

Greeley City Council Agenda

Regular Meeting
Tuesday, March 21, 2023 at 6:00 p.m.

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

NOTICE:

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

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

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

Watch Meetings:



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



Meetings are televised live on GTV8 on cable television.



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

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

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

March 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. Reports from Mayor and Councilmembers
8. Initiatives from Mayor and Councilmembers
9. University of Northern Colorado update

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.

10. Consideration of a motion to approve the Work Session Proceedings of February 28, 2023
11. Consideration of 2022 Consolidated CDBG and HOME Program Annual Performance Report
12. Consideration of a Resolution authorizing entry into an intergovernmental agreement for treated water service with the City of Evans, Colorado

End of Consent Agenda

13. Pulled Consent Agenda Items

- [14.](#) Public hearing and second 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
- [15.](#) Public hearing for consideration of changes to approved 2023 CDBG and HOME budgets for U.S. Department of Housing and Urban Development Annual Action Plan
- [16.](#) Public hearing and second reading of an Ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2023 and for funds held in reserve for encumbrances through December 31, 2022
- [17.](#) Appointment of applicants to the Citizen Budget Advisory Committee, Citizen Transportation Advisory Board, Greeley Art Commission, Museum Advisory Board, and Union Colony Civic Center Advisory Board.
- [18.](#) Scheduling of Meetings, Other Events
- [19.](#) 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
- [20.](#) 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
- [21.](#) Consideration of a motion to go into Executive Session for the purpose of completing the annual performance review of the Municipal Judge
22. Adjournment



Council Agenda Summary

Title

Recognitions and Proclamations

Summary

Mayor Gates will present proclamations recognizing the following:

Parkinson's Disease Awareness Month

Fair Housing Month

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

Attachments

Parkinson's Disease Awareness Month Proclamation

Fair Housing Month Proclamation

What's Great about Greeley Report



PARKINSON'S AWARENESS MONTH

WHEREAS, Parkinson's disease is a chronic, progressive neurological disease and is the second most common neurodegenerative disease in the United States, after Alzheimer's disease; and

WHEREAS, it is estimated that over 1.5 million people in the United States and an estimated ten million in the world live with Parkinson's disease. Closer to home, there are over 400 known people in the Greeley area who suffer from this disease; and

WHEREAS, every year an estimated 60,000 people in the United States are diagnosed with Parkinson's disease; and

WHEREAS, there are millions of people who are caregivers, family members and friends who are impacted by this disease; and

WHEREAS, the combined direct and indirect costs of Parkinson's disease including treatment, disability and lost income from the inability to work are estimated at fifty-two billion dollars per year; and

WHEREAS, there is no known cure or drug to slow or halt the progression of this disease, but we are getting close. Everyone's continued financial support is still needed and appreciated; and

WHEREAS, the symptoms vary from person to person and can include tremors, slowness of movement, rigidly, gait and balance difficulty, speech and swallowing, cognitive impairment, dementia, mood disorders and much more.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim the month of April 2023, as Parkinson's Disease Awareness Month, and do hereby proclaim April 11, 2023, as Parkinson's Disease Recognition Day in Greeley, to raise awareness and advocacy for Parkinson's Disease.

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

John Gates
Mayor



Fair Housing Month 2023

WHEREAS, April 2023 marks the 55th anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and

WHEREAS, the Act outlines national policy of fair housing for all individuals who live in the United States and protects individuals from discrimination based on race, color, sex, disability, religion, family status, and national origin; and

WHEREAS, in Colorado, housing laws also protect against discrimination due to marital status, ancestry, and creed; and

WHEREAS, the laws of this nation, our state, and the City of Greeley seek to ensure such equality of choice for all transactions involving renting or buying a home, receiving a mortgage, seeking housing assistance, and engaging in other housing related activities; and

WHEREAS, Fair Housing is essential to the ethical commitment of the City and a critical component of family and community health and stability; and

WHEREAS, the City of Greeley encourages renters and homeowners to know their rights under the National Fair Housing Law.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim April 2023 as Fair Housing Month.

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

John Gates
Mayor



City Council Meeting
March 21, 2023

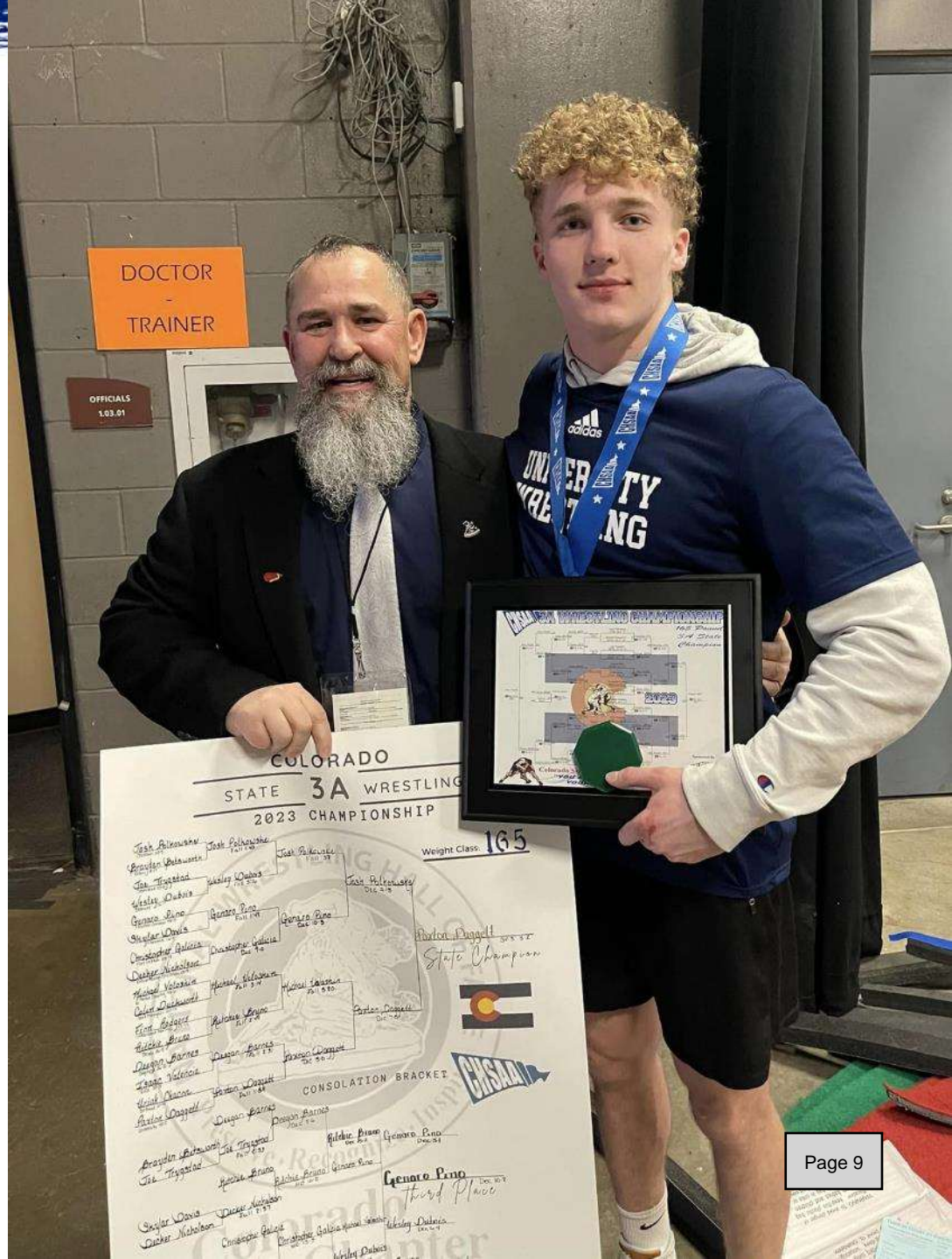
A Story Best Lived In.

***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

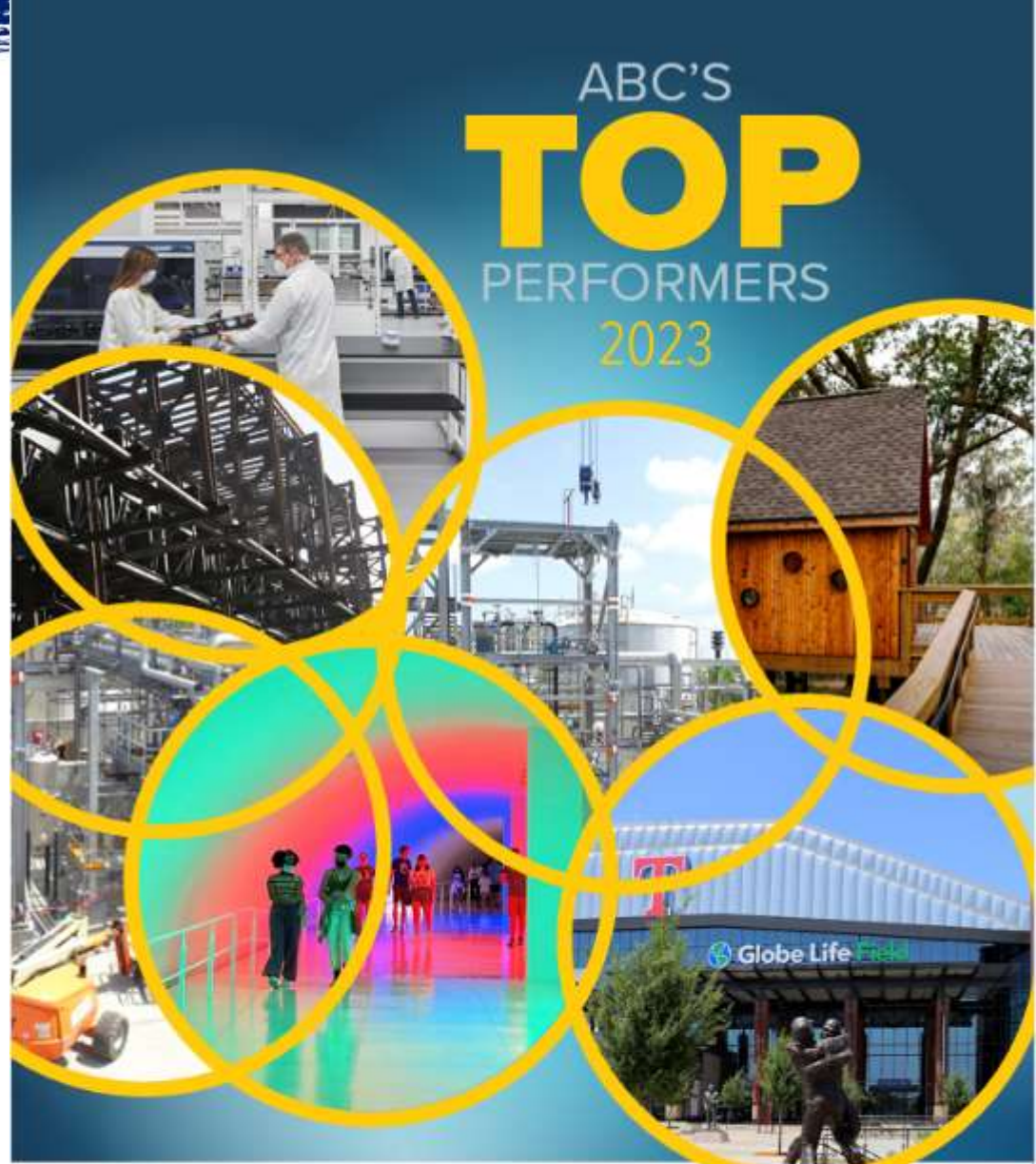
University's Paxton Daggett Wins 3A State Wrestling Championship (165 lbs.)

- 19th State Champion in University/College High School History
- Senior wrestler is a 3-time state placer



Hensel Phelps Named Top Performing Contractor on ABC's Top Performers List

- First place in Government category
- Top-performers are more than six times safer than the U.S. Bureau of Labor Statistics industry average



Both Greeley Municipal Golf Courses Listed as 'Best Public Golf Courses in Colorado' by GolfPass

- Boomerang Links Golf Course – 11th
- Highland Hills Golf Course – 23rd

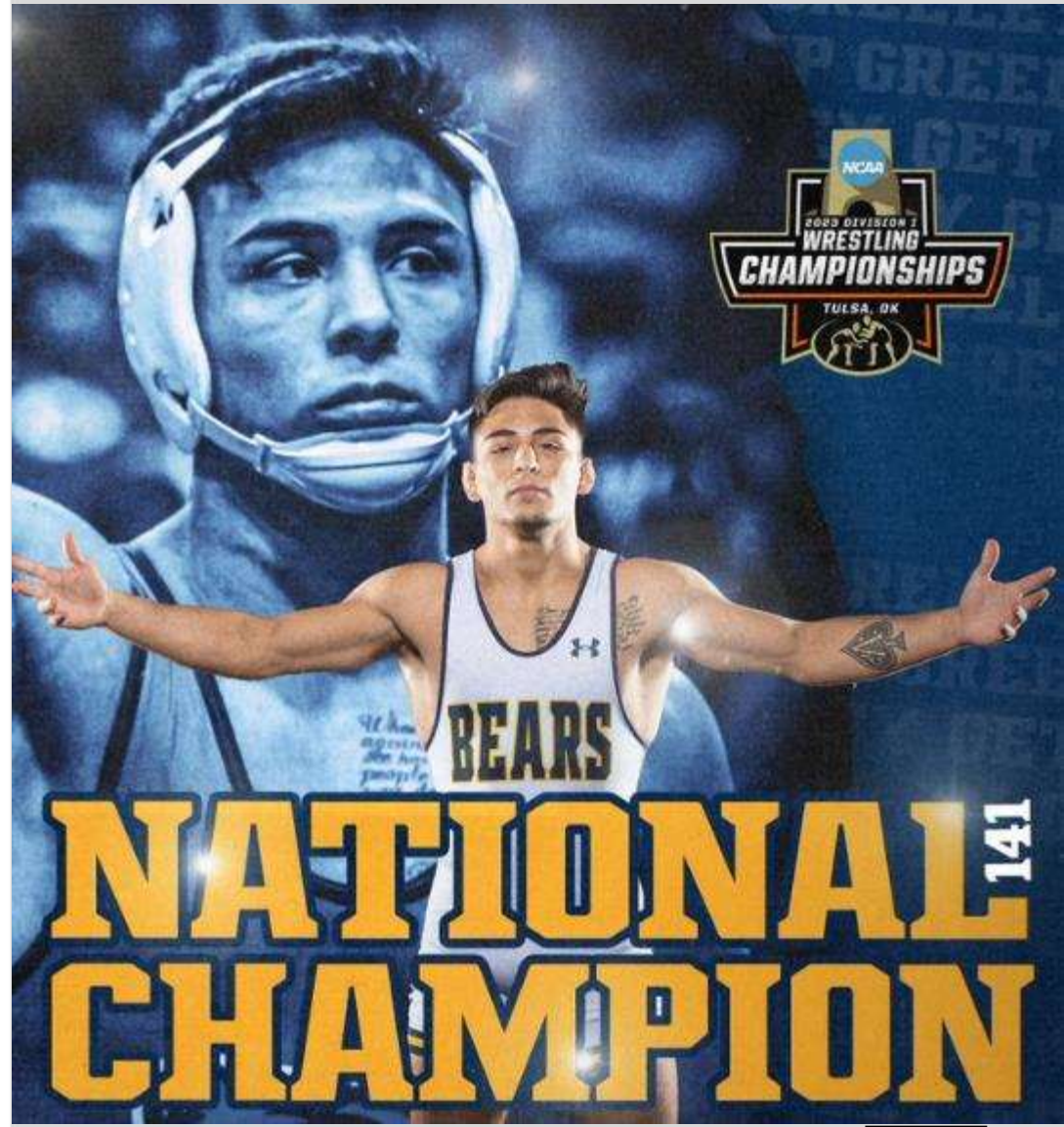


Three UNC Wrestlers Earn Spots at NCAA Championships

- Stevo Poulin (125 lb): First Big 12 Championship title
- Andrew Alirez (141 lb): Big 12 Champion and **NCAA National Champion**
- Vinny Zerban (157 lb): At-Large selection



UNIVERSITY OF
NORTHERN
COLORADO





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.

My name Michael James I'm here to speak in regards to the homeless in Greeley. I certainly understand you all are aware of the homeless. I hope speaking at this time helps the community of Greeley tonight understand the homeless. I am not here to pass judgment or find blame on anyone. Only to offer some suggestions. I've had the opportunity to visit several locations over the last couple weekends. Fifth Street bridge eighth Street bridge, 85 highway bridge and Navigation Center. I visited all the sites early in the day left the water, doughnuts and announcing myself. I wanted to see firsthand of this situation, the locations at fifth Street and eighth Street have a substantial amount of people there. The encampments somewhat organized and there is debris every from the past and currently growing. I can only predict that these camps will increase in size as the weather turns better. This debris and trash all over the place from old camps to new camps. There a large amount white 5gallon containers. Many of the homeless are quite resourceful in coming up with ways to exist.

Containers are used as seating and also for human waste biological hazard. Many are skewed along the river, empty, and some still with their lids on. I would definitely offer concern and caution to anybody coming near these containers. If possible the city could place porta potties near these encampments. The 5th and 8th Street locations there are telephone poles possibility lighting could be attached to them. It would offer safety to the homeless, assist fire and police that are often called to these locations at night. Often there are

small fires burning that people are staying warm with and many of the residents have propane heaters within their tents or structures.

Some of the homeless inform me that the assistant city manager has been out there visiting and addressing concerns. I like to offer her a compliment of going in to this situations can be dangerous and obstacles of the terrain. Lighting should be put into place and porta potty's would certainly help address the bio hazards along the embankments. I do have concerns of campfires getting out-of-control causing field fires.

Saying it takes a village to grow a child. I would like to extend that thought to our community in assisting the city with this homeless problem.

When visiting the Navigation-Center they are doing their best. The parking lot has become an encampment of its own. Over the last two weeks I've noticed more vehicles motorized RVs and a camper trailer and several vehicles with the homeless, occupying them. The shelter comes out every morning and clean up the parking lot. I am not passing judgment. It's a terrible situation that is ongoing.

The **Well** County food bank offers hot meals every day. There are other food opportunities throughout the city at several locations every day of the week. People are trying to assist this homeless problem and we are not alone.

I would meet with anybody to hear of their thoughts and share mine. Thank you all for allowing me to talk of this ongoing growing situation.

I have with me three flash drives with current pictures over the last two weekends. If I may present him to the city Council, the assistant city manager and the police chief.

When getting doughnuts I met an EMS crew, I mentioned of what I was doing and they said thank you! Especially about perhaps finding a way to light up these areas. I understand to light up 85 highway bridge location would almost be impossible with the rules of C DOT. But we have many good engineers at the city that may come up with ways to light up 5th and 8th Street bridges ground area without interfering with road traffic.

Thank you again for your time

JAMES SMITH ONE @ MSH.COM



SP118

NOV 10 2014

Crush



















































A two-level trailer with a white lower section and a grey upper section. It has a single window on the upper level and a vent on the lower level. The trailer is parked on a paved surface.

A dark grey SUV parked in a marked parking space. The license plate is visible and reads "63-477".

A white minivan parked in a marked parking space. The license plate is visible and reads "63-1024".

Two people sitting on the ground between the trailer and the fence. One person is wearing an orange jacket, and the other is wearing a white jacket.



















Council Agenda Summary

Title

Reports from Mayor and Councilmembers

Summary

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



Council Agenda Summary

Title

Initiatives from Mayor and Councilmembers

Summary

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

Initiatives will generally fall into three categories:

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

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

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council Meeting	Councilmember Olson will be following up with Manager Lee and Director Trombino on next	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	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	Anticipated report to Council 1st Qtr 2023	Kelli Johnson
15-2022	Hall	Concerns regarding aftermath of natural disasters	October 4, 2022 Council Meeting	Requested update from Greeley's emergency management team to lessen the aftermath effects from a natural disaster, i.e. water and sewer, electricity, phone services, etc.	OEM update to Council	Work Session report 1/10/2023	Brian Kuznik
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	Neighborhood meeting scheduled for 1/25/23 5:30 - 7:00 pm at Jackson Elementary.	Report to Council between 3/25/23 and 5/31/23	Paul Trombino/Becky Safarik
17-2022	DeBoutez	Expressed concern about neighborhood issues, i.e. speeding and noise violations. Expressed concern about growing number of Air BNB's in neighborhoods and additional nuisances from those rentals	November 15, 2022 Council Meeting February 21, 2023 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. Requested staff also research effects of Air BNB rentals on neighborhood nuisance problems. Add this research to current PW/GPD report on adding technology tools to combat neighborhood issues.	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
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	CCO to work with C&E to gather statistical information for report.	Work Session Report	City Clerk's Office/Communication & Engagement

Item No. 8.

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	CCO/CAO to come back to Council at a work session regarding the process	CCO/CAO report to Council	CCO/CAO
04-2023	Hall	Bridge over creek along the Poudre River Trail in Pumpkin Ridge area	March 7, 2023 Council Meeting	Would like a written report to Council regarding the history of the project and possibility of putting a wooden foot bridge across the trail and the timeline	Community Development	CD report to Council	CD
05-2023	Butler	History and status of food tax rebate program	March 7, 2023 Council Meeting	Requested staff provide information at a work session on the history of the Food Tax Rebate Program and the current	Finance	Work Session Report	Finance



Council Agenda Summary

March 21, 2023

Key Staff Contact: Raymond Lee, City Manager

Title:

University of Northern Colorado Update

Summary:

University of Northern Colorado (UNC) President Andy Feinstein will provide Council with an update on UNC's operations and programs.

Attachments:

None



Council Agenda Summary

Title:

Consideration of a motion to approve the Work Session Proceedings of February 28, 2023

Summary:

A work session of the City Council was held in the City Council's Chambers on February 28, 2023. The draft proceedings of the work session has been prepared and is being presented for the Council's review and approval.

Decision Options:

- 1) To approve the proceedings of the Council work session as presented; and/or
- 2) 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 as presented (or amended).

Attachments:

Draft Council work session proceedings of February 28, 2023

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
February 28, 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

Councilmember Ed Clark

Councilmember Johnny Olson

Mayor John Gates

Mayor Pro Tem Brett Payton – Excused absence

4. Reports from Mayor and Council Members

Councilmember Olson shared information on the Colorado Department of Transportation's 4P Process for public engagement with the county, urging participation in county meetings from the public and elected parties.

Councilmember Butler will be speaking at UNC this Saturday, March 4, 2023, from 10:00 a.m.-11:30 a.m., at the town hall on housing for individuals with disabilities.

Councilmember Hall reviewed the Chamber of Commerce presentation "Visit Greeley" assessment. The outside consultant's preliminary review identified inconsistent branding as an issue; there are many different logos, used by different entities, the consultant will work on a suggestion for consistent messaging.

5. Fiscal Year 2021 Financial Audit Update

Finance Director John Karner, and Deputy Finance Director Tammy Hitchens provided a status of the 2021 Audit at 6:05 p.m.

Mr. Karner spoke on the timeline and efforts to get back on track in future years.

2021 Timeline - Targets submission of final audited statements to State and other stakeholders. Any State grant funding or property tax revenue held in suspense will be released immediately upon receipt of final audit statements.

2022 Timeline – Additional Resources and staffing efforts have commenced to catch up with the additional effort required to recover from the 2021 fiscal year. The extension in 2022 will be utilized to get back on track with standard timelines in 2023 and forward.

Councilmember Clark asked for assurance that the City will receive all of the funding that has been held. In response, Mr. Karner said the holds are temporary and all funds will be released.

6. Regional Water Initiatives Update

Water and Sewer Director Sean Chambers provided an update on regional water initiatives at 6:10 p.m.

Water & Sewer staff are engaged in several ongoing regional water-related groups that help to advance our strategic and operational goals. The focus of the regional space was on resiliency and opportunities to engage more partners in existing regional work such as water quality sampling, wildfire recovery, water-wise landscape resources, and drought response messaging.

Councilmember Olson asked about collaborative water acquisition efforts and competing interests. He also asked about the Colorado River shortage issue. In response, Mr. Chambers noted that while there are acquisition efforts, these groups can also serve as an opportunity to partner as neighbors. Mr. Chambers responded to the impact of the Colorado River shortage issue by providing a summary of the water portfolio that touches the Colorado River.

Mayor Gates asked if dry states, which didn't effectively manage their water, had access to this water. In response, Mr. Chambers answered that Colorado has a strong system for managing water and is protected by water laws.

Councilmember DeBoutez inquired about the regional group pipelines transferring water from this area southwards. She also asked about the water acquisition budget line item. In response, City Manager Raymond Lee expressed that there is a balance between the sale of water rights and purchasing that is constantly being reviewed. Mr. Chambers reminded Council that we are working on an integrated water resource master plan to assist with strategic planning.

7. 2045 Transportation Master Plan–Greeley on the Go - Final Plan Review

Public Works Director Paul Trombino, presented the 2045 Transportation Mater Plan – Final Review at 6:41 p.m.

The City of Greeley initiated the Greeley on the Go Transportation Master Plan process in 2021 to update the 2035 Comprehensive Transportation Plan. The key differences between the current and proposed transportation plan begins with the establishment of plan goals – safety, multimodal network, equity & health, economic vitality, environment & technology, and funding & strategic investments.

Councilmember DeBoutez commented on partnerships with Weld County especially in EV charging requirements for residential homes and appreciated the health and equity component of this plan.

Councilmember Butler inquired about funding and regional plans for transport to Denver, DIA, Children’s Hospital, and the V.A. In response, Mr. Trombino summarized the long-term financial strategy and planning efforts for 10 and 15-year plan. The plan includes some young dialogue for transportation connections.

Councilmember Olson added that the Colorado Department of Transportation has some responsibility regarding taxpayers’ dollars with local transportation modes already in place.

Mayor Gates was surprised the City did not receive the grant for federal funds. He recognized the work from staff and commended the great job that was done applying for the funds. In response, Mr. Trombino added that it is common to not be selected on the first try and that staff will keep trying.

8. Scheduling of Meetings, Other Events

None.

9. Consideration of a motion to go into Executive Session for the purpose of completing the annual performance review of the City Manager and Municipal Judge

Councilmember Olson moved to go into Executive Session, seconded by Councilmember Clark. The motion carried 6-0 at 7:12 p.m.

10. Adjournment

Mayor Gates adjourned the meeting at 7:12 p.m. and went into Executive Session.

The Executive Session was called to order at 7:18 p.m. for the purpose of completing the annual performance review of the City Manager and Municipal Judge.

Present for participation in the Executive Session were all members of City Council except for Mayor Pro Tem Payton, who was excused. Noel Mink, Human Resources Director was present.

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.

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 believes that the discussion is going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

The meeting concluded at 8:31 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

March 21, 2023

Key Staff Contact: Benjamin Snow, Economic Health & Housing Director

Title:

Consideration of 2022 Consolidated CDBG and HOME Program Annual Performance Report

Summary:

The GURA Board held a public hearing on March 8, 2023, to hear any comments on the Consolidated Annual Performance and Evaluation Report (CAPER), which is attached for your review.

The CAPER is required by the U. S. Department of Housing and Urban Development (HUD) because the city receives HUD funding through the Community Development Block Grant and HOME Investment Partnership Program grants (and sometimes others, such as CDBG-CV). It describes to HUD, and the public, how the grant funds were used and what the City does for low-moderate-income persons and neighborhoods. The CAPER being considered is for the 3rd year of the current Strategic Plan (2022). The City’s 2022 grants were as follows: CDBG-\$837,611; HOME-\$436,526.

The public was invited to comment during a 15-day comment period, which ended March 3, 2023. No comments were received.

The GURA Board recommended staff to take the CAPER to the Greeley City Council for consideration. If approved, it will be submitted to HUD.

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:

None

Other Issues and Considerations:

None

Strategic Focus Area:



Housing for All



Infrastructure and Mobility

Decision Options:

- 1) Approve the 2022 Consolidated CDBG and HOME Program Annual Performance Report as presented; or
- 2) Approve with any changes to the 2022 Consolidated CDBG and HOME Program Annual Performance Report

Council's Recommended Action:

A motion to approve the 2022 Consolidated CDBG and HOME Program Annual Performance Report as presented.

Attachments:

- 2022 Consolidated CDBG and HOME Program Annual Performance Report (CAPER)

2022

Consolidated Annual Performance and Evaluation Report (CAPER)

3rd Year of 2020-2024 Consolidated Plan

John Gates, Mayor

Benjamin L. Snow, Economic Health & Housing Director

Sostenes L. Salas, Greeley Urban Renewal Authority Manager

Prepared by

Greeley Urban Renewal Authority

1100 10th Street, Suite 201

Greeley, CO 80631

Program Year – January 1, 2022-December 31, 2022



Introduction

Note: The introduction is not part of the Consolidated Annual Performance and Evaluation Report (CAPER) that is submitted to the U. S. Department of Housing and Urban Development (HUD). It is provided to give the public a better understanding of the intent and purpose of the document.

The Consolidated Annual Performance and Evaluation Report (CAPER) is a step in HUD’s Consolidated Plan process for use of the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) grant funds, two federal grants received by the City annually. The Consolidated Plan provides a framework for formulation of a Five-Year Strategic Plan for the City to assess affordable housing and community development needs and market conditions, identify activities to address these needs and conditions, and then target the federal funds to the identified needs. Annual Action Plans then describe activities that will implement goals identified in the Strategic Plan. The CAPER is the annual report on accomplishments and progress made toward the just-completed-year’s Action Plan goals, in this report’s case, 2022. This CAPER is the second report on the Strategic Plan for 2020-2024. The CDBG and HOME grants may be used as follows:

- **Community Development Block Grant:** May be used for a wide range of community development needs that are to benefit low- moderate-income residents of the City through the provision of decent, affordable housing; suitable living environments; and expansion of economic opportunities; or for clearance of blight.
- **HOME Investment Partnership Program:** This grant is exclusively for the creation of affordable housing for low- moderate-income households.
- **Community Development Block Grant-Coronavirus:** Must be used to prepare for, respond to, or prevent COVID-19.

At least 70% of CDBG funds and all HOME funds must have beneficiaries that earn 80% or less of the Area Median Income (AMI) for the Greeley Metropolitan Statistical Area (MSA), which encompasses all of Weld County. Income limits are based on family size, and HUD releases new income limits annually. The 80% income in 2022 for the Greeley MSA was \$79,200 for a family of four, which is defined as a “moderate” income. The “beneficiary” may be a neighborhood, an individual, or a household. By HUD definition, “moderate income” is between 51% and 80% of AMI; “low income” is 31%-50% of AMI; and “poverty level income” is 30% or less of AMI.

Grant awards from HUD in 2022 were \$837,611 (CDBG) and \$436,526 (HOME). The CDBG grant was a decrease from the 2021 award of \$844,698 (CDBG) and an increase from the 2021 HOME grant of \$409,150. There was also program income generated during the year. The City has received \$1,020,067 in CDBG-CV funds.

Reporting to HUD and draws against the grants are done online through the Integrated Disbursal and Information System (IDIS). (A “draw” is the City reimbursing itself for CDBG or HOME expenses by “drawing down” the grant funds from the U. S. Treasury through the IDIS system.) The City must respond to specific questions for each step of the Consolidated Planning process: Five-year Strategic Plan, Annual Action Plans, and the CAPER. Terminology may not be familiar to the public; definitions or further explanation of any information in the CAPER is available from the Greeley Urban Renewal Authority (970-350-9380) during the office hours of 9:00 a.m. to 4:00 p.m. The CAPER in a form other than written English may be provided upon request by contacting GURA.

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The activities noted below are those on which funds were drawn or which had significant progress in 2022. Each activity met a goal set in the 2020-2024 Consolidated Plan. Goals were set to meet priority needs identified.

Neighborhood Revitalization

- **Redevelopment District Infrastructure Phases 4, and 5-Central Greeley, Maplewood neighborhood** – Curbs, gutters, sidewalks, and ramps issues were addressed. While Phases 4 and 5 (CDBG 2020 and 2021) were completed during 2021, final draws did not occur until 2022. The targeted area for both Phases was 23rd and 11th Avenues and 11th and 13th Streets.
- **Redevelopment District – 5th Street Infrastructure** – Curbs, gutters, sidewalks, and ramps were installed (or removed and replaced) along 5th Street between 14th and 23rd Avenues.
- **Parkway Tree Planting** – Properties in low-moderate-income census tracts received one or more trees, with 32 trees planted at 22 properties during 2022.
- **Alley Reconstruction** – Approximately six blocks of gravel alleys were reconstructed using asphalt millings with the 2022 Phase IV activity. Reconstruction improves the appearance of neighborhoods, reduces dust, improves safety, and improves substandard infrastructure. The 2021 Phase III activity was completed in 2021, but final drawn not made until 2022.
- **Clean-up Weekend** – The annual activity was again held in the spring in 2022.

Affordable Housing

- One very-low-income household received a housing rehab grant for the installation of a ramp.
- The Greeley-Weld Habitat for Humanity sold six new construction, single-family houses in the Clover Meadows Subdivision (aka Northview Estates) to low-moderate-income buyers; only four are reported on in 2022 CAPER, other two will have draws in 2023. A HOME grant award provided a direct subsidy to the buyers to reduce the sales price to an affordable amount.

Public Services and Facilities that Assist Persons who are Homeless, Low-Moderate-Income, Underserved, or have Special Needs

- The **Greeley Transitional House (GTH-dba Greeley Family House) and Catholic Charities (Guadalupe Community Center)**, both of which provide shelter and services to the homeless, continued to receive CDBG to support staff who worked with homeless families (GTH) and single men and women (Guadalupe) on housing issues. The services also included working with landlords and providing tenant education. The goal for all participating is to be housed and achieve self-sufficiency.
- Support for staff services providers of the Guadalupe Community Center was provided for the **Cold Weather Shelter** during January-March in 2022 (2021 CDBG).
- **North Colorado Health Alliance** and a number of community partners continued the Community Action Collaborative through February 2022, after which it declined further CDBG awards.

- **Senior Resource Services** (dba 60+ Ride) provided transportation services and grocery/medical needs deliveries for seniors.
- **Northern Colorado Veterans Resource Center** provided multiple services to Veterans in need.
- **CDBG-CV** – The Housing Navigation Center/day use facility/cold weather shelter opened and began providing services to persons experiencing homelessness. Other agencies have on-site hours and provide access to services needed by the homeless population.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
SF, owner-occupied housing rehab loans	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	23	2	8.71%	5	0	Cancelled Program
SF, owner-occupied housing rehab grants	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	12	4	33.33%	4	2	50.00%
Acquisition or infrastructure support-SF housing	Affordable Housing	CDBG: \$ / HOME: \$	Homeowner Housing Added	Household Housing Unit	31	0	0.00%	8	0	0.00%
Acquisition or infrastructure support-MF housing	Affordable Housing	CDBG: \$ / HOME: \$	Rental units constructed	Household Housing Unit	75	0	0.00%	40	0	0.00%
Multi-family housing-rental rehab loans or grants	Affordable Housing	CDBG: \$	Rental units rehabilitated	Household Housing Unit	15	0	0.00%	5	0	0.00%
Assistance to housing specific public services	Affordable Housing	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	2500	150	6.0%	500	66	13.2%
Public improvements-infrastructure	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	10000	10040	100.00%	2000	5640	100%
Public improvements-alley reconstruction	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	250	9855	100%	50	5730	100%

Public improvements-parkway tree planting	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1500	25706	100%	300	8845	100%
Property conditions-clean-up weekend	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	6250	44224	100%	1250	3042	100%
Assistance to public services not housing related	Homeless Non-Homeless Special Needs	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	7500	1905	25.4%	1500	339	25.93%
HOME Program-homeownership	Affordable Housing	HOME: \$	Homeowner Housing Added	Household Housing Unit	41	13	31.71%	7	6	85.71%
HOME Program-Rental housing	Affordable Housing	HOME: \$	Rental units constructed	Household Housing Unit	75	0	0.00%	40	0	0.00
CARES Act Funding-Public services for LMI	Prepare for, prevent, respond to COVID-10	CARES Act Funding-CDBG-CV: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	275	285	100%	0	285	100%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City' addressed its high priorities in the following manner:

1. Neighborhood Revitalization (CDBG) - The City continued with activities in support of neighborhood revitalization in the form of public improvements in the following manner:
 - a. Completed a large infrastructure activity involving new (or removal and replacement) sidewalks, curbs, gutters, and ramps along 5th Street from 14th Avenue to 23rd Avenue. Final draws were made on prior years' activities in the Maplewood area in 2022, although the actual activities were completed in prior years.
 - b. In the Redevelopment District (north Greeley area), 6 blocks of alleys were reconstructed, taking them from gravel to re-purposed asphalt. (Also completed the prior phase of alley reconstruction with final draw in 2022. Actual work was completed in 2021.)
 - c. Tree planting in the parkways of the Redevelopment District also continued. Twenty-two properties received one or more trees; 32 trees were planted.
 - d. The annual clean-up weekend was held. Fifty-seven percent of the vehicles through the gates were from the zip code with all low- moderate-income census tracts.
2. Affordable housing
 - a. Maintaining affordable housing was addressed with CDBG through the continuation of the Single-family Housing Rehabilitation grant programs. One grant was provided in 2022.
 - b. Greeley-Weld for Humanity (HOME-homeownership) sold six houses to qualified buyers, addressing the need for additional units of affordable housing (four reported on in 2022 CAPER).
 - c. CDBG continued to support two housing-related public services: Greeley Transitional House and Catholic Charities-Guadalupe to partially fund a housing case manager at each agency.
 - d. HOME funds were committed to the Immaculata Plaza housing development, which will rehab 25 units of senior housing and add 30 new units.
 - e. The City received a grant from the Colorado Division of Housing to support the Hope Springs Habitat for Humanity development. Work will begin in early 2023.

Priorities that the City ranked low included the following:

1. Support public facilities that serve the homeless, low-moderate-income, underserved, and/or special needs residents or neighborhoods
 - a. There were no 2022 activities under this priority.
2. Support public services that aren't specifically tied to housing, but assist the homeless, low-moderate-income, underserved, and special needs populations.
 - a. CDBG funds supported public service activities of the North Colorado Health Alliance (callers to 911 with non-emergency needs), Catholic Charities-Guadalupe (shelter and service homeless persons), United Way Cold Weather Shelter (two activities: (1) Jan-mid-March 2021 and (2) November and December 2021); Senior Resource Services (transportation for seniors), and the Northern Colorado Veterans Resource Center.

The City allocated a majority percentage (approximately 95%) of its non-administrative 2022 grant for activities that included infrastructure improvements and support of affordable housing, the highest priorities of the 2020-2024 Consolidated Plan.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

Direct Benefit Activities: The City tracked demographics for households directly benefiting from the CDBG and HOME grant programs, including race, ethnicity, family size, and (in most cases), which had female heads of households and/or a disability. The information is used for IDIS reporting and also (in the case of housing activities) for fair housing statistics. Direct benefit activities utilizing CDBG funds included:

- Housing activities (rehab grants)
- Public services (case manager support at Greeley Transitional House and Guadalupe Community Center, Community Action Collaborative; Senior Resource Services; and Northern Colorado Veterans Resource Center)

Demographic data is also collected for Habitat for Humanity-produced housing (HOME funds) and during the monitoring of developments with HOME units.

	CDBG	HOME
White	298	3
Black or African American	15	1
Asian	2	
American Indian or American Native	15	
Native Hawaiian or Other Pacific Islander	2	
Other/Multiple Races	75	
Total	407	4
Hispanic	140	3
Not Hispanic	267	1

Table 2 – Table of assistance to racial and ethnic populations by source of funds

In-direct Benefit Activities: Activities with in-direct benefits are those that benefit an area, rather than an individual or household. LM Universe is total population; LM Area is population having low-moderate-income.

CDBG Indirect Benefit Activities	LM Universe	LM Area	% LMI	% Hispanic
Phase 5 Infrastructure-2021 comp in 2022	3,610	2,200	60.94%	38.79%
Phase 1 Infrastructure-2022 (5 th Street)	4,735	3,440	72.65%	75.85%
Alley reconstruction-2021 complete in 2022	4,835	3,285	67.97%	64.28%
Alley reconstruction-2022	3,195	2,445	76.53%	72.50%
Trees in Parkways	11,865	8,845	74.55%	44.47%
Clean-up Weekend	76,995	40,975	53.22%	42.03%

Table 2b – Table of assistance to racial and ethnic populations by source of funds – CDBG area benefit activities

Narrative

To meet requirements of federal grants and assist people who are non-English speakers who want to access programs and activities, the City completed a Four-Factor Analysis and Language Assistance Plan prior to the start of the current Consolidated Plan to identify languages with a high usage in Greeley.

The Hispanic ethnicity was identified as the only minority group with a large percentage of persons in Greeley. The Analysis data is supported by the U. S. Census Bureau’s Quick Facts for Greeley (based on populations estimates on July 1, 2019), which shows the White, Non-Hispanic population in Greeley at 53.6% and the Hispanic population at 40.3%. The Black/African American race, per Quick Facts, accounts for 2.6% of Greeley population on the date noted. Many of Greeley residents of the Black/African American race are refugees and there isn’t one language or dialect associated with this race in Greeley. All other races are represented by a percentage of less than 2% per race, according to the ACS data.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,569,437	1,602,341
HOME	public - federal	2,019,782	66,869

Table 3 - Resources Made Available

Narrative

Refer to table above. CDBG information was taken from the IDIS PR26 report (CDBG Financial Summary Report). The City’s Comprehensive Annual Financial Report (CAFR) has not been completed for 2022. HOME information was based on the 2022 grant plus receipted program income (resources made available) and expenditures from the IDIS PR05 report. (amount expended during program year). Because the City’s fiscal year may not be completely closed out when the CAPER is due for submittal, there may be adjustments needed. Additionally,

there may be resources and draws for 2021 income/expenditures in 2022 information and not all resources and expenditures in 2022 may have been yet accounted for in IDIS information.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Redevelopment District- Comprehensive	85%	73%	The percentage includes only those activities that were located only in the Redevelopment District. Public service activities are available to residents and homeless without regard to location. That brings the percentage down.

Table 4 – Identify the geographic distribution and location of investments

Narrative

There are 38 census tracts within Greeley boundaries, 13 of which have a low-moderate-income percentage that exceeds 51% (1, 2, 4.02, 5.01, 5.02, 7.01, 7.03, 8, 10.3, 10.5, 2.01, 13, and 14.05), 14 if CT 6 is counted (far NE corner; very few residents). Additionally, there are block groups with more than 51% of the residents earning low-moderate-incomes (if looked at alone and not as a part of the entire census tract): Block Groups 1 and 4 in Census Tract 4.01; Block Groups 3 and 4 in Census Tract 11, and Block Group 2 in Census Tract 14.17.

Greeley’s low-moderate-income census tracts are east of 35th Avenue and are included in the Redevelopment District. The only Census Tract west of 35th Avenue that has a greater than 51% LMI percentage is 14.05, which is predominantly commercial. Most of the residential in that Census Tract are apartments, which includes some developments specifically for LMI residents. Census Tract 14.05 is not a part of the Redevelopment District.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

CDBG –Non-profit agencies utilizing CDBG for activities are expected to provide the majority of the activities’ funding from sources other than CDBG. Those other funds are generally from agency fund raising events and include private, corporate, and foundation donations. When available, the City matches its in-house activities with City funds, including General Funds, Quality of Life funds, or Sales Tax Dollars (local programs).

HOME – By waiver, HUD reduced the matching requirement for Participating Jurisdictions in areas covered by a major disaster declaration (which included the City of Greeley) by 100 percent for FY 2020 and FY 2021. There was no update to this in 2022. This was meant to ease the economic burden on Participating Jurisdictions and eliminate the need for them to identify other sources of match for HOME activities during the COVID-19 pandemic. The City was able to meet its normal match requirement of 25% in 2022, however, with Match coming from four homes constructed and sold (and with funds drawn from IDIS in 2022) by the Greeley-Weld

Habitat for Humanity. Match was provided via donated goods, private funds, donations from corporations and foundations, etc. At this time, Greeley does not count volunteer hours, although they are eligible as match.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	\$6,526,145
2. Match contributed during current Federal fiscal year	\$1,157,264
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	\$7,683,409
4. Match liability for current Federal fiscal year	\$0.00
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	\$7,683,409

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year				
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Site Preparation, Construction Materials, Donated labor	Total Match
3 rd Clover Meadows (#7)	8/19/22	260,985	53,737	314,724
4 th Clover Meadows (#8)	8/11/22	249,739	50,839	300,328
5 th Clover Meadows (#9)	10/28/22	220,237	53,737	273,974
6 th Clover Meadows (#10)	10/28/22	217,369	50,869	268,238
Total Match		948,332	208,932	1,157,264

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period	Amount received during reporting period	Total amount expended during reporting period	Amount expended for TBRA	Balance on hand at end of reporting period
\$	\$	\$	\$	\$
\$81,068	\$245,792	\$0	\$0.00	\$326,860

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts – (based on properties closed in 2022 = 2990 C St #7,8,9,10)						
Number	4	0	0	0	0	0
Dollar Amount	\$122,669	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
			Total	Women Business Enterprises	Male	
Contracts						
Number			4	0	0	
Dollar Amount			\$122,669	0	0	
Sub-Contracts						
Number			0	0	0	
Dollar Amount			0	0	0	

Table 8 - Minority Business and Women Business Enterprises

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition	
Parcels Acquired	0
Businesses Displaced	0
Nonprofit Organizations Displaced	0
Households Temporarily Relocated, not Displaced	0

Table 9 – Relocation and Real Property Acquisition

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted

	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 10 – Minority Owners of Rental Property

Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 11 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	1-Year Goal	Actual
Number of homeless households to be provided affordable housing units	0	0
Number of non-homeless households to be provided affordable housing units	47	4
Number of special-needs households to be provided affordable housing units	0	0
Total	47	4

Table 12 – Number of Households

	1-Year Goal	Actual
Number of households supported through rental assistance	0	0
Number of households supported through the production of new units	47	4
Number of households supported through the rehab of existing units	14	2
Number of households supported through the acquisition of existing units	0	0
Total	61	6

Table 13 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City set high goals for affordable housing with its 2020-2024 Consolidated Plan and has made affordable housing a high priority for those years. Outcomes have not reached the goals set; several reasons can be identified:

- Non-homeless households provided an affordable housing unit, goal not met. The CDBG Single-family Housing Rehab loan program was discontinued at the start of 2022 due to several factors: (1) The lack of contractors willing to work on rehab jobs and with the federal requirements had diminished to the point that continuing a rehab loan program was not viable, (2) applications from homeowners willing to take out a loan for rehab decreased to the point that staffing a rehab program and tying up federal funds to keep it operational was not feasible, and (3) costs for testing and mitigation of environmental concerns (lead paint, asbestos, radon, etc.) often exceeded the limits of the rehab program and what low-moderate-income homeowners could afford.
- The Single-family Housing Rehab Grant Program continued, but numbers of applications continued to be low. Four grants were the goal; two were completed. No other applications were received.
- Habitat for Humanity was back on track with housing production and sold six homes in Greeley during 2022. Four are included in the 2022 CAPER; two did not close early enough for a 2022 draw. The sale of 4 is three less households assisted than expected. Habitat constructs the homes and HOME funds provide a direct subsidy to the buyers to make the homes affordable.
- A multi-family rehab project was identified mid-year 2022 (Hope Apartments); however, the activity was just getting underway by the end of 2022 due to supply-chain issues with getting in the replacement windows.
- Other affordable housing activities using CDBG funding have not yet come to fruition. It has proven difficult to find suitable properties for acquisition and potential projects identified will utilize Low-Income Housing Tax Credits, which take time.
- A HOME project including rehab of existing (no federal funds) and construction of new multi-family housing for seniors (HOME funds) is underway (Immaculata Plaza).

Discuss how these outcomes will impact future annual action plans.

The City expects to continue its commitment to affordable housing throughout the 2020-2024 Consolidated Plan years. While the start has been slow, there is a development that will apply for tax credits in early 2023 that could be eligible for CDBG funding (North Weld Village-Phase I). The City will also continue to be supportive of the work done by Greeley-Weld Habitat for Humanity. The subsidies provided to buyers of Habitat homes allows them to be affordable to households with low-moderate-income. The Clover Meadows (aka Northview Estates) subdivision should be completed and all houses sold during 2023. A large development (Hope Springs) is slated to begin construction in 2023 that will provide for-sale homes to more than 170 low-moderate-income households. It is expected that HOME funds will continue to provide direct homebuyer assistance to buyers in this development.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	2	0
Low-income	0	2
Moderate-income	0	2
Total	2	4

Table 14 – Number of Households Served

Narrative Information

The table numbers represent households served by an affordable housing activity only. The CDBG households are beneficiaries of the Single-family Housing Rehab Grant Program; the HOME beneficiaries are Habitat homebuyers. The Habitat for Humanity homeownership program typically supports low-moderate-income households. Extremely-low-income households are not able to support a mortgage. The single-family rehab grant program is generally accessed by households with extremely low incomes (elderly and disabled).

The City is strong in its commitment to increasing and improving the supply of affordable housing stock in Greeley and is looking at ways to address the housing needs of the most vulnerable as part of that commitment. Recent Colorado legislation (Colorado House Bill 1271-HB21-1271) created a competitive grant program for local governments developing strategies to promote affordable housing. The City was awarded a one of these grants (through the Colorado Department of Local Affairs), which is being utilized to conduct a city-wide housing needs assessment and develop a sub-area plan. The sub-area plan will provide potential affordable housing development options for a small, localized area in the community. The goal of the assessment is to increase affordable housing. Following the sub-area plan will allow affordable housing contractors and developers to receive expedited development review and reduced development review fees.

Multiple agencies in Greeley work with homeless individuals and families. Most utilize the Coordinated Housing Assessment and Placement System (CAHPS), which identifies those most vulnerable and assists them in finding housing. There has been no new developments of housing specifically for persons with disabilities. The City follows ADA guidelines for new construction of housing.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction’s progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

- The Northern Colorado Continuum of Care, in its 3rd year as a Continuum, continued to work regionally in Weld and Larimer County to identify, assess, and locate housing for persons experiencing homelessness. This included an expanded Coordinated Housing and Placement System (CAHPS).

- As part of CAHPS, three weekly collaborative case management meetings of 43 partner agencies from Weld and Larimer Counties that work directly with unhoused people are held to discuss referrals for housing. Additionally, 32 agencies served as Access Points for homeless households to be assessed and included in the CAHPS community by-name list for housing referrals. Eleven partners were new in 2022. Since starting in 2019, 506 Veterans, 487 single adults, 423 families, and 14 youth have been housed.
- The City of Greeley sent a team out during weather that dropped into the minus 20 degrees to offer shelter and services.
- United Way of Weld County's Housing Navigation Center (HNC) facilitates a Lived Experience Council for people experiencing homelessness and utilizing homelessness response services in Greeley. The Committee's objectives are to help inform and improve programming and services, identify gaps in community resources, and address neighborhood challenges around the Housing Navigation Center and Cold Weather Shelter. The Continuum of Care hopes to expand and improve this Committee.
- The Housing Navigation Center provides services to people experiencing homelessness. Within the Center, they can access lockers, mail, computers for job and housing searchers, ID and birth certificate assistance, resource and housing navigation, hygiene and clothing donations, and a seasonal cold weather shelter.
- The Cold Weather Shelter opened in November 2022 with 24-7 access with plans to be open until April 15, 2023. It has room for 60 overnight guests.
- The annual Point-in-Time Count was held in January 2022.
- The Northern Colorado Veterans Resource Center assessed the needs of Veterans many who are homeless and who approach them for assistance.

Addressing the emergency shelter and transitional housing needs of homeless persons

On the 2022 Point-in-Time Count night, the 2022 Point-in-Time Count found 114 persons receiving emergency shelter, 39 in transitional housing, and 83 unsheltered.

Greeley has a cold weather shelter operational November 15-April 15 open all day, but no 24/7/365 emergency shelter. Other Greeley "shelters" provide extended stays with services and are considered transitional housing and, at times, provide emergency overflow shelter.

Emergency Shelter

- Cold Weather Shelter numbers served were not available at the time the CAPER was drafted, had 60 beds available nightly with operation at near- to full-capacity. The shelter can increase capacity to 70 with permission in emergencies. United Way's 211 provides shelter information in English and Spanish.
- Emergency overflow shelter for 122 people (46 single women, 21 families) was provided at the Guadalupe Community Center May-December 2022. Within those numbers, forty children, seven older adults (age 60+), and one Veteran were served.
- During extreme cold in December 2022, The Salvation Army opened its facility for overflow shelter. Additionally, the City was prepared to open the Island Grove event center, if space was needed for a large number of people.

Transitional Housing

- The Guadalupe Community Center operated a Transitional Living Extended Stay Shelter program focused on moving the residents to sustainability through income acquisition, employment, and affordable housing as quickly as possible. Maximum stay is 150 days (150-Program).
- The Guadalupe Community Center (Guadalupe) has 24 beds for men, six beds for women, and five separate family rooms. The program called the 150-program assisted 199 people from January 1, 2022-December 31, 2022. Included were 82 single men, 34 single women, 24 families, 52 children, 19 adults aged 60 and over, and 15 veterans. Of those, five were “return” guests during that timeframe.
 - A community team, the Emergency Family Coordination Team, comprised of the Greeley Transitional House, A Women’s Place, Weld Department of Human Services, Hope at Miracle House, Almost Home, Weld County School District Six, and Catholic Charities worked with case managers at the Guadalupe Community Center and families to develop housing plans and resolutions of other emergency needs. In 2022, 24 families were served at the Guadalupe Shelter with a total of 52 children.
 - Two families received emergency assistance at a motel.
- The Greeley Transitional House provided shelter through transitional housing (6,591 individual nights) and supportive services to 48 families (62 adults and 100 children). Supportive services included case management, housing navigation and stabilization, and management of rapid rehousing and transitional housing grants. Post-COVID numbers are increasing, after a significant drop during 2020-mid-2022.
- The Greeley Transitional House provided post-shelter housing programs for families: Camfield Corner Apartments (16 units of transitional housing) and the North Front Range Rapid RE-Housing (NFR-RRH) program, which partners with private landlords throughout Weld County. Forty-seven families were served.
- A Woman's Place provided emergency shelter for survivors of domestic violence. In 2022, 3,582 nights of shelter were provided to 385 survivors, 146 of which were youth under 19 (37%). The average stay was 17 days.
- The Northern Colorado Veterans Resource Center’s Peer Navigation Program assists homeless Veterans with motel vouchers while helping connect them to permanent housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The Northern Colorado Continuum of Care, which serves Weld and Larimer Counties, is a leader in assisting the populations noted (particularly through the CAHPS).

A good, consistent network where providers can email blast needs (“I have someone who is…” or “I have someone who needs”), has been invaluable in addressing needs. The network was originally started as outreach within the Departments of Corrections.

The Housing Navigation Center expanded services and partnerships in 2022 with 21 agencies available to eliminate barriers for clientele. Since opening, services have been provided to 1343 individuals, 210 households were connected to permanent housing, and 70 people diverted from homelessness. Financial assistance helped 147 households and kept them from homelessness. HNC services have been accessed 25,740 times, there were 1,235 community referrals, 5,809 meeting between guests and other service providers were hosted.

The Hospital-to-Housing Program at the Guadalupe Center cared for 15 NCMC patients during 2022: 10 men, five women, including one veteran. Program intent is to avoid a return to the emergency room or hospital readmission and ultimately a program outcome of housing. Support services continue for up to six months after the patient is housed.

A sample of other services aimed at avoiding homelessness are highlighted below:

General Emergency Assistance

- Catholic Charities' Homeless Prevention Program: Rent (57 households-\$66,525.81) and utilities assistance (295 households-\$129,749.42). Total served: 352 households at approximately \$557 per assistance. More than 425 calls were recorded from people seeking utility assistance; more than 800 from people calling for rent assistance.
- Greeley Transitional House and Weld County School Districts-Rapid Re-Housing Grant (NS2G): 48 months of rent and/or security deposit assistance to identified families via McKinney-Vento.
- Churches and other charitable organizations Weld County: emergency rent and utility assistance.
- United Way of Weld County's 2-1-1 Resource and Referral: 16,762 northeastern Colorado referrals. Rent, utility, and housing, assistance were the top three needs.

Assistance for Persons with a Criminal Record

- Jobs of Hope provided services to men 18 and older who were released from incarceration, had gang affiliation, struggled with substance abuse, employment and housing. Fifty-eight men (in incomes below poverty) were enrolled; 34 Hispanic and 43 (75%) identified as homeless/living in conditions unfit for habitation. Its 14-bed transitional housing program provided temporary housing to homeless men enrolled in the Jobs of Hope program. Beds were full most of the time and are part of the Housing Inventory Count for transitional beds.
- The Guadalupe Community Center provided shelter and support services to those exiting the community correction system (excepting those on the Sexual Registry or who committed a recent violent crime).

Assistance for Veterans

- Weld County Veterans Services offer no-cost assistance to veterans and their families. The website also provides links to other non-profit agencies providing veterans' services.
- The Guadalupe Shelter contracts with the VA to serve homeless veterans and help them with healing and self-sufficiency goals.
- Through its Veteran Peer Support Navigation, Northern Colorado Veteran Resource Center assisted veterans and their families in receiving services, benefits, and resources.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

- United Way of Weld County continued to implement the “Weld’s Way Home 2.0 Strategic Plan”, which contains 11 priority areas identified by community stakeholders that focus on increasing household stability and connecting people back to permanent housing. A few of these priority areas include developing relationships with police and landlords, increasing case management and street outreach capacity, and improving community transportation.
- The City awarded CDBG-CV funds to United Way for the May 2022-April 2023 services at the Housing Navigation Center. The services help prepare for, respond to, and prevent the spread of COVID-19. The Center works diligently to get people into housing as quickly as possible or connect them to services so that homelessness can be avoided altogether.
- The Northern Colorado Continuum of Care (CO-505, Fort Collins, Loveland, Greeley/Larimer and Weld Counties) promoted equitable access to housing resources through Housing First best practices. The City of Greeley has a seat on the governing board. Annual CoC-mandated activities (such as the Point in Time and Housing Inventory Counts) are facilitated locally by the CoC Collaborative Applicant (United Way of Weld County) and CoC HMIS Lead (Homeward Alliance).
- The Coordinated Assessment system (CAHPS) is utilized to get people permanently housed. See accomplishments in other areas of the CAPER.
- In 2022, the Northern Colorado CoC distributed \$1.1 million in Emergency Solutions Grant (ESG) and ESG-Coronavirus funds to grantees to provide Rapid Rehousing and Emergency Shelter and support the implementation of the Homeless Management Information System (HMIS). These funds permanently housed 216 people across Weld and Larimer Counties.
- Case management is provided at all shelters in Greeley, with a focus on deterring homelessness or shortening the length of shelter stay when possible. A continuing trend is for shelter residents to be employed, but not able to find affordable housing. The COVID-19 pandemic challenges of social distancing and inability to hold in-person meetings lessened in 2022.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Cabinets have been replaced and new flooring installed as units turn over. Consideration is being given to replacing gas burning stoves in 40 public housing units due to recent information regarding health hazards of gas. Additionally, improvements to the exterior of the “First Avenue” property is expected in spring 2023.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The disabled public housing tenant who served as a Housing Authority Commissioner was term-limited (10 years). The replacement was not a current tenant or voucher holder; however, with the next Commissioner vacancy, they will be looking to recruit a tenant or voucher holder. This goal will be relooked at once health conditions improve. Higher income tenants are still encouraged to consider the purchase of a home or move into market-rate housing. (With the current cost of local housing coupled with the rise in interest, potential residents are being priced out of the market.)

Actions taken to provide assistance to troubled PHAs

Not applicable. The Greeley PHA is not troubled.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City continued to work toward implementing action items identified in its 2019 Strategic Housing Plan. The Plan is a blueprint for ameliorating or removing negative effects of public policy. In 2022, the following was done:

- **Amendment of the development code to promote housing choice:** Following the development code being amended in 2021, the City continued to encourage development applications that include significant changes to lot sizes and mixed zoning categories. This encourages development at higher densities and lower per-unit costs.
- **Development of financial strategies that minimize development costs:** For the past three years, the City has assigned its annual Private Activity Bond allocation to the Colorado Housing & Finance Authority to be used for as tax credit bond financing to assist with four identified affordable housing projects, which will add more than 700 units to our local inventory. The City was also fortunate to partner with Weld County for both years 2020 and 2021, and they assigned their annual allocation to be used for these projects, as well.
- **Impact of raw water costs:** The City continues to address the impact of raw water on housing affordability. In 2021, a transaction known as Terry Ranch was completed, which secured 1.2M acre feet of raw water for future use and will provide a cost-effective underground water storage reservoir for decades. The City has already had several land developers purchase water credits related to the Terry Ranch project and dedicate them to the City for their respective planned developments.
- **Development of manufactured housing communities:** One of the City's most visible and highest quality manufactured homes parks is expanding, with the approval in 2021 of an additional 129 lots. These will be developed during 2022 and 2023.

Some of the public policies noted in the question do not affect affordable housing in Greeley:

- **Tax policies affecting land:** There are no tax policies that create an affordable housing barrier.

- **Building codes:** The City adopted the 2018 International Residential Codes, to which all residential construction is subject. Building codes do not inhibit the provision and/or maintenance of affordable housing but are necessary to providing housing standards for safety and habitability (which HUD also expects).
- **Growth limitations:** There are no policies regarding growth limitations in Greeley. Growth is restricted by jurisdictional boundaries, which directs much of the growth west.

Policies affecting the return on residential investment: There are no public policies other than those imposed on properties that received assistance from HUD (CDBG and/or HOME) that affect the return on residential investment.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

See information throughout the CAPER, such as support for the Guadalupe Community Center (homeless), Greeley Transitional House (homeless families), Senior Resource Services (seniors needing transportation), Northern Colorado Veterans Resource Center, and Habitat for Humanity (for-sale housing to low-income households).

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

No new actions were taken in 2022 to reduce lead-based paint hazards and with the closing of the Single-family Housing Rehab Program, does not offer funding to address lead-based paint concerns. However, the City still considers the following as policy should a housing rehab program ever be reinstated:

- GURA policy requires that testing for lead-based paint be done by a certified lead-based paint inspector on any house constructed prior to 1978. This policy is applicable when the proposed rehab includes work that would disturb any existing painted surface, such as replacement of windows or doors or exterior painting.
- GURA policy also requires that all rehab work that disturbs a painted surface be performed by an Environmental Protection Agency (EPA) certified Renovation, Repair, and Painting (RRP) Program contractor who has been properly trained in setup, disposal, and clearance of affected areas. Safe handling of all lead-based paint is part of the rehab contract.

Additionally:

- The GURA Manager holds two lead-based paint certifications from the Colorado Department of Public Health and Environment, Air Pollution Control Division. The certifications are Lead-Based Paint Inspector and Lead-Based Paint Assessor. GURA's Manager attends lead-based paint training when available.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The most recent data from the U. S. Census Quick Facts estimated that 15.3% of Greeley families live in poverty. Ongoing actions in 2022 which may reduce the number of poverty-level families included:

- The disproportionate increases to housing costs vs. increases in wages is an issue for Greeley residents, as it is across the country. By working to add affordable housing units, the City hopes to help lessen this

issue. Additionally, the Economic Development Division of the City works to attract more businesses to the City that provide livable wages.

- Support education. The City provided free bus passes to School District 6 students (elementary through high school).
- Support non-profits assisting poverty level families with CDBG funds in areas of food, shelter, mental and physical health services, transportation, etc.
- Social services provided through Weld County Human Services.

While none of the actions noted in the CAPER are specifically to reduce the number of poverty level families, the actions do provide families with assistance as they move to improve their lives. There are many social service assistance opportunities that can be accessed through Weld County Human Services and a great support system of non-profit agencies that provide help in the form of food, shelter, mental and physical health services, transportation, etc.

As reported in prior years, some of the agencies whose work may reduce the number of poverty-level families are listed below.

- Women2Women provided emergency financial assistance to women by women.
- The Avery Center works with survivors of sex trafficking.
- The Immigrant and Refugee Center of Northern Colorado provides English language training and community navigation to refugees and immigrants.
- Sunrise Community Health provided health and dental care at seven locations in Greeley with payment based on the ability to pay.
- Connections for Independent Living served persons with disabilities needing to access services and programs.
- North Range Behavioral Health provided a comprehensive set of programs and services for persons with mental illness; addiction; in need of counseling, peer assistance, or crisis support; etc., without regard to someone's ability to pay. North Range also provided a continuum of residential services, from staffed homes to supported housing and independent living.
- Weld Food Bank administered several programs to help alleviate hunger and poverty by providing food and food services to people in need.
- The Greeley Interfaith Association and many churches within the faith community aided those in need, including clothing and meals.
- The Weld County Faith Partnership Council was created by the Weld County Board of Commissioners to facilitate information sharing between the faith-based community and county government. with focus on foster care, veterans, housing stability, and youth development.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City consistently reports on its strong institutional structure, as it continues to watch for new areas of partnership opportunities. The institutional structure is evident in part through the number of agencies and representatives that participate in the Northern Colorado Continuum of Care and the Connections network; the collaboration among agencies providing shelter that work toward housing the homeless; the faith community which provide meals and clothing to those in need; and in the Community Action Collaborative, a function of the

Northern Colorado Health Alliance. The strong institutional structure seen during 2020 and 2021 during the COVID pandemic remains visible, as collaborations among agencies and the City remain critical.

With the hiring of an Assistant City Manager whose main responsibilities currently focus on issues of affordable housing and homelessness, an additional resource has been made available within the existing institutional infrastructure. A team to support the Assistant City Manager's work with the City's homeless population will be hired in 2023 to further expand institutional structure.

As noted elsewhere, the Housing Navigation Center opened to centralize efforts to get people into housing as quickly as possible and provide lockers, mailing address, computers, etc. to homeless persons. In 2022, the new location opened and provided "one stop" for housing navigation, cold weather shelter, and day use. The City collaborated with United Way to achieve this success. The facility will initially be supported with CDBG-CV funds, as it will help identify and assist homeless persons, who are particularly vulnerable to COVID-19, and thus meet the requirement to prepare for, prevent, and respond to the COVID-19 pandemic.

Actions taken to enhance coordination between public and private housing and social service agencies.

91.220(k); 91.320(j)

For those experiencing homelessness or threat of homelessness, a good deal of coordination happens through the Northern Colorado Continuum of Care. The Continuum is comprised of service providers, regional government representatives, and other interested parties. Additionally, as referred to in other parts of the CAPER, the Connections network, Weld's Way Home, and the City's implementation of a Strategic Housing Plan all provide collaboration among housing providers and social services. To the extent possible and appropriate, the City and the Greeley Housing Authority have staff that participate in many of the meetings/ groups and help with programs. Additionally, Weld County United Way heads the Emergency Food and Shelter Program committee; a City staff member participates in the committee.

Identify actions taken to overcome the effects of any impediments identified in the jurisdiction's analysis of impediments to fair housing choice. 91.520(a)

With each of the impediments noted below, there were goals and actions. The full Analysis of Impediments to Fair Housing for 2020-2024 is available on request.

Impediment: Housing Discrimination

- Fair housing information and sample brochures are available to CDBG and HOME subrecipients on request. Informational flyers were posted on the City's webpages quarterly with information on selected protected classes with regard to Fair Housing.

Impediment: Language and Culture

- The City has "Limited English Four-Factor Analysis" and Americans with Disabilities Act/Section 504 Effective Communications Policies and Procedures. Greeley has several options for classes in English as a Second Language (ESL), including the Immigration and Refugee Center of Northern Colorado and Aims Community College.
- Ads associated with the Action Plan and CAPER in 2022 were published in English and Spanish.
- The City's website can be translated into multiple languages.

- The City of Greeley subscribes to a language interpretation service for employee use when communicating with customers who speak a language other than English.

Impediment: Transportation

- The City gave United Way of Weld County 3,416 adult bus passes via a Memorandum of Understanding, each providing for unlimited rides in a 24-hour period, and 1,984 two-ride passes. They also received 100 Paratransit trip tickets. Twenty-four-hour passes had a value of \$4.50; two-ride passes were each valued at \$3.00. Non-profit agencies may request passes for their clientele from United Way.
- Greeley Evans Transit (GET) continued to offer a number of free/discount programs, including free rides to School District 6 students with identification (to school, activities, and back home), discounted fares for seniors and individuals with disabilities, and discount pass booklets further reduce costs for seniors and persons with disabilities.

Impediment: Lack of affordable housing units disproportionately affecting some protected classes

- Single-family Housing Rehab grant program was available for elderly/disabled persons needing an accessibility ramp. This helps keep people in their home, which may be the most affordable option available to them. The Retired Seniors Volunteer Program constructs the ramps at a materials-only cost.
- Six Habitat for Humanity houses sold in 2022 in the Clover Meadows Subdivision, four are reported on, including one to a family of the Black race, three to families of Hispanic ethnicity, and two to female head-of-households.
- A Letter of Interest was issued to developers of affordable housing to gauge interest in the City's affordable housing funds (CDBG and/or HOME).
- Construction began on Immaculata Plaza, a housing development for seniors earning 30% or less of AMI.

Impediment: Higher mortgage loan denial rates for Hispanic/Latino households

- HMDA data for 2021 was reviewed. Only people who identified as of the American Indian/Alaskan Native racial group showing significantly higher mortgage loan denial percentages (almost 17% compared to approximately 11-12% for other races). Those of Hispanic ethnicity were denied loans at a rate of 15.73% v. non-Hispanic people at 9.80%. Race and ethnicity were "not available" for a significant number of loan applications) There is no information on why loans were denied, and it could certainly be for a reason other than housing discrimination. While the City has no control over loan originations, the data will continue to be monitored.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City developed a CDBG monitoring plan that includes several layers of activity review; it is unchanged from last year. Activity monitoring includes:

- At receipt of applications, all proposed activities are reviewed to ensure they further the priorities of the Consolidated Plan, meet a National Objective, and are eligible CDBG activities. Submitting agencies are required to certify they are in compliance with federal requirements as part of the application. The City strives to ensure applicants are informed with respect to the federal obligations by offering two

optional-but-encouraged technical assistance meetings to discuss federal obligations prior to the applicant accepting CDBG funds and makes staff available for consultation upon an applicant's request.

- Throughout the activity, GURA staff maintains close contact with the subrecipients of CDBG funds. Staff is involved in procurement, bidding language (Section 3; Minority and Women Owned Business statements), and contracting (when applicable); meets individually with the awardees to review the City agreements; and makes great effort to notify agencies that staff is available for technical assistance upon request.
- There is also a desk review at the time draw requests are received: Draw requests and invoices are reviewed, beneficiaries are counted, and it is verified that the draw is consistent with the City's agreement. The City maintains a complete file of the activity. City staff sends draw reminders (as most subrecipients only draw quarterly) so that draws on funds stay timely.

By policy, annual on-site monitoring should be conducted on a minimum of 10% of the agencies that received funding during that fiscal year, with the goal of on-site monitoring of no fewer than three subrecipients, subject to staff modification based on activities and subrecipients. On-site CDBG monitorings generally occur in December; however they were not conducted then due to the COVID-19 pandemic, flu, and RSV concerns for staff and subrecipients. However, all other stages of monitoring (above bullet points) were done.

Minority-and Women-Owned Business Outreach

The City does not discriminate against minority or women-owned businesses during the bidding process and has awarded bids to a number of contracts to minority- and women-owned businesses over the years. Greeley is not a large community and has a small pool of contractors willing to bid on work that involves Federal funds. No bidder is discouraged.

When advertising an Invitation to Bid, both the City and GURA include a statement encouraging minority- and women-owned businesses to apply. (They also include a Section 3 statement.) A sample bid invitation by GURA follows: *"Bids are being solicited for (insert job) by Greeley Urban Renewal Authority (GURA). Bids will be accepted until (time) on (date). Bidders must meet qualifications set by GURA. Women- and minority-owned businesses are encouraged to participate. Section 3 requirements for opportunities for low- moderate-income residents and businesses may apply. For more information call (GURA office phone number)."*

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The 2022 CAPER was available for public comment as follows:

- Mailed to remaining two members of the former Citizens Committee for Community Development with request that they provide comments between February 15, 2023, and March 3, 2023. There **were no comments** received.
- Ads were posted in the Greeley Tribune in English and Spanish on January 29, 2023, notifying the public of the 15-day comment period noted in the prior bullet point and public hearing. There were **no comments generated** from the ads.

- Available for review on City’s website. There were no comments generated by the website.
- Made available at local libraries. **No comments were received** from library patrons.
- Non-profit agency partners with the City received notice of the availability of the CAPER, were invited to attend the public hearing (both) and were encouraged to provide comments and share it with their clientele.
- **The GURA Board of Commissioners’ public hearing to accept the CAPER and recommend that City Council approve the report was held March 8, 2023. There were seven Board members present and one member of the public, who commented on the amount of information available in the CAPER.**
- The City Council accepted the report **with no further comment** on March 21, 2023.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction’s program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The Federal code noted (24 CFR 91.520(c) states the CAPER must evaluate the City’s progress in meeting its specific objectives for reducing and ending homelessness. The questions in CR-25 mirror what is required under 24 CFR 91.520(c). To avoid duplication, please refer to CR-25 for specifics on how the City is progressing with the issue of homelessness.

There were no goals from the Strategic Plan or 2022 Annual Action Plan that were not met due to pausing, reducing, or discontinuing non-CDBG-CV-related activities.

The City submitted its fourth Substantial Amendment to change its CDBG-CV activities, as follows:

- Increased the percentage of grant available to Administration (still under the maximum allowable)
- Increased funding for the public service activity at the Housing Navigation Center/Cold Weather Shelter/day use facility (all under one roof). This facility has been operational since May 2022.
- Cancelled Bonell non-congregate shelter activity, which never moved forward.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not applicable.

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The City has eight multi-family developments that have units that are still in the HOME affordability period. City policy is a rental monitoring schedule that follows old HOME regulations (every year for projects with 26 or more units, every other year for projects with five to 25 units, and every three years for projects with one to four units). In a typical year, monitoring is conducted annually in July/August; however, due to the COVID-19 pandemic, the City requested and received a waiver of the monitoring requirement that continued through the end of 2021. Per HUD guidance post-waiver, the City conducted an on-site monitoring of HOME units within 180 days of the waiver's expiration on December 31, 2021. (Monitoring began in May 2022 when COVID concerns were not as great).

Twenty-five of the 29 HOME units were monitored for ongoing compliance and property standards in 2022. The eight developments with HOME units are: Chinook Wind, Fox Run, Twin Rivers, Plaza del Sol, Stephens Farm Phases I and II, Camfield Corner, and Camelot. Only minor maintenance issues, which were shown to have been corrected during re-inspection, were found.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

During the HOME monitoring, information was collected on tenants. The City determined there was a good evidence of affirmative marketing, with the following statistics: Of 25 units monitored, four had tenants of the Black/African American race, 10 identified as Hispanic, three were elderly, 12 had a disability, and 11 were female head-of-household.

Other:

- Owners of the HOME units advertise with the Fair Housing symbol
- Resident Selection Criteria and/or leases include a non-discrimination statement

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

Program income was not used during 2022 except to allocate all available to a HOME rental project, Immaculata Plaza. Construction of this development, which will add 30 senior units to be made available to seniors with 30% or less of AMI, started in 2022 and will be finished in 2023. Program income will be drawn at that time.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

A request for Letters of Interest was issued in late 2022 to identify affordable housing developers with interest in the City’s available CDBG and HOME funds set aside for housing. Two developers, Greeley-Weld Habitat for Humanity and High Plains Housing Development Corporation submitted for upcoming projects. The GURA Board will keep these developers in the forefront when considering funding awards.

Private Activity Bonds from Greeley and Weld County were assigned to the Colorado Housing and Finance Authority (CHFA), which in turn, provides them back to support several new developments in Greeley (construction in 2022-2023); HOME funds will support a project involving rehab of a multi-family dwelling and new construction of new units on the same site (Immaculata Plaza), expected to be completed in 2023.

The City continued to partner with Habitat for Humanity on construction of ownership housing. (Habitat accomplishments were discussed elsewhere in the CAPER.) The Hope Springs development expected to have 170+ units for sale to buyers with incomes 80% or less of Ami is expected to break ground in spring 2023. No HUD funds are involved in the development; an application to provide direct subsidies to the buyers will be considered.

To continue engaging with alternative housing providers, the City started identification of more than 70 sites city-wide as good locations for housing projects of all types. Staff will continue to have discussions with developers to promote the Greeley market for housing.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME
Total Number of Activities	2	0
Total Labor Hours	11,341	0
Total Section 3 Worker Hours	861	0
Total Targeted Section 3 Worker Hours	413	0

Table 9 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME
Outreach efforts to generate job applicants who are Public Housing Targeted Workers		
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.		
Direct, on-the job training (including apprenticeships).		
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.		
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).		
Outreach efforts to identify and secure bids from Section 3 business concerns.		
Technical assistance to help Section 3 business concerns understand and bid on contracts.		
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.		
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.		
Held one or more job fairs.		
Provided or connected residents with supportive services that can provide direct services or referrals.		
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.		
Assisted residents with finding childcare.		
Assisted residents to apply for or attend community college or a four year educational institution.		
Assisted residents to apply for or attend vocational/technical training.		
Assisted residents to obtain financial literacy training and/or coaching.		
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.		
Provided or connected residents with training on computer use or online technologies.		
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.		
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.		
Other - Weld County employment office that connects workers w/available positions in Weld County	X	

Table 10 – Qualitative Efforts - Number of Activities by Program

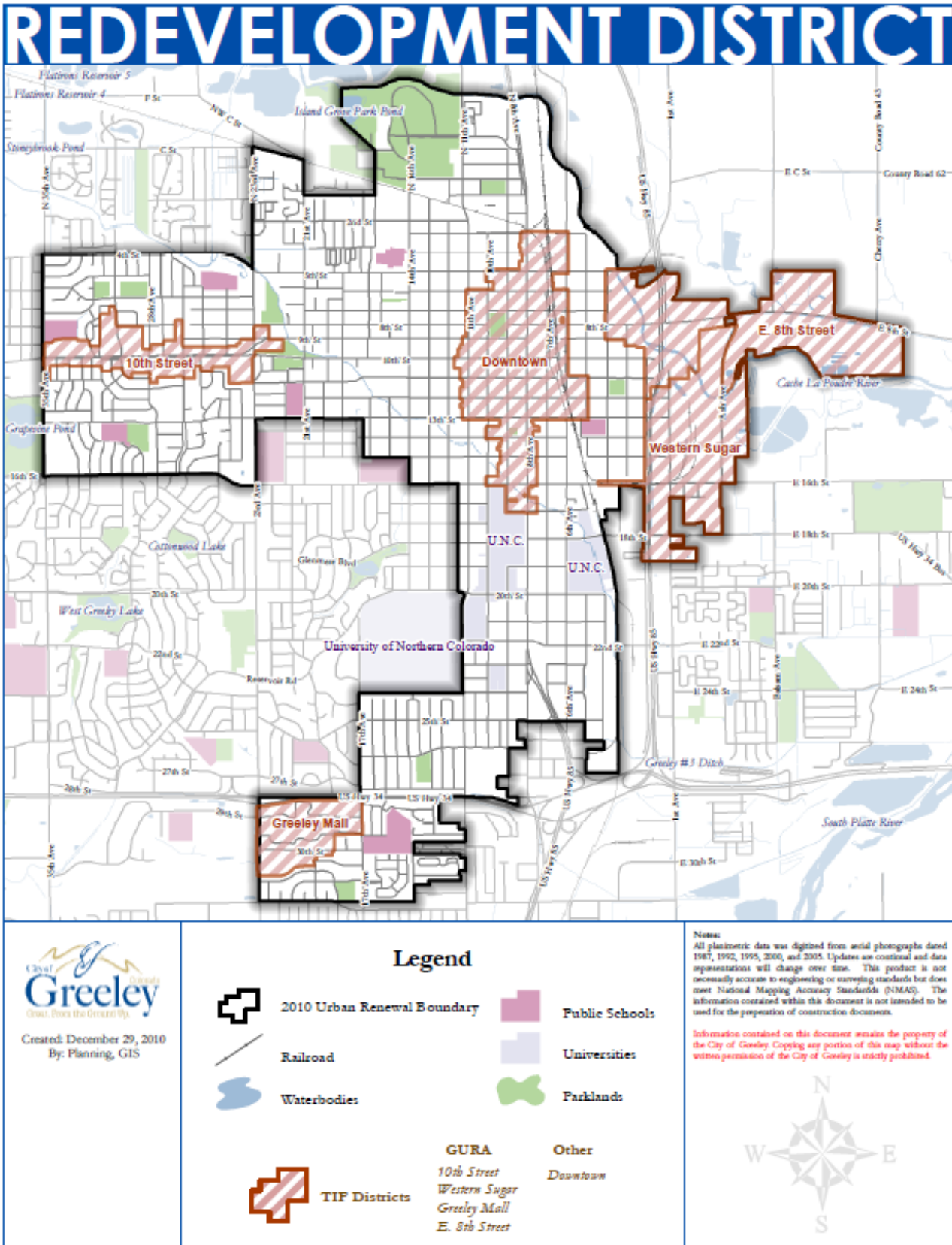
Narrative

The Weld County Employment Office has resources to connect workers to available positions and to assist with skills such as interviewing and resume drafting. The City has a large CDBG infrastructure activity in 2023 and is reviewing ways to increase outreach to Section 3 residents and businesses.

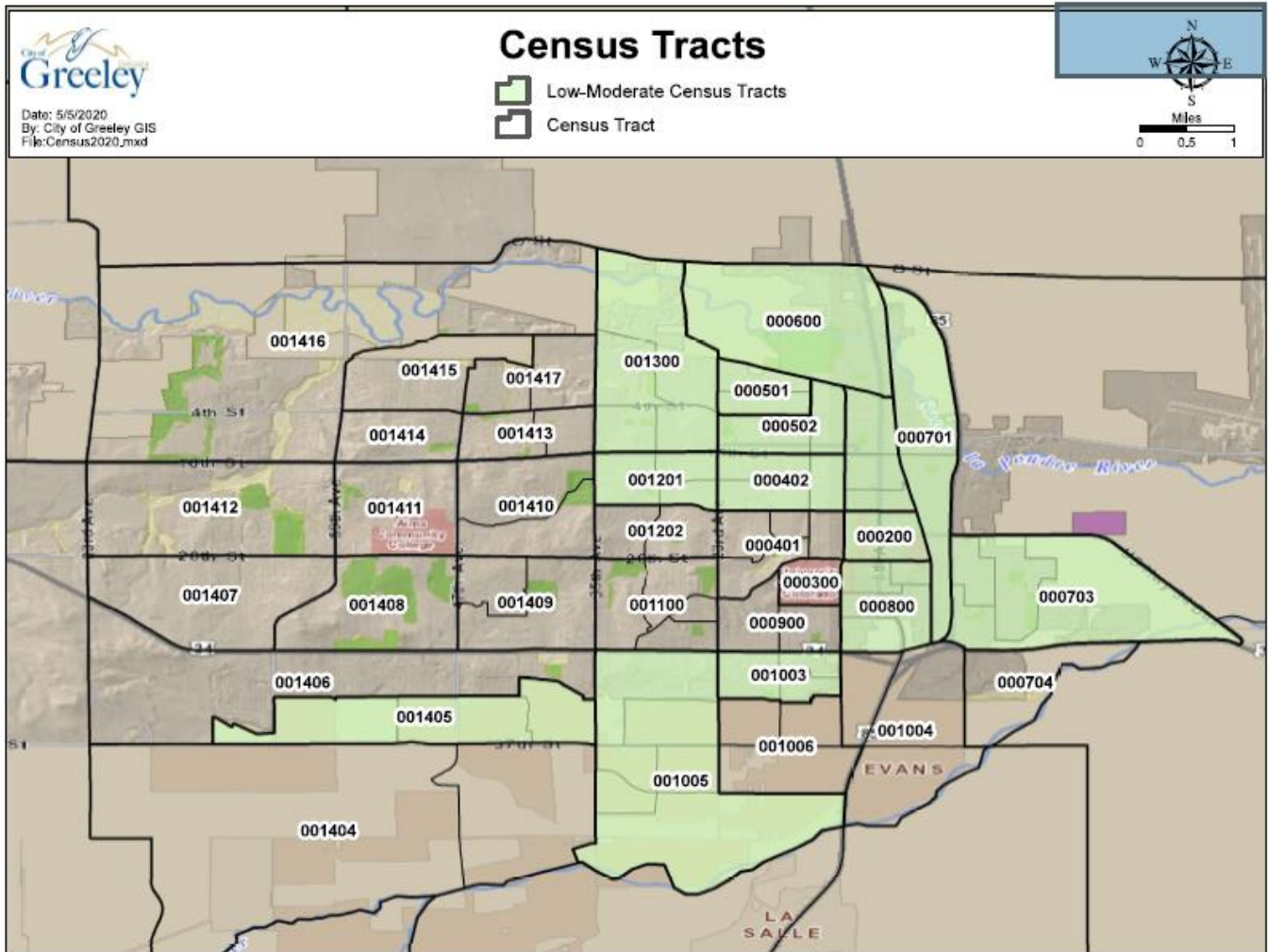
Attachments

- Attachment 1 – Map – Redevelopment District
- Attachment 2 – Map – Low-Mod Census Tracts in Greeley
- Attachment 3 - HOME Affordability and Recapture Policy
- Attachment 4 – CAPER Ads – English & Spanish
- Attachment 5 – Public Notification and Comments

Attachment 1 – Redevelopment District Map



Attachment 2 – Census Tract Map



Attachment 3 – Recapture Policy

STANDARD OPERATING POLICIES & PROCEDURES



HOME INVESTMENT PARTNERSHIP PROGRAM SUBSIDY, SALES PRICE, AFFORDABILITY, and RECAPTURE of FUNDS FOR BUYERS OF AFFORDABLE OF OWNERSHIP UNITS

Reference HOME Investment Partnership Program (HOME) regulations at 24 CFR 92, particularly 24 CFR 92.254 (“Qualification as affordable housing: Homeownership”) and 24 CFR 92.503 (“Program income, repayments, and recaptured funds”) with respects to HOME funds assisting the development of homeownership units.

5/17/19 – These policies, as stated below, were Attachment 5 – HOME Affordability/Recapture Policy for Homeownership for the 2019 Action Plan. They were updated in January 2023 to better clarify the direct benefit to homebuyers, after discussions with the City’s 2022 CPD Rep, Jovita Davenport.

These Policies and Procedures are to comply with the HOME regulations noted above and are for the homebuyer program for houses developed by Habitat for Humanity (currently the only offered homebuyer program). “Developer” throughout refers to Habitat for Humanity.

POLICIES

I. Sales Price and Subsidy

- A. The Developer can submit a HOME application and request HOME funds on behalf of their buyers that is the lesser of
 - 1. The gap in buyer purchase financing
 - 2. \$33,000

The GURA Board of Commissioners has determined this is the maximum direct subsidy to be offered to buyers in homebuyer direct assistance program. Buyers must meet all qualifications of the HOME and Developer’s homeownership programs.

- B. The intent of the HOME investment is to reduce the price of the home and is hereinafter called the “direct subsidy” or “HOME investment”.
- C. The sales price of the HOME to be acquired using a HOME investment cannot exceed the New Homes HOME/HTF Purchase Price Limit (also known as the HOME Affordable Homeownership Limits) as set by the U. S. Department of Housing and Urban Development (HUD) on an annual basis. Further restriction on the sales price may be determined by the Developer to comply with its own homeownership program, but at no time can the sales price exceed the amount provided by HUD.

II. Affordability

HUD expects HOME funds to be utilized for affordable housing for households earning 80% or less of the Area Median Income (AMI) and for the home to remain affordable for an established time. To keep the housing affordable, HOME regulations impose affordability requirements that stay with the property for a period, called the “affordability period”.

- A. **Affordability Period.** The length of the affordability period is based on the amount of the HOME investment in the home to be purchased and is the period during which the property must remain affordable, or the homebuyer is subject to the return of the HOME investment. The table below shows HUD’s minimum affordability periods by HOME investment. The City has chosen to utilize the periods defined in the table and will not impose a longer period of affordability. Subrecipients, Owners, Developers, and Community Development Housing Organizations (CHDOs) cannot opt out of applying these policies to its homebuyer program and, further, must assist the City in enforcing the City’s Affordability and Recapture policy.

HOME Funds in Project	Affordability Period
<\$15,000	5 years
\$15,000 - \$40,000	10 years
>\$40,000	15 years

- B. **Enforcement of the Affordability Period.** There are two means by which the HOME investment is protected during the period of affordability and which will restrict the way in which the home can be used and sold, as outlined in these policies and protected by recorded legal documents. The diagram below provides a visual of the enforcement means, both of which are described by policy following the diagram.

Purpose: Maintain Affordability and Protect the HOME Investment	
Repayment	Recapture
100% of the HOME investment is subject to repayment if the home does not retain affordability throughout the affordability period. Affordability is defined by regulation and is stated in the policies for repayment below.	All or part of the HOME investment is subject to recapture if the home is sold, either voluntarily or involuntarily, during the period of affordability.
See III. Section A below for policy.	See Section B below for policy.

- C. **Affordability Term.** The affordability period begins after project completion. (“Completion” is defined as the date the activity is closed in IDIS.) Legal documents will designate the affordability term as 5 years, 10 years, or 15 years depending on HOME investment plus three months to allow the City time to draw the funds and close the activity.

III. Policies to Retain Affordability

- A. **Repayment.** The HOME regulation at 24 CFR 92.503(b)(1) states, “Any HOME funds invested in housing that does not meet the **affordability** requirements for the period specified in 24 CFR 92.254 (Qualification as affordable housing: Homeownership) must be repaid by the participating jurisdiction.”

HUD defines **affordable** under the HOME program as meeting the following:

1. The housing must be single-family housing.
2. The housing must be modest, as follows:
 - a. Utilization of the HOME Affordable Homeownership Limits provided by HUD (annually) ensure this requirement.

3. The housing must be acquired by a homebuyer whose family qualifies as a low-income family, i.e., earning no more than 80% of AMI. (The Developer may further restrict income through its program policies.)
4. The housing must be the principal residence throughout the period of affordability.

To enforce the affordability regulation, the City will require prompt repayment of all the HOME investment in the following instances:

1. The home is no longer the principal residence of the homebuyer. The homebuyer must always occupy the home and provide an annual residency certification to remain in compliance with affordability. Non-return of the annual residency certification is considered being out of compliance. Under the residency requirement, the following are not allowed:
 - a. Anything that causes the homeowner to not reside in the home, including leasing the unit to another household or transferring title to another household (for example through a Quit-Claim Deed).
2. Reconstruction of the home to accommodate multiple families (it must remain a single-family residence).
2. Misrepresentation of homebuyer's information (for example, it comes to light that family size or income were reported falsely).
3. The first mortgage is refinanced.

The City will secure the affordability period by a Beneficiary Use Covenant/Homeowner Agreement.

The City will exercise due diligence and make every effort, in conjunction with the Developer, to work with the homeowner to return the home to affordability compliance and avoid repayment of the HOME funds. Due diligence steps will include the following:

1. Through the Agreement with the Developer, the Developer shall be responsible for initially contacting the homeowner, reminding them of their obligations to Beneficiary Use Covenant/Homeowner Agreement, and will attempt to facilitate returning the unit into affordability compliance.
 - a. The Developer will send annual certification letters to the homeowners, which must be signed, dated, and return acknowledging continuation of principal residency.
2. If the homebuyer does not respond to the Developer, contact with the homeowner will be initiated by and for the City through the City Attorney's Office.
3. The Developer and City will work with the homeowner to return the property to compliance through the following:
 - a. Allowing a lease term to expire and continuing with the affordability after expiration (in the case where a home has been rented and a tenant has a lease). The affordability period will be extended past the affordability term by the length of any lease.
 - b. Providing reasonable time (determined by the City and the homeowner) to return the home to single-family status.
 - c. Allowing the homebuyer to sell the property under the recapture provisions below.

Misrepresentation or refinancing require repayment without a means to remedy.

4. **Remedy.** If the Developer and/or the City, through working with the homeowner, are not able to return the home to affordability compliance, the City will contact HUD regarding the repayment of HOME funds to determine how they should be handled. Additionally, the City will take the following steps:

- a. Per the terms of the Beneficiary Use Covenant/Homeowner Agreement, the City will pursue collection by whatever means are allowable under the law, the costs of which will be the responsibility of the homeowner(s).
 - If the homeowner is unable to repay the any or all the HOME funds immediately, the City will allow for a homeowner to enter into a loan agreement for repayment of the funds. In this case, the City will repay HOME from its General Fund and set up loan for repayment of the HOME investment with a term not to exceed the original term of the Beneficiary Use Covenant/Homeowner Agreement.
 - b. Per the terms of the Agreement with the Developer, secondary collection will be pursued by the City from the Developer in any amount uncollectable from the homeowner.
 - c. Right of Legal Remedy in Pursuing Satisfaction of Affordability Period. In the event the homeowner does not satisfy the full terms of affordability and make repayment of HOME funds, the City of Greeley reserves the right to pursue any remedy allowable under HUD regulations and the law for full payment by any legal means necessary. Payment of legal or any other fees will be the responsibility of the homeowner.
- B. Recapture.** A homeowner cannot **sell** the home during the period of affordability without triggering requirements that some or all the HOME investment be returned. The HOME regulations at 24 CFR 92.524-Qualification as affordable housing: Homeownership govern instances where a homeowner wants to sell the property during the period of affordability. By policy, the City has chosen the **recapture** of funds (24 CFR 92.524(a)(5)(ii)-Recapture) as the means it will use to enforce regulations in case of a sale. “Sale” includes voluntary or involuntary (foreclosure) sales. Voluntary sales include a short sale or deed-in-lieu of foreclosure.
- A short sale is a voluntary sale in a situation where the bank that holds the mortgage agrees to take less than the full payoff for the mortgage in full satisfaction of the mortgage. This is commonly sought by a homeowner who wants to sell but whose house is “upside down” or where the mortgage balance exceeds the fair market value of the property. The homeowner is voluntarily selling for less than the fair market due to the homeowner’s current situation.
 - The City has further determined that foreclosed upon homeowners will follow the recapture provision outlined below. (The City will contact HUD in the case of foreclosure and any direction for HUD that deviates from this must be followed.)
1. **First Right of Refusal.** The Developer shall have a First Right of Refusal Clause in their legal documents (per the Developer Agreement). Should they Developer choose to exercise that Right, the following apply:
 - a. The Developer can resell the property to a new buyer who meets income and all other qualifications of the HOME Program.
 - b. The remaining time on the Beneficiary Use Covenant/Homeowner Agreement can be transferred to the new buyer, provided the new buyer agrees to accept that sale condition and they meet all HOME requirements.
 2. HUD offers options to enforce the recapture provisions; the City has chosen to **recapture the full amount** [(see regulation 92.254(a)(4)(ii)(A)(1)], (option one in the cited regulation). “Full amount” is defined as the net proceeds of the sale (sales price minus non-HOME loans on the property and any closing costs associated with the sale). At no time will the City attempt to recapture more funds than are available from net proceeds. The net proceeds provision includes voluntary and involuntary (foreclosure) sales.

The following scenarios further describe how the City will recapture funds. To clarify policy, an example is provided following each situation, in red. These are examples only and do not reflect true amounts.

- a. **If there are net proceeds greater** than the loan for HOME funds, the full HOME subsidy is recaptured, and the remaining proceeds belong to the homeowner entirely and are considered to be the fair return on the homeowner's investment.

EXAMPLE: The homeowner decides to voluntarily sell the property, and it subsequently sells for \$200,000. The homeowner repays all loans and closing costs (not including the HOME direct subsidy), which total \$150,000. The homeowner thus has net proceeds of \$50,000. The HOME direct subsidy was \$30,000. From the net proceeds of \$50,000, the City will recapture the HOME \$30,000 direct subsidy and the homeowner retains \$20,000.

- b. If a sale results in **less proceeds available than are required** to meet the demands of all liens, including the HOME direct subsidy, any amount available from net proceeds up to the amount of the remaining affordability loan. That amount will be considered full payment of obligations under the affordability/recapture agreement for the homebuyer.

EXAMPLE: The homeowner decides to voluntarily sell the property, and it subsequently sells for \$200,000. The homeowner repays all loans and closing costs (not including the HOME direct subsidy), which total \$175,000. The homeowner thus has net proceeds of \$25,000. The HOME direct subsidy was \$30,000. The entire \$25,000 will be recaptured from the homeowner to satisfy the HOME requirements; the homeowner will keep none of the net proceeds.

- c. **If there are no net proceeds** from the sale, repayment will not be required from the homeowner and the affordability period will be considered satisfied for that party.

EXAMPLE: The homeowner decides to voluntarily sell the property, and it subsequently sells for \$200,000. The homeowner repays all loans and closing costs (not including the HOME direct subsidy), which total \$200,000. The homeowner thus has \$0.00 net proceeds. The HOME direct subsidy was \$30,000, of which \$0.00 will be recaptured. Likewise, there will not be net proceeds left for the homeowner.

- d. In the case of a short sale, the City (or the Developer, as applicable) has the option of whether or not to approve the short sale. Recapture will be based on net proceeds only, and follow the applicable provisions set forth above.

- e. Foreclosure.

- When the City and/or Developer are made aware of a pending foreclosure, they will to the greatest extent feasible provide the homeowner with resources, including counseling options, the Colorado Foreclosure Hotline information, and other guidance as is available.
- Recapture, in the case of foreclosure, is based on net proceeds alone. If there are no net proceeds, the affordability restriction is terminated and there is no further obligation to the homeowner or the City. (Subject to HUD approval, as noted above.)

3. Subject to HUD approval, the City will use any recaptured funds for other HOME-eligible activities.
4. The HOME Investment and recapture provisions will be secured through a Deed of Trust and Promissory Note. This is in addition to the Beneficiary Use Covenant/Homeowner Agreement that secures affordability and the repayment required if a homeowner is not in compliance with the affordability requirements.

- a. If the homeowner resides in the property for the full affordability period and meets all the terms of the Deed of Trust, Promissory Note, and Beneficiary Use Covenant/Homeowner Agreement, the City will release all documents at its expense at the expiration of the legal documents.

PROCEDURES

It is recommended that the City and the Developer use the Procedures below as a checklist during the construction and subsequent sale of housing units. These procedures are only for implementing the recapture policies. Other procedures are noted in the Agreement with the Developer.

Applications for HOME funds are available from the City year-round, as funds are available. Procedures below begin once an application has been approved for funding by the GURA Board of Commissioners.

1. Developer – Provide a written preliminary buyer financing worksheet that identifies a gap in available financing for the home buyer.
 - a. City –Based on numbers, provide a preliminary, written HOME funds commitment to the Developer at which time HOME funds will be committed.
2. Developer - Articulate affordability requirements (repayment of funds) and recapture provisions to potential purchasers at various stages in the process.
 - a. City - Meet with the potential buyer(s) to review the Beneficiary Use Covenant/Homeowner Agreement, Deed of Trust, and Promissory Note to provide additional assurance that the buyer is aware of the affordability period and instances by which the HOME investment may have to be returned (repayment) or recaptured (sale) and the considerations and requirements of each scenario.
3. Developer – As construction completion nears, provide the City with closing information (per the Developer Agreement).
4. Developer – Finalize the buyer financing worksheet with final figures to determine the exact amount of HOME funds to be involved in the property.
5. City – Prepare the Beneficiary Use Covenant/Homeowner Agreement, Deed of Trust, and Promissory Note to secure the affordability period. Ensure the document is recorded following closing. The expense of recordation is the City's with regard to its legal document (HOME program expense).
6. City – At its expense, release the Beneficiary Use Covenant, Deed of Trust, and Promissory Note when the affordability period expires.

Attachment 4 – Public Hearing and Public Comment Ads



Council Agenda Summary

March 21, 2023

Key Staff Contact: Sean Chambers, Water & Sewer Director

Title:

Consideration of a Resolution authorizing entry into an intergovernmental agreement for treated water service with the City of Evans, Colorado

Summary:

The current Treated Water Service Intergovernmental Agreement (IGA) between Greeley and Evans will expire in April 2023. Staff from Evans and Greeley reviewed the current IGA and determined that updates were needed to reflect current operations for both water providers and to clarify how certain aspects of the IGA are administered. The updated IGA enclosed for consideration by City Council reflects those changes and were non-controversial from both Evans and Greeley staff’s perspective. Evans City Council approved the updated IGA at their March 7, 2023 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	Revenue of approx. \$4.5M
What fund of the City will provide Funding?	Water Operating
What is the source of revenue within the fund?	Water rates
Is there grant funding for this item?	N/A

Legal Issues:

Section 3-5 of the Greeley City Charter and Section 2-186 of the Greeley Municipal Code authorize the City to enter contracts with other governmental entities for the performance of cooperative or joint activities. The City Attorney’s Office has reviewed and approved the IGA for Treated Water Service with the City of Evans and proposed resolution as to legal form.

Other Issues and Considerations:

None.

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
Intergovernmental Agreement
PowerPoint Presentation

THE CITY OF GREELEY, COLORADO

RESOLUTION NO. 7, 2023

A RESOLUTION AUTHORIZING ENTRY INTO AN INTERGOVERNMENTAL AGREEMENT FOR TREATED WATER SERVICE WITH THE CITY OF EVANS

WHEREAS, the City of Greeley ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, inter alia, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits; and

WHEREAS, the City is authorized by Section 3-5 of the Greeley City Charter and Section 2-461 of the Greeley Municipal Code to enter into contracts with other governmental entities for the performance of cooperative or joint activities; and

WHEREAS, the City previously entered into that certain IGA for Treated Water Service dated April 21, 1998 with the City of Evans ("Evans"), which set the terms and conditions by which Greeley has since provide potable water treatment and transmission services to Evans, and the term of which expires on April 21, 2023 ("1998 IGA"); and

WHEREAS, the City and Evans remain neighboring municipalities that have a common interest in obtaining high-quality water in sufficient quantity to meet the present and future needs of their citizens; and

WHEREAS, the City and Evans have reached an agreement concerning the amendment and renewal of the 1998 IGA, in the form of the Intergovernmental Agreement for Treated Water Service with the City of Evans attached hereto as Exhibit A; and

WHEREAS, the Greeley Water and Sewer Board approved the proposed Intergovernmental Agreement for Treated Water Service with the City of Evans at its February 15, 2023 meeting, and recommended that the City Council approve the same; and

WHEREAS, it is in the best interests of the citizens of the City of Greeley for the City to enter into the Intergovernmental Agreement for Treated Water Service with the City of Evans.

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

Section 1. The City of Greeley, Colorado is hereby authorized to enter into an Intergovernmental Agreement for Treated Water Service with the City of Evans, in the form attached hereto and incorporated herein as Exhibit A.

Section 2. City staff and legal counsel are hereby authorized to make minor revisions to the Intergovernmental Agreement for Treated Water Service with the City of Evans before final execution, provided that the material substance of the agreement remains unchanged.

Section 3. This resolution shall take effect immediately upon its passage.

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

ATTEST: THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

**INTERGOVERNMENTAL AGREEMENT FOR
TREATED WATER SERVICE**

**BETWEEN THE CITY OF GREELEY, COLORADO
AND THE CITY OF EVANS, COLORADO**

This Intergovernmental Agreement for Treated Water Service ("Agreement") is made this _____ day of _____, 2023, by and between **THE CITY OF GREELEY**, a Colorado home rule municipality acting by and through its Water Enterprise ("Greeley") and **THE CITY OF EVANS**, Colorado, a home rule municipality ("Evans"), for the treatment and delivery of potable water to Evans by and through the treatment facilities and transmission lines of Greeley.

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution and Section 29-1-203, C.R.S., governments may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units of government; and

WHEREAS, Evans and Greeley previously entered into that certain IGA for Treated Water Service dated April 21, 1998, which set the terms and conditions by which Greeley would provide potable water treatment and transmission services to Evans ("1998 IGA"); and

WHEREAS, the initial term of the 1998 IGA expires on April 21, 2023, and Evans and Greeley desire to amend and renew the 1998 IGA; and

WHEREAS, Evans and Greeley remain neighboring municipalities that have a common interest in obtaining high-quality water in sufficient quantity to meet the present and future needs of their citizens; and

WHEREAS, the citizens of Evans desire long-term reliability in their supply of treated water; and

WHEREAS, Evans and Greeley can cost-effectively combine their demand for treated water through one system of supply, treatment, transmission, and treated water storage thereby achieving economies of scale; and

WHEREAS, in addition to the water treatment and transmission capacity necessary to meet the needs and demand of its own citizens, Greeley currently has the capacity and facilities to meet the needs of Evans and its citizens, as is more fully described herein; and

WHEREAS, Evans and Greeley will continue to own their respective water rights individually and separately, with Evans relying upon the yield of its own water rights to provide

the raw water necessary for the treatment and delivery of potable to Evans as proposed under this agreement; and

WHEREAS, Evans and Greeley are agreeable to entering into another long-term contract for the treatment and delivery of potable water to Evans through an intergovernmental agreement; and

WHEREAS, Evans and Greeley have reached an agreement concerning the amendment and renewal of the 1998 IGA, and desire to reduce the understandings, terms, and conditions of said agreement to writing;

NOW THEREFORE, for good and valuable consideration, including the mutual covenants, undertakings, terms and conditions contained herein, Evans and Greeley agree as follows.

1. DEFINITIONS. The terms used herein are defined as follows:

1.1 "Greeley" shall refer to the City of Greeley and any authorized representative thereof.

1.2 "Greeley Water System" or "Greeley Water System Enterprise" shall refer to Greeley's water treatment plants, treated water conveyance and storage systems, pump stations and related appurtenances for the collection, distribution and measurement of water.

1.3 "Peak Daily Demand" means the greatest rate of treated water delivered by Greeley to Evans over a twenty-four hour period, beginning at midnight, in a given day.

1.4 "Peak Hourly Demand" means the greatest rate of treated water delivered by Greeley to Evans over sixty consecutive minutes for any given day of the calendar year.

1.5 "Evans" shall refer to the City of Evans and any authorized representative thereof.

1.6 "Evans Water System" or "Evans Water System Enterprise" shall refer to Evans' treated water conveyance and storage systems, pump stations, and related appurtenances for the distribution of water downstream of the master meters gauging Greeley's delivery of potable water to Evans.

1.7 "Year" means a calendar year beginning on January 1 unless otherwise noted.

2. USE. Pursuant to the terms of this Agreement, Greeley agrees to treat the raw water supplies provided by Evans that are usable in the Greeley Water System and approved for

municipal use in the Evans System under Colorado law, for Evans in the manner and in such amounts as are more fully set forth herein

3. POINTS OF DELIVERY.

3.1 Greeley shall deliver treated water from the Greeley Water System to Evans through multiple master meters, the location of which will be mutually established and agreed upon in writing by both municipalities.

3.2 Unless otherwise agreed upon between the parties in writing, Greeley shall design, construct, own, and maintain the treated water meter vaults, meters, back-flow prevention devices and all associated facilities located at the delivery points in a prudent and cost-effective manner. The cost of maintenance of such metering facilities attributable to service provided to Evans under this Agreement shall be paid by Evans by and through inclusion in the Evans monthly service fee charged by Greeley. Evans agrees to secure and provide such easements as may be required by Greeley for metering facilities, and to guarantee access to metering facilities for Greeley. Each water meter shall be operated and maintained so as to record both cumulative flow, maximum hourly and maximum daily flow within the accuracy prescribed by current American Water Works Standards.

4. POTABLE WATER PROJECTIONS AND SYSTEM CAPACITY.

4.1 Within thirty (30) days after execution of this Agreement and then no later than April 15 of each year thereafter, Evans shall provide written notice to Greeley of its projected treated water requirements for the then current calendar year and for the four consecutive years following the year in which such notice is given. The notice shall include, at a minimum: estimated total annual consumption, estimated maximum day consumption, estimated maximum hourly consumption, planned system facility changes, and proposed additional points of delivery to Evans from Greeley.

4.2 If Greeley determines the Greeley water system will be unable to meet Evans' projected demands, Greeley will give Evans notice five years prior to the projected capacity limitation. Greeley will make its reasonable best efforts to avoid such a capacity limitation.

5. RAW WATER REQUIREMENTS. Evans shall possess sufficient water rights that are usable in the Greeley Water System and approved for municipal use in the Evans System under Colorado law in order to satisfy the treated water requirements of Evans, expressly subject to the following conditions:

5.1 Evans shall make such water available to Greeley in sufficient quantities to meet the potable water use projections described in Section 4.1 above, including sufficient quantities beyond its projections to cover the shrinkage associated with the delivery of such water. Greeley and Evans will cooperate in the calculation and assessment of shrinkage based on agreed shrinkage factors for the sources of supply provided by Evans and the treatment plant at which the water is treated.

5.2 Evans shall pay all assessment costs and running charges on any of the water provided for treatment by Greeley under this Agreement.

5.3 Evans shall be responsible for meeting all return flow requirements associated with the raw water provided to Greeley for treatment, state decree accounting, and any other requirements of local, State, or Federal law associated with such raw water. Evans shall retain dominion and control over its water, and Greeley shall maintain complete and unilateral control over Greeley's system operations.

5.4 Greeley shall be obligated to treat for Evans only that amount of water delivered for treatment under this Section 5. If metered usage by Evans exceeds the amount delivered by Greeley less losses, Greeley shall notify Evans of the shortage. Upon written notification, Evans will have twenty (20) days to transfer additional raw water to Greeley for treatment.

6. EMERGENCY OPERATIONS. In the event of a shortage of treated water, caused by the inability of a component of the Greeley Water System to function, Evans and Greeley shall share proportionally in water use reductions. Greeley and Evans shall independently develop a schedule and method of reducing water demand, with initial emphasis on reducing all nonessential uses such as lawn and parks irrigation. In a prolonged shortage, Evans and Greeley agree to independently develop a uniform set of enforcement tools and penalties to curtail usage. In any such event, Greeley will make every reasonable effort to continue to meet both Evan's and Greeley's water demand, including attempting to obtain treated water from other providers. In the event of a shortage, nothing shall prevent Evans from independently using an alternate source of treated water in whatever amount Evans deems necessary, until Greeley can again bring its facilities online.

7. RATES. The rates for treated water delivered to Evans shall be based upon Greeley's water rate cost-of-service model. Evans agrees to pay the rate of cost-of-service plus ten percent. The cost-of-service rates (rates charged to Evans for treated water delivery) shall be reviewed annually and adjusted in accordance with section 17-4 of the Greeley City Charter. Evans shall be given 90 day notice of rate changes. Cost-of-service includes a cost to provide peak demands. The parties agree that the cost-of-service model and the percentage over cost-of-service paid by Evans will be reviewed every five years.

8. BILLING AND PAYMENT. Greeley shall invoice Evans for amounts due and payable under this Agreement. Evans shall remit payment within thirty (30) days after the date of invoice.

9. NO ACQUIRED RIGHTS OR VESTING IN WATER RIGHTS OR IN WATER SYSTEM. As described in Section 17-1 of the Greeley City Charter, the Greeley Water System is owned and operated by its Water Enterprise, as that term is defined pursuant to Article X, Section 20 of the Colorado Constitution. The Greeley Water Enterprise is owned by the citizens of Greeley. Similarly, the Evans System is an Enterprise, owned by the citizens of Evans.

Evans specifically acknowledges and agrees that no rights or ownership in the Greeley Water System shall become vested as a result of service provided under this Agreement. Neither Greeley nor Evans shall, by reason of any provision of this Agreement or the use of water hereunder or otherwise, acquire any vested or adverse right, in law or in equity, in the water rights or water system owned by the other municipality. Neither the assignment, use, rental, or license of water or water rights nor the payment of system development charges shall be deemed to initiate, create, or vest any rights or ownership by either Greeley or Evans in the other's water rights or water system.

10. POTABLE WATER QUALITY. The treated water delivered by Greeley to the Evans master meters shall be water of a sufficient quality that complies with applicable potable water law.

11. PEAK DEMAND MEASUREMENTS AND DETERMINATION. Each year Greeley's Rates and Budget Analyst shall register and record Peak Daily and Peak Hourly Demands through the Evan master meters. Peaking factors will be calculated based upon the average of the preceding five (5) years.

12. SYSTEM DEVELOPMENT CHARGES.

12.1 Evans' current base year delivery volume as of the date of this Agreement is 2,766.41 acre-feet. Evans shall pay to Greeley a system development charge ("SDC") in the event that the total volume of metered water delivered by Greeley to Evans in any year pursuant to this Agreement exceeds the then current base year delivery volume. After Evans incurs an SDC, its base year delivery volume shall be increased by the amount it exceeded the previous volume to create a new base year delivery volume. No SDCs will be due in subsequent years for metered delivery equal to or less than the new base year delivery volume. Payment of any SDCs incurred shall be made by Evans in twelve (12) equal monthly installments, beginning in January, immediately following the calendar year in which the exceedance occurs. In no case shall SDCs be refunded.

12.2 The SDC rate to be paid by Evans under this Agreement shall be calculated using a formula based on three values: 1) The then current Greeley Inside the City residential $\frac{3}{4}$ -inch tap plant investment fee ("PIF"), 2) the then current Greeley Inside the City annual average residential demand and (3) the approximate percentage the Greeley Water System that benefits Evans.

To express the SDC rate in terms of \$/acre-foot, the then current Greeley Inside the City PIF will be divided by the then current average annual residential demand (expressed in acre-feet), and then multiplied by 75%, which is the approximate percentage of Greeley's Water System that benefits Evans.

$$\text{PIF} / \text{Avg. Annual Residential Demand} \times 75\%.$$

13. RELEASE, HOLD HARMLESS, INDEMNIFICATION. Both Evans and Greeley are public entities, as that term is defined pursuant to the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq. Nothing in this Agreement shall be construed to waive or modify in any respect the benefits and protections to which Evans and Greeley are entitled by the Colorado Governmental Immunity Act. Each party respectively shall defend any and all claims for injuries or damages, pursuant to and in accordance with the requirements and limitations of the Colorado Governmental Immunity Act, that occur as a result of the negligent or intentional acts or omissions of themselves and their own agents, employees, and assigns.

In addition, Greeley shall be responsible for any and all liability for injuries or damages caused by any negligent acts or omissions of Greeley, its officers, employees and agents, performing functions or activities upon the property of Evans. Greeley shall provide adequate workmen's compensation insurance for all of its employees, agents and assigns engaged in activities and functions upon the property of Evans.

Evans shall be responsible for any and all liability for injuries or damages caused by any negligent acts or omissions of Evans, its officers, employees and agents, performing functions or activities upon the property of Greeley. Evans shall provide adequate workmen's compensation insurance for all of its employees, agents and assigns engaged in activities and functions upon the property of Greeley.

Each party shall furnish the other party current certificates of insurance, or evidence of adequate self-insurance, if applicable, demonstrating that the coverages outlined above are in full force and effect.

14. NO PUBLIC UTILITIES COMMISSION CONTROL. Evans, its employees and elected or appointed officials, agree neither to assert nor support any statement, policy, petition, rule making, or legislation attempting to place the Greeley Water System under the authority or

jurisdiction of the Colorado Public Utilities Commission, whether by virtue of the activities contemplated under this Agreement or otherwise.

15. INTEGRATION AND SUPERSESSION. This Agreement contains all agreements and understandings, whether written or oral, between Evans and Greeley concerning the subject matter described, and shall supersede any and all terms and conditions of treated water supply agreements previously existing between Evans and Greeley, including, without limitation, the 1998 IGA. This Agreement supersedes the 1998 IGA in its entirety.

16. TERM. In the interest of reliability and security, this Agreement shall be for an initial term of ten (10) years from the date of its execution. After its initial term, this Agreement shall automatically renew for successive five-year terms, unless duly amended or terminated as provided in Section 17 below.

17. DEFAULT AND TERMINATION.

17.1 In the event either party fails to meet the terms and conditions of this Agreement, such failure shall constitute a default of this Agreement and the non-defaulting party may give notice of the perceived default. Notice shall be given in writing either to the Evans City Manager or the Greeley City Manager. Either party may cure any perceived default during the ninety (90) days following the notice. Upon cure of any default, this Agreement shall remain in full force and effect. Upon its receipt of any notice of perceived default, the defaulting party may invoke dispute resolution as provided in Paragraph 20 below.

17.2 If after the cure period above, or any mutually agreed-to extensions thereof, the non-defaulting party determines the default has not been cured, such party may give two (2) years' notice of its termination of this Agreement. Nothing herein shall limit either party from collecting damages and amounts due from the other party upon termination of this Agreement by default.

17.3 This Agreement may be terminated, with or without cause, by either party by giving an advance written notice to the other party no less than two (2) years before the end of the initial ten-year term, or at least two (2) years before the end of any subsequent terms.

18. JURISDICTION AND VENUE. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue to enforce this Agreement shall be in Weld County.

19. AMENDMENT. This Agreement shall be amended only in writing with the requisite approval of each municipality, which includes their respective City Councils. No amendment or

modification of this Agreement shall be effective unless made in a writing approved and signed by the duly authorized representatives of each party.

20. DISPUTE RESOLUTION. Should disagreements arise regarding the interpretation of any portion of this Agreement, the parties agree to make reasonable efforts to resolve such disputes through negotiation; first at the staff level, and second among the respective Water Boards and/or City Councils. Procedures for such negotiations shall be established by mutual agreement at the time and may, with the concurrence of the parties, involve the use of qualified outside mediators. Any negotiations and agreements to resolve such a dispute reached therefrom must be within the legal authority granted to the parties by their Charters and/or applicable State statutes, otherwise such agreements shall be null and void. Notwithstanding anything to the contrary in this Agreement, it is expressly agreed between the parties that this provision for dispute resolution does not apply to disputes over the authority granted to the Greeley Water and Sewer Board by Section 17-4 of the Greeley City Charter, including, but not limited to, its authority to establish of minimum water rates.

IN WITNESS WHEREOF, the City of Greeley and the City of Evans have executed this Intergovernmental Agreement for Treated Water Service as of the date first set forth above.

THE CITY OF GREELEY, COLORADO

As to Water and Sewer Board Approval:

By: _____
City Manager

By: _____
Water and Sewer Board Chairman

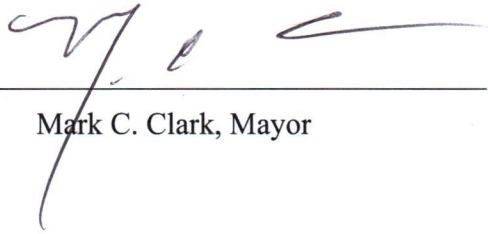
As to Legal Form:

As to Availability of Funds:


By: _____
City Attorney's Office

By: _____
Director of Finance

THE CITY OF EVANS, COLORADO

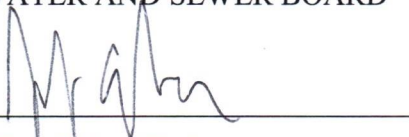
By: 
Mark C. Clark, Mayor

ATTEST:

By: 
Julie Kamka, City Clerk



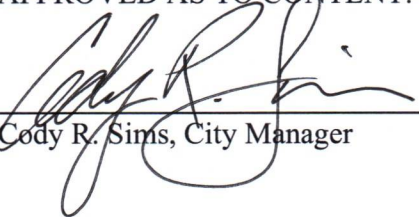
EVANS WATER AND SEWER BOARD

By: 
Jeffrey Oyler, Chairman

APPROVED AS TO FORM:

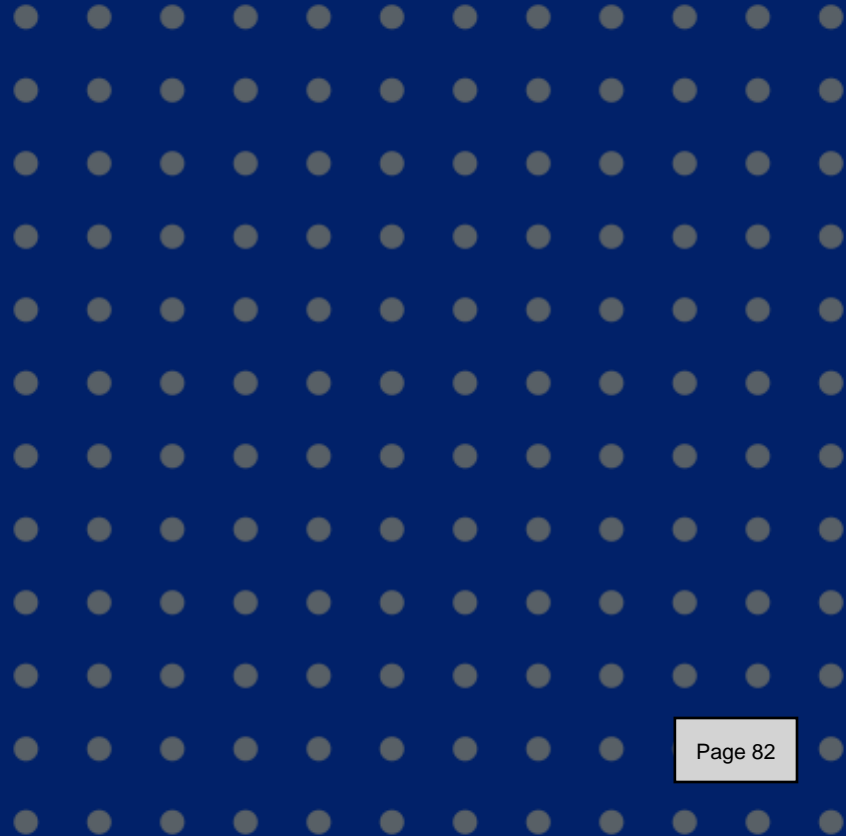

Scott Krob, City Attorney

APPROVED AS TO CONTENT:


Cody R. Sims, City Manager

Evans Treated Water Service Intergovernmental Agreement

March 21, 2023



Evans Water Service IGA Update



- Currently operating under an agreement from April 1998
 - Expires April 2023
- Evans provides raw water that Greeley treats and then delivers to Evans
- Proposed changes are minor and not controversial from either staff's perspective
- This IGA supersedes the 1998 agreement
- Evans City Council approved IGA on March 7, 2023

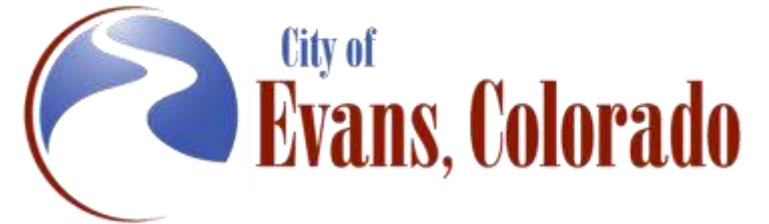
Highlighted Changes



- Clarified how raw water shrinkage will be managed by each City
- Changed how peaking is calculated for water rate development to be fairer for both Greeley and Evans
- Clarified how the calculation for the System Development Charge is done
- IGA's term is 10 years, with automatically renewing five-year terms

Recommendation

Approve Intergovernmental Agreement for Treated Water Service with the City of Evans, Colorado



Thank you





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

March 21, 2023

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

Title:

Public hearing and second 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 a strikethrough draft (Attachment A).

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.

Planning staff concluded that the proposed criteria meets the review criteria and recommends approval. This item was introduced at the February 21, 2023 City Council meeting, however, to correct an oversight discovered in the publication of this ordinance City Council re-introduced the item at its March 7, 2023 meeting and set the new public hearing date for March 21, 2023.

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

Other Issues and Considerations:

None.

Strategic Focus Area:



Business Growth



High-Performance Government



Housing for All

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 with attached Appendix A
Presentation

**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 MARCH, 2023.

ATTEST:

CITY OF GREELEY

City Clerk

Mayor

APPENDIX A

~~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.

Metropolitan District Updates: Technical and Procedural Code Updates

Community Development – Planning
March 21, 2023



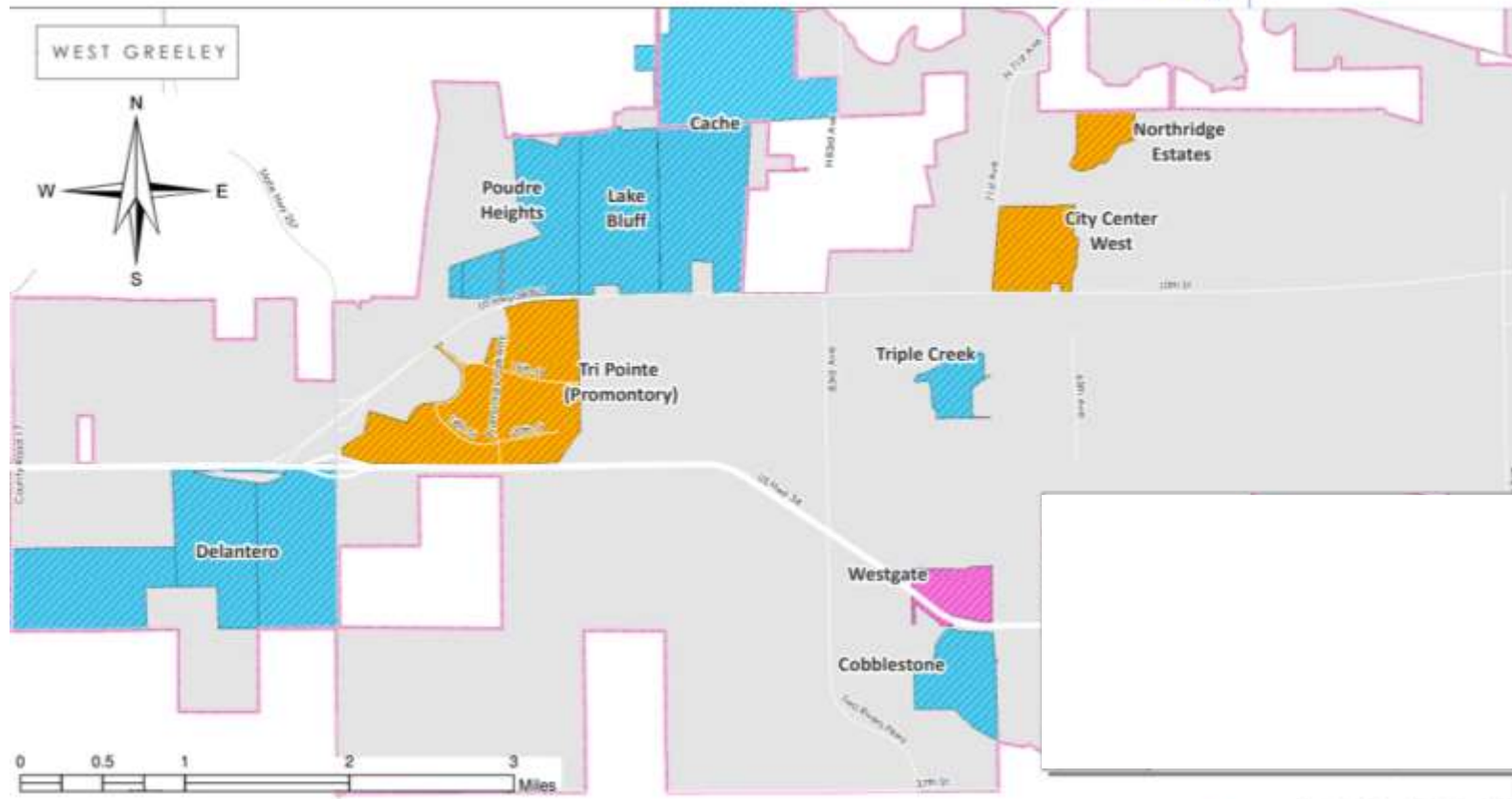


Background

- Staff presented general information about Metropolitan District updates at a Work session in May 2022.
- Greeley ultimately adopted its Metropolitan District Code and Model Service Plan in 2007, updated in 2018.
- Greeley standards generally reflect the minimum standards found in State Statutes.
- ***Phase 1: Technical revisions are presented for consideration and adoption.***
- *Phase 2: Enhancements and Policy updates will be considered later in 2023.*

Introduction

GREELEY METRO DISTRICTS/ CURRENT DEVELOPMENT STAGES



Process Overview

1. **Update the current Greeley Metro District Code and Service Plan with basic and needed amendments;**
2. Consider adding new Metro District approval criteria to increase the enhancements required of Metro Districts with new applications;
3. Monitor state legislation for possible further amendments.



Overview of Amendments

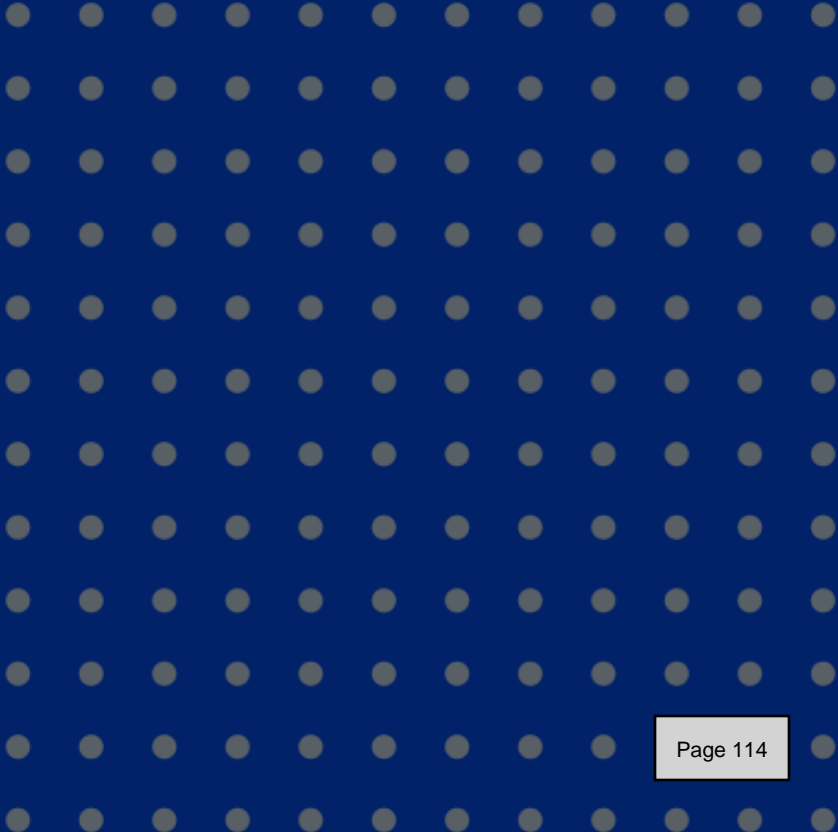
- Relocate Metro District regulations into Development Code
- Drop obsolete references
- Shift minimum Metro District size from geographic size to minimum debt limit
- Disallow eminent domain authority
- Add application deadlines for twice/annual election cycles
- Add public notice provision consistent with City Development Code



Review Criteria

1. The amendment furthers the purposes of these regulations.
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.
3. The amendment promotes the public safety, health, and general welfare of the citizens of Greeley.
4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.

Thank you





Specific Amendments

- Provide updated Section numbers and references throughout the chapter;
- Repeal direct references to C.R.S. Title 32, Article 1;
- Previous Section 2-513 District's Location. (repealed);
- New Section 24-1205 District Minimum Size. Repeal 2-215 which defines a geographic area, and adopt an authorized debt minimum of \$7 Million as the eligibility threshold;
- New Section 24-1206 Use of eminent domain by a district. Repeal 2-516, clarifying a prohibition of a district's use of eminent domain, reserve the city's option to exercise such authority within a district;
- New Section 24-1208 Disclosure. Repeal 2-518 and clarify the procedure for notices of disclosure;



Specific Amendments

- Previous Section 2-520 District review timeframe. (repealed);
- New Section 24-1214 Filing of proposed service plan. Repeal 2-525, and provide updated procedures for filing a service plan;
- New Section 24-1215 Service plan contents. Repeal 2-526, and provide clarified, detailed requirements for service plans;
- New Section 24-1216 Administrative review. Repeal 2-527, and provide a more detailed review procedure;
- Previous Section 2-533 Exemption from compliance with this chapter. (repealed);
- New Section 24-1227 Inactive Districts and Exemption from compliance with this chapter. Replace Section 2-533, clarifying eligibility for exemption, and provide for dissolution of inactive districts.



Council Agenda Summary

March 21, 2023

Key Staff Contact: Benjamin Snow, Economic Health & Housing Director

Title:

Public hearing for consideration of changes to approved 2023 CDBG and HOME budgets for U.S. Department of Housing and Urban Development Annual Action Plan

Summary:

The 2023 budgets for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) grant were recommended in August 2022 by the GURA Board and approved in October 2022 by City Council. Since that time, loan payoffs were received for an old project (Meeker Commons) in both the CDBG and HOME programs.

Two CDBG promissory notes were paid off CDBG totaling \$550,000 and loan payments from La Casa Rosa (\$11,313.99) and Lincoln Square Apartments (\$36,935.18) were received late in December. Additionally, current CDBG activities have come in farther under budget than expected, and thus available grant funds will be substantially higher than projected.

One HOME promissory note was paid off with \$203,000 received; a loan payment for Stagecoach Gardens (\$15,107.78) was also received.

There are two regulatory issues with these payoffs that affect the 2023 budgets:

- The payoffs are program income and count when calculating the 1.5x timeliness marker for CDBG.
- Program income is to be spent before grant funds in both programs.

When the CDBG budget was approved in October 2022, it was with the understanding that if the approved budget was larger or smaller than projected, the infrastructure activity would absorb the change; however, the new projected budget is large enough to need to return through the citizen participation process. Both budgets are still subject to change, as final fund balances (available cash) and available grant funds will not be approved by Finance until sometime in April. It is not expected that there will be large changes, and any further changes are expected to be so minimal as to not require a return through the citizen participation process. Staff proposes that the infrastructure activity continue to absorb any increase/decrease. It will continue to be a project in the Maplewood neighborhood and (as funds are available) in the Wilshire neighborhood. Appropriations for the budget changes have been submitted.

The HOME program income program income would be put to a multi-family rental project that is as yet unidentified.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
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If yes, what is the initial, or, onetime impact?	See attached spreadsheet with budgets
What is the source of revenue within the fund?	U. S. Dept. of Housing & Urban Development
Is there grant funding for this item?	Yes, this is a HUD grant
If yes, does this grant require a match?	No
Is this grant onetime or ongoing?	One-Time
Additional Comments:	CDBG and HOME are annual entitlement grants available to the City.

Legal Issues:

None

Other Issues and Considerations:

None

Strategic Focus Area:



Housing for All



Infrastructure and Mobility

Decision Options:

- 1) Approve the 2023 CDBG and HOME budget changes as presented, with the Public Works 2023 infrastructure activity receiving additional CDBG funds and a TBD rental housing project to receive additional HOME funds. Any further budget changes to the CDBG program will occur within that CDBG activity; or
- 2) Request changes to the proposed budgets and associated activities (and 2023 Action Plan), and then adopt with changes; or
- 3) Continue consideration of the items to the next regular Council meeting, understanding the HUD deadline by which the 2023 Action Plan must be submitted is April 15, 2023.

Council's Recommended Action:

A motion to accept the proposed changes to the 2023 CDBG and HOME budgets and Annual Action Plan for 2023, as presented, with changes occurring within the activity noted for each grant program.

Attachments:

- GURA Board Resolution
- Approved 2023 HOME Budgets vs Proposed Budgets
- Approved 2023 CDBG Budgets vs Proposed Budgets

GREELEY URBAN RENEWAL AUTHORITY

**RESOLUTION No. 1
SERIES 2023**

**RESOLUTION RECOMMENDING APPROVAL OF PROPOSED
COMMUNITY DEVELOPMENT BLOCK GRANT and
HOME INVESTMENT PARTNERSHIP PROGRAM BUDGETS
FOR 2023, AS AN ANNUAL COMPONENT OF THE CONSOLIDATED PLAN**

WHEREAS, the City of Greeley is eligible to participate in the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs, initiatives of the Federal Department of Housing and Urban Development; and

WHEREAS, an application for assistance from the program requires the preparation and adoption of a 5-year Consolidated Plan for the use of funds and then annual "Action Plans" that identify the needs of low- and moderate-income families and the funds needed to address them; and

WHEREAS, the City of Greeley is entitled to apply for approximately \$840,000 in CDBG and \$300,000 in HOME for the 2023 Annual Year; and

WHEREAS, after receiving appropriate citizen input and public participation for the CDBG program and review of the HOME budget within the 2023 Action Plan, budgets have been devised that identifies specific activities to be undertaken in 2023, and the funds recommended for each;

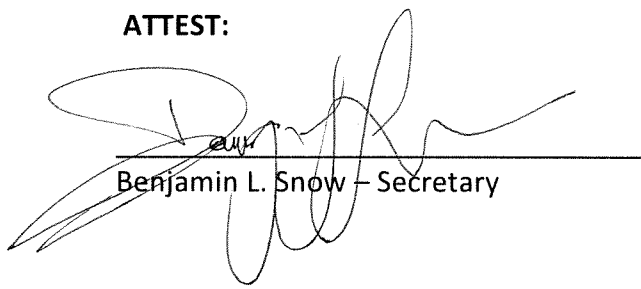
NOW, THEREFORE, BE IT RESOLVED by the Greeley Urban Renewal Authority that the attached CDBG and HOME 2023 program budgets are recommended for adoption in order to address the community development needs identified in the City's Consolidated Plan.

Signed and approved this 8th day of February 2023.

**GREELEY URBAN
RENEWAL AUTHORITY**


Jediah Cummins – Board Chair

ATTEST:


Benjamin L. Snow – Secretary

Council approved 2023 HOME budget vs new expected budget

PROJECTED REVENUE	Council approved	New estimates	New estimate justification
2023 Grant	300,000	400,000	
Other available grant funds	1,082,223	1,000,000	
Program Income-Meeker Commons Loan Payoff	5,000	203,000	
Program Income-Stagecoach Gardens Loan Payment		15,108	
Budgets - Revenue Projection	1,387,223	1,618,108	

ANTICIPATED EXPENSES	Council approved	New estimates	Notes
Administration (including Housing Rehab)	30,000	40,000	
Habitat for Humanity	330,000	330,000	
TBD projects	1,027,223	1,248,108	
Budget - Expenses Projection	1,387,223	1,618,108	

Council approved 2023 CDBG budget vs new expected budget

PROJECTED REVENUE	Council approved	New estimates	New estimate justification
2023 Grant	840,000	840,000	
Funds from City to support admin	66,150	66,150	
Program Income	60,000	665,395	
Actual payments received through 12/2/2022 (prior RLF funds)			58,329
Estimated payments 12/3/22-12/31/22			5,000
Actual PI received through 12/2/22 (oil & gas royalties)			3,817
Loan payoff 1-Meeker Commons			400,000
Loan payoff 2-Meeker Commons			150,000
Loan payment 1-La Casa Rosa			11,314
Loan payment 2-Lincoln Square Apartments			36,935
Prior grant years funds available	20,000	992,962	
Available from prior years other than housing			61,042
Set aside allocation to housing			851,920
Estimated 2022 alley reconstruction under budget			80,000
Minus City support	-66,150		
Budgets - Revenue Projection	920,000	2,564,507	

ANTICIPATED EXPENSES	Council approved	New estimates	Notes
Administration (including Housing Rehab)	193,000	193,000	
City administration support	66,150	66,150	Not part of 2023 Action Plan
Infrastructure	422,800	1,149,237	
Alley reconstruction	127,700	127,700	
Clean-up weekend	15,000	15,000	
Forestry - Parkway Tree Planting	20,500	20,500	
2023 Housing set-aside	131,000	131,000	
Housing set-aside prior years		851,920	
Senior Resource Services (60+ Ride)	10,000	10,000	
	986,150		
Minus City support	-66,150		
Budget - Expenses Projection	920,000	2,564,507	



Council Agenda Summary

March 21, 2023

Key Staff Contact: John Karner, Finance Director

Title:

Public hearing and second reading of an Ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2023 and for funds held in reserve for encumbrances through December 31, 2022

Summary:

This is the first supplemental appropriation ordinance modifying the 2023 budget. This appropriation ensures that existing commitments in progress at 2022 year-end can be completed in 2023, designates funds for additional commitments, and appropriates new grants that have been awarded.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes												
If yes, what is the initial, or, onetime impact?	\$41,212,480												
What is the annual impact?	\$41,212,480												
What fund of the City will provide Funding?	See Ordinance												
What is the source of revenue within the fund?	Fund Balance, Grants, Expense Reimbursement, & Settlement Funds.												
Is there grant funding for this item?	Yes												
If yes, does this grant require a match?	Yes, Items 5, 19, & 23												
Is this grant onetime or ongoing?	Onetime												
Additional Comments:	<p>Total appropriations made by this ordinance, excluding transfers, are \$41,212,480. The following funding sources will be used to cover the appropriations made by this ordinance.</p> <table border="1"> <thead> <tr> <th>Source</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Fund Balance</td> <td>\$ 26,340,188</td> </tr> <tr> <td>Expense Reimbursement</td> <td>7,534,237</td> </tr> <tr> <td>Grants</td> <td>7,201,821</td> </tr> <tr> <td>Settlement Funds</td> <td>136,234</td> </tr> <tr> <td>Grand Total</td> <td>\$ 41,212,480</td> </tr> </tbody> </table>	Source	Total	Fund Balance	\$ 26,340,188	Expense Reimbursement	7,534,237	Grants	7,201,821	Settlement Funds	136,234	Grand Total	\$ 41,212,480
Source	Total												
Fund Balance	\$ 26,340,188												
Expense Reimbursement	7,534,237												
Grants	7,201,821												
Settlement Funds	136,234												
Grand Total	\$ 41,212,480												

Legal Issues:

City Charter prohibits actual expenditures from exceeding appropriations at the fund level. This ordinance will ensure that this does not occur.

Strategic Focus Area:



Business Growth



Community Vitality



High-Performance Government



Housing for All



Infrastructure and Mobility



Quality of Life



Safe and Secure Communities

Decision Options:

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

Council's Recommended Action:

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

Attachments:

Ordinance
Detail Supporting Schedule
Appropriation PowerPoint Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 10, 2023

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2023 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2022.

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2023 fiscal year; and

WHEREAS, the revenues received in the City of Greeley in 2022, exceeded the amount of revenues estimated in the 2022 Budget by more than the total amount of the expenditures in the same year.

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

Section 1. In accordance with section 5-17 of the Greeley Charter, from actual and anticipated revenues which exceed the revenue estimates in the 2023 budget and amounts held in fund balance reserves from 2022, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2023:

Fund	Amount	Transfers	Total
100 GENERAL FUND	\$ 4,146,604	\$ 329,500	\$ 4,476,104
102 CONVENTION AND VISITORS FUND	100,000	-	100,000
103 HUD GRANTS FUND	6,506,821	-	6,506,821
104 STREETS AND ROADS FUND	479,500	-	479,500
300 PUBLIC IMPROVEMENT	449,237	-	449,237
304 FOOD TAX	156,265	-	156,265
318 QUALITY OF LIFE	160,000	-	160,000
321 STREET INFRASTRUCTURE IMPROVEMENTS	3,000,000	-	3,000,000
330 DEVELOPMENT FUNDS	250,000	-	250,000
410 SEWER	775,000	-	775,000
420 WATER	23,110,384	-	23,110,384
502 LIABILITY	1,680,000	-	1,680,000
510 EQUIPMENT & FLEET	398,669	-	398,669
Grand Total	\$ 41,212,480	\$ 329,500	\$ 41,541,980

Section 2. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the officers, agents and employees of the City in connection with this appropriation are hereby ratified, approved and confirmed.

Section 3. 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 MARCH, 2023.

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor



City of Greeley 2023 Appropriation City Council Meetings: March 7th & March 21st

Fund	Item	Department	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
100 - GENERAL FUND								
	1	CCO	Fund Balance	This request will appropriate \$50,000 from the General Fund balance to support a centralized software system for policy management. The policy management project will provide the means to create, update and store policies, distribute to employees, save historical data, and allow version control.	50,000	-	50,000	-
	2	CMO / REM	Fund Balance	This request will appropriate \$60,000 of General Fund balance to support a department assessment on Real Estate Management.	60,000	-	60,000	-
	3	FINANCE	Fund Balance	This request will appropriate \$750,000 from the General Fund to augment & support the Finance team to complete the 2022 Audit.	750,000	-	750,000	-
	4	CMO / CHCO	Fund Balance	This request will appropriate \$730,760 of General Fund balance to support the City's organizational development & culture efforts, executive coaching, and a strategic work plan tool. Funding will also be used to support various human capital efforts such as an employee recognition program, onboarding, & city-wide anti-harassment training.	730,760	-	730,760	-
	5	CMO / HOUSING	Grant	This request is to appropriate a total of \$1,358,794 for the Housing First initiative. Of the total appropriation request, \$1,048,610 is being reappropriated and was approved by Council in 2022 for the Housing First initiative. \$345,000 is being appropriated in new grant funding from the Office of Supported Housing, which requires a \$310,184 City match. This will allow the City to serve more people in need and will have a larger impact on the homelessness issue. This funding will also foster stronger relationships with our community providers.	1,358,794	345,000	1,703,794	-
	6	CMO	Fund Balance	This request will appropriate \$107,050 of General Fund balance to support staffing needs within the City Manager's Office (funding of a 6 month position and a reclassification of an existing but vacant position).	107,050	-	107,050	-
	7	CMO / HOUSING	Fund Balance	This request will appropriate \$70,000 using General Fund balance to support the recruitment costs for the search of a Housing Director.	70,000	-	70,000	-
	8	IT	Fund Balance	Funding will be used for managed support of the ERP system at the completion of the refinement project this week which includes mandatory compliance updates, assessment of impacts, documentation, and testing services.	450,000	-	450,000	-
	9	IT	Fund Balance	Funding will be used to provide temporary staffing to back fill staff turnover from the ERP project team, provide additional reporting capabilities to support department operations, as well as fund a term limited position to increase training and competency with the new ERP system across the organization.	225,000	-	225,000	-
100 - GENERAL FUND					3,801,604	345,000	4,146,604	-
102 - CONVENTION AND VISITORS FUND								
	10	CE	Fund Balance	The City of Greeley contracts with the Chamber of Commerce to promote tourism through Visit Greeley. Visit Greeley exists to champion tourism by enhancing visitor experiences in alignment with the City of Greeley's image campaign, and to promote local businesses and experiences. Visit Greeley promotes: the city as a destination for new and returning conferences, meetings and events that result in room-night stays in Greeley lodging facilities; hospitality-related initiatives to enhance the economic vitality of Greeley; fostering, enhancing and otherwise building Greeley tourism; and actively using and championing a coordinated campaign that aligns with the city's existing "Greeley, a story best lived in" image campaign. In alignment with the budget process, this 2023 Visit Greeley contract was executed in the amount of \$150,000. Following a strategic planning conversation with Visit Greeley to agree upon outcomes and objectives, there was a demonstrated need to increase funding to the pre-COVID amount of \$250,000.	100,000	-	100,000	-
102 - CONVENTION AND VISITORS FUND					100,000	-	100,000	-
103 - HUD GRANTS FUND								
	11	EHH	Grant	This request will appropriate federal grants for HOME American Rescue Plan Act (ARPA) in the amount of \$1,481,453, Community Development Block Grants (CDBG) CV in the amount of \$2,668,033, and Housing Rehab grants in the amount of \$2,357,335.	-	6,506,821	6,506,821	-
103 - HUD GRANTS FUND					-	6,506,821	6,506,821	-
104 - STREETS AND ROADS FUND								
	12	PW	Operating Transfer: GENERAL FUND	Due to the number of storms, extremely cold temperatures in January of 2023, and an increase in salt prices the Division has already used 2,131 tons or \$237,550. As a result, additional funding is needed to purchase salt to ensure safe and efficient travel for our residents and visitors. The Division will need to purchase an estimated additional 2,500 tons for \$278,500. We anticipate approximately 5 - 7 more storms this spring and fall. A replacement V-Box salt sander is also included in this request.	-	329,500	329,500	-
	13	PW	Grant	In response to ongoing safety issues and concerns in the downtown, the City applied for and received \$150,000 Safer Streets Grant from the Colorado Division of Criminal Justice to improve the safety and appearance of an alley downtown between 8th and 9th Avenues. The grant will provide improvements to the area infrastructure related to trash collection. Studies have shown a correlation between improved trash management and public safety. With the approval of the appropriation, City staff will move forward with public outreach to properties adjacent to the alley, design and install the waste infrastructure and lighting to improve safety in the alley.	-	150,000	150,000	-
104 - STREETS AND ROADS FUND					-	479,500	479,500	-

Fund	Item	Accounting Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 16.							
301 - PUBLIC IMPROVEMENT							
14	PW	Expense Reimbursement	GURA additional revenue. \$700,000 was placed in the 2023 budget for new sidewalk installation. This request is to appropriate an additional \$449,237 of funding that was awarded to GURA for new sidewalk installation.	-	449,237	449,237	-
301 - PUBLIC IMPROVEMENT				-	449,237	449,237	-
304 - FOOD TAX							
15	CPRD	Fund Balance	This request is to appropriate fund balance from the Food Tax fund to replace the water dump bucket at the Family FunPlex. The dump bucket that was installed at the Family Funplex is the wrong size and causing safety hazards.	80,925	-	80,925	-
16	CPRD	Fund Balance	Funding is requested to repair the Discovery Bay play structure & Centennial pool slide which have cracks, rust, & visible damage. The work and inspection will be completed prior to the pools opening on Memorial day weekend.	75,340	-	75,340	-
304 - FOOD TAX				156,265	-	156,265	-
318 - QUALITY OF LIFE							
17	CPRD	Fund Balance	Funding is requested to increase the budget for the Sheep Draw Trail extension crossing under 83rd Avenue due to inflationary factors. This project will close the only gap in the Sheep Draw Trail between 90th Avenue at Pebble Brook and the Poudre Trail at 59th Avenue.	160,000	-	160,000	-
318 - QUALITY OF LIFE				160,000	-	160,000	-
321 - STREET INFRASTRUCTURE IMPROVEMENTS							
18	PW	Fund Balance	Additional Keep Greeley Moving (KGM) Revenue received in 2022 will be used in 2023 to improve additional Sidewalks and Curbs & Gutter which will allow improved efficiency for overlay projects planned in 2024 by having concrete work completed the year before the overlay of a street.	3,000,000	-	3,000,000	-
321 - STREET INFRASTRUCTURE IMPROVEMENTS				3,000,000	-	3,000,000	-
334 - ROAD DEVELOPMENT							
19	PW	Grant / Fund Balance	Public Works submitted for a USDOT Federal Grant for \$250,000 under the Safe Streets and Roads for All (SS4A). This is a reimbursable grant for \$200,000 with \$50,000 City of Greeley match. The grant will pay for developing a Safety Action Plan for the City of Greeley. This will enable the City to submit for future SS4A grants for capital improvement projects. This scope of work lays out a comprehensive high-level approach for developing a plan of action to drive Greeley's Vision Zero (VZ) Safety Action Plan. It focuses on critical steps to develop a high-quality, action-oriented plan, including public participation, analysis of trends, development of goals and objectives, and implementation methods. A Vision Zero Plan includes a holistic well-defined process to eliminate severe crashes and reduce other types of traffic crashes. This Plan would include goal setting, planning structure, safety analysis, engagement and collaboration, equity considerations, policy and process changes, strategy and project solutions, and progress and transparency. The City has committed to building upon previous safety activities and addressing the top three priorities of the developed Vision Zero Plan by 2025. This plan will make identified projects eligible for future SS4A funding.	50,000	200,000	250,000	-
334 - ROAD DEVELOPMENT				50,000	200,000	250,000	-
413 - SEWER CAPITAL REPLACEMENT							
20	W&S	Fund Balance	This request will appropriate \$775,000 for the Wastewater Treatment & Reclamation Facility (WTRF) project. It has been determined that a liquid stream update is not necessary until the first upgrades from the previous master plan are finished in 2026. The previous solid stream master plan was completed in 2012 and needs to be updated as all recommendations have been implemented. Projects are being implemented that will rely on critical solid stream process infrastructure that need upgrades and a plan to evaluate a replacement or repair of the infrastructure in the immediate future. This presents an immediate need for a plan to install an additional cake hopper or to repair or replace solids handling tanks that are 50-90 years old. Additionally, a long-term plan is included for the City's wastewater treatment needs. This is a Water and Sewer Board priority that will determine the 50-year plan for wastewater treatment for the City of Greeley.	775,000	-	775,000	-
413 - SEWER CAPITAL REPLACEMENT				775,000	-	775,000	-

Fund	Item	Accounting Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 16.							
421 - WATER OPERATIONS							
21	W&S	Fund Balance	The City has been in the process of updating water meters that now use a cellular connection. Not only can customers check their usage and conservation efforts, the connection allows for automated leak detection. The cellular connection requires a \$0.89 per meter charge (per month) to cover the cost of connecting to the cellular network.	290,000	-	290,000	-
22	W&S	Fund Balance	This request will provide sufficient funding for chemical costs for the treatment of water. Chemical costs have continued to escalate, while source water quality at the Bellvue Water Treatment Plant & Boyd Lake Water Treatment Plant has declined due to runoff from the Cameron Peak Fire.	490,000	-	490,000	-
23	W&S	Fund Balance / Expense Reimbursement	This request is to appropriate \$8,290,000 in funds for the mitigation efforts against the lasting impacts of the Cameron Peak Fire. \$7,085,000 will be reimbursed both by federal & state entities for various watershed mitigation efforts. These efforts include the installation of sediment basins, wattles & log jam debris prevention structures, and aerial mulching. \$4,073,000 will be reimbursed by the United States Natural Resources Conservation Service Emergency Watershed Protection Program (NCRS-EWP) and the United States Forest Service (USFS). \$3,012,000 will be reimbursed by the Colorado Water Conservation Board (CWCB). \$1,205,000 will be appropriated using fund balance to cover the cost share of the reimbursements, although every effort will be made to have neighboring municipalities share this portion.	1,205,000	7,085,000	8,290,000	-
421 - WATER OPERATIONS				1,985,000	7,085,000	9,070,000	-
422 - WATER CONSTRUCTION							
24	W&S	Fund Balance	This request is to appropriate \$3,782,256 to secure further easements in the path of the pipeline to the Terry Ranch aquifer. This project will secure the isolated aquifer on the Colorado-Wyoming border for use as water storage to protect the City from further drought. Negotiations with property owners are ongoing and real estate is making purchases of the necessary easements for the entire project. The City is reimbursed for 80% of the cost for the first \$78.125 million spent to develop the aquifer as a water storage resource. These dollars are worth more now than they will be in the future, and the project is a priority of the Water & Sewer Board.	3,782,256	-	3,782,256	-
25	W&S	Fund Balance	This request will appropriate an additional \$75,000 for the Bellvue 60" Pipeline – Gold Hill Segment project. This project is for the final segment of the Bellvue 60" transmission line that will be capable of carrying the full future plant production of the Bellvue Water Treatment Plant to all four pressure zones in the City. In normal operating conditions, the pipeline will reduce pumping costs for the Mosier & Gold Hill storage tanks and reduce the operating time for the Boyd Lake Water Treatment Plant. We are projecting operating savings of \$780,000 per year.	75,000	-	75,000	-
422 - WATER CONSTRUCTION				3,857,256	-	3,857,256	-
423 - WATER CAPITAL REPLACEMENT							
26	W&S	Fund Balance	This request is to reappropriate the Cityworks project as it has reached its 3-year appropriation limit. Cityworks is a software and database system that will significantly improve the tracking of infrastructure and assets in the City. The department has tens of thousands of fire hydrants, valves, pumps, and miles of pipe. Maintaining records on these assets, including details of diagnostic tests and inspections is an important part of the department's maintenance plans and capital improvement planning.	333,128	-	333,128	-
27	W&S	Fund Balance	This request is to reappropriate \$365,000 for the Boomerang Golf Course Water Efficiency Improvements project that is nearly complete. The project has reached its 3-year limit and needs to continue to complete the remaining construction and installation of an overflow and drainage system for the pond.	365,000	-	365,000	-
28	W&S	Fund Balance	This request is to reappropriate \$3,100,000 for the Boyd Water Treatment Plant Process Improvements project as it has reached its 3-year limit. The project needs to continue to complete the installation of the new flocculators at the plant.	3,100,000	-	3,100,000	-
29	W&S	Fund Balance	This request is to reappropriate the Bellvue Needs Assessment project that will fund the engineering, consulting, and construction work that will address the repairs and litigation expenses for the construction defect claims at the Bellvue Water Treatment Plant.	2,330,000	-	2,330,000	-
30	W&S	Fund Balance	This request will appropriate additional funding for the Lead and Copper Service Line Inventory & Replacement project and will address an immediate public health concern. This project funds the identification and replacement of lead service line water pipes in the water distribution system, both on the City-owned and customer-owned portions of the system. The City has been replacing lead pipes when they are identified on the City portion of the system. Changing regulations are making the City responsible for the lead pipes in the customer-owned portion as well. The City has until October of 2024 to be in a position to assert that lead pipes in the system have been identified and replaced.	3,930,000	-	3,930,000	-
31	W&S	Fund Balance	This request will appropriate \$125,000 in additional funding for the Hourglass & Comanche Reservoir Rehabilitation. Funds are needed to design repairs for the Peterson Dam and to complete permitting through the Department of Natural Resources. The repair was initially scheduled for 2024; however, by funding this in 2023, construction will be completed under the existing contract with Hensel Phelps for their work in the High Mountain Reservoir, providing savings for mobilizing the contractor.	125,000	-	125,000	-
423 - WATER CAPITAL REPLACEMENT				10,183,128	-	10,183,128	-

Fund	Item	Accounting Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
<i>Item No. 16.</i>							
502 - LIABILITY							
32	HR	Fund Balance	This request will appropriate \$1,680,000 in Liability fund balance to support the potential payout of several claims, 2023 premium shortfall, and design of a Risk and Safety Standard for the City of Greeley.	1,680,000	-	1,680,000	-
502 - LIABILITY				1,680,000	-	1,680,000	-
512 - FLEET REPLACEMENT							
33	PW	Fund Balance	Additional funds are required to purchase new Mobile Data Terminals (MDTs) for the new police units. Funds will replace fifteen (15) MDTs that IT can no longer support due to the age of the current MDTs.	52,500	-	52,500	-
34	PW	Fund Balance	Due to continued supply chain issues in the automotive industry, several vehicle orders were canceled by manufacturers in the 2022 budget cycle. An inflation factor of 10% has been added to the cost of the replacement vehicles to account for the difference between 2022 and 2023 cost increases.	209,935	-	209,935	-
512 - FLEET REPLACEMENT				262,435	-	262,435	-
513 - EQUIPMENT REPLACEMENT							
35	POLICE	Settlement Funds	The Greeley Police Department Weld County Drug Task Force will use Weld County Opioid Settlement Funds to purchase two Mass Spectrometers to assist with opioid investigations.	-	136,234	136,234	-
513 - EQUIPMENT REPLACEMENT				-	136,234	136,234	-
TOTAL (Less Additional Operating Expenditures Between Funds)				\$ 26,010,688	\$ 15,201,792	\$ 41,212,480	\$ -
OPERATING TRANSFERS							
12	PW	Fund Balance	Additional Salt Operating Transfer of Fund Balance GENERAL FUND to STREETS AND ROADS FUND	329,500	-	329,500	-
				329,500	-	329,500	-
				\$ 26,340,188	\$ 15,201,792	\$ 41,541,980	\$ -

2023 Supplemental Appropriation Request

**City Council Meeting
March 21st**





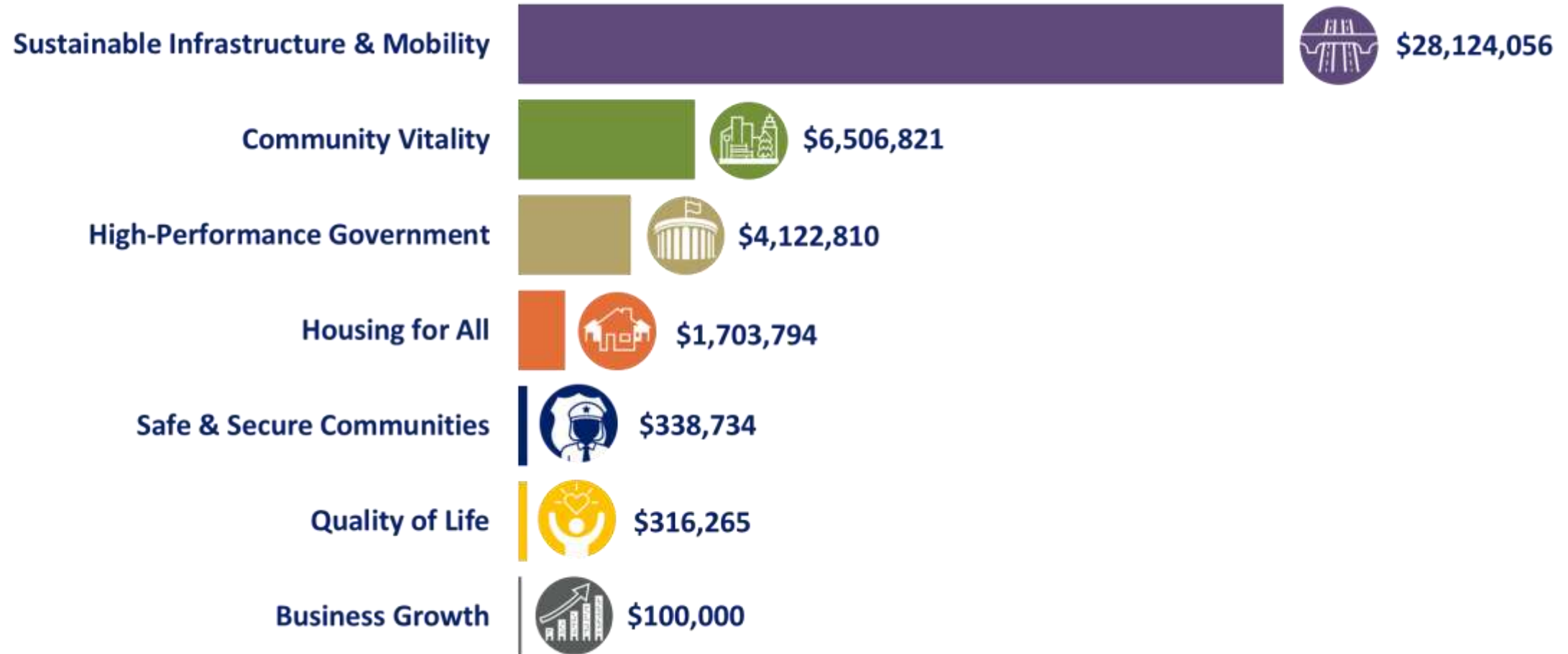
Agenda

- Supplemental Appropriation Request Overview
- Expenditures by Key Focus Area
- Department Expenditure Allocation
- Request Breakout
- Operating & Capital Highlights

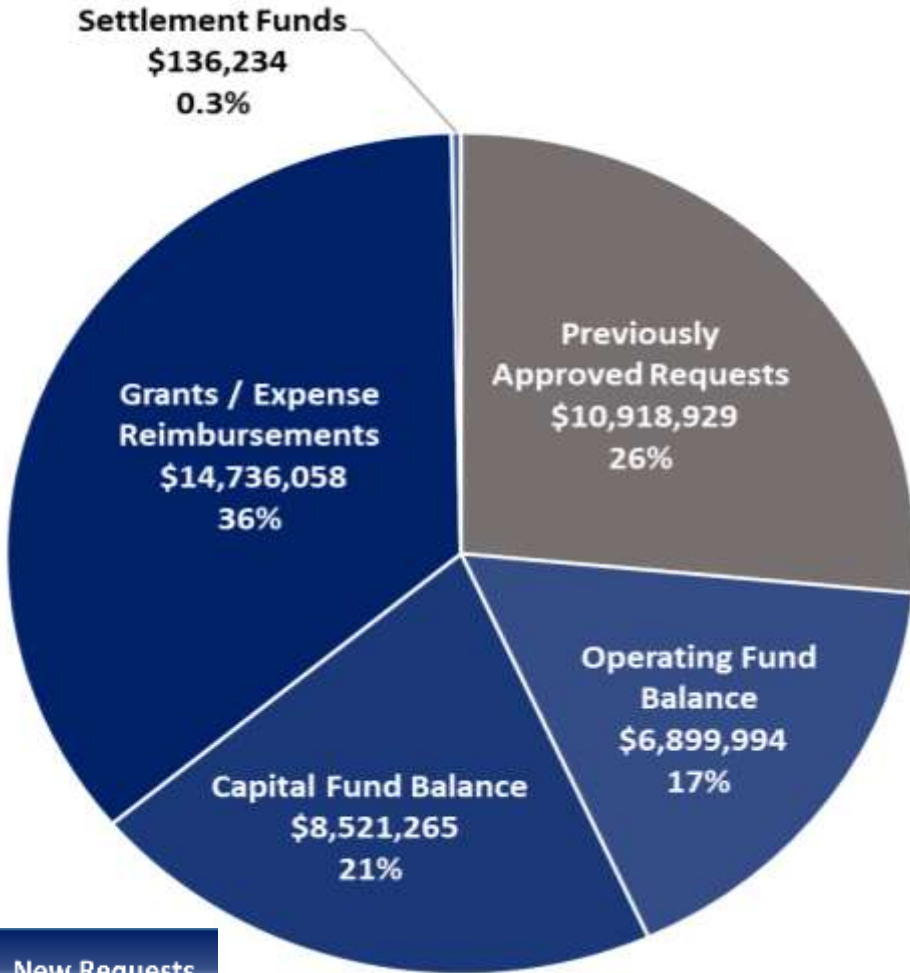
Supplemental Appropriation Request Overview

- Appropriation of grants & other revenues post 2023 budget process
- Support operational needs post 2023 budget process
- Completion of projects & commitments carrying forward into 2023
- \$41,212,480 in Expenditures
 - (+\$329,500 in Transfers Across Funds)

Expenditures by Key Focus Area














Request Breakout



New Requests	
Fund Balance: Operating	\$ 6,899,994
Fund Balance: Capital	8,521,265
Grants / Expense Reimbursements	14,736,058
Settlement Funds	136,234
Total New Requests (Excluding Transfers)	\$ 30,293,551
Previously Approved Requests	
Total Previously Approved Requests	\$ 10,918,929
Total Appropriation (Excluding Transfers)	\$ 41,212,480









Operating Request Highlights

Additional Operating Requests		Amount
New Items		
 Cameron Peak Fire Grant Funding* [421 - WATER OPERATIONS]		8,290,000
 HUD Grants: HOME & CDBG* [103 - HUD GRANTS FUND]		6,506,821
 City Liability Claims [502 - LIABILITY]		1,680,000
 2022 Audit Staffing Augmentation [100 - GENERAL FUND]		750,000
 City Organizational Development & Culture Initiatives [100 - GENERAL FUND]		730,760
 Water Treatment Chemicals [421 - WATER OPERATIONS]		490,000
 ERP Managed Services Support [100 - GENERAL FUND]		450,000
 Housing Grant Allocation* [100 - GENERAL FUND]		655,184
 Additional Salt [104 - STREETS AND ROADS FUND]		329,500
 IT Staff Augmentation and Training Support [100 - GENERAL FUND]		225,000
 Visit Greeley [102 - CONVENTION AND VISITORS FUND]		100,000



*Grant funded requests

Capital Request Highlights

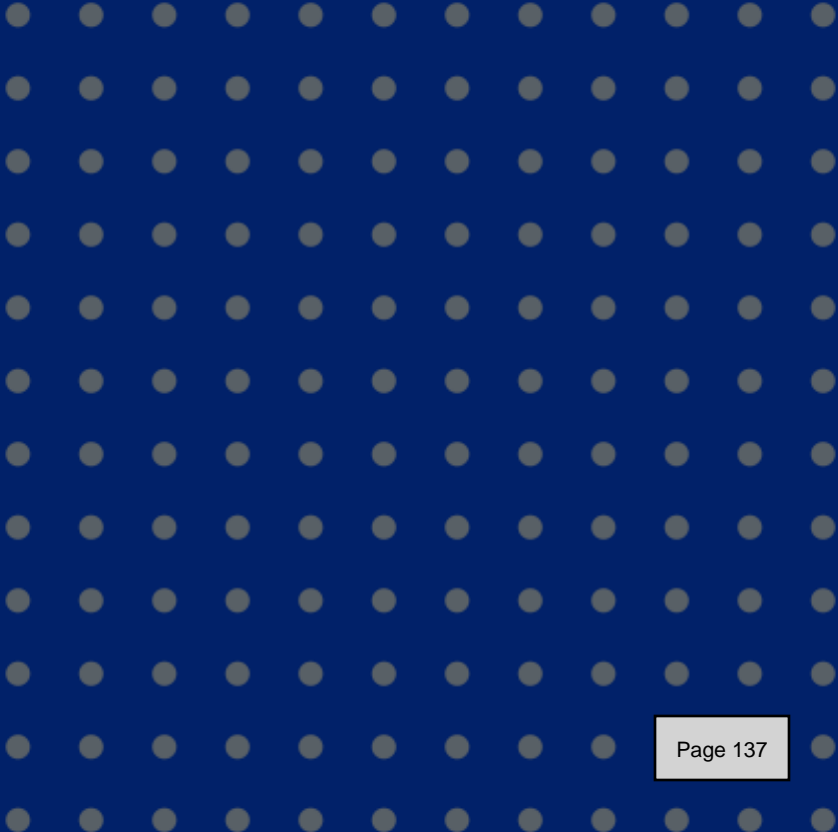
Additional Capital Requests		Amount
New Items		
 Lead Service Line Inventory & Replacement [423 - WATER CAPITAL REPLACEMENT]		3,930,000
 Terry Ranch Water Development** [422 - WATER CONSTRUCTION]		3,782,256
 Sidewalks & Curb Gutter Additional Revenue [321 - STREET INFRASTRUCTURE IMPROVEMENTS]		3,000,000
 Wastewater Treatment Reclamation Facility Master Plan [413 - SEWER CAPITAL REPLACEMENT]		775,000
 New Sidewalk Installation GURA Funding* [301 - PUBLIC IMPROVEMENT]		449,237
 Bellvue Needs Assessment [423 - WATER CAPITAL REPLACEMENT]		250,000
 Safe Streets & Roads for All (SS4A) Grant* [334 - ROAD DEVELOPMENT]		250,000
 Sheep Draw Trail - 83rd Ave Underpass [318 - QUALITY OF LIFE]		160,000

*Grant funded requests

**Existing request



Thank you





Council Agenda Summary

March 21, 2023

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Appointment of applicants to the Citizen Budget Advisory Committee, Citizen Transportation Advisory Board, Greeley Art Commission, Museum Advisory Board, and Union Colony Civic Center Advisory 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.

Other Issues and Considerations:

None.

Strategic Focus Area:



Community Vitality

Decision Options:

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

Council's Recommended Action:

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

Attachments:

Ballot

March 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>3 Positions: 3 Year Term, 2 Term Limit</i>
<input type="checkbox"/> Lori Williams (I) <input type="checkbox"/> (Recruit for Additional Applicants)

Citizen Transportation Advisory Board
<i>2 Positions: 3 Year Term, 2 Term Limit</i>
<input type="checkbox"/> Steve Teets (I) <input type="checkbox"/> (Recruit for Additional Applicants)

Greeley Art Commission
<i>3 Positions: 3 Year Term, 2 Term Limit</i>
<input type="checkbox"/> Al Snyder <input type="checkbox"/> Damon Smith <input type="checkbox"/> Debbie Pilch <input type="checkbox"/> Kathy Sage <input type="checkbox"/> Molly McIntosh <input type="checkbox"/> (Recruit for Additional Applicants)

Museum Advisory Board
<i>2 Positions: 3 Year Term, 2 Term Limit</i>
<input type="checkbox"/> David Melendez <input type="checkbox"/> (Recruit for Additional Applicants)

Union Colony Civic Center Advisory Board
<i>3 Positions: 3 Year Term, 2 Term Limit</i>
<input type="checkbox"/> Mark Pugatch (I) <input type="checkbox"/> Perry Bell (I) <input type="checkbox"/> (Recruit for Additional Applicants)

Boards & Commissions Transmittal

March 10, 2023

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

Interview Date

March 13, 2023

Council Interview Team

Councilmembers Clark & Hall

Council Appointment Date

March 21, 2023

Boards and Commissions Being Interviewed

- Citizen Budget Advisory Committee
- Citizen Transportation Advisory Board
- Greeley Art Commission
- Museum Advisory Board
- Union Colony Civic Center Advisory 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 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

March 20, 2023 - March 26, 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 20

7:30am - 2:30pm *Save the Date*** Greeley Day at The Capitol**
 (The Art Hotel Denver, Curio Collection by Hilton; Colorado State Capitol)

Tuesday, March 21

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



Wednesday, March 22

Thursday, March 23

Friday, March 24

Saturday, March 25

Sunday, March 26

March 27, 2023 - April 2, 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 27

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

Tuesday, March 28

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



Wednesday, March 29

- 7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar ↻
- 10:00am - 1:00pm Arc of Weld County 12th Annual Achieve with Us Film Festival (Greeley Central High School 1515 14th Avenue • Greeley, Colorado 80631) - Council Master Calendar

Thursday, March 30

Friday, March 31

Saturday, April 1

Sunday, April 2

April 3, 2023 - April 9, 2023

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

Monday, April 3

Tuesday, April 4

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



Wednesday, April 5

Thursday, April 6

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

Friday, April 7

Saturday, April 8

Sunday, April 9

April 10, 2023 - April 16, 2023

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

Monday, April 10

Tuesday, April 11

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



Wednesday, April 12

Thursday, April 13

6:30pm - 8:00pm Highway 85 Coalition/Mayors Bullseye Meeting (Changes with each meeting) - Council Master Calendar ↻

Friday, April 14

Saturday, April 15

Sunday, April 16

City Council Meeting Scheduling 2023			
	3/16/2023		
	This schedule is subject to change		
Date/Type	Description	Sponsor	Placement/Time
March 28, 2023 Council Work Session	Cancelled		
April 04, 2023 Council Meeting	Proclamation - Arbor Day	Mayor	Intro
	Proclamation - Sexual Assault Awareness Month	Mayor	Intro
	Proclamation - National Mayor's Challenge for Water Conservation	Mayor	Intro
	Minutes Approval (3/14/23 Work Session; 3/7/23 and 3/21/23 Council Meetings)	Heidi Leatherwood	Consent
	Consideration of a Resolution - IGA w/CDOT for Comprehensive Signal Timing Project	Paul Trombino/Will Jones	Consent
	Intro & 1st Rdg Ord - Cisneros Rezoning	Becky Safarik	Consent
	Intro & 1st Rdg Ord - 10800 Hwy 257 Spur Rezoning	Becky Safarik	Consent
	Intro & 1st Rdg Ord - DDA TIF Extension	Becky Safarik	Consent
	Consideration of a Resolution Approving a Downtown Redevelopment Agreement	Ben Snow	Regular
	Executive Session - Council Performance Review Processes (re City Attorney)	Noel Mink/Doug Marek	
April 11, 2023 Council Work Session	DDA TIF Extension	Becky Safarik	
	ARPA Update	John Karner	
	Legislative Review	Stacy Coons	
	Executive Session - City Attorney Performance Review	Noel Mink	
April 18, 2023 Council Meeting	Proclamation - National Library Week	Mayor	Intro
	Proclamation - Holocaust Memorial Observances	Mayor	Intro
	Proclamation - Youth Service Day	Mayor	Intro
	Minutes Approval (3/28/23 Work Session; 4/4/23 Council Meeting)	Heidi Leatherwood	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 & 2nd Rdg Ord - Cisneros Rezoning	Becky Safarik	Regular
	PH & 2nd Rdg Ord - 10800 Hwy 257 Spur Rezoning	Becky Safarik	Regular
	PH & 2nd Rdg Ord - DDA TIF Extension	Becky Safarik	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

March 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

March 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 Municipal Judge

Summary:

An executive session is needed to enable the City Council to complete the annual performance review of the 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