment of potable water during times of emergency and operational need; and

WHEREAS, Greeley and Districts have reduced their understandings, and the terms and conditions of the 2019 Interconnect IGA, to writing; and

WHEREAS, it is in the best interest of the citizens of Greeley for the parties to enter into the 2019 Interconnect IGA.

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

Section 1. The City Council hereby approves the 2019 Interconnect IGA, attached hereto and incorporated herein as Exhibit A, and authorizes the appropriate City officials to execute the same.

Section 2. The City Council hereby delegates authority to City staff and legal counsel to make minor revisions to the 2019 Interconnect IGA before execution, provided the material substance remains unchanged, and authorizes City staff to perform all terms and conditions contemplated by the 2019 Interconnect IGA upon its final execution.

Section 3. This resolution shall become effective immediately upon its passage and signature.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 1st DAY OF October, 2019.

THE CITY OF GREELEY, COLORADO



By:

[Handwritten signature of Mayor]

Mayor

[Handwritten signature of City Clerk]

City Clerk

EXHIBIT A TO CITY COUNCIL RESOLUTION

INTERGOVERNMENTAL AGREEMENT FOR
POTABLE WATER INTERCONNECT

BETWEEN THE CITY OF GREELEY, COLORADO
AND NORTH WELD COUNTY WATER DISTRICT
AND EAST LARIMER COUNTY WATER DISTRICT

This INTERGOVERNMENTAL AGREEMENT FOR POTABLE WATER INTERCONNECT (“Agreement”) is entered into as of 14th day of October, 2019 (“Effective Date”), by and between **THE CITY OF GREELEY**, Colorado, a home rule municipality (“Greeley”) and **NORTH WELD COUNTY WATER DISTRICT, acting by and through the North Weld County Water District Enterprise** (“North Weld”) and **EAST LARIMER COUNTY WATER DISTRICT, acting by and through the East Larimer County Water District Water Activity Enterprise** (“ELCO”), water activity enterprises of special districts organized under Title 32, Article 1, Colorado Revised Statutes (jointly, “Districts”) (Greeley and the Districts are collectively referred to as “Parties” and individually as “Party”).

WHEREAS, pursuant to C.R.S. § 29-1-203, governmental entities may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the following cooperating units of government; and

WHEREAS, in accordance with Greeley Municipal Code § 2.07.040, Greeley has the authority to enter into cooperative or joint activities with other governmental bodies by intergovernmental agreement; and

WHEREAS, Greeley and Districts previously entered into that certain Potable Water Intergovernmental Agreement dated September 27, 2018, which expired on November 15, 2018 (“2018 IGA”); and

WHEREAS, Greeley and the Districts are neighboring water providers and believe it to be in the best interest of all Parties and their constituents to provide for an interconnection between their respective potable water treatment and distribution systems to facilitate potential cooperation in treating and delivering water in the event of a disruption of water service adversely impacting any Party as a result of emergencies and/or operational disruptions; and

WHEREAS, Greeley and Districts wish to cooperate with one another in the design, construction, operation, repair, and maintenance of an additional shared interconnection, as set forth more fully below; and

WHEREAS, Greeley and Districts desire to reduce their understandings, and the terms and conditions of this Agreement, in writing as set forth below;

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which is acknowledged, and in further consideration of the mutual covenants contained herein, Greeley and each of the Districts agree as follows:

1. **DEFINITIONS.** For purposes of this Agreement, the following terms shall have the following meanings:
 - A. Authorized Representative: With respect to the Districts, the Managers thereof or other responsible party having authority to authorize the sale or purchase of water and, with respect to Greeley, the Director of Water & Sewer or any employee designated by the Director of Water & Sewer to authorize the sale or purchase of water under this Agreement.
 - B. Bellvue Treatment Plant: The water treatment plant owned by Greeley located in Bellvue, Colorado.
 - C. C-BT Unit: One (1) unit of Colorado-Big Thompson Project water available under an allotment contract with the Northern Colorado Water Conservancy District.
 - D. Confidential Information: All engineering and operational data provided by any Party to any other Party in connection with this Agreement whether conveyed orally, observed visually, or reduced to a tangible or electronic medium, such as written, computerized, graphic, photographic, video and/or audio recording, where said data constitutes or contains details of a Party's water treatment, transmission, and/or distribution infrastructure, including specific engineering, vulnerability, detailed design information, protective measures, emergency response plans or system operational data that would be useful to a person in planning an attack on critical infrastructure but that does not simply provide the general location of such infrastructure. "Confidential Information" shall not include information: (i) already known to the Receiving Party (defined below) without restriction on use or disclosure prior to receipt of such information from the Disclosing Party (defined below); (ii) that is or becomes generally known to the public by means other than breach of this Agreement by or wrongful act of the Receiving Party; (iii) created or developed by the Receiving Party independently of and without reference to the Disclosing Party's Confidential Information; or (iv) received by the Receiving Party from a third party who has no obligation to the Disclosing Party to maintain confidentiality.
 - E. Delivery Point: The location of a physical interconnect between the Greeley Potable Water System and the Districts' Potable Water System at which a Providing Party delivers potable water to the Requesting Party regardless of whether such delivery point is at the Mason Interconnect, the Mulberry Interconnect or the Lemay Interconnect.
 - F. Delivery Request: A request submitted under Section 5 by the Requesting Party to the Providing Party for Water Treatment Services and delivery of potable water to the Delivery Point.
 - G. Disclosing Party: The Party disclosing Confidential Information.

- H. Districts' Potable Water System: Districts' Water Treatment Plant(s), potable water transmission systems, potable water distribution systems, potable water storage systems, and related infrastructure for the treatment, transmission, distribution, and measurement of potable water.
- I. Emergency Disruption: An unplanned shut-down of all or a part of a Requesting Party's Potable Water System due to emergency circumstances, including, but not limited to: (i) emergency upgrades, repairs or maintenance; (ii) incapacitation or interruption in the Requesting Party's ability to provide potable water service to its own customers because of unanticipated damage to the Requesting Party's raw water supply infrastructure, raw water supply source or the Requesting Party's Potable Water System; and (iii) unanticipated threatened or actual imminent danger to human health or the environment because of damage to the Requesting Party's raw water supply infrastructure, raw water supply source or the Requesting Party's Potable Water System.
- J. Engineering Data:
- i. Existing schematics, data, know-how, and other information reasonably necessary for the proper operation, maintenance, and repair of the Mason Interconnect, Mulberry Interconnect and Lemay Interconnect.
 - ii. Existing and future schematics, data, know-how, and other information reasonably necessary for the proper design and construction of the Mason Interconnect.
 - iii. Existing or future schematics, data, know-how, and other information that the Parties voluntarily elect to exchange between themselves related to either the Greeley Potable Water System and/or the Districts' Potable Water System.
- K. Greeley Potable Water System: Greeley's Water Treatment Plant(s), potable water transmission systems, potable water distribution systems, potable water storage systems, and related infrastructure for the treatment, transmission, distribution, and measurement of potable water.
- L. Lemay Interconnect: The existing piping, valves and related infrastructure connecting ELCO's twenty-four (24) inch water line with the twenty-seven (27) inch water line of Greeley located approximately one hundred (100) feet east of the intersection of North Lemay Avenue and Conifer Street, in Fort Collins, Colorado, as generally depicted upon **Exhibit A** attached hereto and incorporated herein by reference.
- M. Mulberry Interconnect: The existing piping, valves and related infrastructure connecting North Weld's twenty-four (24) inch water line with the 27-inch water line of Greeley located near the intersection of Summit View Drive and Mulberry Street, in Fort Collins, Colorado, as generally depicted upon **Exhibit B** attached hereto and incorporated herein by reference.

- N. Mason Interconnect: The piping, valves, meter vault and related infrastructure to be installed connecting Greeley's 60-inch water line and the Districts' 42-inch water line approximately ninety (90) feet west of the intersection of North Mason Street and Pinon Street in Fort Collins, Colorado, as generally depicted upon **Exhibit C** attached hereto and incorporated herein by reference.
- O. Operational Disruption: A planned shut-down of all or part of a Requesting Party's Potable Water System under non-emergency circumstances, including, but not limited to: (i) non-emergency upgrades, repairs or maintenance; (ii) incapacitation or interruption in the Requesting Party's ability to provide potable water service to its own customers because of anticipated damage or impairment to the Requesting Party's raw water supply infrastructure, raw water supply source or the Requesting Party's Potable Water System; and (iii) future danger to human health or the environment because of anticipated damage or impairment to the Requesting Party's raw water supply infrastructure, raw water supply source or the Requesting Party's Potable Water System.
- P. Other Water: A physical supply of water yielded pursuant to any water rights, contractual entitlements to water, mutual ditch company shares, ditch company shares, ditch rights, other direct flow rights, reservoir rights, other storage rights, plans for augmentation, substitute water supply plans, interruptible water supply agreements, alternative transfer mechanisms, or combination of the above, which:
- i. is not a C-BT Unit; and
 - ii. under the terms and conditions of a water court decree, substitute water supply plan, interruptible water supply agreement, alternative transfer mechanism, or other administrative or judicial process, is legally available for: a) treatment at the Providing Party's Water Treatment Plant(s); b) transmission through the Providing Party Potable Water System to the Delivery Point; c) distribution from the Delivery Point throughout the Requesting Party Potable Water System; e) use within the Requesting Party's service area and the Providing Party's service area; and d) is of suitable quality in the judgment of the Providing Party.
- Q. Providing Party: The "Providing Party" as defined in Section 5(A) below.
- R. Providing Party Potable Water System: The Providing Party's Water Treatment Plant(s), potable water transmission systems, potable water distribution systems, and related infrastructure for the treatment, transmission, distribution, and measurement of potable water
- S. Receiving Party: The Party receiving Confidential Information.
- T. Requesting Party: The "Requesting Party" as defined in Section 5(A) below.
- U. Requesting Party Potable Water System: The Requesting Party's Water Treatment Plant(s), potable water transmission systems, potable water distribution systems, and related infrastructure for the treatment, transmission, distribution, and measurement of potable water
- V. Soldier Canyon Filter Plant: The water treatment plant owned by the Soldier Canyon Water Treatment Authority located in Fort Collins, Colorado.

- W. Water Treatment Plant: The Bellvue Treatment Plant, Soldier Canyon Filter Plant or other water treatment facilities, as applicable, of the Providing Party providing treated water to the Requesting Party.
- X. Water Treatment Services: The Providing Party's act of treating the Requesting Party's raw water, as provided under this Agreement, and delivering the resultant potable water to the Requesting Party through a Delivery Point(s)
2. **INTENT OF AGREEMENT.** The Parties acknowledge that the purpose of this Agreement is to provide for the design, installation, operation, maintenance, repair of and payment for the Mason Interconnect, and the operation, maintenance, repair, and cost sharing for the Lemay, and Mulberry Interconnect to facilitate future potential cooperation of the Parties in the event of an Emergency Disruption and/or Operational Disruption to the water supply of any Party. However, no Party shall have any obligation to any other Party to provide potable water in the event of such Emergency Disruption and/or Operational Disruption unless authorized by an Authorized Representative of the Parties as set forth in Section 5 below. Notwithstanding the execution of this Agreement, the Parties acknowledge that the installation of the Mason Interconnect does not create an obligation among the Parties with respect to the use, treatment or delivery of water by one (1) Party to any other Party absent approval by an Authorized Representative of such Party pursuant to Section 5.
3. **FEES, PAYMENT TERMS, AND CONSTRUCTION AND DESIGN OF INTERCONNECTS.**
- A. Unless otherwise mutually agreed upon in writing:
- i. each Party shall be responsible for one-third (1/3) of the total expenses of designing, constructing, operating, repairing, and maintaining the common components of the Mason Interconnect. In addition, Greeley and North Weld shall each be responsible for one-half (1/2) of the total expenses of operating, repairing, and maintaining the common components of the Mulberry Interconnect and Greeley and ELCO shall each be responsible for one-half (1/2) of the total expenses of operating, repairing, and maintaining the common components of the Lemay Interconnect. To the extent that a Party has participated in the operation, repair and maintenance (but not the design or construction) of the three (3) Interconnects, such Party shall receive a credit for in-kind services, staff-time, labor, parts, components, and travel time provided by such Party against any expenses for operation, repair and maintenance of the Interconnects otherwise payable by such Party, with such credit to be established based upon such Party's customary rates for time and materials provided ("Service and Material Credit"). Any Party seeking a Service and Material Credit in lieu of a cash payment of an invoice for the operation, repair and maintenance of the Interconnects shall furnish to the other Parties a statement in reasonable detail outlining the time and materials provided by the Party seeking to receive such Service and Material Credit. In the event the Service and Material Credit of a Party shall exceed such Party's pro rata share of the cost of the operation, repair and maintenance of the Interconnects, the other Parties shall reimburse such Party on a pro rata basis the amount in excess of such Service and Material Credit which exceeded such Party's pro rata share of such expenses;

- ii. Greeley shall be responsible at its sole expense for maintaining, repairing, and operating the infrastructure and components necessary for the delivery and metering of potable water from the Greeley Potable Water System to the Delivery Points;
 - iii. Districts shall be responsible at their sole expense for maintaining, repairing, and operating the infrastructure and components necessary for the delivery and metering of potable water from the Districts' Potable Water System to the Delivery Points;
 - iv. within one (1) year following the Effective Date of this Agreement, the Parties shall develop a written schedule for all three (3) Delivery Points detailing the type of maintenance required (*e.g.* telemetry testing, valve turning, record keeping for maintenance time, materials, labor, and costs, and meter calibration), timeline for conducting maintenance activities, required prior notice for maintenance and repair activities, and responsible Party or Parties for maintenance at each of the three (3) Delivery Points;
 - v. the acquisition of property interests, if any, shall be governed by separate written agreement; and
 - vi. promptly following receipt of invoices for expenses incurred in the design and construction of the Mason Interconnect, Greeley will invoice Districts for construction expenses and Districts will invoice Greeley for design expenses, in an amount equal to their respective pro rata share of such expenses; payment terms shall be net thirty (30) days following receipt of such invoice.
- B. Greeley shall have decision-making authority, management, and control over the contractor(s) selected to construct the Mason Interconnect. Greeley shall make a good faith effort to incorporate feedback, suggestions, and input from Districts concerning construction of the Mason Interconnect and shall consult with the design engineer as appropriate during construction of the Mason Interconnect. Districts shall have decision-making authority, management, and control over the consultant selected to design the Mason Interconnect. Districts shall make a good faith effort to incorporate feedback, suggestions, and input from Greeley concerning design of the Mason Interconnect and shall consult with the construction contractor as appropriate during the design and construction of the Mason Interconnect. In the event the Parties reach an impasse concerning the design or construction of the Mason Interconnect, where said impasse has a monetary value in excess of ten percent (10%) of the total construction and design cost of the Mason Interconnect, within fifteen (15) days of reaching said impasse, each Party shall appoint one (1) representative and the three (3) representatives shall vote as to the preferred design and/or construction solution to the impasse. For the sake of avoiding delays in construction or design completion, the Parties agree to promptly instruct the design consultant and/or construction contractor, as appropriate, to implement the solution receiving a simple majority of the representatives' votes. If any Party desires a change in the design or construction of the Mason Interconnect that is solely for the operational benefit of that Party, and will not materially injure the rights or infrastructure of the other Parties, the Party desiring such a change may elect to pay one-hundred percent (100%) of the costs associated with such a change and proceed forward regardless of any

- representative vote. Notwithstanding any provision in this Section 3(B), the Parties' rights to pursue any legal course of action shall not be relinquished, waived, abridged or curtailed.
- C. In the event that Greeley sends written notice to Districts that it has determined that it is unable or unwilling to exercise its decision-making authority, management, and control over the construction of the Mason Interconnect, ELCO is designated by the Parties as an alternate to undertake such action, having the same authority as previously delegated to Greeley. Furthermore, in the event that ELCO determines that it is unable or unwilling to exercise decision-making authority, management, and control over the construction of the Mason Interconnect, North Weld is designated by the Parties as an alternate to undertake such action, having the same authority as initially delegated to Greeley.
- D. The fee for the measured volume of potable water conveyed to a Party through a Delivery Point shall be one hundred five percent (105%) of the actual cost of treating the water at the Providing Party's Water Treatment Plant, based upon the Providing Party's reasonable and good faith determination of the cost per one thousand (1,000) gallons of water treated during the previous six (6) month period. The requirement for payment of one hundred five percent (105%) of the actual cost of water treatment by the Providing Party is equal to one hundred percent (100%) of the good faith determination of the cost of water treatment incurred by the Providing Party plus an additional allowance of five percent (5%) to cover delivery costs incurred by the Providing Party for the delivery of water to the Delivery Point for the Requesting Party.
- E. In the event that Water Treatment Services are provided to a Requesting Party by a Providing Party pursuant to this Agreement for a period in excess of thirty (30) consecutive days, the Providing Party will send an invoice therefor to the Requesting Party at monthly intervals until the Providing Party terminates Water Treatment Services to the Requesting Party. In the event that Water Treatment Services are provided pursuant to this Agreement for a period less than thirty (30) consecutive days, the Providing Party will send an invoice therefor within thirty (30) days after the cessation of Water Treatment Services. The Requesting Party shall pay such invoices within thirty (30) days following its receipt thereof. The Parties agree not to invoice one another for water that delivered through a Delivery Point in connection with maintenance and repair activities.
- F. The bi-directional water meters at any Delivery Point shall be operated and maintained so as to record both cumulative flow and, as needed, maximum hourly and maximum daily flow within the accuracy prescribed by current American Water Works Standards.
4. **GRANT OF LICENSE.** To the extent necessary to carry out the respective duties and obligations of the Parties under this Agreement, each Party ("Licensor") grants to the other Parties (each, a "Licensee") and their respective employees, agents, representatives, contractors and subcontractors, a limited, non-exclusive license to enter upon, occupy and use that part of the Licensor's property ("Licensed Area") necessary for the limited purpose of performing the obligations of the Licensees under this Agreement. As a condition to the exercise of the license herein granted, the Licensees and those acting under their authority shall undertake all safety precautions and other requirements in accordance with applicable local, state and federal laws, rules, regulations and directives, including, but not limited to:

- i. The regulation of traffic flow in and out of the Licensed Area used by or on behalf of the Licensee.
- ii. The obligation to comply with all rules and regulations of the municipality, county and state with respect to the use of the Licensed Area being utilized by or on behalf of the Licensee.

Each Licensor shall have the right to utilize the Licensed Area and authorize others to use the Licensed Area on a non-exclusive basis for all purposes which the Licensor determines necessary in connection with its ownership of the Licensed Area. The license granted hereunder shall be personal in nature and shall not be assignable by a Licensee in whole or in part, and any such purported assignment shall be void.

5. PROVIDING POTABLE WATER.

A. In the event that any one (1) or more Party(ies) (individually or jointly, a “Requesting Party”) requests delivery from any one (1) or more Party(ies) (individually or jointly, a “Providing Party”) and subject to final approval, as provided for in this Section 5, of an Authorized Representative of the Requesting Party and the Providing Party and any required consents or approvals from the Northern Colorado Water Conservancy District and/or providers of Other Water, the Requesting Party shall make available to the Providing Party at the Water Treatment Plant, C-BT Units in accordance with the rules and regulations of the Northern Colorado Water Conservancy District and/or providers of Other Water, which is acceptable to the Providing Party in its sole discretion, for the treatment and delivery by the Providing Party upon the following terms:

- i. In the event of an Emergency Disruption in the water supply of a Requesting Party, the Delivery Request may be made verbally by an Authorized Representative of the Requesting Party and the delivery of potable water by the Providing Party may be authorized verbally by the Authorized Representative of the Providing Party, subject to the following:
 - a) As soon as reasonably practical following the determination of an Emergency Disruption, the Requesting Party shall provide such information as is then available to it, including, to the extent then known and available:
 - 1) The daily volume of potable water requested and any anticipated fluctuations in such volume of water;
 - 2) The anticipated time period of the Emergency Disruption;
 - 3) The anticipated number of C-BT Units, Other Water or a combination of both, which is acceptable to the Providing Party in its sole discretion to be made available to the Providing Party for treatment at the Providing Party’s Water Treatment Plant;
 - 4) The designation of the Delivery Point desired for the delivery of potable water.
 - b) At its sole discretion, the Providing Party may provide Water Treatment Services in response to an Emergency Disruption Delivery Request. As soon as

reasonably practical following delivery of water pursuant to an Emergency Disruption, the Parties shall work together to create a written retroactive accounting of the raw water requirements of the measured volume of treated water delivered to the Requesting Party through the Delivery Point(s) and the total payments due to the Providing Party under Section 3(D) above.

- ii. In the event of an Operational Disruption in the water supply of a Requesting Party, an Authorized Representative of the Requesting Party shall submit a preliminary Delivery Request (“Preliminary Delivery Request”) to an Authorized Representative of the Providing Party as soon as reasonably possible prior to the occurrence of the Operational Disruption providing, to the extent then known and available, the following information:
 - a) The requested commencement date and time that the Requesting Party desires to receive water and the anticipated end date and time;
 - b) The circumstances causing the Operational Disruption;
 - c) The daily volume of potable water requested and any anticipated fluctuations in such volume of water;
 - d) The anticipated number of C-BT Units, Other Water, or both which is acceptable to the Providing Party in its sole discretion to be made available to the Providing Party for treatment at the Providing Party’s Water Treatment Plant;
 - e) The designation of the Delivery Point desired for the delivery of potable water.
- iii. Within ten (10) days following receipt of the Preliminary Delivery Request, the Providing Party shall respond with a preliminary Delivery Response (“Preliminary Delivery Response”) as to whether it intends to deliver potable water to the Requesting Party from its Water Treatment Plant in accordance with the Preliminary Delivery Request.
- iv. In the event the Delivery Point designated by the Requesting Party is the Mason Interconnect, the Providing Party and the Requesting Party shall notify a non-participating Party, if any, in order to address any potential impact which such water delivery may have upon the non-participating Party. In no event shall the delivery of water from the Mason Interconnect materially adversely affect the operation of the Potable Water System of the non-participating Party without the prior written consent of the non-participating Party.
- v. The Parties acknowledge that it is to the mutual benefit of both the Providing Party and the Requesting Party to be notified of an Operational Disruption of water service of the Requesting Party at the earliest possible time prior to full and complete knowledge of all of the details associated with the Requesting Party’s need for additional or supplemental water from a Providing Party. Consequently, the Requesting Party may modify its Preliminary Delivery Request and the Providing Party may modify its Preliminary Delivery Response from time to time as additional information becomes

available prior to the date upon which treated water is to be provided during the Operational Disruption. When the Requesting Party has sufficient details that it identifies its Delivery Request as “final” (“Final Delivery Request”), the Providing Party shall provide its final Delivery Response identified as “final” and not subject to further unilateral change (“Final Delivery Response”), whereupon, the Requesting Party and the Providing Party shall be bound by the terms and conditions of the Final Delivery Request and the Final Delivery Response.

- vi. Notwithstanding the provisions of Section 5(A)(v), after the initiation of Water Treatment Services the Parties may extend, supplement, modify or otherwise change any aspect of Water Treatment Services by mutual written agreement in the case of Operational Disruptions and by mutual verbal agreement in the case of Emergency Disruptions. The Parties’ Authorized Representatives shall have the authority necessary to enter into any such agreements.
- B. Unless specifically authorized by the Providing Party, the Requesting Party shall not cause any water from the Requesting Party’s Water System to flow into the Providing Party’s Water System. Upon scheduled termination of Water Treatment Services, the Providing Party or the Requesting Party with the consent of the Providing Party shall shut off the physical interconnect at the Delivery Point.

6. RAW WATER REQUIREMENTS.

- A. In the event the Requesting Party solely designates C-BT Units in the Delivery Request to satisfy its raw water requirements, the following provisions apply:
- i. Subject to any required consents or approvals from, and in accordance with the Rules and Regulations of the Northern Colorado Water Conservancy District, the Requesting Party shall make available to the Providing Party at the Providing Party’s Water Treatment Plant, raw water in the form of C-BT Units, in the amount of one-hundred ten percent (110%) of total volume of potable water to be delivered to the Delivery Point under the terms of the Final Delivery Response. This requirement is equal to one-hundred percent (100%) of the potable water delivered to the Delivery Point, plus an additional allowance of ten percent (10%) to account for shrinkage due to treatment and system delivery losses.
 - ii. The Requesting Party’s act of making C-BT Units available at the Providing Party’s Water Treatment Plant under this Agreement shall not be considered, nor constitute, a Section 131 Contract, a Temporary Use Permit, a permanent transfer of C-BT Units, or a permanent transfer of any other interest under an allotment contract with the Northern Colorado Water Conservancy District.
 - iii. Any fees related to making C-BT Units available at the Providing Party’s Water Treatment Plant under this Agreement shall be the responsibility of the Requesting Party.
- B. In the event the Requesting Party designates Other Water in the Delivery Request to satisfy its raw water requirements in whole or in part, and the Providing Party, in its sole discretion, accepts the designation of Other Water, the following provisions apply:

- i. Subject to any required consents or approvals from water court, State Engineer's Office, or Division Engineer's Office governing the Other Water, the Requesting Party shall make available to the Providing Party at the Providing Party's Water Treatment Plant, raw water in the form of Other Water, in the amount of one-hundred ten percent (110%) of total volume of potable water to be delivered to the Delivery Point under the terms of the Final Delivery Response. This requirement is equal to one-hundred percent (100%) of the potable water delivered to the Delivery Point, plus an additional allowance of ten percent (10%) to account for shrinkage due to treatment and system delivery losses.
 - ii. The Requesting Party's act of making Other Water available at the Providing Party's Water Treatment Plant under this Agreement shall not be considered, nor constitute, a sale or permanent transfer of the water rights, contractual entitlements to water, mutual ditch company shares, ditch company shares, ditch rights, other direct flow rights, reservoir rights, other storage rights, plans for augmentation, substitute water supply plans, interruptible water supply agreements, alternative transfer mechanisms, or combination of the above that underlie the Other Water.
 - iii. Any fees related to making Other Water available at the Providing Party's Water Treatment Plant under this Agreement shall be the responsibility of the Requesting Party.
- C. In the event the Requesting Party designates a combination of Other Water and C-BT Units in the Final Delivery Request to satisfy its raw water requirements, then the provisions of Sections 6(A) and 6(B) shall both apply, except for the following modification: the total volume of raw water to be made available to the Providing Party at the Providing Party's Water Treatment Plant shall cumulatively equal one-hundred ten percent (110%) of total volume of potable water to be delivered to the Delivery Point under the terms of the Final Delivery Response.
7. **WATER QUALITY.** The treated water delivered to the Delivery Point by the Providing Party shall be potable water of a quality which complies with all applicable federal and state laws and regulations regarding water quality.
8. **FORCE MAJEURE.**
- A. Any delay or failure of either Party to perform its obligations under this Agreement will be excused to the extent that the delay or failure was caused directly by an event beyond such Party's control, without such Party's fault or negligence, and that by its nature and despite the exercise of reasonable due diligence and foresight, was unforeseeable by such Party or if unforeseeable was unavoidable.
 - B. Such excusable events shall not include a Party's financial inability to cover any cost or make any payment required under this Agreement.
 - C. Such excusable events may have natural or man-made causes, and include, without limitation, the following examples: floods; earthquakes; storms; lightening; fire; epidemics; embargoes; riots; labor disturbances; acts of terrorism; riots; failure of the Providing Party Potable Water System notwithstanding the provisions of Section 10(A); breach of a construction contract by a third party; or restraint by a court order.

- D. The Party unable to perform due to an excusable event will use all diligent efforts to end the event and ensure that the effects of any event are minimized. During the excusable event, the non-affected Party may suspend its obligations until such time as the affected Party resumes performance.

9. ENGINEERING DATA EXCHANGE.

- A. Within ninety (90) days after the effective date of this Agreement, the Parties shall exchange with one another those categories of Engineering Data defined under Sections 1(J)(i) and (ii) which are reasonably necessary for the proper design, construction, operation and maintenance of the Mason Interconnect and the operation, maintenance and repair of the Mulberry Interconnect and Lemay Interconnect. In addition, the Parties may exchange such additional Engineering Data as they determine to be mutually beneficial to the Parties.
- B. The Parties agree that any Engineering Data exchanged under this Section 9 constitutes Confidential Information pursuant to Section 1 and shall be subject to the confidentiality provisions of Section 11.

10. TERM OF AGREEMENT. The term of this Agreement shall continue indefinitely unless terminated as provided below.

11. CONFIDENTIAL INFORMATION.

- A. The Receiving Party agrees:
- i. not to disclose or otherwise make available Confidential Information of the Disclosing Party to any third party at any time without the prior written consent of the Disclosing Party, provided however that the Receiving Party may disclose the Confidential Information of the Disclosing Party to its officers, employees, consultants, contractors, and legal advisors who have a need to know, who have been apprised of this restriction, and who are themselves bound by nondisclosure obligations at least as restrictive as those set forth in this Section;
 - ii. to take all reasonable precautions to protect Confidential Information from unauthorized access and accidental disclosure, including, without limitation, all measures the Receiving Party takes with respect to its own Confidential Information;
 - iii. not to use the Disclosing Party's Confidential Information for any purpose except as permitted under this Agreement;
 - iv. to use the Disclosing Party's Confidential Information only for the purposes of performing its obligations under this Agreement and to allow contractors and consultants to use the Disclosing Party's Confidential Information only to the extent necessary to assist the Receiving Party in performing its obligations under this Agreement; and
 - v. to immediately notify the Disclosing Party in the event it becomes aware of any loss or disclosure of any of the Confidential Information of the Disclosing Party.
- B. If the Receiving Party receives a request under law for the Disclosing Party's Confidential Information, the Receiving Party shall notify the Disclosing Party. Furthermore, the Receiving

Party shall provide reasonable assistance, at the Disclosing Party's sole cost and expense, in opposing such disclosure or seeking a protective order or other limitations on disclosure.

- C. If the Receiving Party becomes legally compelled to disclose any Confidential Information, the Receiving Party will reasonably attempt to provide:
- i. prompt notice of such requirement so that the Disclosing Party may seek, at its sole cost and expense, a protective order or other remedy;
 - ii. reasonable assistance, at the Disclosing Party's sole cost and expense, in opposing such disclosure or seeking a protective order or other limitations on disclosure; and
 - iii. if, after providing such notice and assistance as required herein, the Receiving Party remains legally required to disclose any Confidential Information, the Receiving Party will disclose no more than the portion of the Confidential Information the Receiving Party is legally required to disclose.
- D. The Parties are political subdivisions, as that term is defined in the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.* As such, the Parties are subject to the Colorado Open Records Act. To the extent compliance with the Colorado Open Records Act is in conflict with the obligations of the Parties under this Section 9, a Party's compliance with the Colorado Open Records Act will not be considered a breach of this Agreement. To the extent a Party holds information that the other Party is required to disclose pursuant to the Colorado Open Records Act, the holding Party agrees to cooperate with the other Party to comply with such disclosure requirements.
- E. The Parties acknowledge that a breach of this Section may cause the non-breaching Party irreparable damages, for which an award of damages would not be adequate compensation. Notwithstanding the provisions of Section 14, the Parties agree that in the event of an actual or threatened breach of this Section, the non-breaching Party will be entitled to seek equitable relief, including a restraining order, injunctive relief, specific performance, and any other relief that may be available from any court, in addition to any other remedy to which the non-breaching Party may be entitled at law or in equity. Such remedies will not be deemed to be exclusive but will be in addition to all other remedies available at law or in equity.

12. LIMIT OF OBLIGATIONS AND NO RIGHTS IN EITHER WATER SYSTEM.

- A. The Greeley Potable Water System and Greeley's non-potable water conveyance and storage infrastructure are assets of the Greeley Water Enterprise, as established under Section 17-1 of the Greeley City Charter and Section 14.04.050 of the Greeley City Code. An enterprise is defined under Article X, Section 20 of the Colorado Constitution. Accordingly, all of the aforementioned are owned by the citizens of Greeley. Similarly, the Districts Potable Water System, Districts' non-potable water conveyance and storage infrastructure, and the Districts' transmission and treatment systems are owned by the citizens of Districts.
- B. Districts specifically acknowledges and agrees that it acquires no rights nor ownership in the Greeley Potable Water System as a result of the water treatment service under this Agreement. Greeley specifically acknowledges and agrees that it acquires no rights nor ownership in the Districts Potable Water System as a result of the water treatment service under this Agreement. No Party shall, by reason of any provision in this Agreement or use of water hereunder or otherwise, acquire any vested or adverse right, in law or in equity, in the water rights or water

systems of the other Party. Neither the assignment, use, rental, nor license of Other Water or C-BT Units by any Party, nor costs covered or payments made under Section 3, shall be deemed to initiate, create, or vest any rights or ownership by either Greeley or Districts in the other Party's water rights or systems. Further, no Party shall assert or claim any vested rights to continued service, other than as established by the terms of this Agreement.

- C. This Agreement does not obligate any Party to provide Water Treatment Services to any other Party and the decision to provide Water Treatment Services shall be at the sole discretion of the Providing Party.
- D. Notwithstanding any term in this Agreement to the contrary, under no circumstances shall the Providing Party be required to undertake capital improvements to the Providing Party Potable Water System in order to provide potable water to the Requesting Party under this Agreement. However, in the event Greeley desires that meters be installed on the Mulberry Interconnect and the Lemay Interconnect to measure the volume of water transferred from the Districts' Potable Water System to the Greeley Potable Water System, the Districts shall in good faith consider the feasibility of the installation of such meters, provided that the cost for such design and installation shall be borne solely by Greeley inasmuch as the Mulberry Interconnect and the Lemay Interconnect are not bi-directional and are primarily intended for delivery of water to the Greeley Potable Water System and not to the Districts' Potable Water System.

13. NOTICE.

- A. Except for the provisions of Section 5(A)(i)(a) and Section 5(A)(vi) to the extent it applies to Emergency Disruptions, all notices, requests, responses, consents, claims, demands, waivers, and other communications under this Agreement will be in writing and will be deemed to have been given:
 - i. on the date and at the time of delivery if delivered personally to the party to whom notice is given;
 - ii. on the date of delivery or attempted delivery shown on the return receipt if mailed to the party to whom notice is given, or attempted to be given, sent by registered or certified mail, return receipt requested, postage prepaid and properly addressed;
 - iii. on the date and at the time shown on the facsimile if telecopied, provided that receipt thereof is acknowledged by the intended recipient thereof;
 - iv. on the date and at the time shown on the electronic mail (email) if emailed, provided that receipt thereof is acknowledged by the intended recipient thereof; or
 - v. on the date shown on the delivery acknowledgment provided by the courier if sent by a nationally-recognized overnight courier service that provides evidence of delivery.
- B. Such notices must be sent to the Parties at the respective addresses, facsimile numbers, and e-mail addresses indicated below (or to updated contact information for a Party as specified in a notice given in accordance with this Section):
 - i. **City of Greeley**

1001 11th Avenue, 2nd Floor
Greeley, CO 80631
Attention: Water & Sewer Department
Email: adam.prior@greeleygov.com
Facsimile: 970-350-9805

With a copy to:

1100 10th Street, Suite 401
Greeley, CO 80631
Attention: Office of the City Attorney
Email: Aaron.Goldman@Greeleygov.com
Facsimile: 970-350-9763

ii. **North Weld County Water District**

32825 CR 39
P.O. Box 56
Lucerne, CO 80646
Attention: Eric Reckentine, Manager
Email: eric@nwcwd.org
Telephone: (970) 356-3020
Facsimile: (970) 395-0997

With a copy to:

Hasler, Fonfara and Goddard LLP
125 S. Howes Street, 6th Floor (Zip Code: 80521)
P.O. Box 2267
Fort Collins, CO 80522
Attention: Joseph H. Fonfara
Email: JoeF@HFGLawfirm.com
Telephone: (970) 493-5070
Facsimile: (970) 493-9703

- iii. **East Larimer County Water District**
232 S. Link Lane (Zip Code: 80524)
P.O. Box 2044
Fort Collins, CO 80522
Attention: Mike Scheid, Manager
Email: mikes@elcowater.org
Telephone: (970) 493-2044
Facsimile: (970) 493-1801

With a copy to:

Hasler, Fonfara and Goddard LLP
125 S. Howes Street, 6th Floor (Zip Code: 80521)
P.O. Box 2267
Fort Collins, CO 80522
Attention: Joseph H. Fonfara
Email: JoeF@HFGLawfirm.com
Telephone: (970) 493-5070
Facsimile: (970) 493-9703

14. TERMINATION.

- A. In the event any Party fails to meet its obligations under this Agreement, such failure shall constitute a default of this Agreement and the non-defaulting Party(ies) may give notice of the perceived default. Any Party may cure an asserted default during the ninety (90) days immediately following the notice. Upon a mutually agreed upon cure in writing of an asserted default, this Agreement shall remain in full force and effect. Upon receipt of notice of perceived default, a defaulting Party may invoke the dispute resolution process described in Section 23.
- B. If the default consists of the failure to design and/or construct the Mason Interconnect and after the ninety (90) day cure period described above, or after a mutually agreed upon written extension thereof, the non-defaulting party(ies) reasonably determine(s) that the default has not been cured, the non-defaulting party(ies) may terminate this Agreement. Except as provided in the preceding sentence, if any other default hereunder has not been cured within the ninety (90) day cure period described above, or after a mutually agreed upon written extension thereof, then any Party shall have the right to commence an action against the defaulting Party(ies) for specific performance or damages, or both.
- C. Concerning Confidential Information, in the event this Agreement is terminated, the Disclosing Party shall have the right to require the destruction of Confidential Information in possession or control of the Receiving Party as set forth in this Section 14(C). Such right shall expire three (3) years after the termination of this Agreement. Upon written request by the Disclosing Party, the Receiving Party will, as soon as practicable but in no event later than one-hundred eighty (180) days, destroy, erase, or de-identify all Confidential Information in the Receiving Party's possession or control.

- 15. NO INTEGRATED SYSTEM.** No term or condition of this Agreement or any Exhibits thereto shall be interpreted as creating an “integrated system” within the meaning of the Colorado Primary Drinking Water Regulations, 5 C.C.R. § 1002-11. This Agreement shall not be interpreted as creating an “integrated system” as that term is used in C.R.S. § 37-92-301(4)(b).
- 16. NO PUBLIC UTILITIES COMMISSION CONTROL.** Each Party agrees that it shall not assert nor support any statement, policy, petition, rule making, or legislation that would attempt to subject the Districts or Greeley to the rate-making authority or jurisdiction of the Colorado Public Utilities Commission.
- 17. GOVERNMENTAL IMMUNITY.** No term or condition of this Agreement or any Exhibits thereto shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections and limitations provided by common law or state statute, including the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*
- 18. NO THIRD PARTY BENEFICIARIES.** The terms and conditions of this Agreement, enforcement of the same, and any claim, suit, action, petition, or proceeding relating to such enforcement, are strictly reserved to the Parties. Nothing in this Agreement or any Exhibits thereto shall be construed or interpreted as giving or allowing any claim, suit, action, petition, or proceeding to any third party. It is the express intention of the Parties that any third party receiving any services or benefits under this Agreement shall be deemed at most an incidental beneficiary only.
- 19. GOVERNING LAW AND VENUE.** This Agreement will be governed by and construed in accordance with the internal laws of the State of Colorado without giving effect to any choice or conflict of law provision or rule (whether of the State of Colorado or any other jurisdiction) that would cause the application of laws of any jurisdiction other than those of the State of Colorado. Any legal suit, action, or proceeding arising out of, related to, or resulting from this Agreement will be instituted exclusively in the 19th Judicial District of the State of Colorado located in the County of Weld, City of Greeley, and each party irrevocably submits to the exclusive jurisdiction of such courts in any such suit, action, or proceeding. Any legal suit, action, or proceeding so commenced shall be maintained and remain exclusively in the aforementioned court and any courts having appellate jurisdiction over them.
- 20. ENTIRE AGREEMENT.** This Agreement and any Exhibits thereto constitute the sole and entire agreement of the Parties with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings and agreements, both written and oral, with respect to such subject matter.
- 21. SEVERABILITY AND WAIVER.** If any term or condition of this Agreement is invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality, or unenforceability will not affect any other term or condition of this Agreement or invalidate or render unenforceable such term or condition in any other jurisdiction. Any single failure to exercise or partial exercise of any right, remedy, power, or privilege under this Agreement shall not preclude any other or further exercise thereof or the exercise of any other right, remedy, power, or privilege.
- 22. ASSIGNMENT.** No Party, without the prior written consent of the other Parties, may assign, transfer, or delegate any or all of its rights or obligations under this Agreement. No assignment

will relieve the assigning Party of any of its obligations hereunder. Any attempted assignment, transfer, or other conveyance in violation of the foregoing will be null and void. This Agreement will be binding upon and will inure to the benefit of the Parties and their respective successors and permitted assigns.

23. ALTERNATIVE DISPUTE RESOLUTION. Except as otherwise provided in Sections 3(B) and 3(C) above, in the event of a disagreement regarding the interpretation of any term or condition of this Agreement, the Parties agree to attempt resolution of such disagreement through negotiation, first at the staff level and second through the respective board of directors, Water Boards, and/or City Councils. Procedures for such negotiations shall be established by written mutual agreement at the time and may, with the concurrence of the Parties, involve the use of qualified outside mediators. Any resolution reached therefrom must be in writing and within the legal authority granted to each Party by their respective City Charter, organizational documents and applicable State law.

24. SURVIVAL. In addition to any right or obligation of the Parties in this Agreement which, by its nature, should survive termination or expiration of this Agreement, the following Sections shall also so survive: 1, 11, 12, 13, 14, 15, 17, 18, 19, 20, 22 and 23.

[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, the Parties have authorized and executed this Intergovernmental Agreement for Potable Water Interconnect as of the Effective Date first written above.

THE CITY OF GREELEY, COLORADO



By: [Signature]
Mayor

By: [Signature]
City Clerk

WATER AND SEWER BOARD:

AS TO SUBSTANCE:

By: [Signature]
Chairman

By: [Signature]
City Manager

AS TO LEGAL FORM:

AS TO AVAILABILITY OF FUNDS:

By: [Signature]
City Attorney

By: [Signature]
Director of Finance

**North Weld County Water District,
acting by and through the North Weld
County Water District Enterprise**

By: Gene Miller, President
President

**East Larimer County Water District,
acting by and through the East Larimer
County Water District Water Activity Enterprise**

By: Lois R. Moxey
President

EXHIBIT A

Depiction of Lemay Interconnect

[Attached on Following Page]

City of Greeley Water Transmission System Depiction of Lemay Interconnect



- Parcels Liner
- Water Main
- Air Release
- Gate
- Ball
- Blow Off
- Butterfly
- Fire Line
- Hydrant Valve
- Tapping

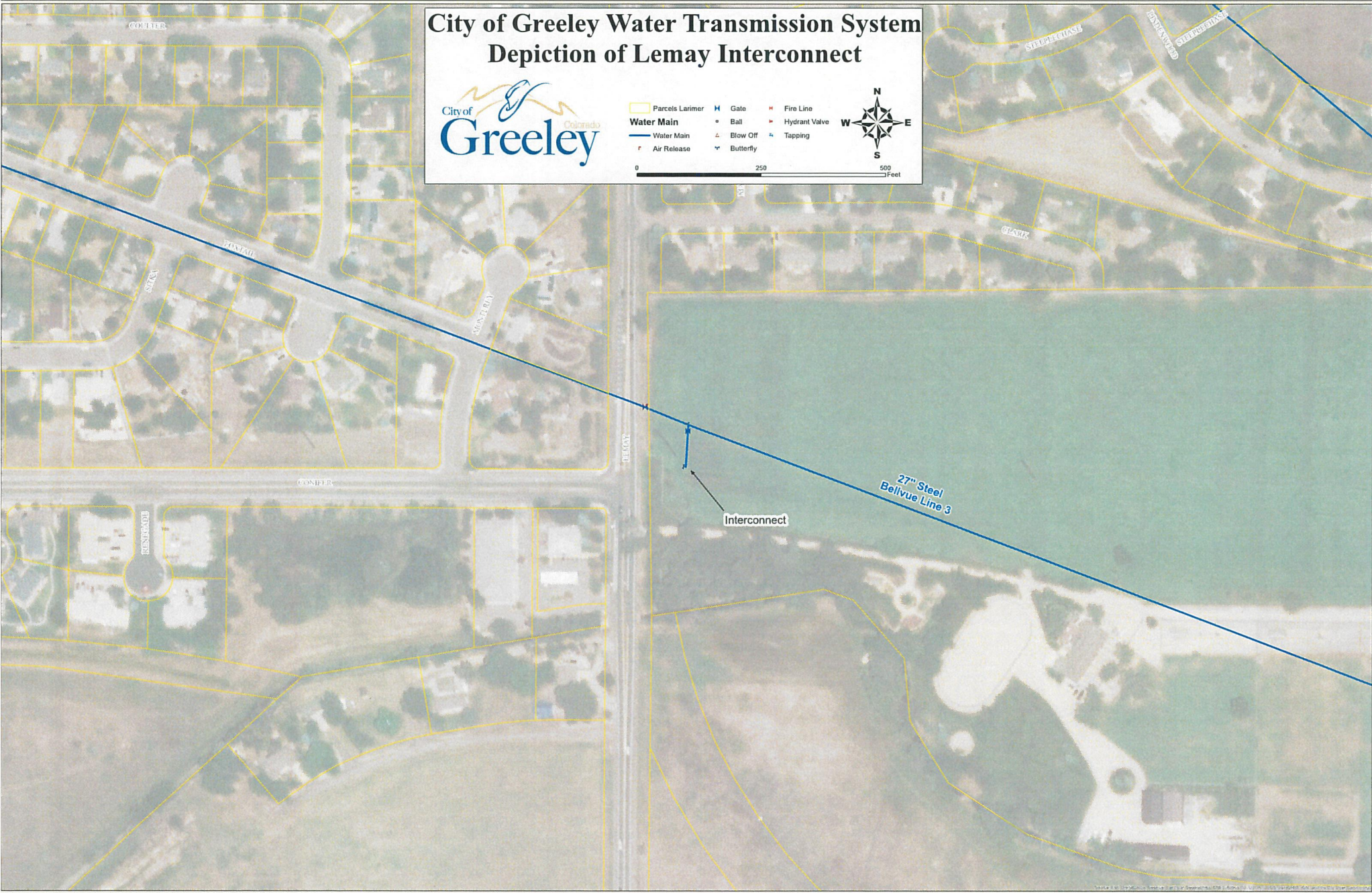


EXHIBIT B

Depiction of Mulberry Interconnect

[Attached on Following Page]

City of Greeley Water Transmission System Depiction of Mulberry Interconnect



- Parcels Larimer
- Water Main
- Air Release
- Gate
- Ball
- Blow Off
- Butterfly
- Fire Line
- Hydrant Valve
- Tapping

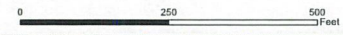


EXHIBIT C

Depiction of Mason Interconnect

[Attached on Following Page]

City of Greeley Water Transmission System Depiction of Mason Interconnect



- Parcels Liner
- Water Main
- Air Release
- Gate
- Ball
- Blow Off
- Butterfly
- Fire Line
- Hydrant Valve
- Tapping



EXHIBIT B TO CITY COUNCIL RESOLUTION



September 27, 2018

City of Greeley
Water and Sewer Department
Attention: Bob Neal
1001 11th Avenue, Second Floor
Greeley, CO 80631

RE: Agreement for the Treatment, Delivery and Payment for Water Provided to the City of Greeley in Relation to Bellvue Treatment Plant Shutdown October 3, 2018 through November 15, 2018

The City of Greeley approached both North Weld County Water District and East Larimer County Water District to discuss the possibility of purchasing water from the Districts during a period in which the City's Bellvue WTP will be off-line.

Following discussions, analysis and evaluations by both Districts (herein referred to as the "Providers"), it was determined that the Providers are in a position to accommodate the City's request of approximately nine (9) million gallons per day collectively between both Providers while the Bellvue WTP is off-line from October 3, 2018 through November 15, 2018 ("Term").

This document is intended to serve as an agreement between the City of Greeley (herein referred to as the "Purchaser") and the Providers for the treatment and delivery of water during the Term as described herein ("IGA"). The IGA sets the cost of such treated water to be paid by the Purchaser to the Providers at \$2.48 per one thousand gallons provided by either Provider. Promptly following the expiration of the Term, each of the Providers will separately invoice the Purchaser for such treated water delivered to the Purchaser and the Purchaser shall pay the same to the invoicing Provider within thirty (30) days following receipt of such invoice.

The Providers shall act with reasonable diligence to provide the Purchaser with a constant and uninterrupted supply of treated water of the same quality produced for the Providers at the Soldier Canyon Filter Plant, during the Term in the amounts set forth herein, except for interruption or reductions due to: (1) uncontrollable forces; (2) operations or devices installed for water system protection which the Providers deem necessary or advisable; and (3) maintenance, repair, replacement, installation of equipment, or investigation and inspection of the water system, which interruption or reductions are temporary, and in the opinion of the Providers, reasonably necessary. To the extent foreseeable, the Purchaser will be given reasonable advance notice of such interruptions or reductions.

Neither party shall be considered in default under this IGA if prevented from fulfilling any obligations by reason of Uncontrollable Forces. The term "Uncontrollable Forces" shall mean any cause beyond the reasonable control of the obligated party, including, but not limited to, failure or inadequacy of

facilities, demand limitations due to water usage by customers of the Providers, flood, earthquake, storm, lightning, fire, epidemic, riot, civil disturbance, labor disturbance, sabotage, acts of terrorism, breach of construction contract by a third party or restraint by court or public authority, which by due diligence and foresight, such party could not have reasonably been expected to avoid. The term "Uncontrollable Forces" shall not include the failure to make any payment required by either party under the terms of this IGA. A party rendered unable to fulfill its obligation by reason of Uncontrollable Forces shall exercise reasonable due diligence to remove such inability with all reasonable dispatch. In no event shall the Providers be required to undertake capital improvements to their treatment and delivery system in order to provide potable water to the Purchaser pursuant to this IGA.


Subject to any required consents or approvals from the Northern Colorado Water Conservancy District, the Purchaser shall make available to the Providers, in accordance with the Rules and Regulations of the Northern Colorado Water Conservancy District, raw water for the treatment and delivery by the Providers described above, in the amount of one hundred and ten percent (110%) of the total potable water usage by the Purchaser prior to treatment ("Raw Water Requirement"). Approximately eight hundred fifty-two (852) acre feet of water in partial satisfaction of the Raw Water Requirement will be transferred on or before October 3, 2018, with the remaining Raw Water Requirement to be satisfied in full on or before November 1, 2018.

The requirement for the transfer of one hundred ten percent (110%) of the measured potable water usage is equal to one hundred percent (100%) of actual water usage by the Purchaser, plus an additional allowance of ten percent (10%) to cover estimated shrinkage in the volume of water delivered from the Soldier Canyon Filter Plant to the below-described delivery points. The Raw Water Requirement shall be provided by the Purchaser from its available Colorado-Big Thompson Project water supplies ("C-BT Supplies"). Any fees related to the transfer of the C-BT Supplies under this IGA shall be the responsibility of the Purchaser.

The delivery point for the treated water to be provided by North Weld County Water District from its twenty-four (24) inch water line to the Purchaser shall be at the existing interconnect located near the intersection of Summit View Drive and Mulberry Street in Fort Collins. The volume of water delivered by North Weld County Water District will be determined by reading the Soldier Canyon Filter Plant meter on its twenty-four (24) inch water line and subtracting water delivered from such twenty-four (24) inch water line to various users prior to the point of delivery described above. The delivery point for the treated water to be provided by East Larimer County Water District from its twenty-four (24) inch water line to the Purchaser shall be located approximately one hundred (100) feet east of the intersection of North Lemay Avenue and Conifer Street in Fort Collins. The volume of water delivered by East Larimer County Water District will be determined by reading the Soldier Canyon Filter Plant meter on its twenty-four (24) inch water line and subtracting water delivered from such twenty-four (24) inch water line to the Northern Colorado Water Association and another single three-four (3/4) inch domestic water service, both of which are the only parties connected to such twenty-four (24) inch water line prior to the point of delivery described above. All water meter readings for the Providers shall be made upon first delivery of treated water by each of the Providers to the Purchaser and shall again be read at the point in time at which water service to the Purchaser is terminated.

The following signatures validate this IGA for the Treatment, Delivery and Payment for Water by and between the Purchaser and the Providers.

CITY OF GREELEY



Signature:


Roy H - Otto

Name: Roy Otto

City Mgr

Title: City Manager

EAST LARIMER COUNTY WATER DISTRICT



Signature:

Mike Scherd

Name: General Manager

Title:

NORTH WELD COUNTY WATER DISTRICT

Signature:

Name:

Title:

The following signatures validate this IGA for the Treatment, Delivery and Payment for Water by and between the Purchaser and the Providers.

CITY OF GREELEY



Signature: _____

Roy Otto

Name: Roy Otto

City Mgr

Title: City Manager

EAST LARIMER COUNTY WATER DISTRICT

Signature: _____

Name: _____

Title: _____

NORTH WELD COUNTY WATER DISTRICT



Signature: _____

Eric Raskin

Name: _____

General Manager

Title: _____

**FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR
POTABLE WATER INTERCONNECT**

**BETWEEN THE CITY OF GREELEY, COLORADO
AND NORTH WELD COUNTY WATER DISTRICT
AND EAST LARIMER COUNTY WATER DISTRICT**

This FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR POTABLE WATER INTERCONNECT (“Amendment”) is entered into as of ____ day of _____, 2023 (“Effective Date”), by and between **THE CITY OF GREELEY**, Colorado, a home rule municipality (“Greeley”) and **NORTH WELD COUNTY WATER DISTRICT, acting by and through the North Weld County Water District Enterprise** (“North Weld”) and **EAST LARIMER COUNTY WATER DISTRICT, acting by and through the East Larimer County Water District Water Activity Enterprise** (“ELCO”), water activity enterprises of special districts organized under Title 32, Article 1, Colorado Revised Statutes (jointly, “Districts”) (Greeley and the Districts are collectively referred to as “Parties” and individually as “Party”).

WHEREAS, pursuant to C.R.S. § 29-1-203, governmental entities may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the following cooperating units of government; and

WHEREAS, in accordance with Greeley Municipal Code § 2-186, Greeley has the authority to enter into cooperative or joint activities with other governmental bodies by intergovernmental agreement; and

WHEREAS, Greeley and the Districts previously entered into that certain Intergovernmental Agreement for Potable Water Interconnect, dated October 14, 2019 (“2019 IGA”);

WHEREAS, Greeley and Districts entered into the 2019 IGA to set forth the terms and conditions on which the Parties would cooperate on the design, construction, operation, repair, and maintenance of three interconnections, specifically: the Mason Interconnect, Mulberry Interconnect, and Lemay Interconnect; and

WHEREAS, after executing the 2019 IGA, Greeley and North Weld have determined that the development of an additional interconnect is desirable and wish to cooperate with one another in the design, construction, operation, repair, and maintenance of an additional shared interconnection under substantially the same terms and conditions as set forth in the 2019 IGA and as set forth more fully below; and

WHEREAS, Greeley and the Districts are neighboring water providers and believe it to be in the best interest of all Parties and their constituents to provide for an interconnection between their respective potable water treatment and distribution systems to facilitate potential cooperation

in treating and delivering water in the event of a disruption of water service adversely impacting any Party as a result of emergencies and/or operational disruptions; and

WHEREAS, Greeley and Districts desire to reduce their understandings, and the terms and conditions of this Amendment, in writing as set forth below;

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which is acknowledged, and in further consideration of the mutual covenants contained herein, Greeley and each of the Districts agree as follows:

- 1) **DEFINITIONS.** Paragraph 1 (Definitions) of the 2019 IGA is amended to modify the definition of certain terms and to add additional defined terms, as set forth below. The definition of any capitalized term used in this Amendment but not defined in this paragraph shall have the meaning set forth in the 2019 IGA.
 - a) Delivery Point (§1.E, 2019 IGA): The location of a physical interconnect between the Greeley Potable Water System and the Districts' Potable Water System at which a Providing Party delivers potable water to the Requesting Party regardless of whether such delivery point is at the Mason Interconnect, the Mulberry Interconnect, the Lemay Interconnect, or the Harmony Interconnect.
 - b) Engineering Data (§1.J, 2019 IGA):
 - i) Existing schematics, data, know-how, and other information reasonably necessary for the proper operation, maintenance, and repair of the Mason Interconnect, Mulberry Interconnect, Lemay Interconnect, and Harmony Interconnect.
 - ii) Existing and future schematics, data, know-how, and other information reasonably necessary for the proper design and construction of the Mason Interconnect and the Harmony Interconnect.
 - iii) Existing or future schematics, data, know-how, and other information that the Parties voluntarily elect to exchange between themselves related to either the Greeley Potable Water System and/or the Districts' Potable Water System.
 - c) Interconnects (New Term): Collectively, the Mason Interconnect, the Mulberry Interconnect, the Lemay Interconnect, and the Harmony Interconnect.
 - d) Terry Ranch Water Line Easement (New Term): Greeley's to-be-acquired, non-exclusive 2,700-foot (approx.) length easement for the Terry Ranch water line across property located to the southeast of the intersection of Weld County Rd. 74 (Harmony Road) and Latham Parkway (Weld County Rd. 13) in Weld County, Colorado, as generally depicted on **Exhibit D** attached hereto and incorporated herein by reference.
 - e) Harmony Interconnect (New Term): The piping, valves, meter vault, and related infrastructure to be installed connecting Greeley's 60-inch Bellevue water line, Greeley's 36-inch Terry Ranch water line, and North Weld's 24-inch water line at a point of connection located within property to the southeast of the intersection of Harmony Road (County Rd. 74) and Latham Boulevard in Windsor, Colorado, as generally depicted upon **Exhibit D** attached hereto and incorporated herein by reference.

- 2) **INTENT OF AMENDMENT.** The Parties acknowledge that the purpose of this Amendment is to amend the 2019 IGA to provide for the design, installation, operation, maintenance, repair of and payment for the Harmony Interconnect under the terms and conditions set forth in the 2019 IGA and as amended in this Amendment. This Amendment is not intended to and should not be construed to modify the terms and conditions of the 2019 IGA pertaining to the Mason Interconnect, the Mulberry Interconnect, and the Lemay Interconnect. Upon completion of the Harmony Interconnect, the Harmony Interconnect shall operate as a Delivery Point under the terms of the 2019 IGA.
- 3) **FEES, PAYMENT TERMS, AND CONSTRUCTION AND DESIGN OF THE HARMONY INTERCONNECT.**
- i) **POINT OF CONNECTION.** As of this Amendment, the Terry Ranch Water Line Easement has not been finalized, and the Terry Ranch water line has not been constructed. If Greeley has not acquired the necessary property interests in the Terry Ranch Water Line Easement by August 30, 2023, Greeley and North Weld will re-evaluate the point of connection for the Harmony Interconnect and will select an alternate point of connection and/or an alternate project design no later than December 31, 2023. If the selection of an alternative connection or design requires material changes to the design of the Harmony Interconnect as set forth in **Exhibit E**, Greeley and North Weld will further amend this Amendment in writing for the sole purpose of modifying the terms on which the Harmony Interconnect will be designed and constructed, and costs therefore allocated at the alternative point of connection. The Parties acknowledge that an alternate point of connection and/or an alternate project design may not provide the same mutual benefits, if any, as the current point of connection and design identified in **Exhibits D** and **E** and that costs and construction will be allocated accordingly. In the event only one Party benefits, then the Parties acknowledge and accept that the Party benefiting from the Harmony Interconnect at any alternate point of connection and/or alternate project design will be solely responsible for the construction and costs associated therewith.
- ii) **PROCUREMENT.** North Weld shall be responsible for the early procurement of the materials necessary to construct the Harmony Interconnect as set forth in **Exhibit E**, Drawing C-401. North Weld shall also be responsible for the procurement of the materials identified in **Exhibit E**, Drawings PP-101, PP-201, PP-202, and C-501. All other materials will be procured by Reynolds Construction pursuant to Greeley's and Reynolds Construction's Terry Ranch Construction Contract.
- iii) **FEES; PAYMENT TERMS.**
- (1) **Design and construction.** North Weld and Greeley shall be responsible for construction material costs and labor costs as set forth in **Exhibit E**. To the extent not otherwise specified in **Exhibit E**, Greeley and North Weld will evaluate design and construction cost allocations on a case-by-case basis, with the understanding that Greeley will generally be responsible for construction and material costs associated with the 36-inch Terry Ranch water line and Greeley's connection gate

valve identified on **Exhibit E**, Drawing PP-101, and North Weld will generally be responsible for construction and materials costs associated with those project components located to the east of Greeley's connection gate valve.

- (2) **Operation.** After the Harmony Interconnect has been constructed and is operational, Greeley shall be responsible for operating, repairing, and maintaining the 36-inch Terry Ranch water line and Greeley's connection gate valve identified on **Exhibit E**, Drawing PP - 101. North Weld shall be responsible for operating, repairing, and maintaining the components of the Harmony Interconnect located east of the Greeley's connection gate valve.
- (3) **Reimbursement.** Promptly following the receipt of invoices for expenses incurred during the design and construction of the Harmony Interconnect under this Amendment, Greeley and North Weld (as applicable) will invoice the other party for reimbursement of costs and expenses as set forth in this Amendment and **Exhibit E**. Invoices must be paid within 30 days of receipt. Except as provided herein, all other costs and fees will be allocated among the Parties in accordance with the 2019 IGA.

iv) **CONSTRUCTION AND DESIGN.**

- (1) **Acquisition of property interests.** As of this Amendment, Greeley and North Weld have not finalized the acquisition of all property interests necessary to construct, operate, maintain, repair, replace, and remove the Harmony Interconnect, including the Terry Ranch Water Line Easement. Greeley will diligently pursue and be responsible for acquiring the Terry Ranch Water Line Easement. Once Greeley has acquired the necessary property interests in the Terry Ranch Water Line Easement, Greeley and North Weld will enter into a separate agreement to the extent necessary granting North Weld the right to use those property interests for the purpose of locating, installing, constructing, operating, repairing, replacing, and removing any permanent infrastructure and facilities within that area in accordance with this Amendment. Greeley will also convey through a bill of sale the infrastructure that has been constructed within the Terry Ranch Water Line Easement for North Weld's use. In exchange for granting North Weld use of those property interests, North Weld shall pay Greeley its pro rata share of the fair market value of the property interests acquired by Greeley on its behalf, which pro rata share will be equal to 50% of the fair market value of the area of the Terry Ranch Water Line Easement containing North Weld's infrastructure as identified on **Exhibit E**, Drawing PP-101, PP-201, C-401, and C-502. "Fair market value" for purposes of this paragraph will include the fair market value of the area of the Terry Ranch Water Line Easement containing North Weld's infrastructure, as well as costs associated with the removal of trees and vegetation within, and restoration of that area.
- (2) **Construction.** Greeley and North Weld will proceed to final design and construction substantially in accordance with the corresponding design shown in

Exhibit E. Greeley shall have decision-making authority, management, and control over the contractor(s) selected to construct the Harmony Interconnect. Greeley shall make a good faith effort to incorporate feedback, suggestions, and input from North Weld concerning construction of the Harmony Interconnect and shall consult with the design engineer as appropriate during construction of the Harmony Interconnect. In the event the Greeley and North Weld reach an impasse concerning the design or construction of the Harmony Interconnect, where said impasse has a monetary value in excess of ten percent (10%) of the total construction and design cost of the Harmony Interconnect, within fifteen (15) days of reaching said impasse, North Weld, Greeley, and Ditesco Project and Construction Services, shall appoint one (1) representative and the three (3) representatives shall vote as to the preferred design and/or construction solution to the impasse based on best engineering judgment. For the sake of avoiding delays in construction or design completion, Greeley and North Weld agree to promptly instruct the design consultant and/or construction contractor, as appropriate, to implement the solution receiving a simple majority of the representatives' votes. If any Party desires a change in the design or construction of the Harmony Interconnect that is solely for the operational benefit of that Party and will not materially injure the rights or infrastructure of the other Parties, the Party desiring such a change may elect to pay one hundred percent (100%) of the costs associated with such a change and proceed forward regardless of any representative vote. Notwithstanding any provision in this subsection, the Parties' rights to pursue any legal course of action shall not be relinquished, waived, abridged or curtailed.

- 4) **NO ADDITIONAL AMENDMENTS.** Except as expressly stated in this Amendment, all other terms of the 2019 IGA and any Exhibits thereto are not modified by the terms of this Amendment.
- 5) **ENTIRE AGREEMENT.** The 2019 IGA, this Amendment, and any Exhibits thereto constitute an integrated agreement and constitute the sole and entire agreement of the Parties with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings and agreements, both written and oral, with respect to such subject matter.

[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, the Parties have authorized and executed this First Amendment to Intergovernmental Agreement for Potable Water Interconnect as of the Effective Date first written above.

THE CITY OF GREELEY, COLORADO

By: _____
Raymond Lee, City Manager

AS TO LEGAL FORM:

AS TO AVAILABILITY OF FUNDS:

By: _____
City Attorney

By: _____
Director of Finance

**North Weld County Water District,
acting by and through the North Weld
County Water District Enterprise**

By: _____

President

**East Larimer County Water District,
acting by and through the East Larimer
County Water District Water Activity Enterprise**

By: _____

President

EXHIBIT D

Depiction of Harmony Interconnect

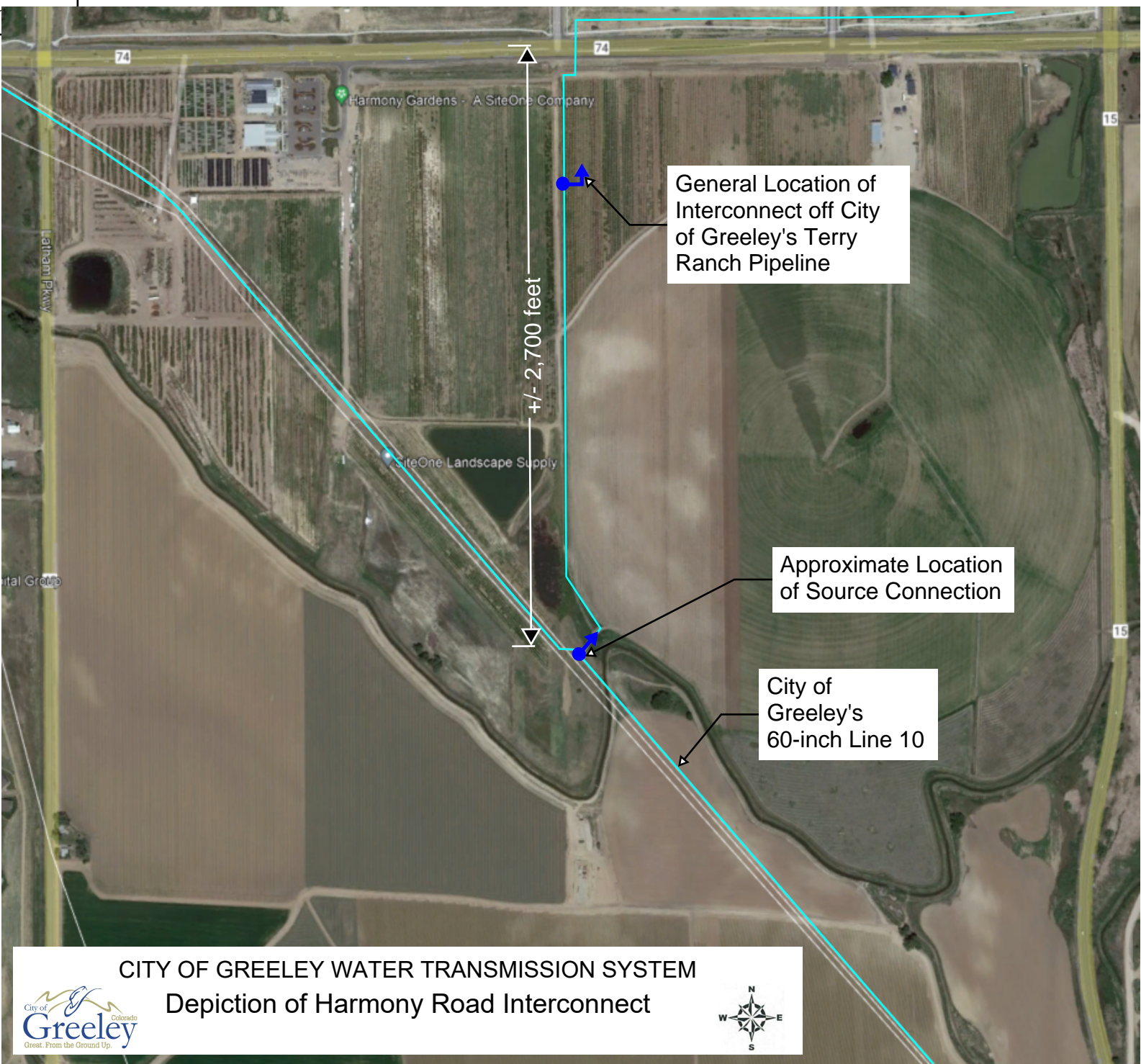
[To be attached]

EXHIBIT E

Drawings

[To be attached]

Iter



General Location of Interconnect off City of Greeley's Terry Ranch Pipeline

Approximate Location of Source Connection

City of Greeley's 60-inch Line 10

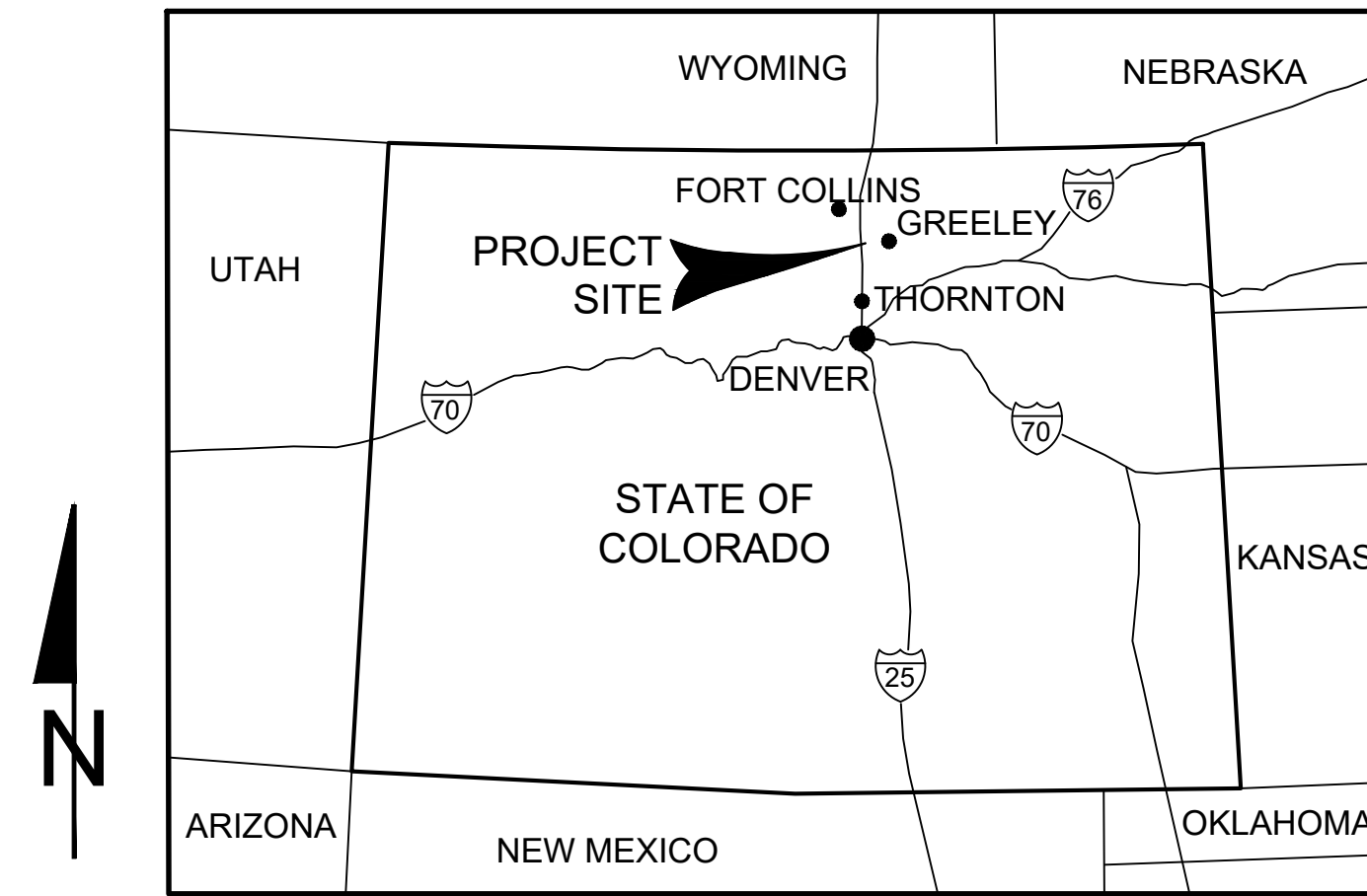
+/- 2,700 feet

CITY OF GREELEY WATER TRANSMISSION SYSTEM
 Depiction of Harmony Road Interconnect

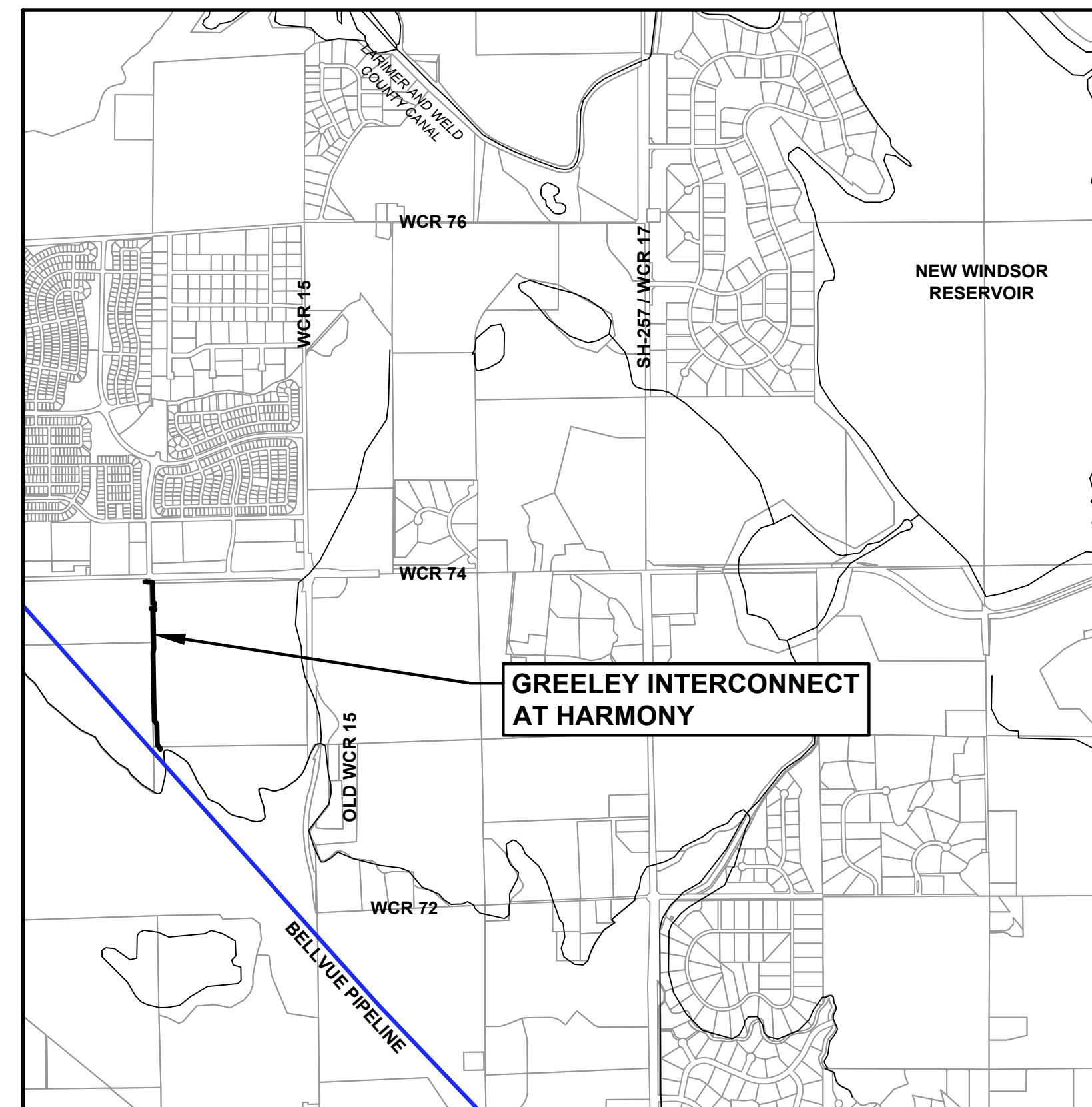


NORTH WELD COUNTY WATER DISTRICT

GREELEY INTERCONNECT AT HARMONY



LOCATION MAP
SCALE: NTS



VICINITY MAP
SCALE: 1" = 2000'

SHEET LIST		
SHEET NUMBER	SHEET TITLE	SHEET DESCRIPTION
GENERAL		
1	G-001	COVER SHEET
2	G-002	GENERAL NOTES
3	G-003	SYMBOLS AND ABBREVIATIONS
PLAN AND PROFILE - GREELEY TERRY RANCH PIPELINE		
4	PP-001	PLAN AND PROFILE STA 100+00 TO STA 111+00
5	PP-002	PLAN AND PROFILE STA 111+00 TO STA 122+00
6	PP-003	PLAN AND PROFILE STA 122+00 TO STA 132+00
CIVIL - GREELEY TERRY RANCH PIPELINE		
7	C-401	ENLARGED PLAN - BELLVUE PIPELINE CONNECTION
PLAN AND PROFILE - NWCWD INTERCONNECT		
8	PP-101	PLAN AND PROFILE - STA 100+00 TO 100+75
9	PP-201	PLAN AND PROFILE - STA 200+00 TO 204+50
10	PP-202	PLAN AND PROFILE - STA 204+50 TO 204+89.32
CIVIL - NWCWD INTERCONNECT		
11	C-501	RISER DETAIL

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NOT FOR CONSTRUCTION
DECEMBER 28, 2022

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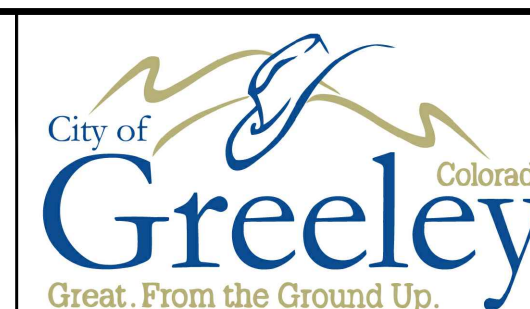
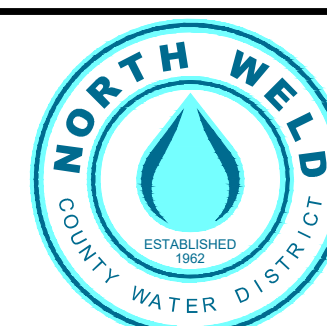
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REVISION	DESCRIPTION OF ISSUE / REVISION	REVISED BY



VERIFY SCALE
 BAR IS ONE INCH ON ORIGINAL DRAWING
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NORTH WELD COUNTY WATER DISTRICT
GREELEY INTERCONNECT AT HARMONY

COVER SHEET

PROJECT: 220002
 DRAWN BY: B. BOHN
 DESIGNED BY: D. PYTLIK
 APPROVED BY: D. PYTLIK
 SHEET: 1 OF 11
 DRAWING: G- Page 75

LEGEND:

GENERAL

EXISTING ITALICIZED TEXT DENOTES EXISTING EQUIPMENT, STRUCTURES, PIPING, ETC.
PROPOSED BOLD LINEWORK AND TEXT DENOTES PROPOSED EQUIPMENT, STRUCTURES, PIPING, ETC.

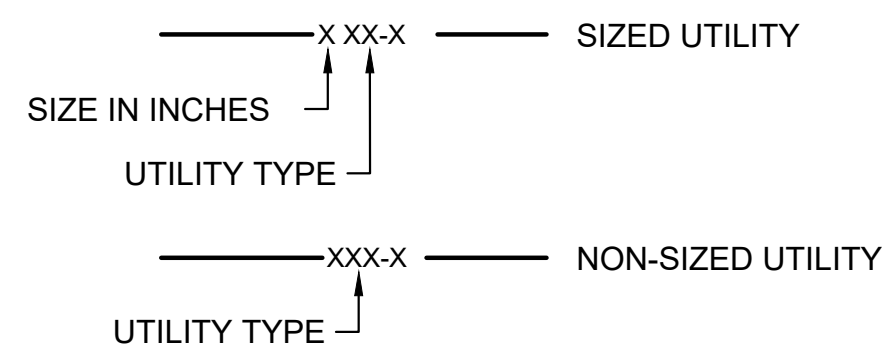
SYMBOLS

- SECTION CORNER AS DESCRIBED
RANGE POINT AS DESCRIBED
MONUMENT FOUND AS DESCRIBED
MONUMENT SET AS DESCRIBED
DENOTES DEEDED INFORMATION
DENOTES PLATTED INFORMATION
DENOTES MEASURED INFORMATION
EXISTING GAS VALVE
EXISTING WATER VALVE
EXISTING WATER METER
EXISTING ELECTRIC HANDHOLE
EXISTING TELEPHONE PEDESTAL
EXISTING FIBER PEDESTAL
EXISTING SEWER MANHOLE
EXISTING VENT PIPE
EXISTING STORM MANHOLE
EXISTING WATER MANHOLE
EXISTING FIRE HYDRANT
EXISTING YARD HYDRANT
EXISTING COMMUNICATION MH
EXISTING ELECTRIC MANHOLE
EXISTING CABLE TV PEDESTAL
EXISTING GAS METER
EXISTING ELECTRIC METER
EXISTING TRAFFIC SIGNAL
EXISTING GREASE MANHOLE
EXISTING IRRIGATION VALVE
EXISTING ELECTRIC PEDESTAL
EXISTING CLEAN OUT
EXISTING TRAFFIC HANDHOLE
EXISTING UTILITY HANDHOLE
EXISTING BOLLARD/POST
EXISTING LANDSCAPE LIGHT
EXISTING UTILITY POLE
EXISTING GUY WIRE
EXISTING STREET LIGHTPOLE
EXISTING DECIDUOUS TREE
EXISTING EVERGREEN TREE
EXISTING BUSH
EXISTING TREE STUMP
EXISTING MAILBOX
EXISTING SIGN
LANDSCAPED AREA
EXISTING TRAFFIC LIGHT
EXISTING MONITORING WELL

LINETYPES

- DRAINAGE FLOWLINE
EXISTING INDEX CONTOUR
EXISTING INTERMEDIATE CONTOUR
EXISTING WIRE FENCE
EXISTING SPLIT RAIL FENCE
EXISTING CHAIN LINK FENCE
EXISTING METAL/WOOD FENCE
EDGE OF BUSHES/TREES
EXISTING BUILDING/STRUCTURE
LIMITS OF CONSTRUCTION
EASEMENT, TEMPORARY OR PERMANENT
RIGHT-OF-WAY
SECTION LINE
PROPERTY LINE
100 YEAR FLOODPLAIN

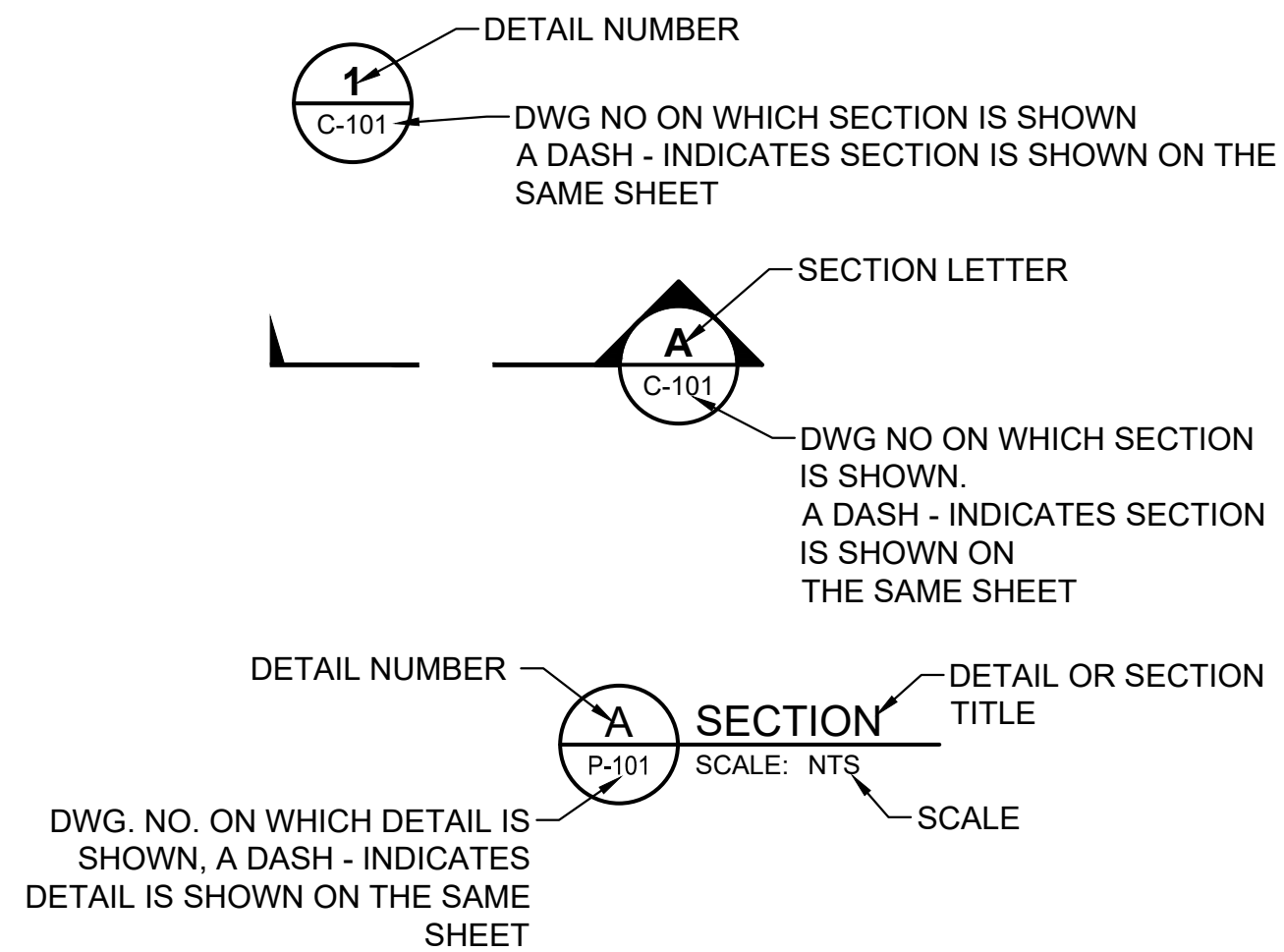
UTILITY LINETYPES



TYPE

- CATV = CABLE TV
DR = DRAIN
FM = FORCE MAIN
FO = FIBER OPTIC
G = GAS
GS = GAS SERVICE
IRR = IRRIGATION
OHE = OVERHEAD ELECTRICAL
OHT = OVERHEAD TELEPHONE
OHU = OVERHEAD UTILITY
PW = POTABLE WATER
SD = STORM DRAIN
SS = SANITARY SEWER
E = UNDERGROUND ELECTRIC
T = UNDERGROUND TELEPHONE
W = WATER
WM = WATER MAIN
WS = WATER SERVICE

REFERENCE



HATCH TYPES

- UNDISTURBED SOIL
EARTH FILL
RIPRAP
RIPRAP BEDDING
CONCRETE
NATIVE MATERIAL
ASPHALT
SAND FILTER/DIRT/ DRAIN MATERIAL/GRAVEL
WETLANDS
GRAVEL

ABBREVIATIONS:

Table of abbreviations including AC (Asphalt Concrete, Acre), ACP (Asbestos Cement Pipe), ACS (Access), ALT (Alternate), ALUM (Aluminum), APX (Approximate), ASSY (Assembly), AWG (American Wire Gauge), AWWA (American Water Works Association), B, BOT (Bottom), BO (Blowoff), BF (Blind Flange), BFLY (Butterfly), BFV (Butterfly Valve), BH (Bore Hole), BLK (Block), BMP (Best Management Practice), CARV (Combination Air/Vacuum Valve Assembly), CATV (Cable TV), CDOT (Colorado Dept. of Transportation), CB (Crossing Boring), CI (Cast Iron), CL (Centerline), CTL (CTL Thompson (Geotechnical Engineering Firm)), CLSM (Controlled Low Strength Material), CMP (Corrugated Metal Pipe), COMM (Communication), CONC (Concrete), CONN (Connection), CONST (Construction), CONT (Continuous, Continuation), COG (City of Greeley), CP (Control Point, Cathodic Protection), CPLG (Coupling), CPP (Corrugated Plastic Pipe), CYL (Cylinder), DI (Ductile Iron), DIA, Ø (Diameter), DIP (Ductile Iron Pipe), DNF (Did Not Find), DNPH (Did Not Pothole), DR (Drive, Drain), DTL (Detail), DWLJ (Double Welded Lap Joint), E (East, Easting, Electric), EA (Each), EC (Erosion Control), ECB (Erosion Control Blanket), ECMP (Elliptical Corrugated Metal Pipe), EL, ELEV (Elevation), ELEC (Electric), EQ (Equal), ESC (Erosion & Sedimentation Control), EX (Existing), EXT (Extension), FB (Field Boring), FIK (Flange Insulating Kit), FL (Flow Line, Flange), FLG'D (Flanged), FM (Force Main), FO (Fiber Optic), FRP (Fiberglass Reinforced Plastic), FT (Foot, Feet), G (Gas), GA (Gauge), GALV (Galvanized), GBR (Geotechnical Baseline Report), GDR (Geotechnical Data Report), GS (Gas Service), GV (Gate Valve), GW (Groundwater), HCBO (High Capacity Blow Off), HD (Heavy Duty).

Table of abbreviations including HDPE (High Density Polyethylene), HGL (Hydraulic Grade Line), HWY (Highway), ID (Inside Diameter), IN (Inch), INV (Invert), IRR (Irrigation), JTS (Joints), L (Length), LB/LBS (Pound(s)), LD (Light Duty), LF (Linear/Lineal Foot/Feet), LOC (Limits of Construction), MAX (Maximum), MFR (Manufacturer), MH (Manhole), MIN (Minimum), MJ (Mechanical Joint), MW (Monitoring Well (Groundwater), Manway), N (North, Northing), NGS (National Geodetic Survey), NIC (Not in Contract), NOM (Nominal), NPT (National Pipe Thread), NTS (Not to Scale), OC (On Center), OD (Outside Diameter), OHE (Overhead Electric), OHT (Overhead Telephone), OHU (Overhead Utility), OPNG (Opening), OPR (Operator), OZ (Ounce), PB (Pipeline Boring), PC (Pressure Class), PE (Permanent Easement), PL (Property Line, Plate), PRV (Pressure Reducing Valve), PSI (Pounds per Square Inch), PVC (Polyvinyl Chloride), PVI (Point of Vertical Intersection), PW (Potable Water), R (Radius), R/W, ROW (Right of Way), RCP (Reinforced Concrete Pipe), REINF (Reinforced/Reinforcement), REQ'D (Required), RHW (Wire Insulation (Moisture Resistant)), RPMP (Reinforced Plastic Mortar Pipe), RR (Railroad), RW (Resilient Wedge), S (South), SD (Storm Drain), SH (State Highway), SIM (Similar), SPEC (Specification), SQ (Square), SS, SAN (Sanitary Sewer), ST (Stainless), STA (Station), STD (Standard), STL (Steel), STM (Storm), STRUCT (Structure), SWLJ (Single Welded Lap Joint), SWMP (Stormwater Management Plan), SWR (Sewer), SY (Square Yard(s)), t (Thickness), T (Top, Telephone), T/ (Top of), TCE (Temporary Construction Easement), TEL (Telephone), TEMP (Temporary).

Table of abbreviations including TH (Test Hole (Soil Boring)), TYP (Typical), UG (Underground), VCP (Vitrified Clay Pipe), VERT (Vertical), W, WTR (West, Water), W/ (With), WCR (Weld County Road), WM (Water Main), WL (Water Line), WPA (Work Package A), WS (Water Service), WSP (Welded Steel Pipe), WT (Weight), WWF (Welded Wire Fabric).

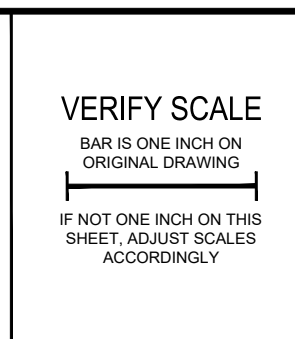
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DECEMBER 28, 2022

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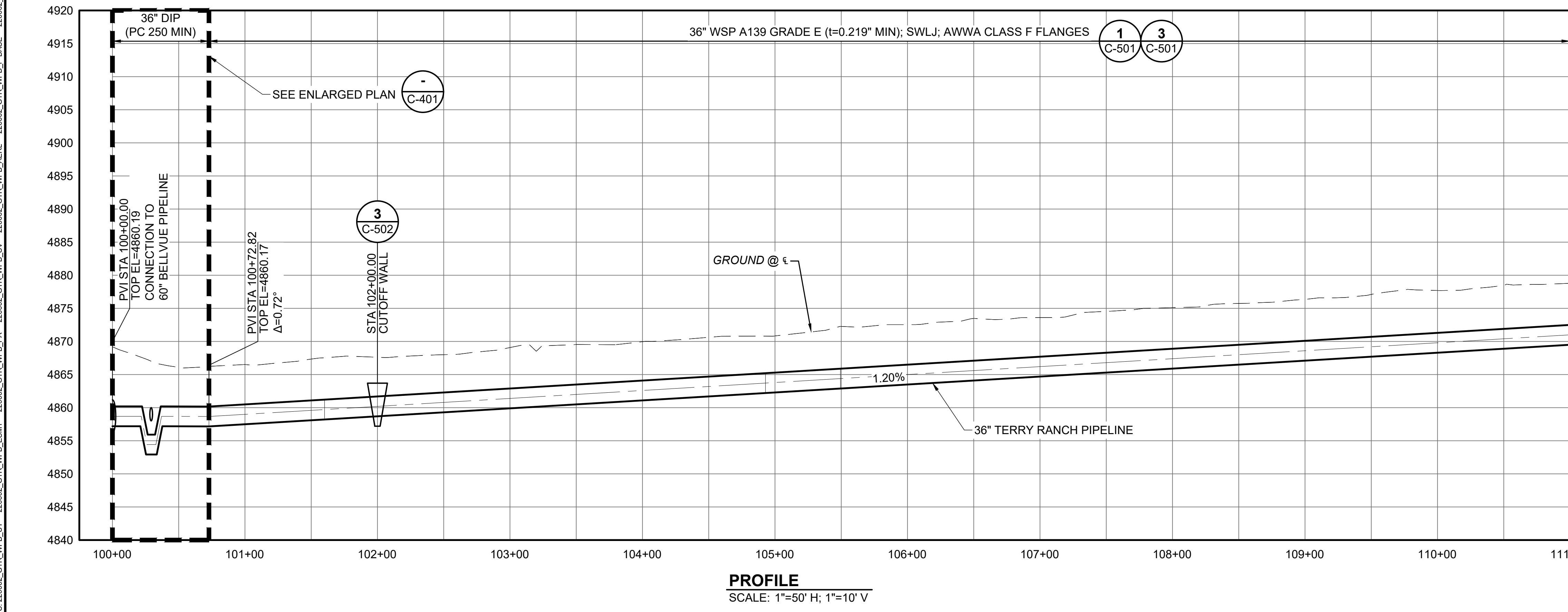
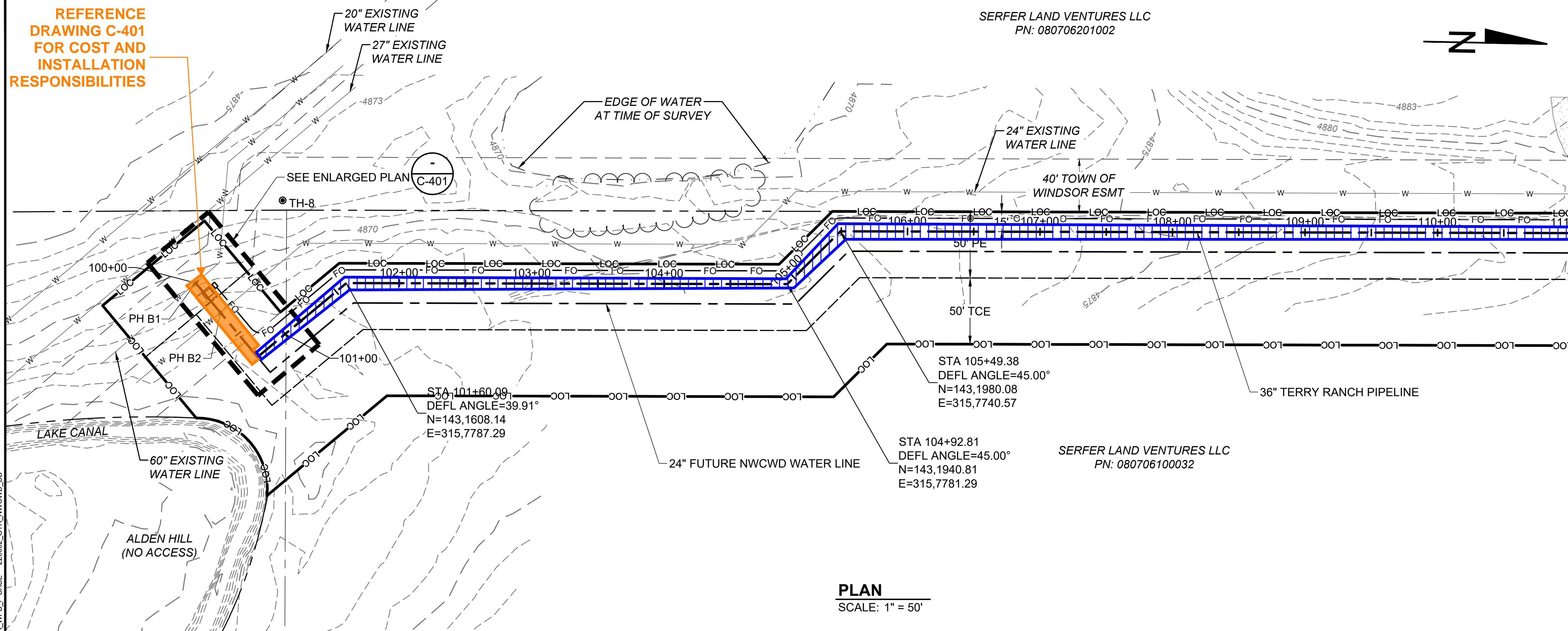
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NORTH WELD COUNTY WATER DISTRICT
GREELEY INTERCONNECT AT HARMONY

SYMBOLS AND ABBREVIATIONS

Table with project details: PROJECT: 220002, DRAWN BY: B. BOHN, DESIGNED BY: D. PYTLIK, APPROVED BY: D. PYTLIK, SHEET: 3 OF 11, DRAWING: G- Page 77



- NOTES:**
- SEE SPEC SECTION 01 41 10 AND 32 90 10 FOR PROPERTY-SPECIFIC NOTES AND RESTORATION REQUIREMENTS.
 - MINIMUM RADIUS FOR FIBER OPTIC CONDUIT BENDS IS 10 FEET.

THE CITY OF GREELEY AND THE NORTH WELD COUNTY WATER DISTRICT WILL BENEFIT FROM THE USE OF THE 36" TERRY RANCH PIPELINE. THE CITY OF GREELEY WILL BE RESPONSIBLE FOR MATERIAL AND LABOR COSTS ASSOCIATED WITH THE INSTALLATION OF THE PIPELINE WITHIN THESE LIMITS. ONCE INSTALLED, THE CITY OF GREELEY WILL BE THE OWNER OF THE FACILITIES AND RESPONSIBLE FOR OPERATIONS AND MAINTENANCE.

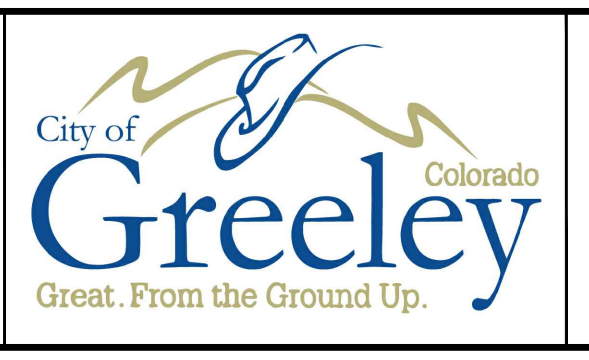
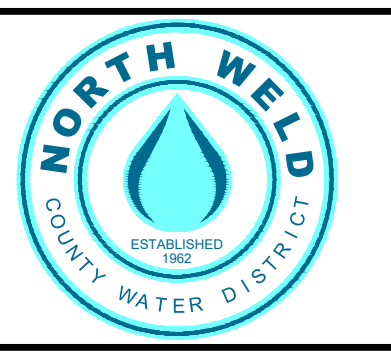
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JANUARY 11, 2023

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REVISION	DESCRIPTION OF ISSUE / REVISION	REVISED BY

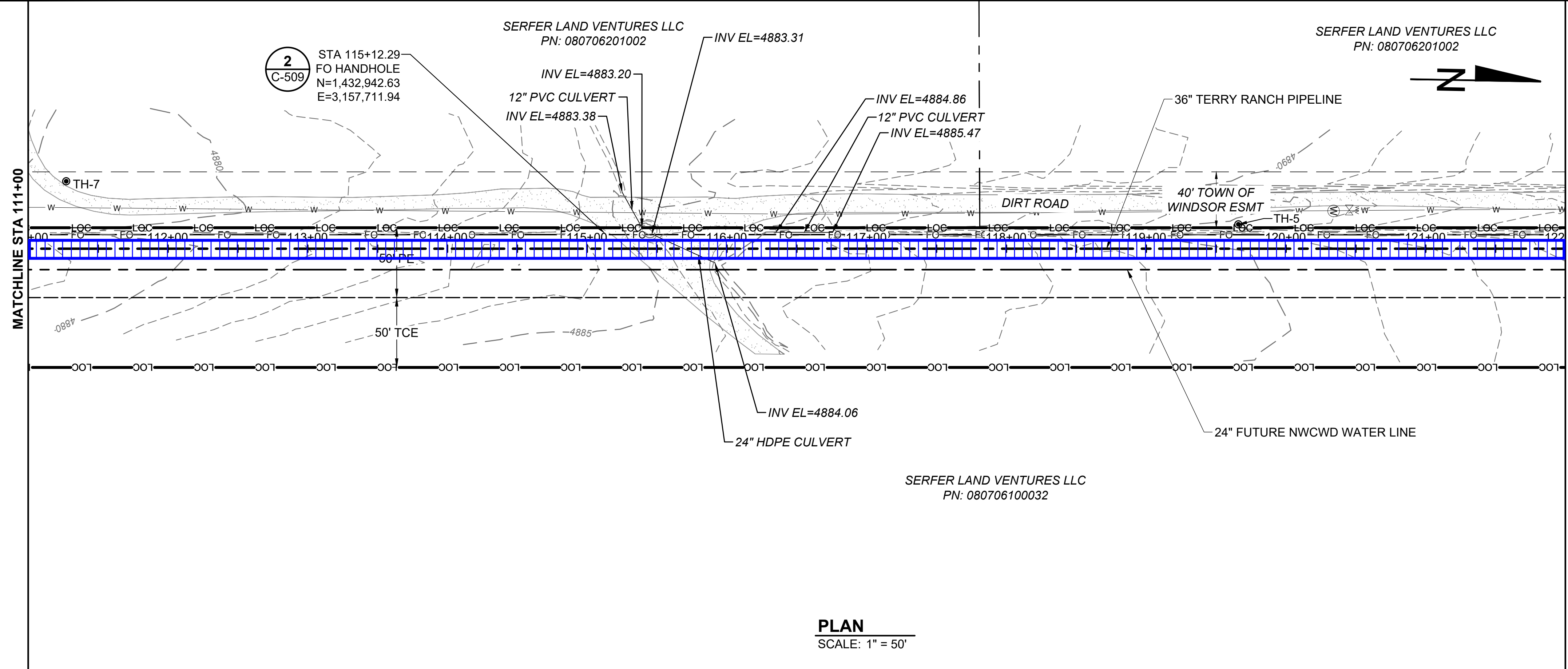


VERIFY SCALE
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NORTH WELD COUNTY WATER DISTRICT
GREELEY INTERCONNECT AT HARMONY

PLAN AND PROFILE STA 100+00 TO STA 111+00

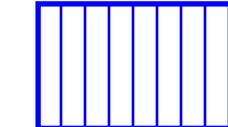
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DRAWN BY:	B. BOHN
DESIGNED BY:	D. PYTLIK
APPROVED BY:	D. PYTLIK
SHEET:	4 OF 11
DRAWING:	PP- Page 78



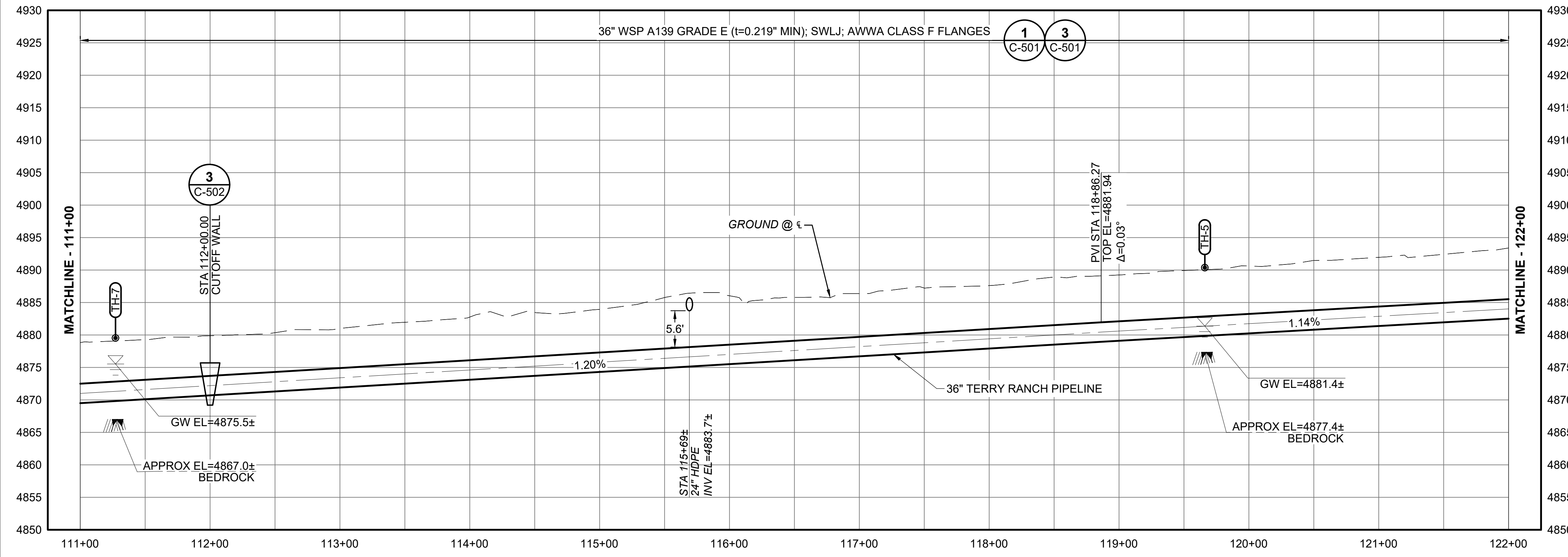
PLAN
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NOTES:

- SEE SPEC SECTION 01 41 10 AND 32 90 10 FOR PROPERTY-SPECIFIC NOTES AND RESTORATION REQUIREMENTS.
- MINIMUM RADIUS FOR FIBER OPTIC CONDUIT BENDS IS 10 FEET.



THE CITY OF GREELEY AND THE NORTH WELD COUNTY WATER DISTRICT WILL BENEFIT FROM THE USE OF THE 36" TERRY RANCH PIPELINE. THE CITY OF GREELEY WILL BE RESPONSIBLE FOR MATERIAL AND LABOR COSTS ASSOCIATED WITH THE INSTALLATION OF THE PIPELINE WITHIN THESE LIMITS. ONCE INSTALLED, THE CITY OF GREELEY WILL BE THE OWNER OF THE FACILITIES AND RESPONSIBLE FOR OPERATIONS AND MAINTENANCE.



PROFILE
SCALE: 1"=50' H; 1"=10' V

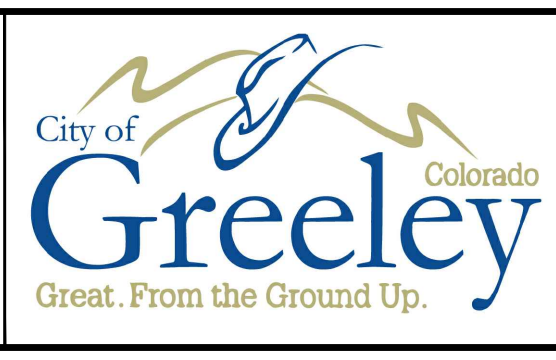
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JANUARY 11, 2023

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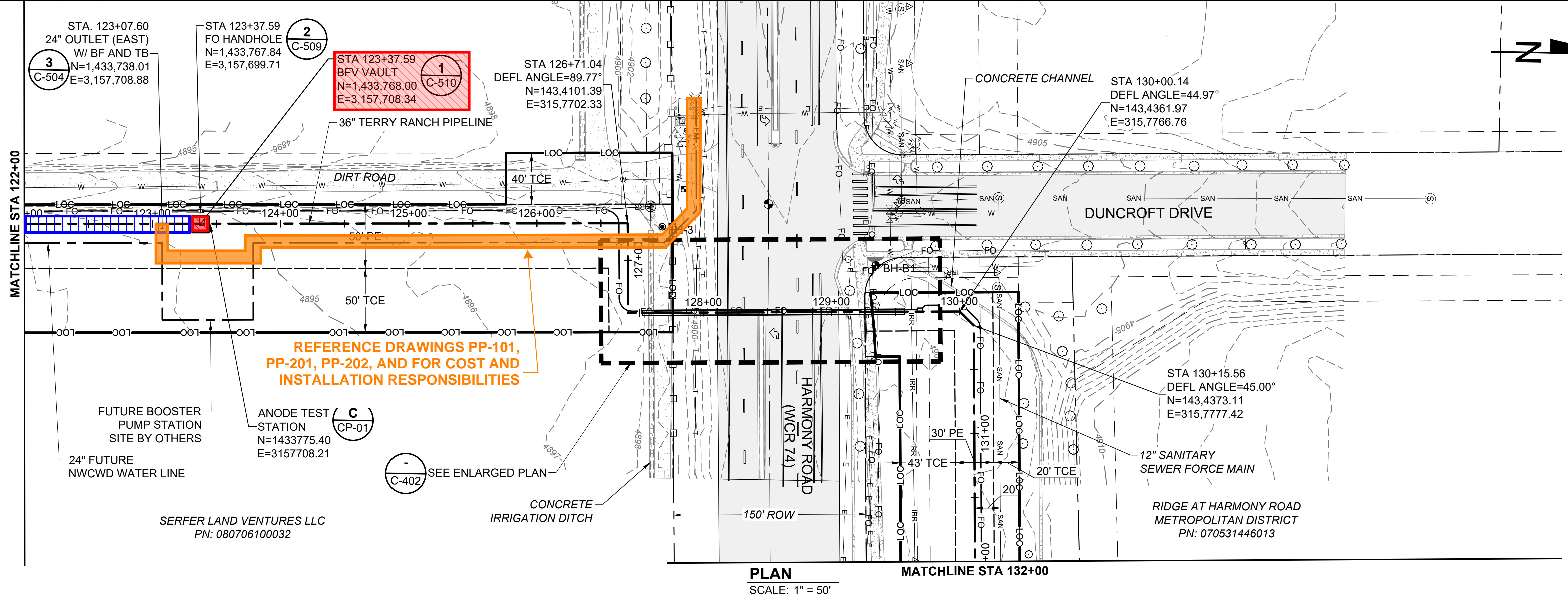


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NORTH WELD COUNTY WATER DISTRICT
GREELEY INTERCONNECT AT HARMONY

PLAN AND PROFILE STA 111+00 TO STA 122+00

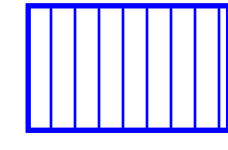
PROJECT:	220002
DRAWN BY:	B. BOHN
DESIGNED BY:	D. PYTLIK
APPROVED BY:	D. PYTLIK
SHEET:	5 OF 11
DRAWING:	PP- Page 79



PLAN
SCALE: 1" = 50'

NOTES:

- SEE SPEC SECTION 01 41 10 AND 32 90 10 FOR PROPERTY-SPECIFIC NOTES AND RESTORATION REQUIREMENTS.
- MINIMUM RADIUS FOR FIBER OPTIC CONDUIT BENDS IS 10 FEET.

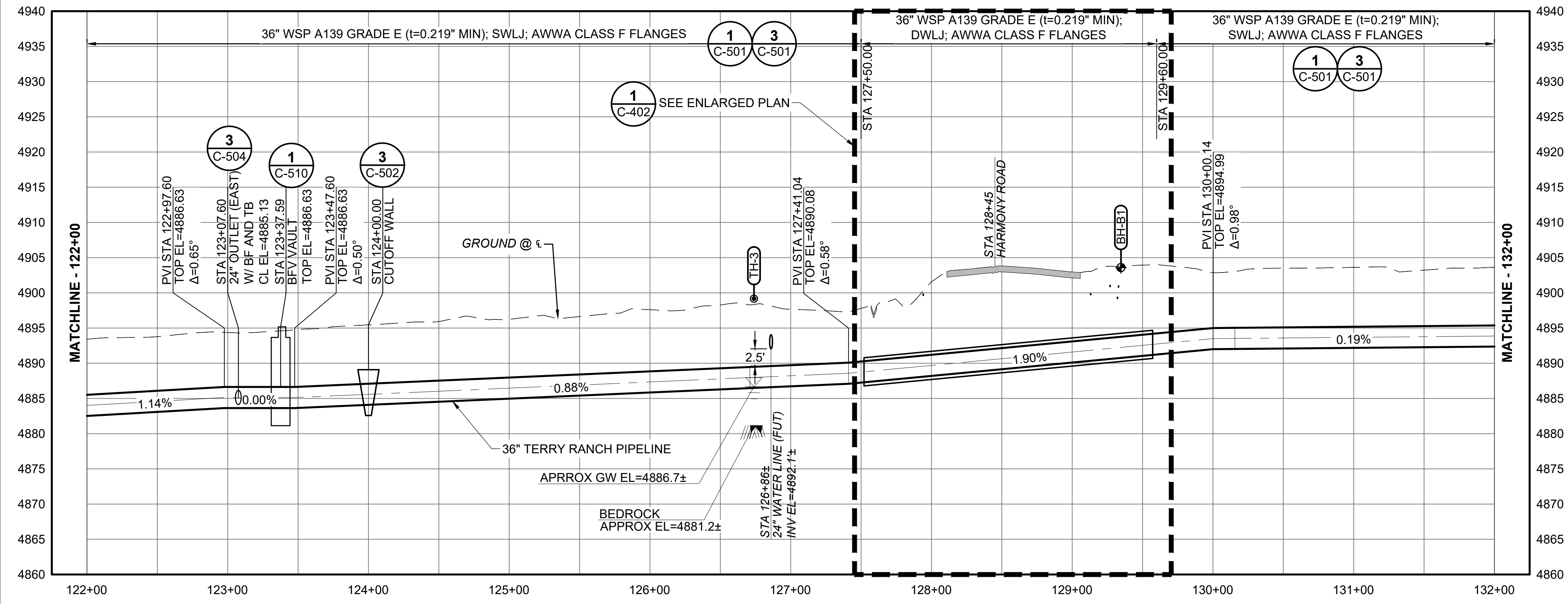


THE CITY OF GREELEY AND THE NORTH WELD COUNTY WATER DISTRICT WILL BENEFIT FROM THE USE OF THE 36" TERRY RANCH PIPELINE. THE CITY OF GREELEY WILL BE RESPONSIBLE FOR MATERIAL AND LABOR COSTS ASSOCIATED WITH THE INSTALLATION OF THE PIPELINE WITHIN THESE LIMITS. ONCE INSTALLED, THE CITY OF GREELEY WILL BE THE OWNER OF THE FACILITIES AND RESPONSIBLE FOR OPERATIONS AND MAINTENANCE.



NORTH WELD COUNTY WATER DISTRICT WILL BE RESPONSIBLE FOR REIMBURSING THE CITY OF GREELEY FOR THE COSTS ASSOCIATED WITH MATERIALS AND INSTALLATION OF THE BUTTERFLY VAULT ON THE TERRY RANCH PIPELINE AS THE FACILITY IS NEEDED TO DIRECT FLOW TO NORTH WELD COUNTY WATER DISTRICT'S INTERCONNECT INFRASTRUCTURE. THE MATERIALS PROCUREMENT AND INSTALLATION LABOR ASSOCIATED WITH THIS VAULT WILL BE PROVIDED BY REYNOLDS CONSTRUCTION. ONCE INSTALLED, THE CITY OF GREELEY WILL BE THE OWNER OF THE FACILITIES AND RESPONSIBLE FOR OPERATIONS AND MAINTENANCE.

IGA / PRICING SET
NOT FOR CONSTRUCTION
JANUARY 11, 2023



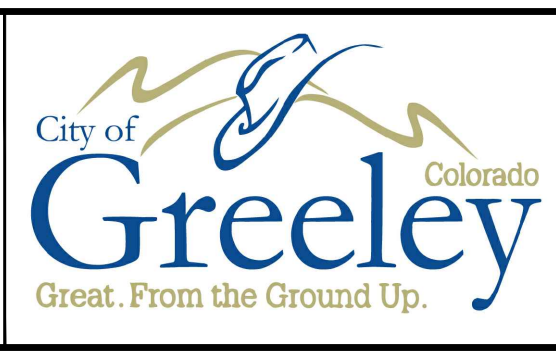
PROFILE
SCALE: 1"=50' H; 1"=10' V

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PROVIDENCE INFRASTRUCTURE CONSULTANTS
300 PLAZA DR, SUITE 320
HIGHLANDS RANCH, CO 80129
(303)997-5035
www.providenceic.com

REYNOLDS CONSTRUCTION, LLC
1775 E 69TH AVE
DENVER, CO 80229
(303) 287-7700
www.reynoldson.com

REVISION	DESCRIPTION OF ISSUE / REVISION	REVISED BY



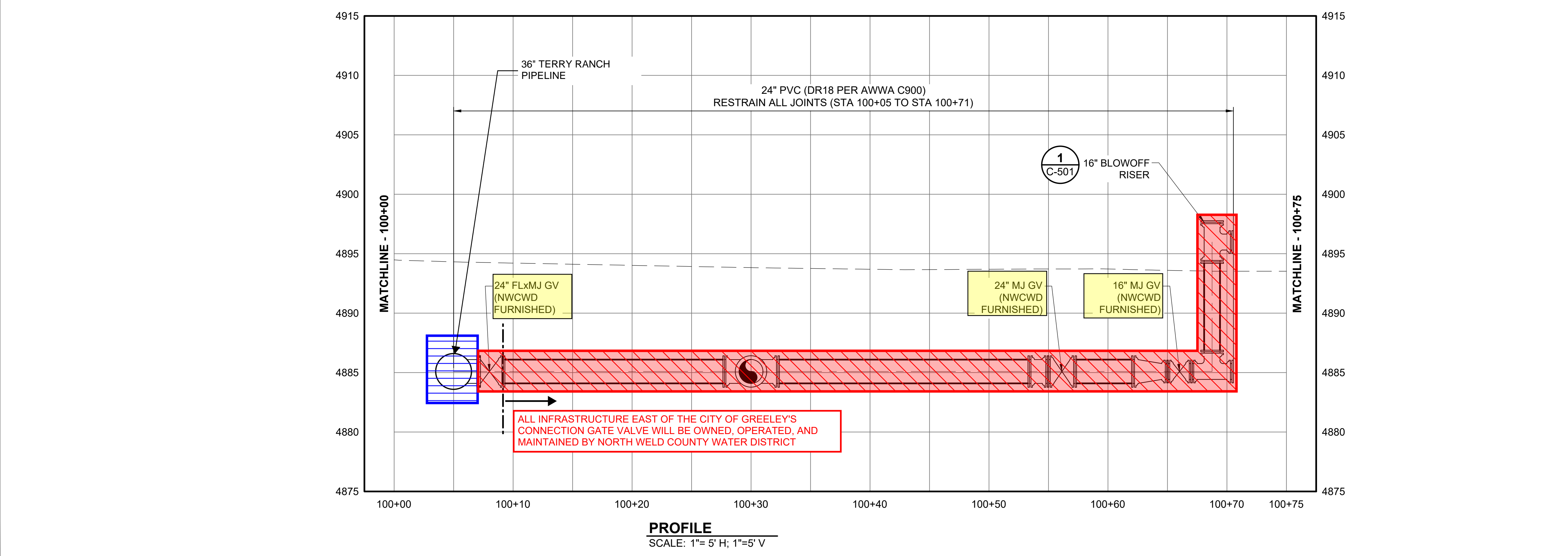
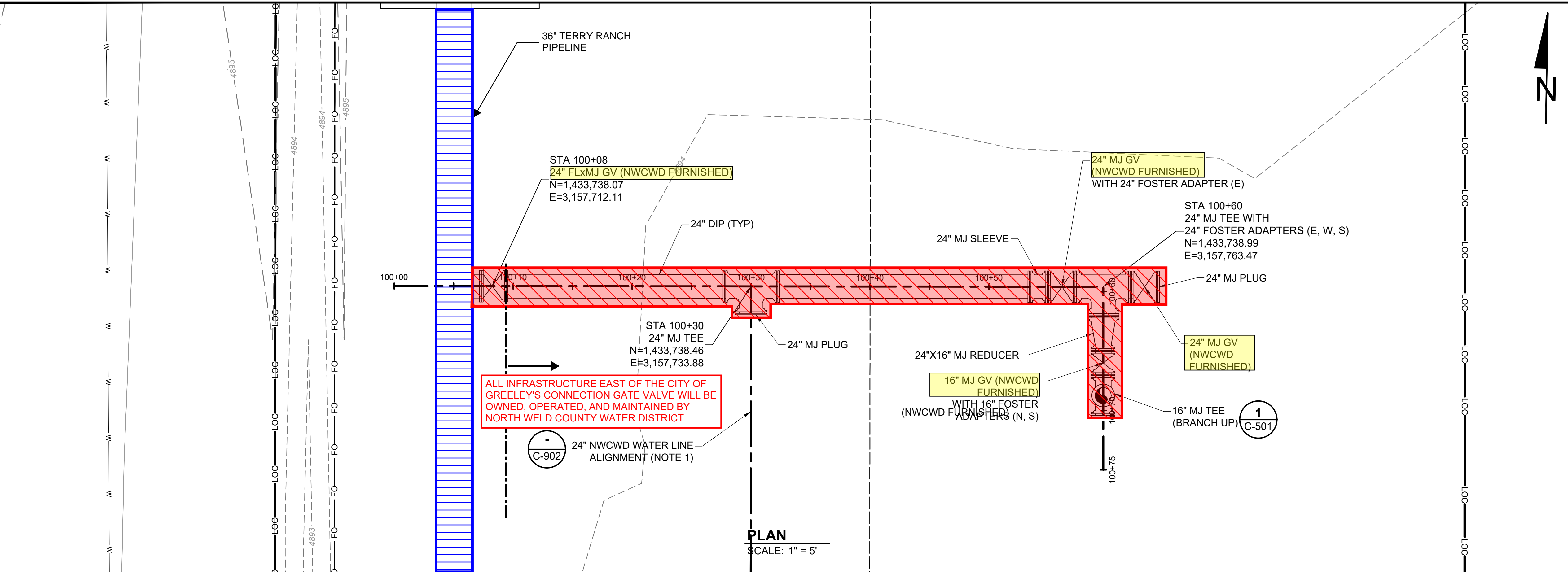
VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

NORTH WELD COUNTY WATER DISTRICT
GREELEY INTERCONNECT AT HARMONY

PLAN AND PROFILE STA 122+00 TO STA 132+00

PROJECT:	220002
DRAWN BY:	B. BOHN
DESIGNED BY:	D. PYTLIK
APPROVED BY:	D. PYTLIK
SHEET:	6 OF 11
DRAWING:	PP-1

D:\C:\S:\2000\Projects\220002\GTR\1000\CAD\WPB\1002\220002-SHEETS\220002-NWCWD-PP-100-L1.dwg USER: drcpc DATE: Dec 28, 2022 3:03pm XREFS: 220002-GTR-WPB-UT 220002-GTR-WPB-ESMT 220002-GTR-WPB-PA 220002-GTR-WPB-SV 220002-GTR-WPB-AERL 220002-GTR-WPB-P-BASE 220002-GTR-WPB-SD 220002-GTR-NWCWD-P-BASE 220002-GTR-NWCWD-SD



- NOTES:**
1. CONTINGENCY PIPELINE TO BE CONSTRUCTED ONLY IN THE EVENT THAT THE GREELEY 36" WSP PIPELINE DOES NOT ARRIVE TIMELY.

THE CITY OF GREELEY AND THE NORTH WELD COUNTY WATER DISTRICT WILL BENEFIT FROM THE USE OF THE 36" TERRY RANCH PIPELINE. THE CITY OF GREELEY WILL BE RESPONSIBLE FOR MATERIAL AND LABOR COSTS ASSOCIATED WITH THE INSTALLATION OF THE PIPELINE WITHIN THESE LIMITS. ALL FACILITIES WITHIN THESE LIMITS AND THE GATE VALVE AT STATION 100+08 (CONNECTION VALVE) WILL BE OWNED, OPERATED, AND MAINTAINED BY THE CITY OF GREELEY

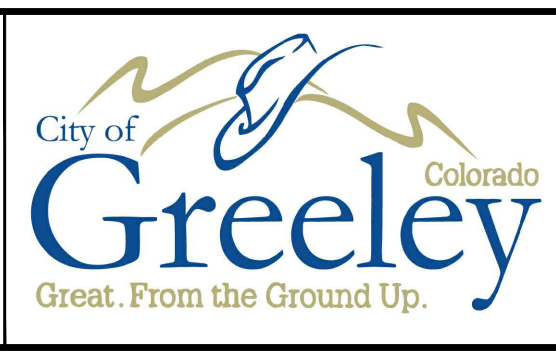
NORTH WELD COUNTY WATER DISTRICT WILL BE RESPONSIBLE FOR COSTS ASSOCIATED WITH MATERIALS AND INSTALLATION OF INFRASTRUCTURE WITHIN THESE LIMITS. ALL WORK SHOWN WITHIN THESE LIMITS WILL BE PERFORMED BY REYNOLDS CONSTRUCTION UNDER THE TERRY RANCH PIPELINE CONSTRUCTION CONTRACT. ALL MATERIALS WILL BE PROVIDED BY REYNOLDS CONSTRUCTION WITH THE EXCEPTION OF FOUR (4) 16- TO 24-INCH GATE VALVES (HIGHLIGHTED). ALL FACILITIES WITHIN THESE LIMITS WITH THE EXCEPTION OF THE 24" GATE VALVE AT STATION 100+08 (CONNECTION VALVE) WILL BE OWNED, OPERATED, AND MAINTAINED BY NORTH WELD COUNTY WATER DISTRICT.

**IGA / PRICING SET
NOT FOR CONSTRUCTION
JANUARY 11, 2023**

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REVISION	DESCRIPTION OF ISSUE / REVISION	REVISED BY



VERIFY SCALE
 BAR IS ONE INCH ON ORIGINAL DRAWING
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NORTH WELD COUNTY WATER DISTRICT
GREELEY INTERCONNECT AT HARMONY

PLAN AND PROFILE - STA 100+00 TO 100+75

PROJECT:	220002
DRAWN BY:	B. BOHN
DESIGNED BY:	D. PYTLIK
APPROVED BY:	D. PYTLIK
SHEET:	8 OF 11
DRAWING:	PP- Page 82

Amendment to the 2019 IGA for Potable Water Interconnect with North Weld County Water District

City Council | February 21, 2023



Background and Need for IGA Amendment

- Interconnect to provide potable water between NW & Greeley
- New location is east of I-25
- W&S installing new Terry Ranch water lines
- Cost effective to install during Terry Ranch pipeline construction due to proximity of infrastructure
- Limits future impacts due to rehab of transmission lines

2019 IGA for Potable Water Interconnect

- Allows for sharing of engineering and operational data
- Provides potable water for all parties in the following events:
 - Emergency Disruption
 - Operational Disruption
- Determined Interconnect requirements
 - Raw water provided
 - Water Quality
 - Cost of water



Proposed Harmony Road Interconnect

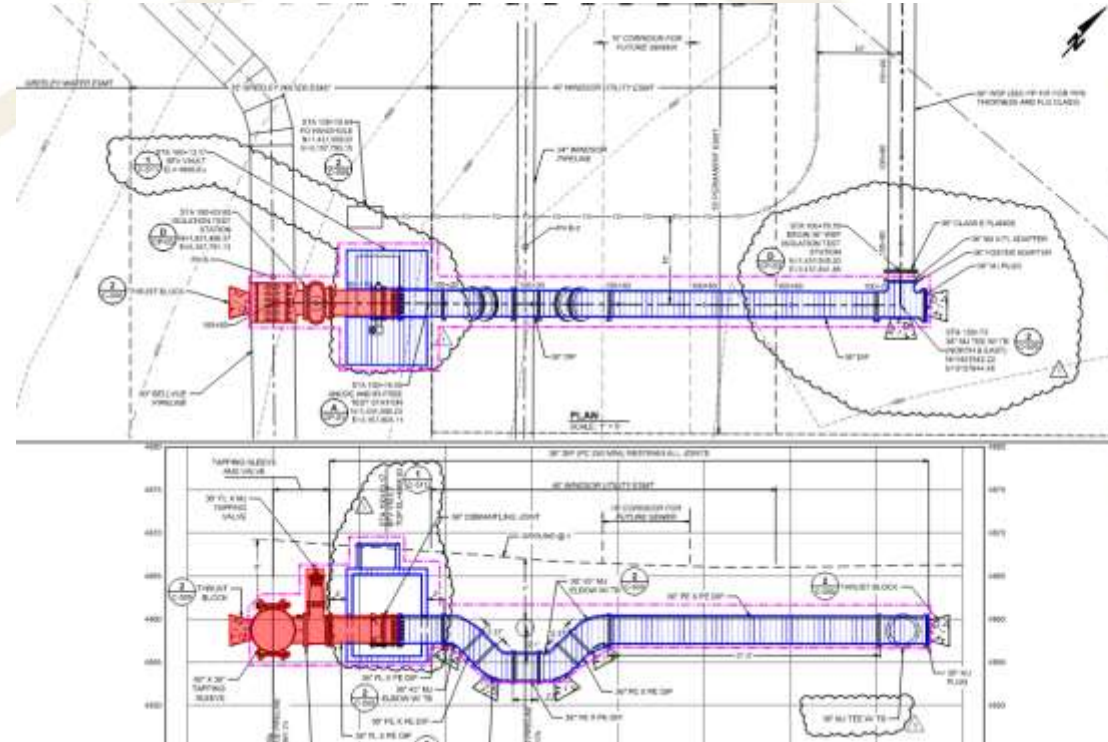
- Pump station required to provide water to NWCWD
- Greeley can take water directly from NWCWD system
- Reduced cost to Greeley for Terry Ranch project



Cost Sharing and Reimbursement of Infrastructure

Item No. 10.

- Allows for materials provided from NWCWD & Greeley
- NWCWD to reimburse Greeley for the buried infrastructure
- NWCWD to pay for most of the infrastructure
- Reduced costs for Terry Ranch project



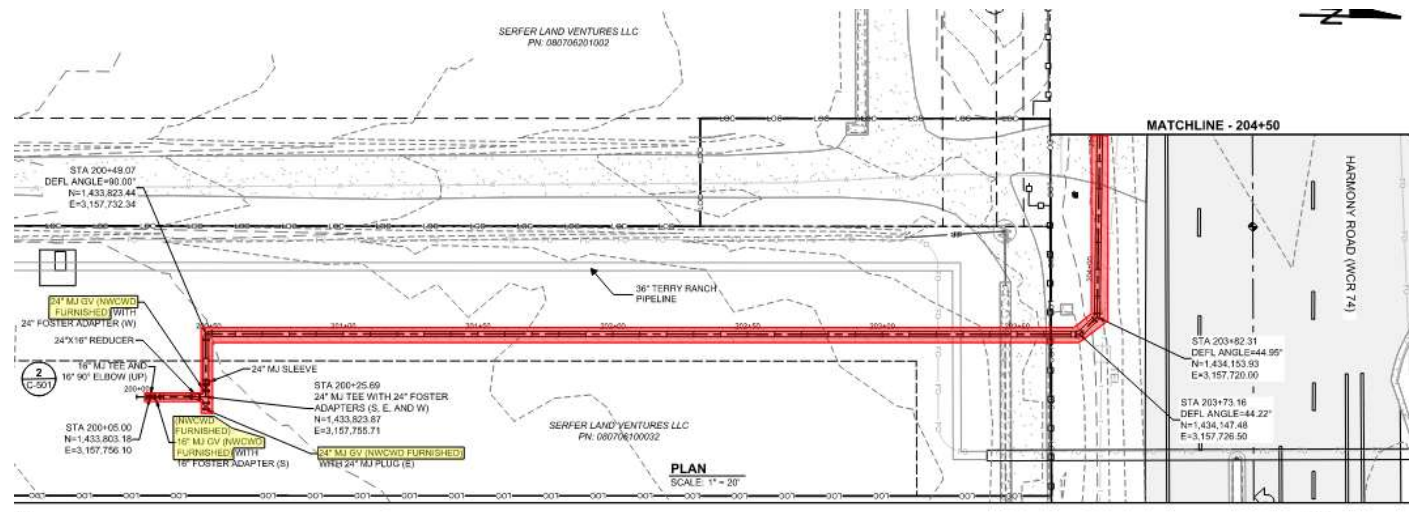
NOTES:

1. SEE SHEET 020101-01 FOR PROPERTY SPECIFIC NOTES AND REQUIREMENTS.

THE CITY OF GREELEY WILL BE RESPONSIBLE TO REIMBURSE NORTH WELD COUNTY WATER DISTRICT FOR MATERIAL COSTS ASSOCIATED WITH THE DUCTILE IRON PIPE AND ASSOCIATED FITTINGS / APPURTENANCES FROM THE DISMANTLING JOINT IN THE VAULT NORTH TO, AND INCLUDING, THE 36" TEE. THE REIMBURSEMENT WILL ALSO INCLUDE THE PRE-CAST CONCRETE VAULT.

NORTH WELD COUNTY WATER DISTRICT WILL BE RESPONSIBLE FOR COSTS ASSOCIATED WITH MATERIALS AND INSTALLATION FROM THE CONNECTION TO THE 36" BELLEVUE PIPELINE THROUGH THE DISMANTLING JOINT. NORTH WELD COUNTY WATER DISTRICT RESPONSIBILITIES EXCLUDE PROVIDING THE BUTTERFLY VALVE AS THE VALVE WILL BE PROVIDED AT A LATER DATE UNDER REYNOLDS CONSTRUCTION TERRY RANCH CONTRACT.

NORTH WELD COUNTY IS EARLY PROVIDING ALL MATERIALS NEEDED FOR THE INSTALLATION SHOWN WITHIN THESE LIMITS WITH THE EXCEPTION OF THE BUTTERFLY VALVE. AS THE VALVE WILL BE PROVIDED BY THE CITY OF GREELEY AT A LATER DATE. ALL WORK SHOWN WITHIN THESE LIMITS WILL BE PERFORMED BY REYNOLDS CONSTRUCTION INCLUDING TIE TAPPING THE 36" BELLEVUE LINE (VIA SUBCENTRALITY). ALL FACILITIES WITHIN THESE LIMITS WILL BE OWNED, OPERATED, AND MAINTAINED BY THE CITY OF GREELEY.



NOTES:

1. NOTE 1
2. NOTE 2

NORTH WELD COUNTY WATER DISTRICT WILL BE RESPONSIBLE FOR COSTS ASSOCIATED WITH MATERIALS AND INSTALLATION OF INFRASTRUCTURE WITHIN THESE LIMITS. ALL WORK SHOWN WITHIN THESE LIMITS WILL BE PERFORMED BY REYNOLDS CONSTRUCTION UNDER THE TERRY RANCH PIPELINE CONSTRUCTION CONTRACT. ALL MATERIALS WILL BE PROVIDED BY REYNOLDS CONSTRUCTION WITH THE EXCEPTION OF THREE (3) 16" AND 24" INCH GATE VALVES (HIGHLIGHTED). ALL FACILITIES WITHIN THESE LIMITS WILL BE OWNED, OPERATED, AND MAINTAINED BY THE NORTH WELD COUNTY WATER DISTRICT.



Staff Recommendation

**Water & Sewer Department Staff Recommends the
Adoption of the Resolutions for the 1st
Amendment to the 2019 IGA for Potable Water
Interconnect with NWCWD & ELCO**



Questions?





Council Agenda Summary

February 21, 2023

Key Staff Contact: Mark Gonzales, Municipal Judge

Title:

Consideration of a Resolution appointing Keith Coleman and Diane Knutson as Assistant Municipal Judges and Assistant Liquor Licensing Hearing Officers for the City of Greeley, Colorado

Summary:

Section 2-939 of the Greeley Municipal Code authorizes the Greeley City Council to appoint Assistant Judges to handle the caseload of the Municipal Court. Section 8-434 of the Greeley Municipal Code establishes a Local Licensing Authority which regulates liquor licensing and provides that Hearing Officers appointed by the City Council act as the Liquor Licensing Authority.

Keith Coleman has acted as an Assistant Municipal Judge and as a back-up Hearing Officer for the Liquor Licensing Authority for the past three years, and previously served as an Assistant Judge from 2008-2010. Greeley Municipal Judge Mark Gonzales has recommended that Mr. Coleman be reappointed as an Assistant Judge and Hearing Officer for the Liquor Licensing Authority.

Diane Knutson has acted as an Assistant Municipal Judge and as a back-up Hearing Officer for the Liquor Licensing Authority since 2012. Greeley Municipal Judge Mark Gonzales has recommended that Ms. Knutson be reappointed as an Assistant Judge and Hearing Officer for the Liquor Licensing Authority.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	Dependent on number of hours the Assistant Judge or back-up Hearing Officer is needed
What fund of the City will provide Funding?	General Fund
Is there grant funding for this item?	N/A
Additional Comments:	The salaries for the Assistant Municipal Judges and back-up Hearing Officers have been budgeted.

Legal Issues:

The appointment of Assistant Judges is authorized by Section 2-939 of the Municipal Code. The appointment of Hearing Officers for the Local Liquor Licensing Authority is authorized by Section 8-434 of the Municipal Code.

Strategic Focus Area:



High-Performance Government



Safe and Secure Communities

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:

Resolution

CITY OF GREELEY, COLORADO

RESOLUTION NO. 5, 2023

A RESOLUTION APPOINTING KEITH COLEMAN AND DIANE KNUTSON AS ASSISTANT MUNICIPAL JUDGES AND ASSISTANT LIQUOR LICENSING HEARING OFFICERS FOR THE CITY OF GREELEY, COLORADO

WHEREAS, Section 2-939 of the Greeley Municipal Code authorizes the Greeley City Council to appoint one or more Assistant Judges to handle the case load of the Municipal Court; and

WHEREAS, the Charter of the City of Greeley provides that the “Judge or Judges of the Municipal Court” must be admitted to practice law in Colorado, and must be a resident of the City during their tenure;

WHEREAS, the Charter of the City of Greeley provides that the “Judge or Judges” of the Municipal Court shall be appointed by the Council for a term of four (4) years, and may be removed by the Council for cause;

WHEREAS, the Greeley City Council has determined that it is necessary and appropriate to appoint Assistant Judges to handle the case load of the Municipal Court and to act in the absence of the Presiding Municipal Court Judge; and

WHEREAS, Section 8-434 of the Greeley Municipal Code establishes a Local Licensing Authority which regulates licensing related to the sale and service of alcohol beverages within the City of Greeley; and

WHEREAS, Section 8-434 of the Greeley Municipal Code provides that a Hearing Officer appointed by the City Council shall act as the Liquor Licensing Authority; and

WHEREAS, Section 8-434 provides that the Liquor Licensing Authority Hearing Officers are appointed by the Greeley City Council by resolution and may be removed without cause by a majority vote of the Greeley City Council; and

WHEREAS, the Greeley City Council has determined that it is appropriate to appoint the Assistant Judges as Hearing Officers to act as the Liquor Licensing Authority as needed; and

WHEREAS, the Greeley Municipal Judge has recommended that Keith Coleman be reappointed as an Assistant Judge and Hearing Officer for the Liquor Licensing Authority and Council has determined that Mr. Coleman is qualified to fill these positions; and

WHEREAS, the Greeley Municipal Judge has recommended that Diane Knutson be reappointed as an Assistant Judge and Hearing Officer for the Liquor Licensing Authority and Council has determined that Ms. Knutson is qualified to fill these positions; and

WHEREAS, the Greeley City Council finds that it is in the best interests of the citizens of the City of Greeley to reappoint Keith Coleman and Diane Knutson as Assistant Judges and Hearing Officers for the Liquor Licensing Authority.

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

- Section 1. The Greeley City Council appoints Keith Coleman as an Assistant Municipal Judge for the City of Greeley, Colorado for a term ending February 11, 2026.
- Section 2. The Greeley City Council appoints Diane Knutson as an Assistant Municipal Judge for the City of Greeley, Colorado for a term beginning February 11, 2026
- Section 3. Pursuant to Section 7-1 of the Greeley Municipal Charter and Section 2-939 of the Greeley Municipal Code, the Greeley City Council has previously set the compensation for the Assistant Municipal Judges.
- Section 4. The Greeley City Council appoints Keith Coleman as a Hearing Officer for the Greeley Liquor Licensing Authority.
- Section 5. The Greeley City Council appoints Diane Knutson as a Hearing Officer for the Greeley Liquor Licensing Authority.
- Section 6. This resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ___ DAY OF FEBRUARY, 2023.

ATTEST:

CITY OF GREELEY, COLORADO

City Clerk

Mayor



Council Agenda Summary

February 21, 2023

Key Staff Contact: Becky Safarik, Interim Community Development Director,
Don Threewitt, Interim Planning Manager/Chief Planner

Title:

Introduction and first reading of an Ordinance amending Title 24 of the Greeley Municipal Code by repealing Title 2, Chapter 9 (Metropolitan Districts) and enacting Title 24, Chapter 12 (Metropolitan Districts) and making amendments thereto

Summary:

At the May 3, 2022 City Council meeting, staff provided an overview of Metropolitan District standards, a list of suggested amendments, and a range of additional criteria that could be included in consideration of such districts. Council agreed to have staff bring forward action to update the current Greeley Metropolitan District Code and Service Plan with basic and needed amendments and then, separately, initiate a larger review and community engagement to consider more substantial code amendments. The ordinance presented with this agenda item includes the noted basic and administrative amendments. The comprehensive Metropolitan District review will commence later this year.

Metropolitan Districts are enabled under Colorado Revised Statutes, Title 32, Article 1, the "Special District Act." The City of Greeley adopted a comprehensive update of the Greeley Development Code in 2021. Administrative-level regulations pertaining to Metropolitan Districts were reserved for refinement and are now presented for formal consideration.

Proposed amendments contained herein are intended to supplement and, to the extent provided by home rule powers granted in Article XX of the Colorado Constitution, to supersede the powers and authority enabled by the Special District Act. A summary of amendments is outlined below, with full text contained in an adoption draft (Attachment A) and a strikethrough draft (Attachment B).

Recommended changes include:

- Providing updated Section numbers and references throughout the chapter;
- Repealing direct references to C.R.S. Title 32, Article 1;
- *Previous* Section 2-513 District's Location - references obsolete Mid-Range Expected Service Area (repealed);
- *New* Section 24-1205 District Minimum Size. Repealing 2-215 which defines a minimum one-acre size to a minimum authorized debt minimum of \$7 Million as the eligibility threshold, consistent with industry standards;

- *New Section 24-1206 Use of eminent domain by a district. Repealing 2-516, clarifying a prohibition of a district’s use of eminent domain, reserving the city’s option to exercise such authority within a district;*
- *New Section 24-1208 Disclosure. Repealing 2-518 and clarifying the procedure for notices of disclosure and a requirement to record the disclosure notice;*
- *Previous Section 2-520 District review timeframe. (repealed);*
- *New Section 24-1214 Filing of proposed service plan. Repealing 2-525, requiring a minimum number of Service Plan copies to be submitted, and providing updated procedures and deadlines for filing a service plan;*
- *New Section 24-1215 Service plan contents. Repealing 2-526, and providing clarified, detailed requirements for service plans;*
- *New Section 24-1216 Administrative review. Repealing 2-527, and providing a more detailed review procedure;*
- *Previous Section 2-533 Limited exemption allowance from compliance with this chapter (repealed);*
- *New Section 24-1227 Inactive Districts and Exemption from compliance with this chapter. Replacing Section 2-533, clarifying eligibility for exemption, and providing for dissolution of inactive districts.*

This action is authorized under Section 24-211 “Code Amendments,” and shall be considered according to the following review criteria:

1. The amendment furthers the purposes of these regulations. Former Chapter 2 provisions do not reflect current procedural norms for submittal and processing. Certain regulatory components were succinct, ambiguous, or omitted leading to challenges with interpretation and implementation. The proposed Chapter 12 regulations provide clarity, specificity, and more inclusive direction for Metropolitan District eligibility requirements and formation. This amendment furthers the intent and purpose of the Code by ensuring fair consideration of development applications through clear, consistent, and transparent procedures.

2. The amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range effects as well as immediate impacts. The proposed Chapter 12 further implements goals and objectives in Imagine Greeley while addressing the Core Values of: “Public/Private Cooperation to Achieve and Maintain Exceptional Community Benefits,” providing “High Quality Infrastructure and Services,” and “Proactive, Progressive and Balanced Economic Development.”

3. The amendment promotes the public safety, health, and general welfare of the citizens of Greeley. This amendment enables and reinforces a necessary vehicle to provide infrastructure and amenities to areas of the city that otherwise wouldn’t feasibly receive such services. Public safety, health, and general welfare are promoted through enhanced, extended services.

4. The amendment improves the effectiveness and efficiency of administering the Land Development Code. Adoption of clarified comprehensive Metropolitan District regulations will increase effectiveness and efficiency in the review, formation, and dissolution of these entities.

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:

Consideration of this matter is a legislative process.

Strategic Focus Area:



Business Growth



High-Performance Government



Housing for All



Infrastructure and Mobility

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 March 7, 2023.

Attachments:

Ordinance

Ordinance Appendix A - redline - additions (**bold**) and deletions (~~strike through~~)

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 9, 2023**

AN ORDINANCE AMENDING TITLE 24 OF THE GREELEY MUNICIPAL CODE BY REPEALING TITLE 2, CHAPTER 9 (METROPOLITAN DISTRICTS) AND ENACTING TITLE 24, CHAPTER 12 (METROPOLITAN DISTRICTS) AND MAKING AMENDMENTS THERETO

WHEREAS, the Greeley City Charter describes the powers of the City and City Council related to adoption of the function and operation of general municipal public works, parks, water and sewer, and fire facilities; and

WHEREAS, Metropolitan Districts may provide two or more of the following services, fire protection, mosquito control, parks and recreation, safety protection, sanitation, solid waste disposal facilities or collection and transportation of solid waste, street improvement, television relay and translation, transportation, and water.

WHEREAS, the Greeley City Council seeks to establish regulatory standards which balance the expectations and impacts of any Metropolitan District; and

WHEREAS, the City Council has determined certain limited uses of Metropolitan Districts may be allowed as an alternative financing mechanism for infrastructure development; and

WHEREAS, amendments to the Greeley Municipal Code related to Metropolitan Districts are necessary from time to time to align with other municipal code changes and industry standards, and to remove obsolete elements of the code.

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

Section 1. That the Greeley Municipal Code be amended by repealing Title 2, Chapter 9 and adding thereto a new Title 24, Chapter 12 to read as shown in Appendix A.

Section 2. This ordinance shall become effective five (5) days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF _____, 2023.

ATTEST:

CITY OF GREELEY

City Clerk

Mayor

~~CHAPTER 9.~~ **CHAPTER 24.-** METROPOLITAN DISTRICTS

~~Sec. 2-510.~~ **Sec. 24-1201.-** Legislative declaration.

(a) Metropolitan districts (districts) organized under C.R.S. title 32, article 1 (the Special District Act), under appropriate circumstances, provide an economic alternative to the development of municipal infrastructure at the expense and risk of the city. The provisions of this chapter are intended to provide procedures for the processing and review of proposals for formation of new districts and to define the restrictions and limitations which may be imposed by the city as a condition to the approval of such districts consistent with the policy and intent of this chapter.

(b) The adoption of this chapter is necessary, requisite and proper for the government and administration of local and municipal matters pursuant to the city's home rule powers granted by article XX of the Colorado Constitution. The city council specifically finds that the determination of whether to use districts to provide for the development of capital facilities and incurring of debt to finance such facilities is purely a matter of local concern and shall determine the merits of allowing the formation of a district for development of municipal infrastructure to allow a district on a case-by-case basis.

~~(Code 1994, § 13.50.010; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-511.~~ **Sec. 24-1202. -** Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the board of directors of a district.

District means a metropolitan district proposed to be established and organized under the Special District Act whose service plan is to be approved by the city under applicable state law, and also means any existing metropolitan district that is located wholly within the corporate limits of the city as of the effective date of the ordinance from which this chapter is derived.

Petitioners means those persons proposing the formation of a district, a service plan for a district or an amendment to an approved service plan of a district.

~~(Code 1994, § 13.50.020; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-512.~~ **Sec. 24-1203.-** Reservation and construction.

The city reserves all the powers and authority granted to municipalities by the Special District Act. The provisions of this chapter shall be construed and applied to supplement the applicable provisions of the Special District Act and, to the extent provided herein, supersede the Special District Act pursuant to the home rule powers granted the city by article XX of the Colorado Constitution.

~~(Code 1994, § 13.50.030; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-513.-~~ District's location.

~~(a) Districts proposed to be located outside of the mid-range expected service area (MRESA) shall demonstrate compliance with those standards required by section 24-1055 of the Development Code,~~

~~which allows the city council to grant a waiver from the requirement for development to occur only within the established MRESA.~~

~~MID-RANGE EXPECTED SERVICE AREA BOUNDARY~~

~~MID-RANGE EXPECTED SERVICE AREA BOUNDARY~~

~~(b) Districts proposed to be located within the MRESA may be permitted only for either of the following types of projects: (1) Substantial redevelopment of a site when it is projected to provide a positive property tax return from the project utilizing the available city infrastructure investment; or (2) Initial development of a site that demonstrates compliance with the standards required by section 24-1055 of the Development Code.~~

~~(Code 1994, § 13.50.040, app. 18-K; Ord. No. 20, 2003, § 1, 2003; Ord. No. 19, 2004, § 1, 2004; Ord. No. 23, 2006, § 1, 2006; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-514. Sec. 24-1204.- Permitted district improvements.~~

~~A district shall only be permitted to construct those capital and infrastructure improvements which are identified within an approved service plan, which may include but are not limited to, required off-site improvements and/or improvements required by section 24-1055 of the Development Code.~~

~~(Code 1994, § 13.50.050; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-515. Sec. 24-1205- District minimum size.~~

~~A district shall consist of an area of at least one square mile in area size with all property included in the district contiguous, except streets, ditches and other similar easements or features. A district may be less than one square mile if it can be demonstrated that the development substantially accomplishes the land use mix and connectivity with adjacent parcels required by section 24-1055 of the Development Code. **A District proposed to issue less than \$7 million of authorized debt will not be considered.**~~

~~(Code 1994, § 13.50.060; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-516. Sec. 24-1206- Use of eminent domain by a district.~~

~~Eminent domain may be utilized by a district only on a case-by-case basis and only after review and approval by the city council. The city council may approve the use of eminent domain within a metropolitan district if the proposed use of eminent domain is necessary for the development of the district and there is an identified public benefit obtained by the use of eminent domain.~~

~~(Code 1994, § 13.50.070; Ord. No. 13, 2007, § 1, 4-3-2007) **The Service Plan shall contain language that prohibits the district from exercising the power of eminent domain. However, the city may choose to exercise its power of eminent domain to construct public improvements within the District in which case the District and the City will enter into an intergovernmental agreement concerning the public improvements and funding for that use of eminent domain.**~~

~~Sec. 2-517. Sec. 24-1207. - District's application for grants.~~

A district may be permitted to apply for grant funds for which the city is also eligible only after review and approval by the city council of the application for said grant proposal by the district.

(Code 1994, § 13.50.080; Ord. No. 13, 2007, § 1, 4-3-2007)

~~Sec. 2-518.~~ **Sec. 24-1208.** - Disclosure.

~~As part of any sale of real property located within a metropolitan district, there shall be a written disclosure statement which accompanies the sales transaction that identifies and describes the increased property tax burden of the property due to its location in the metropolitan district. The document shall be executed as part of the title work associated with the sale of the property, shall be signed by the seller and purchaser of the property and shall be recorded promptly with the county clerk and recorder by the district.~~

(Code 1994, § 13.50.090; Ord. No. 13, 2007, § 1, 4-3-2007)

As part of any sale of real property located within a metropolitan district, there shall be a written disclosure statement which accompanies the sales transaction that identifies and describes the increased property tax burden of the property due to its location in the metropolitan district. Notices of disclosure shall be provided as follows:

- a. **The metropolitan district will use reasonable efforts and due diligence to cause each developer or and home builder to provide a notice of disclosure to the buyer along with at the time of entering into the purchase contract and obtain the home buyer's signed acknowledgment of the notice of disclosure. The notice of disclosure shall describe the impact of the district mill levy and fees, general purpose of the metropolitan district, and financial impact on each residential property and shall specifically provide the information required by C.R.S. § 38-35.7-110, as amended from time to time.**
- b. **The metropolitan district shall record the notice of disclosure for each property within the district with Weld County at the time the plat is recorded. The metropolitan district shall record the notice of disclosure for each property prior to any building permits for the subdivision being issued if the subdivision plat has already been filed. The metropolitan district shall provide the city with a copy of such notice of disclosure if the subdivision plat has already been filed with Weld County. The notice of disclosure shall include the maximum mill levy that may be assessed and associated taxes that may be imposed on the property for each year the district is in existence all information required by C.R.S. § 38-35.7-110, as amended from time to time.**
- c. **The metropolitan district will use all reasonable efforts and due diligence to cause the developer or home builder to provide information to potential residential buyers by furnishing information describing the key provisions of the approved district to the developer or home builder for prominent display at all sales offices, and by inspecting the sales offices within the district's boundaries on a quarterly basis to assure the information provided is accurate and prominently displayed. Such information shall include the maximum mill levy and associated taxes and fees**

that may be imposed on each property for each year the district is in existence, and a description of the improvements that are or have been paid for by the district.

~~Sec. 2-519.~~ **Sec. 24-1209.** - Referral notice to other affected special districts.

As part of the city review and approval of all proposed districts, a written notice from the city shall be forwarded to each existing special district located within the proposed district's boundary at least 30 calendar days prior to the public hearing. The purpose of the notice is to afford the special districts the opportunity to provide comment about the proposed district and any adverse impacts, including the district's proposed financing and mill levy, which the existing special district anticipates may arise from the district due to its anticipated development and its proposed location.

~~(Code 1994, § 13.50.100; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-520.~~ - District review timeframe.

~~Creation of new districts shall be considered as part of the annual city council review of the mid-range expected service area (MRESA) boundary. An exception to this timeframe may be granted by the city council for a district, in the city's sole discretion, when the proposed district meets the waiver criteria found in section 24-1055.~~

~~(Code 1994, § 13.50.110; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-521.~~ **Sec. 24-1210.** - District fees and costs.

(a) The application and processing fee for the city to review the creation of a district and service plan shall be set periodically by the city manager at a rate to recover administrative review expenses as well as reasonable direct costs incurred by the city related to such district and plan review, including, but not limited to, costs of the city's bond counsel.

(b) All owners of real property within any district shall be required to pay any and all applicable city fees, costs and expenses, including, but not limited to, building and development fees that apply to all properties citywide.

~~(Code 1994, § 13.50.120; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-522.~~ **Sec. 24-1211.** - Required annual report.

Not later than September 1 of each calendar year, each district shall file an annual report (the annual report) with the city clerk, the requirements of which may be waived in whole or in part by the city council, if such reporting requirements place an undue hardship on such district. The annual report shall reflect activity and financial events of the district through the preceding December 31 (the report year). The annual report shall include the following:

(1) A narrative summary of the progress of the district in implementing its service plan for the report year;

(2) Except when exemption from audit has been granted for the report year under the Local Government Audit Law, the audited financial statements of the district for the report year, including a statement of financial condition (i.e., balance sheet) as of December 31 of the report year, and the

statement of operations (i.e., revenues and expenditures) for the report year or a copy of the audit exemption application;

(3) Unless disclosed within a separate schedule attached to the financial statements, a summary of the capital expenditures incurred by the district in development of public improvements in the report year, as well as any public improvements proposed to be undertaken in the five years following the report year;

(4) Unless disclosed within a separate schedule attached to the financial statements, a summary of the financial obligations of the district at the end of the report year, including the amount of outstanding debt, the amount and terms of any new debt issued in the report year, the amount of payment or retirement of existing debt of the district in the report year, the total assessed valuation of all taxable properties within the district as of January 1 of the report year and the current mill levy of the district pledged to debt retirement in the report year;

(5) A summary of residential and commercial development in the district for the report year;

(6) A summary of all fees, charges and assessments imposed by the district as of January 1 of the report year;

(7) Certification by the board of directors that no action, event or condition enumerated in ~~section 2-530~~ has occurred in the report year; and

(8) The name, business address and telephone number of each member of the board of directors and its chief administrative officer and general counsel, together with the date, place and time of the regular meetings of the board of directors.

~~(Code 1994, § 13.50.130; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-523.~~ **Sec. 24-1212.** - Review of annual report.

Annually, the city council, at a regular public meeting, may review the annual reports received from each district. In the event the annual report is not timely received by the city clerk, notice of such default shall be given by certified mail by the city clerk to the board of directors of such district at its last-known address. The failure of the district to file the annual report within 45 calendar days of the mailing of such default notice by the city clerk shall empower the city council to impose the sanctions authorized in ~~section 2-537~~ **24-1212**. The remedies provided for noncompliance with the filing of the annual report shall be supplementary to any remedy authorized by the Special District Act.

~~(Code 1994, § 13.50.140; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-524.~~ **Sec. 24-1213.**- Presubmittal meeting.

Petitioners shall initiate a service plan proposal by scheduling a meeting with designated city staff representatives to discuss the procedures and requirements for a service plan. The city representative shall explain the administrative process and provide information to assist petitioners in the orderly processing of the proposed service plan.

~~(Code 1994, § 13.50.150; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-525.~~ **Sec. 24-1214.** - Filing of proposed service plan.

~~(a) Petitioners shall file a proposed service plan and 15 additional copies with the city clerk. The proposed service plan shall substantially comply with the format of any model service plan which is maintained on file with the city clerk. (b) A copy of the proposed petition to be filed with the district court must be included with the proposed service plan filed with the city.~~

~~(Code 1994, § 13-50.160; Ord. No. 13, 2007, § 1, 4-3-2007)~~

- a. **Petitioners shall file a proposed service plan electronically with the Community Development Department. The proposed service plan shall substantially comply with the format of any model service plan which is maintained on file with the city.**
- b. **Copies of the service plan and intergovernmental agreement, including supporting information as required in [section 24-1215](#) together with a nonrefundable application fee, as established by resolution of the city council, shall be forwarded to the Community Development Department at 1100 10th Street, Greeley, Colorado 80631. The applicant shall pay all reasonable fees and expenses incurred by the city if the city chooses to retain outside financial, legal, accounting, feasibility, or other expertise to assist in the review of the application or service plan.**
- c. **If a proposed metropolitan district submits application documents that deviate from the form or content of the model service plan and model intergovernmental agreement, the documents will be reviewed by the city's financial and legal consultants at the applicant's expense.**
- d. **A copy of the proposed petition to be filed with the district court must be included with the proposed service plan filed with the city.**
- e. **The formal application and application fees must be received by the City no later than the third Tuesday of December in the preceding year for a spring election (May) or the third Tuesday of May for a fall election (November). The city cannot commit to timely processing of applications submitted after these dates for their respective elections.**

~~Sec. 2-526.~~ **Sec. 24-1215.** - Service plan contents.

The proposed service plan shall include the following:

- ~~(1) The information required under C.R.S. § 32-1-202(2), and section 24-1055 of the Development Code.~~
- ~~(2) A map of the proposed district boundaries with a legal description or lot and block description.~~
- ~~(3) An itemization of any costs which petitioners expect to be assumed by the city for the construction and maintenance of public improvements and the timing of said public expenditure.~~
- ~~(4) Proof of ownership for all properties within the district.~~
- ~~(5) A copy of any and all proposed, contractual and/or operations documents which would affect or be executed by the proposed district, including the form of any intergovernmental agreement between the district and the city.~~

(6) A capital plan including the following:

- a. A description of the type of capital facilities to be developed by the district;
- b. An estimate of the cost of the proposed facilities; and
- c. A pro forma capital expenditure plan correlating expenditures with development of district infrastructure.

(7) A financial plan including the following:

- a. The total amount of debt issuance planned for the five-year period commencing with the formation of the district;
- b. All proposed sources of revenue and projected district expenses, as well as the assumptions upon which they are based, for at least a ten-year period from the date of the district formation;
- c. The dollar amount of any anticipated financing, including capitalized interest, costs of issuance, estimated maximum rates and discounts and any expenses related to the organization and initial operation of the district;
- d. A detailed repayment plan covering the life of any financing, including the frequency and amounts expected to be collected from all sources;
- e. The amount of any reserve fund and the expected level of annual debt service coverage which will be maintained for any financing;
- f. The total authorized debt for the district;
- g. The provisions regarding credit enhancement, if any, for the proposed financing, including, but not limited to, letters of credit and insurance; and
- h. A list and written explanation of potential risks of the financing.

(8) Such other information contained in the model service plan or as may reasonably be deemed necessary or appropriate by the city, including, but not limited to, potential impacts to other existing developments within the city.

(Code 1994, § 13.50.170; Ord. No. 13, 2007, § 1, 4-3-2007)

a. Form of application. Any request for approval of a metropolitan district within the city's boundaries shall be in the form of a formal application as follows:

1. A document designated as a "service plan" utilizing the model service plan approved by the city council which shall contain:

(a) The information required under C.R.S. § 32-1-202(2), and [section 24-1055](#) of the Development Code.

(b) A map of the proposed district boundaries with a legal description or lot and block description.

- (c) An itemization of any costs which petitioners expect to be assumed by the city for the construction and maintenance of public improvements and the timing of said public expenditure.
- (d) Proof of ownership for all properties within the district.
- (e) A copy of any and all proposed, contractual and/or operations documents which would affect or be executed by the proposed district, including the form of any intergovernmental agreement between the district and the city.
- (f) A statement that the proposed metropolitan district shall not provide any ongoing governmental services, without the specific approval of the council, as evidenced by a council resolution, after a public hearing on the matter has been held, either at the time of adoption of the service plan or subsequent thereto.
- (g) A copy of any and all of the proposed enabling, controlling, contractual and/or operations documents that would affect or be executed by the proposed metropolitan district, including the intergovernmental agreement between or among the Metropolitan District, the city, or any other government, authority or district.
- (h) Statements regarding community engagement that ensure that residents have adequate opportunity to participate in metropolitan district meetings and remain apprised of the metropolitan district's operations and functions through a public website.
- (i) A statement that the district shall not be authorized to impose, receive, collect, or pledge to any indebtedness of the district a public improvement fee (PIF) unless otherwise approved by the city.
- (j) An assurance that the city would be provided with written notice of the date of hearing on the petition that the proponents would intend to tender to the district court.
- (k) A written intergovernmental agreement with the city in the form of the model intergovernmental agreement approved by the city manager, to be approved subsequent to the city council's adoption of a resolution approving the service plan and the city's approval of a Conceptual Site Plan for the development within the proposed Metropolitan District boundaries, which shall specify:
 - 1. The inclusion of properties within or the exclusion of properties from the boundaries of the Metropolitan District;
 - 2. The refunding of any of the metropolitan district's outstanding bonds which would extend the maturity of the outstanding bonds or increase the total debt service.
 - 3. Any increase in the maximum debt mill levy or maximum operating mill levy above the cap.

4. The consolidation with any other special district pursuant to C.R.S. § 32-1-101 et seq.
5. The acquisition, ownership, management, adjudication or development of water rights or resources.
6. Application for grants or other state or federal grants.
7. Provision of services to properties outside the boundary of the city.
8. Bond documents may not provide acceleration of debt against the issuer as a remedy.
9. The authority to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain fire protection facilities or services.
10. The operation and maintenance of any part or all of the public improvements.

(l) In addition, the intergovernmental agreement shall contain the following provisions:

1. Requirements for dissolution of the district upon the accomplishment of the purposes and undertakings for which the metropolitan district was formed. If the metropolitan district was only created for construction of public improvements, it shall dissolve when all outstanding debt is paid. If the metropolitan district was created for providing services or maintenance functions, the metropolitan district may continue so long as those services are provided.
2. Acknowledgement by the metropolitan district that the city shall not be limited in implementing council or voter approved growth limitations, even though such actions may reduce or delay development within the metropolitan district and the realization of metropolitan district revenue.
3. All activities by the metropolitan district will be subject to all of the city's zoning, subdivision, building code and other land use requirements.
4. No telecommunication facilities owned, operated or otherwise allowed by the metropolitan District shall affect the ability of the city to expand its telecommunication facilities or impair existing telecommunication facilities.
5. If there is a reimbursement agreement approved for public improvements installed by the district, all reimbursed funds shall only be used by the district to repay debt service.
6. All limitations contained in the service plan, including, but not limited to, those pertaining to the maximum debt mill levy, maximum debt mill levy imposition term, and maximum operating mill levy:

- i. Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a service plan amendment; and
 - ii. Are, together with all other requirements of Colorado law, including in the "political or governmental powers" reserved to the state under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the "regulatory or electoral approval necessary under applicable nonbankruptcy law" as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6). Any debt that exceeds the maximum debt mill levy and the maximum debt mill levy imposition term, shall be deemed a material modification of this service plan pursuant to C.R.S. § Section 32-1-207, C.R.S. and shall not be an authorized issuance of debt unless and until such material modification has been approved by the city as part of a service plan amendment. The city shall be entitled to all remedies available at law to enjoin such actions of the district.
 7. The district is not authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain television relay and translation facilities and services.
 8. Public improvements will be designed and constructed in accordance with the standards, specifications, and approval of the city and any other governmental entities having proper jurisdiction.
 9. Prior to the issuance of any privately placed debt, the district shall obtain the certification of an external financial advisor.
 10. The district shall not exercise its city sales and use tax exemption.
- (m) Provisions that the metropolitan district shall take all action necessary to dissolve, pursuant to C.R.S. § 32-1-701 et seq., upon an independent determination of the council that the purposes for which the metropolitan district was created have been accomplished, whereupon council shall adopt a resolution, after a public hearing thereon, stating that the proposed metropolitan district shall be dissolved; provided, however, that minimum and maximum time limits upon the council's determination may be set forth in the service plan.
- (n) Statements that the proposed metropolitan district will be subject to all of the city's zoning, subdivision, building code and other land use requirements.
- (o) If multiple metropolitan districts are proposed to serve different areas of one development, a statement of how the multiple district structure will operate and an assurance that no single district will retain control of all financial decisions for all the districts.

1. Under limited and justified circumstances, the city may, in its sole discretion, permit a single district within a multiple district structure to have some reasonable controls for the sole purpose of ensuring the completion of a very large and complex development. The service plan shall include statements justifying the need for such a district and what reasonable controls the district requires.

(p) Under certain circumstances for large, multiphase developments with long anticipated timeframes for build-out, the city may require, in its sole discretion, statements that specify and limit improvements financed by different areas and/or phases of the development in order to ensure an equitable distribution of public improvement costs.

b. A capital plan including the following:

1. A description of the type of capital facilities to be developed by the district;
2. An estimate of the cost of the proposed facilities; and
3. A pro forma capital expenditure plan correlating expenditures with development of district infrastructure.

c. A financial plan including the following:

1. The total amount of debt issuance planned for the five-year period commencing with the formation of the district;
2. All proposed sources of revenue and projected district expenses, as well as the assumptions upon which they are based, for at least a ten-year period from the date of the district formation;
3. The dollar amount of any anticipated financing, including capitalized interest, costs of issuance, estimated maximum rates and discounts and any expenses related to the organization and initial operation of the district;
4. A detailed repayment plan covering the life of any financing, including the frequency and amounts expected to be collected from all sources;
5. The amount of any reserve fund and the expected level of annual debt service coverage which will be maintained for any financing;
6. The total authorized debt for the district;
7. The provisions regarding credit enhancement, if any, for the proposed financing, including, but not limited to, letters of credit and insurance; and
8. A list and written explanation of potential risks of the financing.

~~Sec. 2-527.~~ **Sec. 24-1216.** - Administrative review.

~~Once a review of the service plan by the city has been completed, a comprehensive analysis shall be made in written report form to the city council. The report shall evaluate the service plan and incorporate comments of the city staff as well as any consultants. The report shall set forth the recommendations made in accordance with the review criteria contained in section 2-526.~~

~~(Code 1994, § 13-50.180; Ord. No. 13, 2007, § 1, 4-3-2007)~~

An Administrative Review Team will review the applicant submittal along with any follow-up documentation that is requested in order to assess the application according to this Policy and other appropriate City policy. Once the final review of the service plan by the city staff has been completed, a comprehensive analysis shall be made in written report form to the city council. The report shall evaluate the service plan and incorporate comments of the city staff as well as any consultants. The report shall set forth the recommendations made in accordance with the review criteria contained in [section 24-1215](#).

~~Sec. 2-528.~~ **Sec. 24-1217.** - Public hearing and criteria applied to a service plan.

Upon completion of the administrative report, a public hearing shall be scheduled for consideration at a regular city council meeting. Public notice shall be accomplished in accordance with the requirements of C.R.S. § 32-1-204.

(1) Any testimony or evidence which, in the discretion of the city council, is relevant to the organization of the district shall be considered.

(2) The city council shall apply the following criteria to consideration of the proposed service plan:

a. Whether there is a sufficient existing and projected need for organized service in the area to be serviced by the proposed district;

b. Whether the existing service in the area to be served by the proposed district is inadequate for present and projected needs;

c. Whether the proposed district is capable of providing economical and sufficient service to the area within its proposed boundaries;

d. Whether the area to be included in the proposed district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;

e. Whether adequate service is not, or will not be, available to the area through the city or other existing quasi-municipal corporations, including existing districts, within a reasonable time and on a comparable basis;

f. Whether the facility and service standards of the proposed district are compatible with the facility and service standards of the city;

g. Whether the proposal is in substantial compliance with the city's comprehensive plan;

h. Whether the proposal is in substantial compliance with the county, regional or state long-range water quality management plans and wastewater plans for the area;

- i. Whether the creation of the district will be in the best interests of the area proposed to be served;
- j. Whether the creation of the district will be in the best interests of the residents or future residents of the area proposed to be served;
- k. Whether the proposed service plan is in substantial compliance with this chapter; and
- l. Whether the creation of the district will foster urban development that is remote from, or incapable of being integrated with, existing urban areas, or place a burden on the city or adjacent jurisdictions to provide urban services to residents of the proposed district.

~~(Code 1994, § 13.50.190; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-529.~~ **Sec. 24-1218.** - Findings and written determination regarding district service plan.

If, after consideration of the applicant's submitted materials, staff reports and public testimony at the public hearing, the service plan is approved, a resolution of approval of the service plan, either as approved or as approved with conditions, shall be adopted by the city council. The resolution of approval of the service plan shall include findings that conclusively establish that the service plan is in substantial compliance with this chapter and, in particular, the criteria found in sections ~~2-526~~ **24-1215** and ~~2-528~~ **24-1217**.

(2). In all cases, the city council shall make findings for its determination of approval, approval with conditions or denial based on the criteria stated in section ~~2-528(2)~~ **24-1217**

~~(Code 1994, § 13.50.200; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-530.~~ **Sec. 24-1219.** - Material modification.

In addition to any material modifications made to any approved service plan, the occurrence of any of the following actions, events or conditions, subsequent to the date of approval of the service plan or most recent amendment thereto, shall constitute material modifications requiring a service plan amendment:

(1) Default in the payment of principal or interest of any district bonds, notes, certificates, debentures, contracts or other evidences of indebtedness or borrowing issued or incurred by the district which:

- a. Persists for a period of 120 calendar days or more;
- b. The defaulted payment exceeds the lesser of \$50,000.00 or ten percent of the outstanding principal balance of the indebtedness; or
- c. The creditors have not agreed in writing with the district to forbear from pursuit of legal remedies.

(2) The failure of the district to develop, cause to be developed or consent to the development by others of any capital facility proposed in its service plan when necessary to service approved development within the district.

(3) Failure of the district to realize at least 75 percent of the development revenues (including developer contributions, loans or advances, fees, exactions and charges imposed by the district on residential and commercial development, excluding taxes) projected in the financial portion of the service plan during

the three-year period ending with the report year, provided that the disparity between projected and realized revenue exceeds \$50,000.00.

(4) The development of any capital facility in excess of \$100,000.00 in cost, which is not either identified in the service plan or authorized by the city in the course of a separate development approval, excluding bona fide cost projection miscalculations; and state or federally mandated improvements, particularly water, storm drainage and/or sanitation facilities.

(5) The occurrence of any event or condition which is defined under the service plan or intergovernmental agreement as necessitating a service plan amendment.

(6) The material default by the district under any intergovernmental agreement with the city.

(7) Any of the events or conditions enumerated in C.R.S. § 32-1-207(2).

~~(Code 1994, § 13.50.210; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-531.~~ **Sec. 24-1220.** - Appeal hearing of material modification determination.

Should the district dispute that one or more of the occurrences enumerated is a material modification, the district may, within 60 calendar days of notice by the city, and after consultation with city staff, request in writing a hearing before the city council. After hearing and receipt of any relevant information presented by the district and the recommendation of city staff, the city council shall make a finding as to whether such occurrence constitutes a material modification. In the event it is found that a material modification has taken place, the district shall submit its request for an amendment in accordance with this chapter, unless waived by the city council. Upon a finding that no material modification has taken place, the district shall be relieved from obtaining an amendment. The city council may, however, require a later amendment if the change or deviation, on a cumulative basis, subsequently becomes a material modification. In making its determination, the city council shall consider, among other relevant information, whether the modification will have a probable adverse financial impact on the city.

~~(Code 1994, § 13.50.220; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-532.~~ **Sec. 24-1221.** - Service plan amendment.

(a) Except as otherwise provided in the approved service plan and except when the city council has determined that no material modification has occurred pursuant to section ~~2-531~~ **24-1220**, within 90 calendar days of the occurrence of an action, event or condition enumerated in ~~section 2-530~~, the board of directors shall forward an appropriate petition to the city council for approval requesting a service plan amendment. The petition for amendment shall include:

(1) Any information or documentation required under the applicable provisions of the Special District Act;

(2) Any material changes since the service plan was last reviewed and approved by the city council to any of the information, assumptions or projections furnished in conjunction with the petition for approval of organization of a district or contained in the service plan;

- (3) A detailed explanation of the activity, events or conditions which resulted in the material modification, including what action was taken or alternatives considered, if any, by the district to avoid the action, event or condition;
- (4) The impact of the material modification on the district's ability to develop the capital facilities and infrastructure necessary to meet its capital development plan;
- (5) The effect of the material modification on the district's ability to retire, as scheduled, its outstanding financial obligations and its ability to issue and market additional indebtedness, if any;
- (6) A current financial plan for the district reflecting development absorption rates anticipated within the district's service area, projected annual revenues and expenditures based upon such projected absorption rates, debt issuance and amortization schedules and a projection of anticipated capital outlays;
- (7) The financial impact of the modification on existing residents of the district;
- (8) An updated five-year capital improvements plan; and
- (9) What alternatives or options are available to the district if the requested amendment is not approved.

(b) All of the required information shall be supported by appropriate technical analysis, reports and supporting documents of qualified professionals and consultants. The amendment shall be processed and reviewed in the same manner as prescribed by this chapter for an initial service plan, except that the submittal requirements of this section shall be substituted for those of section ~~2-525~~ **24-1214**, and the application fee shall be set by the city manager. This section shall not impair the right of the city to bring an action in the district court to pursue appropriate remedies, including, but not limited to, enjoining the activities of the district pursuant to C.R.S. § 32-1-207(3)(b).

(c) After the effective date of the ordinance from which this chapter is derived, all service plan amendments shall comply with this chapter.

~~(Code 1994, § 13.50.230; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-533.— Exemption from compliance with this chapter.~~

~~If any district has not undertaken development of capital facilities or issued any indebtedness within one year after approval of the district by the city, it may apply to the city council within 30 calendar days of expiration of the one-year period for a one-time exemption from compliance with this chapter for a period of time not to exceed two years beginning from the end of the initial one-year performance period. The city council may grant, at its sole discretion, an exemption if the board of directors submits a resolution to the city council stating that, upon issuance of the exemption, the district's authorization under the service plan and the intergovernmental agreement with the city to undertake development of capital facilities or issue any indebtedness is temporarily suspended. Upon issuance of the exemption, the district shall be excluded from compliance with this chapter, except that the district annually, not later than September 1, shall submit financial statements from the previous year and the budget for the current year.~~

~~(Code 1994, § 13.50.240; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-534.~~ **Sec. 24-1222.** - Review of financing.

A district shall not issue any indebtedness that is not consistent with the service plan previously approved by the city, without first submitting the proposed financing to the city for review and comment. The city shall have 60 calendar days to review the proposed financing. The submission shall include the dollar amount of the issue, the estimated interest rate and other financing costs, the type of revenues pledged to repayment, including amount of the mill levy pledged, and a description of the credit enhancements, together with any preliminary official statement or other prospectus for the debt issue. The submission shall be accompanied by a certification of the board of directors that the proposed issuance or refinance of indebtedness is authorized by and in compliance with the service plan for the district.

~~(Code 1994, § 13.50.250; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-535.~~ **24-1223.**- Land use.

Approval of a service plan does not guarantee the petitioner and/or the district any other land use approvals by the city required for the development of property within the district.

~~(Code 1994, § 13.50.260; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-536.~~ **24-1224** - Capital facilities.

Districts are prohibited from developing or constructing any capital facility unless such facility is authorized under the service plan and intergovernmental agreement and any applicable city ordinances.

~~(Code 1994, § 13.50.270; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-537.~~ **24-1225** - Enforcement.

Should any district fail to comply with any applicable provision of this chapter, the city council may impose one or more of the following sanctions, as it deems appropriate:

- (1) Exercise any applicable remedy under the Special District Act.
- (2) Withhold the issuance of any permit, authorization, acceptance or other administrative approval necessary for the district's development of public facilities or construction.
- (3) Exercise any legal remedy under the terms of any intergovernmental agreement under which the district is in default.
- (4) Exercise any other legal remedies, including, but not limited to, seeking injunctive relief against the district, to ensure compliance with the provisions of this chapter.

All remedies of the city are cumulative in nature.

~~(Code 1994, § 13.50.280; Ord. No. 13, 2007, § 1, 4-3-2007)~~

~~Sec. 2-538.~~ **24-1226.** - Application to pending service plans and amendments.

This chapter shall govern the processing, review and consideration of service plans for new districts or those existing districts required to submit service plans or service plan amendments which have not received approval by the city council prior to the effective date of the ordinance from which this chapter is derived.

~~(Code 1994, § 13.50.290; Ord. No. 13, 2007, § 1, 4-3-2007)~~

Sec.24-1227 - Inactive Districts and Exemption from compliance with this chapter

a. If any district has not undertaken development of capital facilities or issued any indebtedness within two-year after approval of the district by the city, it may apply to the city council within 30 calendar days of expiration of the two-year period for a one-time exemption from compliance with this chapter for a period of time not to exceed four-years beginning from the end of the initial two-year performance period.

b. The city council may grant, at its sole discretion, an exemption if the board of directors submits a resolution to the city council stating that, upon issuance of the exemption, the district's authorization under the service plan and the intergovernmental agreement with the city to undertake development of capital facilities or issue any indebtedness is temporarily suspended. Upon issuance of the exemption, the district shall be excluded from compliance with this chapter, except that the district annually, not later than September 1, shall submit financial statements from the previous year and the budget for the current year.

c. If the district issues no debt within the period, the district must commence dissolution proceedings.

Secs. 24-1228—24-1300. - Reserved.



Council Agenda Summary

Title:

Pulled Consent Agenda Items

Summary:

Pulled Consent Agenda items will be considered in the order they appeared on the consent agenda.



Council Agenda Summary

February 21, 2023

Key Staff Contact: Becky Safarik, Interim Community Development Director
Caleb Jackson, AICP, Planner III

Title:

Public hearing and second reading of an Ordinance amending Title 24 of the City of Greeley Municipal Code to update the allowance for childcare centers/preschools and make various revisions and clarifications to development requirements

Summary:

In 2021, the City of Greeley adopted a new Development Code. Despite best efforts to adopt new codes with no needed corrections, upon application, some subsequent amendments are necessary to insert inadvertent omissions, correct technical errors, provide clarification, and include adaptations to achieve best practices. Staff expects to come forward with periodic updates of this nature as need corrections are discovered.

The proposed updates included in this item are important but considered relatively ministerial in nature and include: clarification about minor variances, an update to neighborhood meeting requirements, updating the formula for park land dedication based on updated Census figures, restoring child care center/preschools as an allowed use in residential zones, adjusting home occupation applications, clarifying some landscaping standards, and reverting to the previous practice of City staff handling mailed notices for neighborhood meetings and public hearings.

This item was introduced at the February 7, 2023 Council meeting.

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:

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

Strategic Focus Area:



High-Performance Government

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

Planning Commission Minutes (January 10, 2023)

Planning Commission Summary (Staff Report, January 10, 2023)

Presentation Slide Deck

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 7, 2023**

AN ORDINANCE AMENDING TITLE 24 OF THE CITY OF GREELEY MUNICIPAL CODE TO UPDATE THE ALLOWANCE FOR CHILD CARE CENTERS/PRESCHOOLS AND MAKE VARIOUS REVISIONS AND CLARIFICATIONS TO DEVELOPMENT REQUIREMENTS

WHEREAS, the City adopted a major Development Code update in 2021; and

WHEREAS, regular amendments are needed to address omissions, correct technical errors, provide clarification, and include adaptations to achieve best practices; and

WHEREAS, the proposed amendments further the purposes of the Development Code, are in accordance with the Comprehensive Plan, were considered for long-range and immediate affects, promote the public safety, health, and general welfare of the citizens of Greeley, and improve the effectiveness and efficiency of administering the Development Code; and

WHEREAS, the City of Greeley intends to amend the Greeley Municipal Code to incorporate recommended changes to clarify minor variances, update to neighborhood meeting requirements, update the formula for park land dedication based on updated Census figures, restore Child Care Center/Preschool to residential zones, adjust home occupation processing, clarify some landscaping standards, and revert to the previous practice of City staff handling mailed notices for neighborhood meetings and public hearings.

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

Section 1. Title 24 of the Greeley Municipal Code is hereby amended as shown on Appendix A attached hereto and incorporated herein by reference.

Section 2. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

**PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF
FEBRUARY, 2023.**

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

APPENDIX A

Annotated Explanation of Code Changes

~~Strikethrough~~ = Text removed, deleted

Bold, Italicized = Text added/amended

Italicized = Explanation

Topic: Minor Variances

Staff Analysis: *Minor variances precede the 2021 major code update, and the following text amendment is intended to clarify which applications qualify as a minor variance that are reviewed administratively.*

Proposed Changes:**24-209.c.3.(a)**

Variance to a setback, building location, or building height requirement by up to ***1 foot or*** 10% of the requirement, ***whichever is less.*** ~~Where this would be less than 1 foot, the Director may approve a variance up to 1 foot.~~

Topic: Neighborhood Meetings

Staff Analysis: *Historically, the requirement for neighborhood meetings has been at the discretion of the Director and typically reserved for applications with significant public interest. The following text amendments are proposed to remove the requirement for neighborhood meetings in the PUD application category, and to provide the Director with latitude to require neighborhood meetings as needed. The Neighborhood Meeting column is proposed for removal to avoid duplication of requirements and standards found elsewhere in the Development Code regarding neighborhood meetings.*

Proposed Changes:**Table 24-2-1: Procedures Summary**

Applications	Eligible Applicants			Pre-application Conference	Neighborhood meeting	Notice			Review Body			
	Owner	PC	CC			Post	Publish	Mail	Staff	PC	CC	ZBA
Minor Subdivision	✓			☑				☐	D	A	A	
Major Subdivision - Preliminary Plat	✓			☑	☐	☑	☑	☑	R	D/PH	A	
Major Subdivision – Final Plat	✓			☑					D	A	Ac	
Rezoning	✓	✓	✓	☑	☐	☑	☑	☑	R	R/PH	D/PH	
Planned Unit Development (PUD)	✓		✓	☐	☐	☑	☑	☑	R	R/PH	D/PH	
Use By Special Review	✓			☑	☐	☑	☑	☑	R	D/PH	A	
Site Plan	✓			☑		☐		☐	D	A	A	
Alternative Compliance	✓			☑				☐	D	A	A	
Minor Variance	✓			☑				☐	D		A	A
Variance	✓			☑		☑	☑	☑	R		A	D/PH
Appeal of Administrative Decision	✓	✓	✓			☐	☐	☐			A	D/PH

Text Amendment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		R	R/PH	D/PH
Easement Vacation/Dedication	<input checked="" type="checkbox"/>			<input type="checkbox"/>		D	A	A
ROW Vacation/Dedication	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	R	R	D
Annexation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	R	R/PH	D/PH

= Require
 = Director Option
 = Authorized
PC = Planning Commission
CC = City Council
ZBA = Zoning Board of Appeals

R = Review and Recommending Authority
D = Decision Making Authority
Ac = Acceptance of Public Improvements
A = Appeal of Decision
PH = Public Hearing Required

24-201.e

Neighborhood Meeting. A neighborhood meeting may be required ~~prior to the formal public meeting as indicated in Table 24-2-1~~ **or elective as described in the options that follow.**

1. Director Option. At the pre-application meeting or in association with the review of an application, the Director may require a neighborhood meeting for any project ~~that requires formal review beyond staff, and~~ where:
 - (a) the nature of the project is complex or presents potential for significant changes and unanticipated impacts on property in the vicinity;
 - (b) the intensity of the proposed use or development is likely to present questions and concerns for adjacent property owners, beyond what may typically be allowed in the zoning district; or
 - (c) the required notice or any courtesy notice sent to property owners generates significant questions or concerns.
2. ~~Required Meeting or Applicant Option. A neighborhood meeting is required for any PUD application, and an~~ **An** applicant may elect to have a neighborhood meeting ~~on any other project. These neighborhood meetings should be held prior to a formal application so that~~ **to gather** input and concerns of potentially impacted **parties.** ~~property may be considered in the initial application.~~
3. Meeting Format. Neighborhood meetings shall meet the following:
 - (a) The Director shall coordinate the scheduling, meeting location, and notice;:-
 - (b) The meeting shall be held at a City facility; ~~or where~~ any other convenient and accessible public meeting facility within the general vicinity of the project, such as a school; **or** community recreation center;:-
 - (c) The applicant is responsible for all content of the meeting, which at a minimum shall include:
 - (1) The general nature and scope of the proposed project;
 - (2) A summary of the proposed land use, including planned and potential future uses associated with the application;
 - (3) The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
 - (4) Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.
 - (d) The applicant shall prepare minutes of the meeting including evidence of the

notice, *a list of attendees and any contact information provided*~~attendance~~, a copy of any presentation materials, a summary of the discussion and issues, and any outcomes or changes from the meeting. These minutes shall supplement the formal application.

24-203.b.2.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to preliminary plat applications:

- (a) At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

24-204.c.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to rezoning applications:

1. Applications may be accompanied by any preliminary plat, site plan, zoning suitability plan, or other plan necessary to review conformance with the Comprehensive Plan.
2. At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

Topic: Park Land Dedication

Staff Analysis:

Calculation of park land dedication requirements are based on the number of people per residential unit. The proposed code update would reflect the 2020 US Census results for Greeley showing an average of 2.74 people per unit, an increase of .04 people per unit on average.

Proposed Changes:

Table 24-3-5: Park Land Dedication

Table 24-3-5: Park Land Dedication		
	Dedication Requirement	Formula
Total Acre Requirement	9.75 acres / 1,000 people	Units x 2.74 people / unit x 0.00975 acres / person
Neighborhood Park	3.25 acres / 1,000 people	Units x 2.74 people / unit x 0.00325 acres / person
Community Park	3.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0035 acres / person
Sports Complex	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person
Regional Park	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person

Topic: Child Care Center/Preschool

***Staff Analysis:** Child Care Center/Preschool was inadvertently disallowed in residential zoning districts with the 2021 major code update. The proposed update reverts to allowing child care center/preschool in R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zoning districts with a Use by Special Review and in R-H (Residential High Density) with an administrative site plan review.*

Proposed Changes:

Table 24-4-2: Zoning Districts and Uses

Table 24-4-2: Zoning Districts & Uses																
P = Permitted Use S= Use by special review blank = prohibited Use	Districts															
	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D		
Animal Care – General (indoor, 5K-20K GLA or boarding)						S	P	S	P	P	P					
Animal Care – Large (outdoor or > 20K GLA)										P	P					
Animal Care – Stables (> 5 boarded animals)										S	S		S			
Auction Houses (excludes livestock)										P	P	P				
Automobile - Gas Station Limited (up to 8 pumps)						S	P	S	P	P	P	P				
Automobile - - Gas Station General (9 – 20 pumps)							P		S	P	P	P				
Automobile Gas Station Large (21+ pumps)							S			P	P	P				
Automobile - Repair/Service Limited (up to 3 service bays; < 0.5 acre)						S	P	S	P	P	P					
Automobile - Repair/Service General (4-6 service bays; 0.5 – 1.0 acre)							P		P	P	P					
Automobile - Repair / Service Large (7+ service bays; > 1 acre)							S			P	P					
Automobile - Repair / Service for Heavy vehicle and Equipment											P	P				
Automobile - Sales / Rental Limited (< 0.5 acre)						S	P			P	P					
Automobile - Sales / Rental General (0.5 – 1.0 acre)							P			P	P					
Automobile - Sales / Rental Large (> 1.0 acre)							S			P	P	P				
Child Care Home (accessory / home occupation – See 24-403.c)	P	P	P	P	P	P	P	P	P	P	P	P				
Child Care Center / Pre-School	S	S	S	P		P	P	P	P	S	S	S				
Drive-through services - Accessory						See Section 24-403.e.										
Entertainment / Event Establishments							P		P	P	P					
Food & Beverage – Bar Limited (< 3K GLA; < 100 seats)							P	P	P	P	P					

Topic: Home Occupations

Staff Analysis: Home occupation permits are issued in tandem with a business license from the Finance Department. The proposed update would align the duration of home occupation permits with the two-year duration of business licenses. Additionally, the update would revert to the process for approving home occupations before the 2021 major code update which did not require posted and mailed notification of home occupation applications to adjacent property owners.

Proposed Changes:

24-403.11.e

All home occupations shall require a permit issued by the Director according to the following:

- (a) An application form and **support** materials shall be submitted to the Community Development Department;
- ~~(b) Notice of a permit application shall be posted and mailed to all abutting or other affected property owners according to Section 24-201.f.~~
- ~~(e)~~ The applicant shall submit the application concurrently to the Finance Department for approval of a business license.
- ~~(d)~~ A permit may be approved by the Director upon a finding that all criteria are met, and the Director may require any additional conditions or limitations to ensure that the criteria continue to be met;
- ~~(e)~~ A permit shall be valid for ~~three~~ **two** years, but may be renewed for subsequent ~~three~~ **two**-year periods;
- ~~(f)~~ A permit is valid only for the original applicant, and is not transferable to another person or to another location;
- ~~(g)~~ The Director may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation, or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.

Topic: Landscape Standards

Staff Analysis: *Screening is an important strategy to ensure that visual impacts are appropriately mitigated. The proposed update aligns with previous practice to require screening from all rights-of-way and adjacent property. The update provides clarity that screening is needed along all rights-of-way, which includes sidewalks, alleys, and planned streets within dedicated rights-of-way. An additional update would refer to Water and Sewer Department standards for soil amendments required to attain xeriscaping raw water credits from the Water and Sewer Department.*

Proposed Changes:

24-803.d

General Screening. All of the following shall be screened from ***rights-of-way*** streets **and** ~~or~~ adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative solid fence, or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design of the building, frontages, open space, buffers, and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this section.

24-804.d.4.

Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas ~~should receive~~ **shall install** soil amendments **as required by the City of Greeley Water and Sewer Department adopted criteria.** ~~of at least 3 cubic yards per 1,000 square feet.~~

Topic: Mailed Notice

Staff Analysis: *Prior to the 2021 major Development Code update, City staff mailed public notices for neighborhood meetings and public hearings. The new code requires applicants to mail notices which has caused some public confusion due notices arriving from unknown sources. The proposed amendment would revert to City staff handling mailed notice with the applicant responsible for associated costs.*

Proposed Changes:

24-201.f.3(a)

The city shall ~~supply the list of owners~~ **prepare and mail the notice**, and the applicant is responsible for mailing ~~notice~~ **costs**.

Item No. 14.

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
January 10, 2023

1. Call to Order

Chair Yeater called the meeting to order at 1:17 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT

- Chair Justin Yeater
- Commissioner Louisa Andersen
- Commissioner Erik Briscoe
- Commissioner Jeff Carlson
- Commissioner Brian Franzen
- Commissioner Larry Modlin
- Commissioner Christian Schulte

ABSENT

None

3. Approval of Agenda

There were no corrections or additions to the agenda. It was approved as presented.

4. Approval of Minutes

Approval of October 25, 2022, November 8, 2022, and December 13, 2022, Planning Commission Meeting Minutes.

Commissioner Andersen moved to approve the minutes dated October 25, 2022, November 8, 2022, and December 13, 2022. Commissioner Franzen seconded the motion.

Motion carried 7-0. (None absent.)

EXPEDITED AGENDA

5. A public hearing to request a Use by Special Review (USR) request from Darin Spitzer, on behalf of PDC Energy, to allow for an oil and gas operation on a 16.21-acre area within a 253-acre H-A (Holding Agriculture) zoned parcel of land at 27027 CR 25, which is located South of Highway 34 Bypass, West of CR 25 (95th Avenue), and North of CR 56 (USR2022-0015).

Chair Yeater inquired if there was a reason why all traffic is focused off of Highway 34 and if so, if there was a reason, they wouldn't use County Road 56. Logan Glewen, Engineering Technician, said that it was done to minimize left turns. They do intend for about 50% of traffic to cross left and the other 50% to cross right.

Darrell Gesick, Planner III, added that County Road 56 is not an improved roadway and that it's mainly used as a driveway to the site. He said that although it's platted it hasn't been approved to be used by the public.

Chair Yeater asked about the usage of County Road 54. Mr. Glewen stated that would be 37th street and they would have 50% of traffic exiting there.

Chair Yeater questioned if they would try and build whole both pad sites concurrently or if they planned on building two separate projects. Mr. Glewen said that they would be two separate projects.

Chair Yeater inquired if they would be built as separate times. Mr. Glewen was unsure, so the applicant was invited to answer on his behalf.

Darin Spitzer, PDC Energy, clarified that both projects would be built concurrently.

Chair Yeater opened the public hearing at 1:22 PM. Seeing no one present who wished to address the Commission on this item, he closed the public hearing at 1:22 PM.

Commissioner Andersen moved that based on the application received and the preceding analysis, the Planning Commission find that the proposed Use by Special Review for an oil and gas operation that consists of 23 oil and gas wellheads and associated production facility equipment in the H-A (Holding Agriculture) zoning district is consistent with the Development Code criteria of Section 24-206 (Items 1-8) and the proposed oil and gas operations will meet the provisions contained in Section 24-1102, Oil and Gas; and therefore, approve the Use by Special Review. Commissioner Carlson seconded the motion.

Motion carried 7-0. (None absent.)

END OF EXPEDITED AGENDA

6. A public hearing to consider a request from Jodi Hartmann, on behalf of High Plains Housing Development Corporation, to rezone approximately 7.8 acres of land located at 123 9th Avenue from I-L (Industrial Low Intensity) to MU-H (Mixed Use High Intensity) zoning district (ZON2022-0012).

Commissioner Carlson recused himself from this portion of the meeting, citing a potential conflict of interest.

Caleb Jackson, Planner III, summarized the proposed rezoning and the intended ultimate use. He discussed area context, surrounding zoning, and the proposal's conformance with the Development Code. Mr. Jackson then explained the purpose of the project and provided an overview of the development plan. He confirmed that all public notice requirements had been met, and that staff had received no community input expressing concerns or opposition for the project.

Commissioner Briscoe questioned whether the three brick structures on the site are required to remain as part of the proposed development. Mr. Jackson stated that with this land use action it is not possible to require them to remain, but it is the applicant's expressed intent to repurpose the structures.

Chair Yeater invited comment from the applicant.

Jodi Hartmann, Executive Director of High Plains Housing Development Corporation at 3104 69th Avenue Court, reiterated that the three existing brick buildings will be kept in place, but the rest of the metal structures and one of the oldest brick buildings will be demolished. She discussed the site's previous uses, which included produce assembly, manufacturing, and storage. Ms. Hartmann then described High Plains Housing Development Corporation and its mission as a nonprofit affordable housing developer and identified two apartment complexes her company has successfully been operating locally.

Ms. Hartmann explained that the intent is a phased development approach and described each phase which includes a variety of affordable housing options, explaining the need for and collective benefits of providing such housing.

Ms. Hartmann closed by saying that phase one of this project will involve a \$26 million dollar infrastructure investment, bringing 58 new units of housing. Phase two will be a \$30 million dollar infrastructure investment that will bring 90 additional units to the housing stock. She explained that phases three and four haven't explored far enough to know the investment impacts but indicated it would include an additional 30 housing units. Ms. Hartmann touched on the fact that there are a number of local stakeholders and partners who have been working with High Plains on this project in order to show the scope of the community's support.

Chair Yeater asked if the financing is currently in place for phases one and two. Ms. Hartmann stated that they are working on phase one right now but most of the funding for that project will come from housing tax credits, and if successful they anticipate construction to start in the spring of 2024. They hope to have people living on the campus by 2025.

Chair Yeater then asked what the ultimate goal for a final build out of the remaining phases will be. Ms. Hartmann stated that phase two is hoped to be completed around 2026 to 2027. She then explained that they are hoping for phases three and four to be developed simultaneously with phase two because they won't be looking for tax credits but will instead be seeking other resources at that time.

Commissioner Franzen asked for clarity regarding the timeline of the funding. Ms. Hartmann explained that they could apply for funding on the second phase when they near completion of the first phase.

Chair Yeater opened the public hearing at 1:37 PM.

Rick Hoagland, who owns property east of the proposed rezone, expressed his concern regarding potential traffic impacts, especially at peak hours, and adequacy of parking spots on the site.

Chair Yeater closed the public hearing at 1:40 PM.

Commissioner Briscoe moved that based on the application received and the preceding analysis, the Planning Commission find that the proposed rezoning from I-L (Industrial Low Intensity) Zone District to the MU-H (Mixed-Use High Intensity) Zone District meets the Development Code criteria, Sections 24-204 and therefore, recommend approval of the rezone to the City Council. Commissioner Franzen seconded the motion.

Commissioner Schulte commented that parking is always a legitimate concern for any development but wanted to remind the applicant and public that the Commissioner's job today is limited to consideration of the rezone request, not the possible project. If the rezoning is approved the project would ultimately have to go through approvals and meet code requirements, such as with respect to parking. Chair Yeater agreed and then called for the motion.

Motion carried 6-0 (Commissioner Carlson recused from this vote).

Commissioner Carlson stepped back into the chambers to be present for the remainder of the Commission meeting.

7. A public hearing to consider various amendments to the Greeley Municipal Code including, clarifying the notice requirements, updating the allowance for childcare centers/pre-schools by USR in R-E, R-L, R-M and R-H zone [Table 24-4-4], changing the square footage allowances as they pertain to accessory buildings [Table 24-5-2], and making various minor corrections of errors and omissions to Municipal Code.

Caleb Jackson, Planner III, stated that the last major code update was in 2021. He said that these recent proposed updates are for clarity and to address some omissions. They also address items for minor variances, neighborhood meetings, Parkline dedication, childcare centers and preschools, home occupations and landscaping. Mr. Jackson noted that staff is continuously working on updates and will bring additional items to the Planning Commission for clarity as needed. Lastly, he said the Planners are also working on larger updates involving metro districts of the city's accessory structures and driveways.

Mr. Jackson said that he would explain each item with the intent, the current standard, and the proposed updates. First, he addressed minor variances stating that the intent is to clarify the allowances for minor variances and remove some duplicative language. The current standard is somewhat unclear regarding minor variances for setbacks and building location. The proposed update would clarify that variances for setbacks, building location, or building height would qualify as minor when they do not exceed 1 foot or 10% of their requirement whichever is less. It would also then remove duplicative language.

Mr. Jackson then explained that the director may improve terms of neighborhood meetings. It's currently under the director's discretion to require neighborhood meetings. He said that the current standard requires neighborhood meetings for planned unit developments, and it also implies that neighborhood meetings are required for rezonings and preliminary subdivisions. Mr. Jackson said that the proposed updates are to remove the requirement for neighborhood meetings for PUD's but making it the director's option. They also want to remove the implied requirement for neighborhood meetings, rezonings, and preliminary subdivisions intending to reserve these meetings for items that have more substantial public concern. Mr. Jackson stated that they would like to provide the director with the option to require a neighborhood meeting for any application, if it's warranted, and based on some standards in the code.

He discussed that the Parkline dedication calculation is based on updated household size. The current formula had used 2.7 people per household, but the new census shows we are actually at 2.74 people per household. It is intended to update the formula.

Mr. Jackson explained that they want to address childcare centers and preschool allowance in residential zones. The previous code did allow them in residential zones, but it seems that it was left out under the new code. He said they are proposing going back the previous standards that allowed these uses in residential estate, residential low, and

residential medium through use by special review. This would be presented to the Planning Commission through a site plan review which is administrative in the residential high zoning district.

Mr. Jackson said that their intent with home occupations is to sync that process with business license renewals. They also want to clarify that review and renewal would now only be required every two years instead of three. The current standard requires notification of a home occupation application via mail to abiding owners and a posting of the site. Mr. Jackson said they would like to go back to removing notification requirements.

He said that they would like to touch on a few things for terms of landscaping. One is clarifying that screening is required for all rights-of-way and also to refer to water and sewer standards for soil amendments. Mr. Jackson said that the current standard and code requires screening visual impacts. They are proposing to change that and clarify it's from rights-of-way. He explained that the current code has a specific standard about soil amendments for the raw water credits. Mr. Jackson said that it differs from the current water and sewer criteria. They would instead just like to reference the water and sewer criteria directly.

Mr. Jackson said that one other item has come up for discussion that was not included in the original packet.

Don Threewitt, Chief Planning Manager, began to discuss the separate issue. He said that based on some public feedback, it appears that the current way we are handling mailing notices is causing some confusion with applicants and the public. Due to this, it is proposed that we revert back to the original mail notice requirements in the previous code. He said this is essentially our city staff preparing and the mailing the notices. The applicant will cover the mailing cost, but it's believed that this will help with communication all around.

Commissioner Modlin asked if the 2.74 density number is really adequate from the 2020 consensus. Becky Safarik, Interim Community Development Director, stated that at this time we don't have a better number to suggest. She said that it's based on the average household size including multifamily and single family. Ms. Safarik stated that based on available information it's the best empirical data we have to update that number. She also said that it can be adjusted in the future if we come across a better number to use.

Commissioner Modlin then asked when the next time that number would be reviewed. Ms. Safarik said that from the census standpoint it's every 10 years so it wouldn't be for another eight years from now. However, she explained that if we find there's other substantiated demographic information, we could use that at any time.

Commissioner Franzen inquired if there were standards for the decision as far as director approved neighborhood meetings. Mr. Jackson said that there are certain standards the director would need to consider that would be primarily based on the impact of the proposed project.

Commissioner Andersen wondered who organizes the neighborhood meetings. Mr. Jackson said that it's the responsibility of the applicant to organize the meeting and ensure that it occurs and meets all standards. However, the director will help coordinate and schedule.

Commissioner Andersen then asked if the director is coordinating and scheduling the meetings then what would the applicant be doing. Mr. Jackson stated that that they are responsible for the content of the meeting, following up, providing minutes, and running that meeting. He said that city staff is always available at those meetings to answer and questions.

Commissioner Andersen then wondered if that would require after hours from a city employee in order to attend those meetings. Mr. Jackson said yes it would.

Ms. Safarik added that many times developers like to get acquainted with the neighborhood and sometimes do it in a more informal way. However, these meetings are a good substitute for that if the city feels one is needed.

Commissioner Andersen asked about screening and what visual impact means in the code. Mr. Jackson said a section in the packet says specifically what visual impact is and what items need to be screened.

Chair Yeater opened the public hearing at 1:54 PM. Seeing no one present who wished to address the Commission on this item, he closed the public hearing at 1:54 PM.

Commissioner Andersen moved that, based on the Project Summary and accompanying analysis, the Planning Commission find that the proposed amendments to Chapter 24 of the Greeley Municipal Code as presented are necessary and appropriate to meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommend approval to City Council. Commissioner Franzen seconded the motion.

Motion carried 7-0. (None absent.)

8. A Public Hearing to Consider the Downtown 2032 – The Path Forward, Greeley Downtown Plan Update.

Commissioner Franzen recused himself from this portion of the meeting, citing a potential conflict of interest.

Becky Safarik, Interim Community Development Director, introduced the Downtown Plan Update and stated that about 10 years' time has passed since the last downtown development investment strategy was completed. The City of Greeley determined an update would be helpful to assess the work to date and to maintain focus and momentum for the next decade. Coincidentally, the City contracted with the same consultant who did the previous plan. She introduced Brad Segal with Progressive Urban Management Associates (PUMA) to describe the Plan update.

Mr. Segal, introduced his team and described the process used to complete the study, noting that they heard from over 1,200 residents in the community who expressed an interest in Downtown. Mr. Siegel said their team completed an analysis of existing conditions and tracked improvements over the last 10 years. He explained that they will provide everyone with an overview of the action plan and then be available for any questions or discussion.

Amanda Kannard, PUMA, reiterated how important it was that they were able to gather so many inputs from the community. She explained that there were a variety of topics discussed early on in the process at a roundtable discussion with an advisory committee that was made up of downtown stakeholders, including business owners, members of the

Downtown Development Authority, property owners, and representatives from a variety of businesses. Ms. Kannard said they also had a technical working group that was made up of various city departments. She noted they also had a pop-up presence at one of the Friday Fests in summer fairly early on in the process. In addition to that input, they also conducted an online survey that was distributed to the greater Greeley community which netted over 1,100 responses. After they had developed some preliminary recommendations, they hosted a community wide open house where they had nearly 40 people attend. Ms. Kannard stated they also conducted some focused outreach to historically marginalized populations.

She explained that some of the key themes heard from the stakeholder groups was that they want to ensure that Greeley is welcoming and inclusive to everybody who lives and works in or visits Downtown. They want to make sure that the DDA and City of Greeley continue moving forward with doing a good job at programming and activation of the area; bolstering the storefront economy; and maintaining its historic character. She also noted the importance of ensuring downtown is livable with such as dog parks, grocery stores, etc. Another priority was to continue to invest in infrastructure and infill development and underutilized spaces. Finally, she noted the importance of connectivity not only within downtown, but to neighboring communities as well.

Ms. Kannard then highlighted a couple of questions and answers from the online survey, noting the top priority was to redevelop and repurpose underutilized spaces in downtown. Relative to priority services, the number one response was more retail and restaurants, followed by public safety and providing more services to address the unhoused population.

She stated that the existing conditions analysis was the other key that served as a foundation for developing the strategies and actions in the plan including a market assessment. The key findings were that housing is a robust market in downtown and will continue to be, moving forward. The agriculture and manufacturing industrial heritage that exists in Greeley is an enduring economic anchor that can be capitalized on into the future. The office market is likely to remain niche but there are some opportunities to have creative office spaces through small businesses, incubation, and coworking. Retail is a continued strength that would benefit from additional housing development. There are also some underutilized or untapped markets that exist for younger demographics, particularly UNC students and Latinx households, which are key opportunities moving forward.

Todd Wenskoski, team partner from Livable Cities Studio, said that the capital improvement assessment looked at the space from the property lines to the curb line. They found out that the eastern edge has the lowest quality because it's paired with historical industrial uses. He then said that areas around downtown formed a higher ranked quality due to the ongoing upkeep and the investments that have been made over time. Mr. Wenskoski stated that if you move further south the residential areas generally had a higher quality as well, partially due to historic character, etc. He stated the other thing found was although 8th Avenue and 9th Avenue have distinctly different characters one being more commercial the other one being a bit more mixed with historic district, they generally provide a really good north and south connectivity under the core of downtown.

Mr. Wenskoski stated that elsewhere in downtown, in most cases, where there are non-residential areas, especially with older, mid-century developments, they found that they didn't have great frontages because commercial uses sometimes had to have bigger access points and driveways.

He stated the other thing they looked at was regarding the public spaces and uses of downtown. They found the core is strong but there is an unequal distribution in some areas. He further explained that the area around Lincoln Park, including 8th and 9th Avenue are great but outside of that the character is limited. Mr. Wenskoski also stated they noticed the amount of area dedicated to cars, either through wide roadways, or surface parking that could provide an opportunity to repurpose such areas into more productive areas. He said that the bicycle infrastructure is good and getting better and can be built upon going forward. Mr. Wenskoski explained that one of the most important things they discovered was safety and lighting was great in some areas but really lacking in others.

Mr. Segel explained the action plan, recommendations, and how to proceed to implementation. He stated that they started with core values for what they want downtown to be like in the future, starting with the physical framework. He noted the three categories with key recommendations. The first of that is economy, which is how the downtown can be more prosperous and create more jobs. The second is environment which gets into the physical realm of downtown. Lastly, is experience, which is how we activate downtown and what sort of experience one has coming downtown.

He stated that the previous plan had four different sub areas. They have now streamlined that into three sub areas within downtown that have similar character and also have distinctly different market opportunities. Mr. Segel stated that the three sub areas are central downtown, university uptown, and the railway district on the eastern edge of downtown.

Mr. Wenskowski said they went on to create the physical framework plan which guided a lot of the transformative projects into the action plan and touched on connecting downtown to the Poudre River both north to Island Grove and also east.

He spoke about how there were discussions on how to turn the railway district into something exciting and interesting that would create a different type of contribution to downtown. Mr. Wenskowski said that they spoke about diversifying the residential mix with different approaches in each sub area. They want to build off of the core area and still create a sub area that have identities and character relating to their history. He spoke about reinforcing the bike lanes and hopefully taking them a step further to enhance the corridor and carry forward the history. He stated that they also suggest reuse of existing buildings in creative ways and still providing outdoor seating with public art. The character of these two areas is different but they both contribute to downtown and the vision.

Mr. Siegel wrapped the presentation up by giving a summary of the action plan and actual recommendations. He stated that everything they presented is tied to the core values of the city. They want downtown to be welcoming and inclusive, prosperous and vibrant, a complete neighborhood that is accessible and connected. They also provided vision statements for the different elements of the plan. He stated they provided a series of charts and matrices that get into fine grained detail within each of these sections. Each section has strategies and then tactics that are assigned to specific stakeholders to be worked on. They also got into resources and sequencing many of these ideas are more near-term other ideas are longer term in the context of a 10 plus year vision or plan.

Ms. Safarik recognized their presentation by commending their work. She also recognized two other leaders in the project. Bianca Fisher with DDA and Ben Snow with City of Greeley Economic Health and Housing, both who were instrumental in making sure stakeholders were well represented.

Commissioner Briscoe stated that he was impressed with the tremendous amount of effort and work that has gone into this project. He questioned what all of that means for the Commission and why are they seeing this today. He also wondered how they are financing everything.

Ms. Safarik said because the downtown development plan is a part of the Comprehensive Plan by reference, the Planning Commission is asked to make recommendations on land use matters, such as this, to the City Council. She then stated that the city initiated this update using city resources because it is seen as a vital part of maintaining the economy and infrastructure within the community as well as a partnership with the DDA and the work of the Economic Health and Housing Department.

Commissioner Schulte wondered if there has been anything analogous throughout Greeley where there have been multiple zones coming together. Ms. Safarik said that downtown is unique in that regard because it's got so many partnerships. She said there are five tax increment districts in the city that focus on redevelopment and have the city and private development partnerships.

Commissioner Schulte asked if there's any sort of tension going forward as we move this downtown field into the railroad area and into that existing industrial land. He wondered if we would lose any economic resources in the process. Ms. Safarik said that it was a very intentional decision to include the whole railway corridor as a transitional district into industrial uses. She stated that it will further support "maker spaces" and some of the special uses they have on the east side of downtown and make it an industrial incubator space that allows smaller businesses.

Benjamin Snow, Economic Health and Housing Director, said there are great and creative reuse opportunities with the old agricultural industrial assets which can experience some new life with redevelopment. This could include a mixture of uses, it could be residential, or it could be some light industrial types of places, or live/work kind of arrangements. He opined that the exciting part about that whole railway district is that it opens up an area where we could keep the agricultural heritage alive but embrace some of these new things that are happening in terms of innovation and entrepreneurship.

Ms. Safarik also mentioned that she met with the executive director of the model train museum and reviewed their master plan which strongly complements what is planned for downtown Greeley.

Commissioner Schulte asked if, hypothetically, someone wanted to build a factory in Greeley where would that go? Ms. Safarik said that we have many areas that would be prime for that kind of use, particularly east and north of this area.

Mr. Snow stated that if you look at the overall land use plan for Greeley then there's a wealth of agricultural land between the airport and Hwy 85 which also is parallel with the railroad tracks. So, while the infrastructure is not fully in those areas yet there is enough land in those areas to reach a certain level of scale for industrial development, noting that the railway district in downtown would be really a different kind of product that is smaller scale space.

Chair Yeater opened the public hearing at 2:30 PM.

Bianca Fisher, Executive Director of the Downtown Development Authority, offered thanks to the City and all those that contributed to this project. She believes we've come a long

Item No. 14.

way in the last ten years because of the partnership with the city and with private stakeholders. Ms. Fisher reflected on the opportunities that have come from the City's investment in 8th Avenue improvements and touched on the fortune to be a part of the creative district's public art programs. She noted several creative industries in the area and closed by saying how thrilled she is to have the city taking a strong lead on this plan and how grateful they are to be partners in this project.

Chair Yeater closed the public hearing at 2:33 PM.

Commissioner Andersen made a motion that the Planning Commission find that the updated study, Downtown 2032: The Path Forward, is consistent with the goals of the City's Comprehensive Plan and recommend its adoption and incorporation into the Comprehensive Plan by reference. Commissioner Briscoe seconded the motion.

Motion carried 6-0 (Commissioner Franzen recused).

Commissioner Franzen stepped back into the chambers to be present for the balance of the Commission meeting.

9. Staff Report

Ms. Safarik introduced Sara Aragon as the new Office Manager in the Community Development department. She then stated that Public Works is ready to present the Transportation Master Plan as a Public Hearing at the next Planning Commission meeting. Ms. Safarik stated that will most likely be the only item on the agenda so we should have plenty of time to get all questions addressed.

10. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:37 PM.

DocuSigned by:
Justin Yeater
Justin Yeater, Chair

DocuSigned by:
Becky Safarik
333376ABEFFF481...
Becky Safarik, Secretary

PLANNING COMMISSION SUMMARY

ITEM: Text amendments to the Greeley Municipal Code including updating the allowance for child care centers/preschools and making various revisions and clarifications to Municipal Code

PROJECT: Chapter 24 Development Code Updates

FILE NO: CU2022-0002

APPLICANT: City of Greeley, Community Development Department

CASE PLANNER: Caleb Jackson, AICP | Planner III

PLANNING COMMISSION HEARING DATE: January 10, 2022

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the staff and the public and shall then make recommendations to the City Council regarding the proposed various amendments to the Development Code.

PROJECT OVERVIEW AND BACKGROUND:

In 2021, the City of Greeley adopted a new Development Code. New codes generally require subsequent amendments to address omissions, correct technical errors, provide clarification, and include adaptations to achieve best practices.

This round of proposed changes is considered relatively ministerial; additional changes are being formulated by staff for future consideration. The proposed updates include clarification about minor variances, an update to neighborhood meeting requirements, updating the formula for park land dedication based on updated Census figures, restoring Child Care Center/Preschool to residential zones, adjusting home occupation processing, and clarifying some landscaping standards.

KEY ISSUES / STAFF ANALYSIS:

Article XIX, Section 19-1(b) of the Greeley Charter describes the role of the Planning Commission in providing land use recommendations to City Council. These proposed changes are relevant for the Commission’s review and recommendation for Council consideration.

NOTICE AND COMMENTS:

Notice was published on the City of Greeley’s website on December 16, 2022, pursuant to the City’s notification requirements for revisions to the Development Code.

PLANNING STAFF RECOMMENDATION: Approval

PLANNING COMMISSION RECOMMENDED MOTION:

A motion that, based on the Project Summary and accompanying analysis, the Planning Commission finds that the proposed amendments to Chapter 24 of the Greeley Municipal Code as presented are necessary and appropriate to meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommend approval to City Council.

ATTACHMENTS:

Attachment A – Proposed Code Changes & Staff Analysis

Attachment B – Proposed Clean Version

ATTACHMENT A

Annotated Explanation of Code Changes

~~Strikethrough~~ = Text removed, deleted
Bold, Italicized = Text added/amended
Italicized = Explanation

Topic: Minor Variances

Staff Analysis: *Minor variances precede the 2021 major code update, and the following text amendment is intended to clarify which applications qualify as a minor variance that are reviewed administratively.*

Proposed Changes:

24-209.c.3.(a)

Variance to a setback, building location, or building height requirement by up to ***1 foot or*** 10% of the requirement, ***whichever is less***. ~~Where this would be less than 1 foot, the Director may approve a variance up to 1 foot.~~

Topic: Neighborhood Meetings

Staff Analysis: *Historically, the requirement for neighborhood meetings has been at the discretion of the Director and typically reserved for applications with significant public interest. The following text amendments are proposed to remove the requirement for neighborhood meetings in the PUD application category, and to provide the Director with latitude to require neighborhood meetings as needed. The Neighborhood Meeting column is proposed for removal to avoid duplication of requirements and standards found elsewhere in the Development Code regarding neighborhood meetings.*

Proposed Changes:

Table 24-2-1: Procedures Summary

Applications	Eligible Applicants			Pre-application Conference	Neighborhood meeting	Notice			Review Body			
	Owner	PC	CC			Post	Publish	Mail	Staff	PC	CC	ZBA
Minor Subdivision	✓			☑				☐	D	A	A	
Major Subdivision - Preliminary Plat	✓			☑	☐	☑	☑	☑	R	D/PH	A	
Major Subdivision – Final Plat	✓			☑					D	A	Ac	
Rezoning	✓	✓	✓	☑	☐	☑	☑	☑	R	R/PH	D/PH	

Planned Unit Development (PUD)	✓	✓	☐	☒	☑	☑	☑	R	R/PH	D/PH
Use By Special Review	✓		☑	☒	☑	☑	☑	R	D/PH	A
Site Plan	✓		☑		☐		☐	D	A	A
Alternative Compliance	✓		☑				☐	D	A	A
Minor Variance	✓		☑				☐	D		A A
Variance	✓		☑		☑	☑	☑	R		A D/PH
Appeal of Administrative Decision	✓	✓	✓		☐	☐	☐			A D/PH
Text Amendment		✓	✓				☑	R	R/PH	D/PH
Easement Vacation/Dedication	✓						☐	D	A	A
ROW Vacation/Dedication	✓						☑	R	R	D
Annexation	✓	✓	☑		☑	☑		R	R/PH	D/PH

☑ = Require
 ☐ = Director Option
 ✓ = Authorized
 PC = Planning Commission
 CC = City Council
 ZBA = Zoning Board of Appeals

R = Review and Recommending Authority
 D = Decision Making Authority
 Ac = Acceptance of Public Improvements
 A = Appeal of Decision
 PH = Public Hearing Required

24-201.e

Nearhood Meeting. A neighborhood meeting may be required prior to the formal public meeting as indicated in Table 24-2-1 or elective as described in the options that follow.

1. Director Option. At the pre-application meeting or in association with the review of an application, the Director may require a neighborhood meeting for any project that requires formal review beyond staff, and where:

- (a) the nature of the project is complex or presents potential for significant changes and unanticipated impacts on property in the vicinity;
- (b) the intensity of the proposed use or development is likely to present questions and concerns for adjacent property owners, beyond what may typically be allowed in the zoning district; or
- (c) the required notice or any courtesy notice sent to property owners generates significant questions or concerns.

2. Required Meeting or Applicant Option. A neighborhood meeting is required for any PUD application, and an An applicant may elect to have a neighborhood meeting on any other project. These neighborhood meetings should be held prior to a formal application so that to gather input and concerns of potentially impacted parties. property may be considered in the initial application.

3. Meeting Format. Neighborhood meetings shall meet the following:

- (a) The Director shall coordinate the scheduling, meeting location, and notice;:-
- (b) The meeting shall be held at a City facility, or where any other convenient and accessible public meeting facility within the general vicinity of the project, such as a school, or community recreation center;:-
- (c) The applicant is responsible for all content of the meeting, which at a minimum

shall include:

- (1) The general nature and scope of the proposed project;
- (2) A summary of the proposed land use, including planned and potential future uses associated with the application;
- (3) The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
- (4) Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.

(d) The applicant shall prepare minutes of the meeting including evidence of the notice, ***a list of attendees and any contact information provided***~~attendance~~, a copy of any presentation materials, a summary of the discussion and issues, and any outcomes or changes from the meeting. These minutes shall supplement the formal application.

24-203.b.2.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to preliminary plat applications:

- (a) At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

24-204.c.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to rezoning applications:

1. Applications may be accompanied by any preliminary plat, site plan, zoning suitability plan, or other plan necessary to review conformance with the Comprehensive Plan.
2. At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

Topic: Park Land Dedication

Staff Analysis:

Calculation of park land dedication requirements are based on the number of people per residential unit. The proposed code update would reflect the 2020 US Census results for Greeley showing an average of 2.74 people per unit, an increase of .04 people per unit on average.

Proposed Changes:

Table 24-3-5: Park Land Dedication

Table 24-3-5: Park Land Dedication		
	Dedication Requirement	Formula
Total Acre Requirement	9.75 acres / 1,000 people	Units x 2.74 people / unit x 0.00975 acres / person
Neighborhood Park	3.25 acres / 1,000 people	Units x 2.74 people / unit x 0.00325 acres / person
Community Park	3.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0035 acres / person
Sports Complex	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person
Regional Park	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person

Topic: Child Care Center/Preschool

Staff Analysis: *Child Care Center/Preschool was inadvertently disallowed in residential zoning districts with the 2021 major code update. The proposed update reverts to allowing child care center/preschool in R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zoning districts with a Use by Special Review and in R-H (Residential High Density) with an administrative site plan review.*

Proposed Changes:

Table 24-4-2: Zoning Districts and Uses

Table 24-4-2: Zoning Districts & Uses														
Use	Districts													
	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D
P = Permitted Use														
S= Use by special review														
blank = prohibited														
Animal Care – General (indoor, 5K-20K GLA or boarding)						S	P	S	P	P	P			
Animal Care – Large (outdoor or > 20K GLA)										P	P			
Animal Care – Stables (> 5 boarded animals)										S	S		S	
Auction Houses (excludes livestock)										P	P	P		
Automobile - Gas Station Limited (up to 8 pumps)						S	P	S	P	P	P	P		
Automobile - - Gas Station General (9 – 20 pumps)							P		S	P	P	P		
Automobile Gas Station Large (21+ pumps)							S			P	P	P		
Automobile - Repair/Service Limited (up to 3 service bays; < 0.5 acre)						S	P	S	P	P	P			
Automobile - Repair/Service General (4-6 service bays; 0.5 – 1.0 acre)							P		P	P	P			
Automobile - Repair / Service Large (7+ service bays; > 1 acre)							S			P	P			
Automobile - Repair / Service for Heavy vehicle and Equipment											P	P		
Automobile - Sales / Rental Limited (< 0.5 acre)						S	P			P	P			
Automobile - Sales / Rental General (0.5 – 1.0 acre)							P			P	P			
Automobile - Sales / Rental Large (> 1.0 acre)							S			P	P	P		
Child Care Home (accessory / home occupation – See 24-403.c)	P	P	P	P	P	P	P	P	P	P	P	P		
Child Care Center / Pre-School	S	S	S	P		P	P	P	P	S	S	S		
Drive-through services - Accessory						See Section 24-403.e.								

Entertainment / Event Establishments							P		P	P	P			
Food & Beverage – Bar Limited (< 3K GLA; < 100 seats)							P	P	P	P	P			

Topic: Home Occupations

***Staff Analysis:** Home occupation permits are issued in tandem with a business license from the Finance Department. The proposed update would align the duration of home occupation permits with the two-year duration of business licenses. Additionally, the update would revert to the process for approving home occupations before the 2021 major code update which did not require posted and mailed notification of home occupation applications to adjacent property owners.*

Proposed Changes:

24-403.11.e

All home occupations shall require a permit issued by the Director according to the following:

- (a) An application form and **support** materials shall be submitted to the Community Development Department;
- ~~(b) Notice of a permit application shall be posted and mailed to all abutting or other affected property owners according to Section 24-201.f.~~
- ~~(e)~~ **(b)** The applicant shall submit the application concurrently to the Finance Department for approval of a business license.
- ~~(d)~~ **(c)** A permit may be approved by the Director upon a finding that all criteria are met, and the Director may require any additional conditions of limitations to ensure that the criteria continue to be met;
- ~~(e)~~ **(d)** A permit shall be valid for ~~three~~ **two** years, but may be renewed for subsequent ~~three~~ **two**-year periods;
- ~~(f)~~ **(e)** A permit is valid only for the original applicant, and is not transferable to another person or to another location;
- ~~(g)~~ **(f)** The Director may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation, or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.

Topic: Landscape Standards

Staff Analysis: Screening is an important strategy to ensure that visual impacts are appropriately mitigated. The proposed update aligns with previous practice to require screening from all rights-of-way and adjacent property. The update provides clarity that screening is needed along all rights-of-way, which includes sidewalks, alleys, and planned streets within dedicated rights-of-way. An additional update would refer to Water and Sewer Department standards for soil amendments required to attain xeriscaping raw water credits from the Water and Sewer Department.

Proposed Changes:

24-803.d

General Screening. All of the following shall be screened from *rights-of-way* streets ~~and~~ ~~or~~ adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative solid fence, or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design of the building, frontages, open space, buffers, and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this section.

24-804.d.4.

Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas ~~should receive~~ ~~shall install~~ soil amendments ***as required by the City of Greeley Water and Sewer Department adopted criteria.*** ~~of at least 3 cubic yards per 1,000 square feet.~~

ATTACHMENT B

24-209.c.3.(a)

Variance to a setback, building location, or building height requirement by up to 1 foot or 10% of the requirement, whichever is less.

Table 24-2-1: Procedures Summary

Applications	Eligible Applicants			Pre-application Conference	Notice			Review Body			
	Owner	PC	CC		Post	Publish	Mail	Staff	PC	CC	ZBA
<i>Minor Subdivision</i>	✓			☑			☐	D	A	A	
<i>Major Subdivision - Preliminary Plat</i>	✓			☑	☑	☑	☑	R	D/PH	A	
<i>Major Subdivision – Final Plat</i>	✓			☑				D	A	Ac	
<i>Rezoning</i>	✓	✓	✓	☑	☑	☑	☑	R	R/PH	D/PH	
<i>Planned Unit Development (PUD)</i>	✓		✓	☐	☑	☑	☑	R	R/PH	D/PH	
<i>Use By Special Review</i>	✓			☑	☑	☑	☑	R	D/PH	A	
<i>Site Plan</i>	✓			☑	☐		☐	D	A	A	
<i>Alternative Compliance</i>	✓			☑			☐	D	A	A	
<i>Minor Variance</i>	✓			☑			☐	D		A	A
<i>Variance</i>	✓			☑	☑	☑	☑	R		A	D/PH
<i>Appeal of Administrative Decision</i>	✓	✓	✓		☐	☐	☐			A	D/PH
<i>Text Amendment</i>		✓	✓			☑		R	R/PH	D/PH	
<i>Easement Vacation/Dedication</i>	✓						☐	D	A	A	
<i>ROW Vacation/Dedication</i>	✓					☑	☑	R	R	D	
<i>Annexation</i>	✓		✓	☑	☑	☑		R	R/PH	D/PH	

☑ = Require
☐ = Director Option
✓ = Authorized
PC = Planning Commission
CC = City Council
ZBA = Zoning Board of Appeals

R = Review and Recommending Authority
D = Decision Making Authority
Ac = Acceptance of Public Improvements
A = Appeal of Decision
PH = Public Hearing Required

24-201.e

Neighborhood Meeting. A neighborhood meeting may be required or elective as described in the options that follow.

1. Director Option. At the pre-application meeting or in association with the review of an application, the Director may require a neighborhood meeting for any project where:

- (a) the nature of the project is complex or presents potential for significant changes and unanticipated impacts on property in the vicinity;

- (b) the intensity of the proposed use or development is likely to present questions and concerns for adjacent property owners, beyond what may typically be allowed in the zoning district; or
 - (c) the required notice or any courtesy notice sent to property owners generates significant questions or concerns.
2. Applicant Option. An applicant may elect to have a neighborhood meeting to gather input and concerns of potentially impacted parties.
3. Meeting Format. Neighborhood meetings shall meet the following:
- (a) The Director shall coordinate the scheduling, meeting location, and notice;
 - (b) The meeting shall be held at a City facility or any other convenient and accessible public meeting facility within the general vicinity of the project, such as a school or community recreation center;
 - (c) The applicant is responsible for all content of the meeting, which at a minimum shall include:
 - (1) The general nature and scope of the proposed project;
 - (2) A summary of the proposed land use, including planned and potential future uses associated with the application;
 - (3) The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
 - (4) Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.
 - (d) The applicant shall prepare minutes of the meeting including evidence of the notice, a list of attendees and any contact information provided, a copy of any presentation materials, a summary of the discussion and issues, and any outcomes or changes from the meeting. These minutes shall supplement the formal application.

24-203.b.2.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to preliminary plat applications:

- (a) At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the notice of meetings or hearings necessary for the formal review.

24-204.c.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to rezoning applications:

1. Applications may be accompanied by any preliminary plat, site plan, zoning suitability plan, or other plan necessary to review conformance with the Comprehensive Plan.
2. At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to

coordinate the notice of meetings or hearings necessary for the formal review.

Table 24-3-5: Park Land Dedication

Table 24-3-5: Park Land Dedication		
	Dedication Requirement	Formula
Total Acre Requirement	9.75 acres / 1,000 people	Units x 2.74 people / unit x 0.00975 acres / person
Neighborhood Park	3.25 acres / 1,000 people	Units x 2.74 people / unit x 0.00325 acres / person
Community Park	3.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0035 acres / person
Sports Complex	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person
Regional Park	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person

Table 24-4-2: Zoning Districts and Uses

Table 24-4-2: Zoning Districts & Uses														
P = Permitted Use S= Use by special review blank = prohibited Use	<i>Districts</i>					<i>C-L</i>	<i>C-H</i>	<i>MU-L</i>	<i>MU-H</i>	<i>I-L</i>	<i>I-M</i>	<i>I-H</i>	<i>H-A</i>	<i>C-D</i>
	<i>R-E</i>	<i>R-L</i>	<i>R-M</i>	<i>R-H</i>	<i>R-MH</i>									
Animal Care – General (indoor, 5K-20K GLA or boarding)						S	P	S	P	P	P			
Animal Care – Large (outdoor or > 20K GLA)										P	P			
Animal Care – Stables (> 5 boarded animals)										S	S		S	
Auction Houses (excludes livestock)										P	P	P		
Automobile - Gas Station Limited (up to 8 pumps)						S	P	S	P	P	P	P		
Automobile - - Gas Station General (9 – 20 pumps)							P		S	P	P	P		
Automobile Gas Station Large (21+ pumps)							S			P	P	P		
Automobile - Repair/Service Limited (up to 3 service bays; < 0.5 acre)						S	P	S	P	P	P			
Automobile - Repair/Service General (4-6 service bays; 0.5 – 1.0 acre)							P		P	P	P			
Automobile - Repair / Service Large (7+ service bays; > 1 acre)							S			P	P			
Automobile - Repair / Service for Heavy vehicle and Equipment											P	P		

Automobile - Sales / Rental Limited (< 0.5 acre)						S	P			P	P			
Automobile - Sales / Rental General (0.5 – 1.0 acre)							P			P	P			
Automobile - Sales / Rental Large (> 1.0 acre)							S			P	P	P		
Child Care Home (accessory / home occupation – See 24-403.c)	P	P	P	P	P	P	P	P	P	P	P	P		
Child Care Center / Pre-School	S	S	S	P		P	P	P	P	S	S	S		
Drive-through services - Accessory						See Section 24-403.e.								
Entertainment / Event Establishments							P		P	P	P			
Food & Beverage – Bar Limited (< 3K GLA; < 100 seats)							P	P	P	P	P			

24-403.11.e

All home occupations shall require a permit issued by the Director according to the following:

- (a) An application form and support materials shall be submitted to the Community Development Department;
- (b) The applicant shall submit the application concurrently to the Finance Department for approval of a business license.
- (c) A permit may be approved by the Director upon a finding that all criteria are met, and the Director may require any additional conditions of limitations to ensure that the criteria continue to be met;
- (d) A permit shall be valid for two years, but may be renewed for subsequent two-year periods;
- (e) A permit is valid only for the original applicant, and is not transferable to another person or to another location;
- (f) The Director may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation, or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.

24-803.d

General Screening. All of the following shall be screened from rights-of-way and adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative solid fence, or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design of the building, frontages, open space, buffers, and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this section.

24-804.d.4.

Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas shall install soil amendments as required by the City of Greeley Water and Sewer Department adopted criteria.

Development Code Amendments

City Council

February 21, 2023

Caleb Jackson, AICP | Planner III



Background

- 2021 – Major Development Code Update
- Proposed Updates
 - Minor in nature
 - Proposed for clarity and to address omissions
 - Minor Variances, Neighborhood Meetings, Park Land Dedication, Childcare Center/Preschool, Home Occupations, Landscaping, Noticing

Minor Variances

Clarify minor variance allowances & remove duplicative language

- Current standard
 - Unclear regarding minor variances for setbacks, building location, and building height
 - Includes duplicative language about approval of minor variances
- Proposed update
 - Clarify that variances for setbacks, building location, or building height qualify as “minor” when they do not exceed 1 ft or 10% of the requirement, whichever is less
 - Remove duplicative language related to the approval of minor variances

Neighborhood Meetings

Clarify the Director's discretion to require neighborhood meetings

- Current standards
 - Requires neighborhood meetings for Planned Unit Developments (PUDs)
 - Implies that neighborhood meetings are required for rezonings and preliminary subdivisions
 - Lists specific applications where neighborhood meetings can be required at Director Option
- Proposed updates
 - Removes the requirement for neighborhood meetings for Planned Unit Developments (PUDs)
 - Removes the implied requirement for neighborhood meetings for rezonings and preliminary subdivisions
 - Provides the Director the option to require a neighborhood meeting for any application if warranted

Park Land Dedication

Update the park land dedication calculation based on updated household size

- Current standard
 - Formula uses outdated household size of 2.7 people per household
- Proposed update
 - Formula uses updated household size of 2.74 people per household (from Census)

Child Care Center/Preschool

Address the omission of childcare center/preschool allowance in residential zones

- Current standard
 - Prohibits childcare center/preschool in residential zones
- Proposed update
 - Use by Special Review (Planning Commission)
 - R-E (Residential Estate)
 - R-L (Residential Low Density)
 - R-M (Residential Medium Density)
 - Site Plan Review (Administrative)
 - Residential High Density (R-H)

Home Occupations

Sync with business license renewals and clarify that notification is not required

- Current standard
 - Renewal every three years
 - Requires notification of application via mail to abutting property owners & posting at site
- Proposed update
 - Renewal every two years
 - Does not require notification or posting for applications

Landscaping

Clarify that screening is required for all rights-of-way and refer to Water & Sewer standards for xeric soil amendments

- Current standard
 - Requires screening of visual impacts (like outdoor storage) from streets
 - Requires 3 yd³ of soil amendments per 1000 sqft for xeriscaping raw water credits
- Proposed update
 - Requires screening of visual impacts (like outdoor storage) from rights-of-way
 - Refers to Water & Sewer criteria for soil amendments

Noticing

Return task of providing mailed notice to originate from the City vs. applicant to improve awareness of project application

- Current standard
 - Requires the applicant to mail notice to nearby property owners for neighborhood meetings and public hearings
- Proposed update
 - Requires the City to mail notice and applicant to cover associated costs

Recommendation

- Proposed Updates
 - Planning Commission Voted to Recommend Approval (7-0) on 1.10.2023



Council Agenda Summary

February 21, 2023

Key Staff Contact: Becky Safarik, Interim Community Development Director

Title:

Public hearing and second reading of an Ordinance amending Title 12, Chapter 7 of the Greeley Municipal Code relating to vacant and abandoned buildings

Summary:

In September 2022, City Council adopted updated its regulations related to a variety of non-criminal property code requirements to improve code compliance related to chronic nuisance situations. These standards have already proven helpful with some persistently difficult cases.

The approved code modifications also included specific treatment for abandoned and neglected buildings. As staff began to develop operational processes to implement these new standards, it was determined that some code language in this area required amendment to provide clearer definitions to ensure full compliance as intended.

Additional research ensued and has resulted in the attached ordinance amendments that staff believes will better align with Council's goals and intended compliance actions.

Council introduced this item at its February 7, 2023 meeting.

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:

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

Strategic Focus Area:



Community Vitality



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

Presentation Slide Deck

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 8, 2023**

**AN ORDINANCE AMENDING TITLE 12, CHAPTER 7 OF THE GREELEY
MUNICIPAL CODE RELATING TO VACANT AND ABANDONED BUILDINGS**

WHEREAS, the City of Greeley, Colorado (“City”) is a home rule municipality, and pursuant to Article XX, Section 6 of the Colorado constitution has the right to enact, administer and enforce ordinances; and

WHEREAS, it is the responsibility of multiple departments in the City to respond to code violations, requiring a coordinated response to community and neighborhood concerns; and

WHEREAS, strengthening the provisions and expanding the options to address vacant and abandoned properties that are neglected or derelict will further discourage persistent violations of the Greeley Municipal Code; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would ensure compliance with the code to meet neighborhood and community expectations, encourage economic stability and growth, and protect the health, safety and welfare and of the city and its inhabitants.

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

Section 1. That Chapter 7, Vacant and Abandoned Buildings, of Title 12, Public Health and Environmental Control, shall be amended as shown in Appendix 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
FEBRUARY, 2023.**

ATTEST

**THE CITY OF GREELEY,
COLORADO**

City Clerk

Mayor

APPENDIX A
ORDINANCE AMENDING TITLE 12, CHAPTER 7
GREELEY MUNICIPAL CODE

Section 1. Chapter 7, Vacant and Abandoned Buildings, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

Chapter 7. Vacant and Abandoned Buildings.

Sec. 12-383. Legislative Intent.

The City Council finds and determines that the existence of dilapidated buildings and properties within the City present significant hazards to the health, safety and welfare of the citizens of the City. When vacant and abandoned properties appear to be dilapidated, it has a negative impact on the community and creates areas of blight in the City. Vacant and abandoned buildings that are not properly boarded, secured and kept with a basic level of property maintenance can create unsafe and unsanitary conditions and be a fire hazard. The purpose of this chapter is to mitigate the blighting impacts of a neglected property and to rehabilitate the property for the protection of the health, safety, and general welfare of the municipality.

Sec. 12-384. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Abatement means to abate the property pursuant to code section 2-1035 by making the neglected or derelict property compliant with the Code and all rules and regulations adopted pursuant to the Code. The closing or boarding up a building that is found to be neglected or derelict is not an abatement.

Basic level of property maintenance requires that the building is secure, that the use of materials to properly board a building and to minimize the appearance of abandonment, including painting or treatment of any window and door coverings to match the building, that care of vegetation on the property is maintained and that the property is in compliance with all other requirements in this Code.

Building means a structure that is used or intended for use as a residence or for commercial, industrial or business purposes.

Neighborhood nuisance means a property that is a danger to the public health, safety or welfare, is structurally unsafe or unsanitary, is not provided with adequate safe egress, constitutes a fire hazard, otherwise dangerous to human life, or in relation to the existing use constitutes a danger to the public health, safety or welfare. Factors to determine whether a property is a neighborhood nuisance include: prior Code violations, vacant or abandoned, maintained grounds, sound interior, vandalism or other destructive activity, location of property to school, park or recreation center, length of time conditions have existed and any other relevant factors the city determines.

Not lawfully occupied means property is unoccupied or uninhabited; property that is posted as unsafe; property that is occupied or inhabited in violation of the Code; or property that is occupied by trespassers or transients seeking temporary hiding or shelter.

Vacant or Abandoned Building means any building, structure or property or portion thereof, including but not limited to, all accessory or appurtenant structures, such as garages, sheds or storage facilities, that meets one of the following circumstances:

1. The property has not been lawfully occupied for 60 days, demonstrates signs of neglect and has been wholly or partially boarded up and does not show any evidence of ongoing or substantial construction activity pursuant to a valid building permit;
2. The property is not lawfully occupied for 90 days and does not meet the basic level of property maintenance requirements;
3. The property is not lawfully occupied and has been in violation of any provision of the city code or state law on three occasions within a two-year period; or
4. The property is not lawfully occupied and the tax on the premises has been due and unpaid for a period of at least one year.

Property means a contiguous parcel, tract, lot or other area of land established or described by plat, subdivision, or metes and bounds description in common ownership which is permitted by law to be used, occupied, or designed to be occupied by one or more buildings or uses. Property also means any building, or individual residential unit within a building.

Unsafe means the conditions of the property or building create a serious hazard to the health or safety of the occupants or of the public.

~~Sec. 12-385. Declaration of Public Nuisance.~~

~~A vacant and abandoned building that does not meet the basic level of property maintenance is declared to be a public nuisance.~~

Sec. 12-385. Neglected or derelict property unlawful.

Neglected or derelict property means that one of the following circumstances exist on the property:

1. The property is unsafe; or
2. The property is vacant or abandoned as defined in section 12-384; or
3. The property is a neighborhood nuisance as defined in section 12-384.

Sec. 12-386. Duty of property owners and agents.

It is the duty of every person, whether owner or agent of a vacant or abandoned building, including, but not limited to, any place of business, hotel, restaurant, residence or any other establishment, to secure the building and maintain a basic level of property maintenance, so that it appears to be in a clean and orderly condition.

Sec. 12-387. Administrative actions for enforcement and abatement.

(a) A violation of this chapter shall be punishable as administrative code violation pursuant to chapter 10 of title 1 of this Code.

(b) An emergency abatement may be ordered by the administrative hearing officer in accordance with sec. 2-1035 if a violation is an imminent hazard to life, health, property or public welfare.

(c) An owner shall submit a remedial plan, in a form acceptable to the city, within 30 days of the date of the notice of violation. The remedial plan must include all work necessary to abate the violation and deadlines for completing all work in the remedial plan. If a remedial plan is not provided or if the owner fails to comply with the remedial plan, the administrative hearing officer may issue an order for abatement in accordance with section 2-1035.

Sec. 12-388. Posting of no trespass, other warning and notice signs.

Upon or after issuing a notice of violation, the city may post a sign near each possible access point to the property prohibiting trespassing and warning the public of danger. The city may require a notice of owner or agent sign on the property. The city may require the owner post no trespass, other warning and notice signs in compliance with this section.

Secs. ~~12-388~~ 12-389 – 12-407. Reserved.

Code Amendments – Vacant and Abandoned Buildings

City Council Meeting
February 21, 2023



Code Compliance Overview

- At its September 6, 2022, meeting, Council approved several Greeley Municipal Code amendments to **improve consistent enforcement and compliance with the City's property management codes**, particularly related to chronic nuisance conditions.
- This family of code compliance regulations are considered non-criminal so are handled through an **Administrative Hearing** process.

- Changes included administrative sanctions (**minimum fines**), reducing the number of **unaddressed parking citations** allowed and a more **expedient violation notice standard** and adding trailers to that code area, **lowering the number of convictions or finding of liability to be considered a public nuisance violation.**
- The changes also included an update to address **vacant and abandoned buildings**, their proper means of securing and minimum property care.

Proposed Code Amendments

- While formulating an internal operating procedure among various departments that address vacant and abandoned buildings and property, it was determined that additional code language is needed to clarify certain code definitions, expectations and consequences to assure consistent and successful enforcement.
- The proposed changes occur in four areas:
 - Definitions
 - Determination of a neglected or derelict property
 - Administrative Actions
 - Posting notice on the property

Summary of Code Amendments

- **Definitions:**

- **Abatement:** clarified that closing or boarding up a building that is found to be neglected or derelict does not equate to abating a code violation (must meet all property maintenance codes)
- **Neighborhood Nuisance:** enumerated the factors that are used to determine if a property is a neighborhood nuisance; includes building and property conditions and other relevant factors as determined by the City

- **Not lawfully occupied:** describes conditions that qualifies a property as unlawfully occupied, including as occupied by trespassers, transients seeking temporary shelter
- **Vacant or Abandoned Building:** clarifies the definition to include all structures or property that has not been lawfully occupied that meets any one of four circumstances
- **Property:** defined as an area of land as well as a structure or unit within a structure
- **Unsafe:** meaning includes conditions of the property or building that create a serious hazards to the occupants or public

- **Determination of a neglected or derelict property:** enumerated
- **Administrative Actions:**
 - Allows an emergency abatement to be ordered by the Administrative Hearing Officer for cause
 - Requires the property owner to submit a remedial plan timely
- **Posting notice on the property:** allows the City to post a sign prohibiting access to the property, may require a notice of owner or agent, and may require owner to also post no trespass or other warning signs on the property

Questions?





Council Agenda Summary

February 21, 2023

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Appointment of applicants to the Citizen Budget Advisory Committee, Golf Course Advisory Board, Parks and Recreation Advisory Board, and Stormwater Board

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.

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:

Ballot

February 2023 Boards and Commissions Transmittal Summary



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

***** BALLOT *****

Citizen Budget Advisory Committee	
<i>4 Positions</i>	
<input type="checkbox"/>	Javier Alvarado Vega
<input type="checkbox"/>	(Recruit for Additional Applicants)

Golf Course Advisory Board	
<i>3 Positions</i>	
<input type="checkbox"/>	Adam Klett (I)
<input type="checkbox"/>	(Recruit for Additional Applicants)

Parks & Recreation Advisory Board	
<i>3 Positions</i>	
<input type="checkbox"/>	Greg McIntosh
<input type="checkbox"/>	Monica Ramirez (I)
<input type="checkbox"/>	(Recruit for Additional Applicants)

Stormwater Board	
<i>1 Position</i>	
<input type="checkbox"/>	Paul Henneck (I)
<input type="checkbox"/>	(Recruit for Additional Applicants)

(I) = Incumbent

Boards & Commissions Transmittal

February 10, 2023

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

Interview Date

February 16, 2023

Council Interview Team

Councilmembers Butler & Payton

Council Appointment Date

February 21, 2023

Boards and Commissions Being Interviewed

- Citizen Budget Advisory Committee
- Golf Course Advisory Board
- Parks & Recreation Advisory Board
- Stormwater Board

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 & Input 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



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

February 20, 2023 - February 26, 2023

February 2023

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

March 2023

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

Monday, February 20

Tuesday, February 21

6:00pm - City Council Meeting (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar ↻



Wednesday, February 22

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

Thursday, February 23

5:30pm - 8:30pm Greeley Area Chamber of Commerce Annual Dinner (RSVP BY FEBRUARY 27 2023 and Notate if Bringing Plus One) (Island Grove Events Center 425 N 15th Ave) - Council Master Calendar

Friday, February 24

Saturday, February 25

Sunday, February 26

February 27, 2023 - March 5, 2023

February 2023

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

March 2023

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

Monday, February 27

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

Tuesday, February 28

- 6:00pm - City Council Work Session Meeting (R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar ↻

Wednesday, March 1

Thursday, March 2

- 7:30am - Poudre River Trail (Hall) ↻
- 3:30pm - IG Adv. Board (Butler) ↻
- 6:00pm - 8:30pm North Front Range MPO Meeting (Olson/Payton) ↻

Friday, March 3

Saturday, March 4

Sunday, March 5

March 6, 2023 - March 12, 2023

March 2023

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

April 2023

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

Monday, March 6

Tuesday, March 7

6:00pm - City Council Meeting (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar ↻



Wednesday, March 8

Thursday, March 9

Friday, March 10

Saturday, March 11

Sunday, March 12

March 13, 2023 - March 19, 2023

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

Monday, March 13

Tuesday, March 14

6:00pm - City Council Work Session Meeting (R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar ↻

Wednesday, March 15

7:30am - Visit Greeley (Butler) ↻

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

Thursday, March 16

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

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

Friday, March 17

Saturday, March 18

Sunday, March 19

City Council Meeting Scheduling 2023

2/14/2023			
This schedule is subject to change			
Date/Type	Description	Sponsor	Placement/Time
February 28, 2023 Council Work Session	Regional Water Initiatives (Water StratOp) Update	Sean Chambers	
	Transportation Master Plan Update	Paul Trombino	
	Executive Session - City Manager Performance Review	Noel Mink	
March 07, 2023 Council Meeting	Proclamation - National Developmental Disabilities Awareness Month	Mayor	Intro
	Proclamation - Kiwanis Club Stars of Tomorrow 75th Anniversary	Mayor	Intro
	Minutes Approval (2/14/23 Work Session (if held); 2/21/23 Council Meeting)	Heidi Leatherwood	Consent
	Motion to Designate Posting Sites for B&C Meeting Notices	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - 2023 Additional Appropriation	John Karner	Consent
	Consideration of a Resolution Approving a Downtown Redevelopment Agreement	Ben Snow	Consent
	PH & Resolution - Approving Final Transportation Master Plan	Paul Trombino	Regular
	PH and Consideration of a Resolution - HOME Investment Partnership Program-American Rescue Plan (HOME-ARP)	Ben Snow	Regular
	PH & 2nd Rdg Ord - Metropolitan District Code Updates	Becky Safarik	Regular
March 14, 2023 Council Work Session	Executive Session - Municipal Judge Performance Review	Noel Mink/Doug Marek	
	CivicPlus - Agenda Management Software Update	Heidi Leatherwood	
	CCO Boards & Commissions Survey Results	Heidi Leatherwood	
	Greeley long-term Revenue Needs	John Karner	
	Executive Session - City Attorney Performance Review	Noel Mink	
March 21, 2023 Council Meeting	Proclamation - Parkinson's Disease Awareness Month	Mayor	Intro
	Proclamation - Fair Housing Month	Mayor	Intro
	UNC Spring Update - Dr. Andy Feinstein	Intro	Intro
	Minutes Approval (2/28/23 Work Session; 3/7/23 Council Meeting)	Heidi Leatherwood	Consent
	Consideration of 2022 Consolidated CDBG and HOME Program Annual Performance Report	Ben Snow	Consent
	Consideration of a Resolution Approving Renewal of the Water Services Agreement with City of Evans	Sean Chambers	Consent
	Intro & 1st Rdg Ord - Set City Manager Salary	Noel Mink	Consent
	Intro & 1st Rdg Ord - Set City Attorney Salary	Noel Mink	Consent
	Intro & 1st Rdg Ord - Set Municipal Court Judge Salary	Noel Mink	Consent
	PH and Consideration of a Resolution - Increase 2023 CDBG and HOME Program budgets	Ben Snow	Regular
	PH & 2nd Rdg Ord - 2023 Additional Appropriation	John Karner	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.



Council Agenda Summary

February 21, 2023

Key Staff Contacts:

Doug Marek, City Attorney

Noel Mink, Human Resources Director

Title:

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

Summary:

The Greeley Municipal Charter sets out the policy, process, and timeline for negotiating collective bargaining agreements with Greeley Firefighters. This agenda item calls for an executive session so that -- prior to initiating collective bargaining for 2023 with Greeley Firefighters -- the City Council can meet with those management officials who establish compensation, hours, working conditions, and all other terms and conditions of employment. For purposes of collective bargaining, the City acts through the Chief of the Fire Department, Director of Human Resources, City Manager, and City Council.

Pursuant to Colorado law and consistent with the Greeley Municipal Code, the City Council is authorized to move for an executive session to receive legal advice and to determine positions, develop strategies, and provide instructions to negotiators regarding collective bargaining.

Strategic Focus Area:



High-Performance Government



Safe and Secure Communities

Decision Options:

A motion to go into an Executive Session for a conferral with the City Attorney to receive legal advice and to determine positions, develop strategies, and provide instructions to negotiators regarding collective bargaining, as provided in C.R.S. 24-6-402(4)(b) and 24-6-402(4)(e)(I), and Greeley Municipal Code 2-151(a)(2) and 2-151(a)(5)



Council Agenda Summary

February 21, 2023

Key Staff Contact: Noel Mink, Human Resources Director

Title:

Consideration of a motion to go into Executive Session for the purpose of completing the annual performance review of the City Council Appointees – City Manager, City Attorney and Municipal Judge

Summary:

An executive session is needed to enable the City Council to complete the annual performance reviews of the three City Council appointees - City Manager, City Attorney and Municipal Judge. If Council concurs, a motion to adjourn into Executive Session is needed.

Strategic Focus Area:



High-Performance Government

Council's Recommended Action:

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Section 24-6-402(4)(f) and Greeley Municipal Code Section 2.151(6)(a):

To discuss personnel reporting to the City Council.

Attachments:

None