

Greeley City Council Agenda

Regular Meeting

Tuesday, November 15, 2022 – Immediately following Special Work Session

City Council Chambers at City Center South, 1001 11th Ave, Greeley, CO 80631

Zoom Webinar link: <https://greeleygov.zoom.us/j/91910136877>

NOTICE:

Regular meetings of the City Council 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

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.

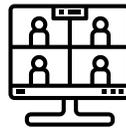
Meeting agendas, minutes, and archived videos are available on the City's meeting portal at greeley-co.municodemeetings.com/

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 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 Agenda

**November 15, 2022 at 6:45 PM or Immediately Following
Special City Council Work Session**

**City Council Chambers, City Center South, 1001 11th Ave &
via Zoom at <https://greeleygov.zoom.us/j/91910136877>**

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

Consent Agenda

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

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

9. Approval of the City Council Proceedings of October 18, 2022
10. Acceptance of the Report of the City Council Work Session of October 25, 2022
11. Consideration of a Resolution of the Greeley City Council ratifying the Appointment of certain nominees to the Board of Trustees of the Clearview Library District
12. Consideration of a Resolution of the Greeley City Council ratifying the Appointment of certain nominees to the Board of Trustees of the High Plains Library District
13. Consideration of Resolution to support application for grant funding from the State of Colorado Department of Natural Resources State Trails program for planning and design of a new trailhead in Sheep Draw Natural Area

- [14.](#) Consideration of a Resolution of the City Council of the City of Greeley, Colorado, authorizing City staff to enter into a settlement and release agreement with Christina Wiles resolving all claims against the City of Greeley, its officers, and employees
- [15.](#) Introduction and first 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 2022 and for funds held in reserve for encumbrances through December 31, 2021
- [16.](#) Introduction and First Reading of an Ordinance Amending Sections 6-998, 6-1000, 6- 1002 through 6-1009, 6-1013 and 6-1015 the City of Greeley Municipal Code of Ordinances Relating to Development Impact Fees

End of Consent Agenda

- [17.](#) Pulled Consent Agenda Items
- [18.](#) Public hearing and consideration of a Resolution of the Greeley City Council to decline participation in the State of Colorado paid Family Medical Leave Insurance (FAMLI) Program
- [19.](#) Public hearing and second reading of an Ordinance amending Title 12, Chapter 3 and Title 20, Chapter 3 and Chapter 4 of the Greeley Municipal Code Relating to the City of Greeley's Municipal Separate Storm Sewer System
- [20.](#) Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Holding-Agriculture (H-A) to Residential-High Density (R-H), changing the underlying land use designations for approximately 31.19 acres of property located north of and adjacent to 13th Street and the Fox Run Neighborhood, approximately 500' west of 59th Avenue, and approximately 580' south of 10th Street (ZON2021-0016)(13th Street Apartments Rezone)
- [21.](#) Appointment of applicants to the Housing Authority
- [22.](#) Scheduling of Meetings, Other Events
- [23.](#) 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
- [24.](#) Consideration of a motion to go into executive session to request and receive legal advice from the City Attorney regarding qualifications of candidates for City office as set out in the Greeley Municipal Charter and the Colorado Constitution
25. Adjournment

Council Agenda Summary

Title

Recognitions and Proclamations

Summary

Mayor Gates will present the proclamations

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

Attachments

16 Days of Activism Proclamation

Law Enforcement Records Personnel Week

What's Great about Greeley Report



16 DAYS OF ACTIVISM AGAINST GENDER VIOLENCE

WHEREAS, we, as citizens of this community, recognize the worldwide problem of violence against women occurs even here in Greeley, Colorado; and

WHEREAS, gender violence is traumatic to the body, mind, and spirit and can prevent people from being fully active participants at home and in the world; and

WHEREAS, we support efforts of individuals and organizations, such as the Zonta Club of Greeley, to raise awareness, stimulate discussion, and advocate for local solutions that will curb gender violence; and

WHEREAS, the Zonta Club of Greeley is part of Zonta International, founded in 1919, that has empowered women and girls through service and advocacy for over 100 years, and

WHEREAS, Zonta International, a non-governmental organization, has general consultative status with the Economic and Social Council of the United Nations, which promotes the human rights of all women and girls and seeks to reduce violence against them, and

WHEREAS, the Zonta Club of Greeley joins over 1000 Zonta clubs in 63 countries in the international **Zonta says No to Violence against Women** campaign to assert that the right to be free of violence is a fundamental human right for all persons.

NOW THEREFORE, I, John Gates, Mayor of the City of Greeley, Colorado, do hereby proclaim the 16 days between November 25th, International Day to Eliminate Violence Against Women, and December 10th, International Human Rights Day, as the **16 Days of Activism Against Gender Violence**. All citizens are urged to work to end gender violence and to eliminate the detrimental consequences gender violence has on the well-being of our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 15th day of November, 2022.

John Gates, Mayor



Law Enforcement Records Personnel Week

WHEREAS, dedicated Law Enforcement Records personnel serve the citizens of Greeley to provide them with vital services; and

WHEREAS, Law Enforcement Records personnel are crucial to assisting law enforcement agencies identify, pursue, capture, and process suspects; and

WHEREAS, these professionals continually use their expertise and experience in the maintaining of criminal justice statistics and improving apprehension strategies; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Law Enforcement Records is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

WHEREAS, Law Enforcement Records personnel serving the City of Greeley have exhibited professionalism, efficiency, and compassion during the performance of their essential duties in the past year; and

WHEREAS, the City of Greeley wishes to acknowledge its Law Enforcement Records personnel and has designed the 3rd week in November 2022 to make this recognition.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim the time period between November 14, 2022, and November 18, 2022, as LAW ENFORCEMENT RECORDS PERSONNEL WEEK.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 15th, November 2022.

John D. Gates
Mayor



City Council Meeting
November 15, 2022

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

Greeley West Business Students Recognized by the MBA Research and Curriculum Center for Scoring in Top 10 Percent Nationally



- Carson Gillmore, Wealth Management
- Thomas Roth, Business Strategies
- Edward Hart Bobadilla, Business Strategies
- Theodore Hirsch, Principles of Business and Business Economics
- Jady Raines, Principles of Business
- Ernesto Villanueva, Principles of Business and Business Economics
- Sylvia Santillan, Leadership
- Michael McCoy, Leadership
- Mikayla Perez, Leadership
- Meah Delgado, Leadership
- Oswaldo Lopez Luna, Leadership

BizWest's 2022 NoCo 40 Under Forty Honorees Announced

- Recognizing young leaders who are making a mark on their communities through their professional success and volunteer activities.
- Rudy Vargas, Matt Kincaid, Valeria Ortiz, and Gabriela Munoz



UNC Student-Athletes Earn Athlete of the Week Honors

- Saana Liikonen, WAC Swimmer of the Week
- Michaela Boon, Volleyball Defensive Player of the Week



Aims Community College Receives Silver Seal for Excellence in Student Voter Engagement

- Recognition for voter turnout among students in the 2020 general election
- 60%-69% of Aims students submitted ballots earning a Silver Seal award



Jeannine Truswell Receives Russell T. Tutt Leadership and Service Award

- Award given by the El Pomar Foundation
- Award acknowledges and honors work of an executive director of a Colorado nonprofit 'who has made a profound impact on the communities of Colorado.'





A Story Best Lived In.

Council Agenda Summary

Title

Initiatives from Mayor and Councilmembers

Summary

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

Initiatives will generally fall into three categories:

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

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

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council**Status Report of Council Initiatives**

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council Meeting	Councilmember Olson will be following up with Manager Lee and Director Trombino on next steps	Pending outcome of federal grant application submitted	Update around end of 2022	Paul Trombino
09-2022	Butler	Review traffic and safety surrounding 15 acre open area between 71st Avenue and 8th Street	June 7, 2022 Council Meeting	Requested that Public Works review the traffic and to improve safety in this congested area.	Additional signage installed for traffic and parking. Staff worked with School District, builder and GPD to ensure road is passable for school buses. GPD will focus enforcement times to ensure compliance with posted speed limit. Staff developing neighborhood safety improvement options and working with School District on transportation issues to improve coordination and support related to safety and infrastructure around school sites.	Anticipate providing report to Council on Improvements in early 2023	Paul Trombino
10-2022	Butler	Review costs and strategies to live stream Planning Commission and Water Board meetings for public and Councilmembers	June 7, 2022 Council Meeting	Asked staff to investigate the cost of live streaming Planning Commission and Water and Sewer Board meetings and return to Council with findings			Kelli Johnson
12-2022	Butler	Varying Boards & Commissions meeting times	September 6, 2022 Council Meeting	Asked staff to research the ability for alternative meeting times for Boards & Commissions to increase community engagement and recruitment	CCO to contact Boards & Commissions via survey	Report to Council/January 2023	City Clerk's Office
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	Charlie McCartin
16-2022	Clark	Concerns over the increase in incidents and safety in the tunnel under Hwy 34 in the Hillside/Farr Park neighborhood	November 1, 2022 Council Meeting	Requested staff study implementing a closure of the tunnel entrance between the hours of 10:00 PM and 7:00 AM over safety concerns			Paul Trombino

Council Agenda Summary

Title:

Approval of the City Council Proceedings of October 18, 2022

Summary:

A meeting of the City Council was held in the City Council's Chambers on October 18, 2022. The draft proceedings have been prepared and are being presented for the Council's review and approval.

Decision Options:

1. To approve the proceedings as presented; or
2. Amend the proceedings if amendments or corrections are needed, and approve as amended.

Council's Recommended Action:

A motion to approve the City Council proceedings as presented.

Attachments:

Draft Proceedings of October 18, 2022

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
October 18, 2022

1. Call to Order

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

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

Heidi Leatherwood, City Clerk, Called the roll.

Present:

Mayor John Gates

Mayor Pro Tem Brett Payton

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Dale Hall

Councilmember Ed Clark

Councilmember Johnny Olson

4. Approval of the Agenda

There were no changes to the agenda.

5. Recognitions and Proclamations

Mayor Gates presented the "Greeley Philharmonic Orchestra Day" Proclamation. Pat Campbell, Linda Winter, Glenda Haynes, and Dylan Fixmer were present to accept the Proclamation and indicated that at the beginning of next season, GPO will premier 'Portraits of Greeley'.

6. Citizen Input

1. Steve Teets spoke on CDOT conducting a traffic study.

7. Reports from Mayor and Councilmembers

Councilmember Olson met with the Parks Staff to address public concerns. Sod is down in the park and the saltgrass on the edges is going to be mowed once a week.

Councilmember Butler mentioned ballots are in the mail and the City Hall (1000 10th St.) is an official ballot drop-off location.

8. Initiatives from Mayor and Councilmembers

Mayor Gates read a letter from a resident requesting to amend the Municipal Code Article 4 Section 12-153 regarding the smoking ban. The interested party wants to open a cigar lounge club for patrons with a membership.

Interim Community Development Director, Becky Safarik spoke about the two items the City would need to amend in the code and hold a public hearing.

1. Exception to the no smoking law to allow this use.
2. Change the Development Code, to identify where this use would be allowed.

Councilmember DeBoutez asked for more information and Councilmember Butler asked for a work session on this topic. In response to the question, Ms. Safarik recommended that staff put together a draft of the code change for Council to review and consider. Council was in consensus to move forward to return to with a draft and additional information.

9. University of Northern Colorado update

Dr. Andy Feinstein, University of Northern Colorado (UNC) President presented an update to the City Council including the ongoing work on a strategic enrollment plan, waiving enrollment fees, and focusing on a new program for high school graduates and guaranteed admission, and the establishment a College Advisory Board.

In response to a question from Councilmember Hall, Dr. Feinstein indicated that classes are currently both in person and remote, with hybrid options.

In response to a question from Councilmember DeBoutez, Dr. Feinstein indicated that UNC currently employs 1600 full-time employees split between faculty and contract employees.

Consent Agenda

10. Approval of the City Council Proceedings of September 20, 2022
11. Acceptance of the Report of the City Council Work Session of September 27, 2022
12. Consideration of a Resolution expressing support for a mill levy override measure referred by the Greeley-Evans School District 6 to the voters for consideration at the November 8, 2022, General Election

This item was pulled from the Consent Agenda.

13. Consideration of a Resolution supporting a grant application with Great Outdoors Colorado for improvements made to Delta Park

14. Introduction and first reading of an Ordinance repealing and replacing Article V of Title 18 and enacting a new Article V of Title 18 regarding Event and Demonstration Permits; and Making changes to Section 12-357 regarding Amplified Sound Permits
15. Introduction and first reading of an Ordinance amending Article II, Section 2-60 of the Greeley Municipal Code regarding election wards
16. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Holding-Agriculture (H-A) to Residential-High Density (R-H), changing the underlying land use designations for approximately 31.19 acres of property located north of and adjacent to 13th Street and the Fox Run Neighborhood, approximately 500' west of 59th Avenue, and approximately 580' south of 10th Street (ZON2021-0016) (13th Street Apartment Rezone).
17. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado from Commercial High Intensity (C-H) to Planned Unit Development (PUD)changing the underlying land use designations for approximately 19.995 acres of land located west of 23rd Avenue and south of 29th Street (Colorado Premium PUD)

Mayor Pro Tem Payton moved to approve the Consent Agenda Items 10-11, and 13-17. Councilmember Butler seconded the motion. The motion passed 7-0 at 6:18 p.m.

End of Consent Agenda

18. Pulled Consent Agenda Items

12. Consideration of a Resolution expressing support for a mill levy override measure referred by the Greeley-Evans School District 6 to the voters for consideration at the November 8, 2022 General Election

Mayor Pro Tem Payton spoke on his opposition to encouraging residents to vote in favor of a ballot initiative.

Councilmember Butler spoke in favor.

Councilmember Butler moved to adopt the resolution. Councilmember DeBoutez seconded the motion. The motion passed 6-1, with Mayor Pro Tem Payton voting nay at 6:27 p.m.

19. Public hearing and second reading of an Ordinance Amending Chapter 1 of Title 4 of the Greeley Municipal Code regarding City's Classification and Salary Plan

Deputy City Manager, Paul Fetherston introduced the item with a presentation at 6:27 p.m.

The current Ordinance on its face does not limit a City Manager from making administrative changes to the pay plan such as reclassification and salaries. During the City Attorney's Office (CAO) legal review regarding the new pay plan, the CAO discovered that a 1990 amendment to the Municipal Code (Ordinance 36, 1990) removed the ability of the City Manager to make administrative changes to the pay plan as needed during the year. A review of Council Minutes revealed the removal of the City Manager's authority to amend the Classification and Salary Plan may have been unintentional. Since the time of that ordinance amendment, however, the City has operated as though the City Manager's authority to make administrative changes continued to exist. Upon notification by the City Attorney's Office of that change in July 2022, however, the ordinance has been implemented as advised by the CAO.

The item is presented to the City Council to amend the ordinance to continue the practice of the City Manager having the authority to make administrative changes to the pay plan.

Mayor Pro Tem Payton asked for clarification on what an administrative change was. In response to the question, Mr. Fetherston replied the modified Greeley Municipal Code section 4.3 includes but is not limited to classification and salary changes.

Finance Director, John Karner explained Council approves the budget at a fund level and there is flexibility to how and where staff uses the funds.

Deputy City Attorney, Stacey Aurzada explained the change is only to the classification and salary plan and allows the City Manager to administratively make changes to the plan without bringing it to Council.

Mr. Fetherston explained administrative changes are specific to reclassification and would have to wait until they are approved by Council each time. This would have an impact on the City's ability to recruit and retain.

The Public Hearing opened at 6:51 p.m.

With no speakers, the Public Hearing closed at 6:52 p.m.

Councilmember Butler moved to adopt the Ordinance and publish with reference to title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:52 p.m.

20. Public hearing and second reading of an Ordinance Amending Section 6-118 and Section 6 -163 of the Municipal Code to Exempt Certain State Fees

Finance Director, John Karner and Governmental Affairs Officer, Staycie Coons introduced the item with a presentation at 6:53 p.m.

During the 2021 Legislative Session, the Colorado General Assembly passed SB21-260 which imposed various delivery fees (\$.07 in total) to be remitted to the State Department of Revenue on deliveries of tangible property. As a home rule

municipality, Greeley treats this mandatory fee as part of the purchase price and therefore is subject to Greeley sales and/or use tax. The proposed ordinance will exempt the delivery fee from the sales tax and use tax imposed by the Greeley Municipal Code.

In response to a question by Councilmember Butler, Mr. Karner indicated that the Bag Fee tax could generate approximately \$14,000. Delivery fee tax revenue estimates are around \$60,000.

Councilmember Olson, and Mayor Pro Tem Payton spoke in favor.

Councilmember DeBoutez spoke on the desire to encourage reusing personal bags for shopping.

The Public Hearing was opened at 7:01 p.m.

1. Steve Teets spoke in opposition of the bag tax and in favor of the exemption.

The Public Hearing was closed at 7:03 p.m.

Councilmember Hall moved to adopt the Ordinance and publish with reference to title only. Mayor Pro Tem Payton seconded the motion. The motion passed 7-0 at 7:03 p.m.

21. Public hearing and second reading of an Ordinance adopting the Fiscal Year 2023 Budget

Finance Director, John Karner introduced the item with a presentation at 7:04 p.m.

The Finance Department will report back to Council at the end of the first quarter or the beginning of quarter two with an update on revenue from sales tax.

The City Manager's budget recommended \$21 million for 2023. Finance and the City Manager's office met with the Municipal Judge on his request for additional increases in the Municipal Court budget. The Municipal Court will receive additional funding of \$93,000 for a part-time bailiff and a rate increase for Court Appointed Counsel. The request for a Deputy Court Administrator would not be funded in FY 2023.

The utility rate change in 2023 is \$8.67 or a 7.9 percent increase. The rate increase will fund downtown projects and capital projects.

The Public Hearing opened at 7:13 p.m.

1. Steve Teets spoke about ideas for hiring bus drivers and other affordable housing ideas.

The Public Hearing closed at 7:16 p.m.

Mayor Gates and Councilmembers thanked the Budget Team for their dedication and efforts on the 2023 Budget.

Councilmember Olson moved to adopt the Ordinance and publish with reference to title only. Councilmember Hall seconded the motion. The motion passed 7-0 at 7:18 p.m.

22. Public hearing and second reading of an Ordinance adopting the Classification and Salary Plan for Fiscal Year 2023

Human Resources Director, Noel Mink introduced the item with a presentation at 7:18 p.m.

The deliverables are data driven, flexible and dynamic to the market needs, equitable, and free of discrimination, defensible and to support the goal of becoming a Municipal Employer of Choice. The proposed budget is \$6 million on employee salaries in 2023 and included an average of a 5% merit increase.

The Public Hearing opened at 7:21 p.m.

With no speakers, the Public Hearing closed at 7:21 p.m.

Councilmember Olson thanked the Human Resources Department the work involved to help make the City of Greeley an Employer of Choice. Mayor Gates also thanked staff for their hard work.

Mayor Pro Tem Payton moved to adopt the Ordinance and publish with reference to title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 7:22 p.m.

23. Consideration of a Resolution establishing the 2022 tax levy and directing the certification of the same to the Board of County Commissioners

Finance Director, John Karner introduced the item at 7:23 p.m.

This resolution approved the 2022 tax levy for taxes to be collected in 2023 at 11.274 mills and authorized the City Clerk to certify to the Board of County Commissioners that the tax levy has been established for 2022.

Councilmember Butler moved to adopt the Resolution. Mayor Pro Tem Payton seconded the motion. The motion passed 7-0 at 7:24 p.m.

24. Appointment of applicants to the Greeley Art Commission, Historic Preservation Commission, Housing Authority, Museum Advisory Board, and Youth Commission.

The City Clerk read the recommended action or appointment to the various boards and commissions.

Greeley Art Commission

- Michelle Booren was appointed with a term of three years expiring 2025.

Historic Preservation Commission

- Dan Podell was appointed with a term of three years, expiring 2025.

Housing Authority

- Continue to recruit for additional applicants.

Museum Advisory Board

- Marcus Embry was appointed with a term of three years, expiring 2025.

Youth Commission

- Lida De Los Santos was appointed with a term of two years, expiring 2024.

25. Scheduling of Meetings, Other Events

None

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

Councilmember Clark moved to approve the motion. Mayor Pro Tem Payton seconded the motion. The motion passed 7-0 at 7:25 p.m.

27. Adjournment

Mayor Gates adjourned the meeting at 7:26 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk

Council Agenda Summary

Title:

Acceptance of the Report of the City Council Work Session of October 25, 2022

Summary:

A City Council Work Session was held in the City Council's Chambers on October 25, 2022. The draft report of that work session has been prepared for the Council's review and acceptance.

Decision Options:

1. To accept the Report as presented; or
2. Amend the Report if amendments or corrections are needed, and accept as amended.

Council's Recommended Action:

A motion to accept the Report as presented.

Attachments:

Draft Report of October 25, 2022

**City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
October 25, 2022**

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 Dale Hall
Mayor Pro Tem Brett Payton
Councilmember Johnny Olson
Councilmember Ed Clark
Mayor John Gates

Councilmember Deb DeBoutez – participated via Zoom
4. Reports from Mayor and Council Members
Councilmember Butler reported on the Habitat Groundbreaking Event.
5. City of Greeley Participation in State of Colorado Family and Medical Leave Insurance Program (FAMLI)

Human Resources Director Noel Mink introduced the item with a presentation at 6:03 p.m.

Colorado voters approved Proposition 118 in November 2022, paving the way for a state-run Paid Family and Medical Leave Insurance (FAMLI) program. The FAMLI program will ensure all Colorado workers have access to paid leave to take care of themselves or their families during life circumstances. FAMLI will start providing benefits to employees beginning January 1, 2024. Both employers and employees will contribute premiums for the program. Employees would start to see a premium contribution on their paystubs beginning January 1, 2023.

Eligible employees would receive up to twelve weeks of leave.
Opting-In

Participating employers can choose to withhold 50% of the total premium cost from an employee or pay it on the employee's behalf. The employer is minimally responsible for 50% of the total premium cost. Employers who opt in now will have a three-year waiting period to opt-out if it so chooses.

Opting-out

Employees who want to participate in FAML I can do so directly with the State of Colorado through payroll deductions for employers who opt-out. Employees would be responsible for 0.45% of the premium, while employers who opt out would have no financial responsibility. Municipalities that opt-out can opt-in for any future year.

Council members discussed clarification for FAML I providing leave benefits for up to 12 weeks to care for themselves or family members, and the employer is required to pay for those benefits. In comparison to FMLA, which provides job protection, not replacement wages.

Ms. Mink continued the presentation by highlighting that if the City decided to opt-out, all employees can choose to participate individually without the City bearing any financial responsibility.

If the City opted out, there was no additional cost to employees (unless they choose to opt in individually) and no additional cost to the City. Based on the average wage for employees, the current leave program was a better benefit.

Based on the analysis of the specific application of FAML I to the City, the Human Resources Department recommended to opt-out of the FAML I program presented for Council discussion on November 1, 2022. The resolution would be considered following a comment period for employees to voice concerns and questions. At the council meeting the public would have opportunity to provide comment prior to Council action.

Councilmembers were in consensus with the recommendation to hear the item on the November 1, 2022, meeting.

6. Downtown: Safe and Secure Community and Housing for All

Raymond Lee, City Manager, introduced presenters Chief Adam Turk and Juliana Kitten, Assistant City Manager at 6:11 p.m.

Chief Turk provided an update on the September 6, 2022, City Council meeting, at which, Downtown Greeley residents and business owners spoke during the public comment period to express concerns pertaining to two of the City Council Strategic Priority areas related to the downtown: Safe and Secure Community and Housing for All.

The two prevailing themes of the resident and business community feedback were:

1. Increased criminal activity in the downtown area; and
2. Increased number of persons experiencing homelessness in the downtown area

Those who spoke during the public comment period shared the negative impacts these issues have on both the quality of life and economic vitality of the downtown area.

Chief Turk provided data, information, and the next steps related to addressing these areas of concern. The presentation provided background information and potential responses to address the concerns brought forth during the September 6, 2022, City Council meeting. No City Council action is requested or required.

Councilmembers discussed hiring and employee staffing constraints and the ensuing impacts of co-responder shortages. Recruitment strategies and funding options were also discussed.

Councilor DeBoutez requested information pertaining to persons that are under the influence of drugs or alcohol and expressed the importance of capturing the data pertaining to these individuals. A detox center and community support resources are available for persons that are classified as a danger to themselves or others.

Councilor DeBoutez requested information pertaining to homeless parolees. The City does not have the authority to prohibit parolee reentry into the community, this is an issue to be addressed at the State level.

Ms. Kitten presented on homelessness in Greeley at 6:38 p.m.

The presentation provided homeless count estimates and estimates of those categorized as chronically homeless. Current resources are United Way and Greeley Fire and Police Departments. Ms. Kitten will be meeting with Weld County to research additional direct services, as well as mental health, substance abuse, and homelessness resources.

Next steps: Support the United Way and potentially expand their weather shelter programs. Pull together a group of stakeholders, and create a task force of landlords, the business community, and hospital representatives.

Councilmember Hall requested clarification on how the count is tabulated. North Colorado Continuum of Care, for Weld and Larimer

Counties, provides a Housing Inventory Count (HIC) data based on region, city, and number of beds in emergency shelters.

Positive feedback has been received from the community and Council, expressing appreciation for the presentation, staff, their work, and efforts.

Council discussed commitment and integration of the Weld County Commission to support this effort.

Councilor Butler expressed concerns about shelters not being open 365 days per year. Proof of concept 24x7 efforts will commence for the next six (6) months to consider year-round resources.

Councilor DeBoutez expressed concerns about the data and a need to agree on a clear definition of homelessness.

Ms. Kitten clarified Coordinated Entry and discussed the purpose of the Continuum of Care funding and the need to expand and partner with other supportive services.

7. Scheduling of Meetings, Other Events

None.

8. Adjournment

Mayor Gates adjourned the meeting at 7:06 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk

Council Agenda Summary

November 15, 2022

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Consideration of a Resolution of the Greeley City Council ratifying the Appointment of certain nominees to the Board of Trustees of the Clearview Library District

Summary:

The Clearview Library District Board of Trustees is comprised of five trustee seats, two of which are currently open for appointment. The Trustee Selection Committee met on September 22, 2022 and September 24, 2022 to interview candidates, and upon voting, is recommending the following individuals for appointment to the Clearview Library Board of Trustees: Cheryl Brown, Ron Dunworth and appointing Lisa Gagliardi as an alternate. Each trustee shall serve a three-year term, 2023-2025.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

The City Council is asked to ratify the appointment of each trustee recommended by the interview panel. Failure of the City Council to take action on the ratification of an appointment within 60 days of the recommendation of the Interview Committee is considered ratification of that appointment.

Other Issues and Considerations:

None.

Strategic Work Program Item or Applicable Council Priority and Goal:

Economic Health & Development: Foster and maintain public and private investment in business development.

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

**THE CITY OF GREELEY, COLORADO
RESOLUTION 38, 2022**

A RESOLUTION RATIFYING THE APPOINTMENT OF CERTAIN NOMINEES TO THE BOARD OF TRUSTEES OF THE CLEARVIEW LIBRARY DISTRICT

WHEREAS, the Board of Trustees of the City of Greeley, Colorado, pursuant to Colorado State Statutes governing statutory Towns and Ordinances of the City of Greeley is vested with the authority of administering the affairs of the City of Greeley, Colorado; and

WHEREAS, the Clearview Library District has been created by action of two "Establishing Bodies", namely, the Town of Windsor Town and the Weld RE-4 School District; and

WHEREAS the Clearview Library District Board of Trustee is comprised of five trustee seats, two of which are up for replacement: and

WHEREAS C.R.S. § 24-90-108(2)(c) provides that the Establishing Bodies have authority to ratify trustees recommended for appointment to the Clearview Library Board of Trustees; and

WHEREAS, the Clearview Library District Board adopted Bylaws on August 26, 2021, which include representatives from the Town of Severance and the City of Greeley to the interview committee and ratification process; and

WHEREAS, pursuant to C.R.S. § 24-90-108(2)(c), recommendation of replacement library trustees must be made by a committee held for that purpose; and

WHEREAS, on September 22, 2022, and September 24, 2022, the Committee voted by majority vote to recommend the following individuals for appointment to the Clearview Library District Board of Trustees for a three-year term specified below:

Cheryl Brown; 2023 – 2025
Ron Dunworth; 2023 – 2025
Lisa Gagliardi; Alternate Trustee; 2023-2025

WHEREAS, the above-named individuals appear to be qualified to serve as a trustee, or alternate, on the Clearview Library District Board of Trustees and represent adequately the various interests within the Clearview Library District.

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

Section 1: That the appointment of Cheryl Brown and Ron Dunworth as Trustees on the Clearview Library District Board of Trustees for a three-year term, 2023-2025, is hereby ratified.

Section 2: That the appointment of Lisa Gagliardi as Alternate Trustee on the Clearview Library District Board of Trustees for a three-year term, 2023-2025, is hereby ratified.

Section 3: This Resolution shall become effective immediately.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF NOVEMBER 2022.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Council Agenda Summary

November 15, 2022

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Consideration of a Resolution of the Greeley City Council ratifying the Appointment of certain nominees to the Board of Trustees of the High Plains Library District

Summary:

The High Plains Library District Board of Trustees is comprised of seven trustee seats, two of which are currently open for appointment. The Trustee Selection Committee met on October 20, 2022 to interview candidates, and upon voting, is recommending the following individuals for appointment to the High Plains Library Board of Trustees:

REGION 2: Gerri Holton, representing Fort Lutpon, Gilcrest, Hudson, Keenesburg, LaSalle, Lochbuie, and Platteville for a four-year term, 2023 – 2026;

REGION 4: Nick Nakamura, representing Greeley, Evans and Garden City for a four-year term, 2023-2026.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Ratification of the appointment of each trustee requires a two-thirds vote of the Greeley City Council and of every other “establishing body” of the High Plains Library District. Failure of any “establishing body” to take action on the ratification of an appointment within 60 days of the recommendation of the Trustee Selection Committee is considered ratification of that appointment.

Other Issues and Considerations:

None.

Strategic Work Program Item or Applicable Council Priority and Goal:

Economic Health & Development: Foster and maintain public and private investment in business development.

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

**THE CITY OF GREELEY, COLORADO
RESOLUTION 39, 2022**

**A RESOLUTION RATIFYING THE APPOINTMENT OF CERTAIN NOMINEES TO THE
BOARD OF TRUSTEES OF THE HIGH PLAINS LIBRARY DISTRICT**

WHEREAS, the Board of Trustees of the City of Greeley, Colorado, pursuant to Colorado State Statutes governing statutory Towns and Ordinances of the City of Greeley is vested with the authority of administering the affairs of the City of Greeley, Colorado; and

WHEREAS, the High Plains Library District ("HPLD") has been created by action of eight "Establishing Bodies", namely, the Town of Ault, the Town of Eaton, the City of Evans, the City of Fort Lupton, the City of Greeley, the Town of Hudson, the RE-8 School District Board of Education and the Weld County Board of County Commissions, all of the State of Colorado; and

WHEREAS the High Plains Library District Board of Trustees is comprised of seven trustee seats, two of which are up for replacement; and

WHEREAS C.R.S. § 24-90-108(2)(c) provides that the Establishing Bodies have authority to ratify trustees recommended for appointment to the High Plains Library Board of Trustees; and

WHEREAS, pursuant to C.R.S. § 24-90-108(2)(c), recommendation of replacement library trustees must be made by a committee held for that purpose; and

WHEREAS, pursuant to that Joint Motion and Stipulation to Approve Settlement and Dismiss Remaining claims entered into by the Establishing Bodies and ordered by the Court of Weld County District Court Case No. 2014 CV 30358, a trustee selection committee (the "Committee") met on October 13, 2022, to interview trustee candidates; and

WHEREAS, on October 13, 2022, the Committee voted by majority vote to recommend the following individuals for appointment to the High Plains Library District Board of Trustees for the term length specified below:

REGION 2: Gerri Holton, 4-year term, 2023-2026; representing Fort Lutpon, Gilcrest, Hudson, Keenesburg, LaSalle, Lochbuie and Platteville

REGION 4: Nick Nakamura, 4-year term, 2023-2026; representing Greeley, Evans, and Garden City; and

WHEREAS, the above-named individuals appear to be qualified to serve as a trustee, on the High Plains Library District Board of Trustees and represent adequately the various interests within the High Plains Library District.

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

Section 1: Ratification. That the appointment of Gerri Holton to serve as Region 2 Trustee and Nick Nakamura to serve as Region 4 Trustee on the High Plains Library District Board of Trustees for a four-year term is hereby ratified.

Section 2: This Resolution shall become effective immediately.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF NOVEMBER 2022.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Council Agenda Summary

November 15, 2022

Key Staff Contact: John Dargle, CPRD Director

Title:

Consideration of Resolution to support application for grant funding from the State of Colorado Department of Natural Resources State Trails program for planning and design of a new trailhead in Sheep Draw Natural Area

Summary:

Staff have identified a State Trails Grant, managed by Colorado Parks and Wildlife within the State's Department of Natural Resources, to apply for a feasibility and design plan for a future trailhead within the Sheep Draw Natural Area. The project is estimated to be \$60,000. If this grant request of \$45,000 is awarded, the city cost will be \$15,000. The grant program requires a supporting Resolution from the local governing body. Funding will come from the Trails Development Fund balance. The Natural Areas & Trails division will be updating the 2001 Trails Master Plan in 2023, and priority trail sections and associated amenities such as trailheads may evolve. As such, this design project, which would start in 2023 will take advantage of an opportunity to leverage Trails development fund dollars while the CIP plan is finalized for 2024 and beyond.

Feasibility and design conducted for the Sheep Draw NA trailhead will remain at a 60-80% level to allow moving forward more immediately if the Master Plan identifies this location as a top priority. If not, the fundamental floodplain, engineering, and other planning topics can be assessed, and the full design can be completed once the Master Plan identifies the appropriate timing for the project to be completed.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$15,000
What is the annual impact?	N/A
What fund of the City will provide Funding?	336 – Trails Development
What is the source of revenue within the fund?	Development Fees
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	Yes
Is this grant onetime or ongoing?	One-time
Additional Comments:	

Legal Issues:

None.

Other Issues and Considerations:

None

Strategic Work Program Item or Applicable Council Priority and Goal:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

Decision Options:

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

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

- 1) Resolution
- 2) State Trails grant application

**THE CITY OF GREELEY, COLORADO
RESOLUTION 41, 2022**

**A RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO THE
COLORADO DEPARTMENT OF NATURAL RESOURCES STATE TRAILS PROGRAM
TO SUPPORT THE PLANNING AND DESIGN OF TRAIL FACILITIES ON 59TH AVENUE
TO SERVE BOTH THE POUFRE RIVER AND SHEEP DRAW TRAILS.**

WHEREAS, the City of Greeley has initiated a project to plan and design new trail facilities, including a trailhead on 59th Avenue to serve both the Poudre River and Sheep Draw Trails ("Project"); and

WHEREAS, a grant in the amount of \$45,000 is available from the Colorado Department of Natural Resources State Trails Program that requires a minimum 25% match of the total project cost of \$60,000, with the City's match in the amount of \$15,000 and will be funded from the trails development fund; and

WHEREAS, if awarded, grant funding will be used to analyze two potential sites and to develop construction plans for the Project; and

WHEREAS, the City supports the timely completion of this Project.

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

Section 1: The City Council hereby supports and authorizes a submission of the grant application to the Colorado Department of Natural Resources, attached hereto as Exhibit A.

Section 2: If the grant is awarded, the City Council authorizes City staff to execute any document or submit any electronic response that is necessary to obtain the grant funding.

Section 3: The Project site is owned by the City and will be owned by the City for the next 25 years.

Section 4: The City will maintain trail facilities.

Section 5: This resolution to be in full force and effect from and after its passage and approval.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF NOVEMBER 2022.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Exhibit A – Project Information

NON-MOTORIZED TRAILS PLANNING APPLICATION

Applicant or Organization Name: City of Greeley Natural Areas & Trails Division		
Complete Mailing Address: 321 N 16th Ave, Greeley CO 80631		
Applicant Lead Contact Name: Justin Scharton		Title: NAT Supt.
Telephone: 970-590-1705	Email: justin.scharton@greeleygov.com	Is this the primary contact for this grant? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

PROJECT MANAGER (this person will have day-to-day responsibility for the project)

Name: Karen Scopel, Environmental Planner	
Telephone: 970-301-0970	Email: karen.scopel@greeleygov.com

PRIMARY PARTNER INFORMATION (IF APPLICABLE)

Name:		
Mailing Address:		
Partner Contact Name:		Title:
Telephone:	Email:	Is this the primary contact for this grant? <input type="checkbox"/> YES <input type="checkbox"/> NO

ABOUT THE PROJECT

Project Title: 59th Avenue Trailhead for Poudre River and Sheep Draw Trails	
Grant Request: \$45000	Match Amount (Min. 25%): \$27700
Total Project Cost: \$72700	
<p>Project Description: Please write a 2-3 paragraph description of your project and the expected accomplishments. Be sure to include Who, What, When and Where. This is your scope of work. (This section is not the place to talk about the project background, the benefits, the funding, or anything other than the actual work to be accomplished. Please address that information in question #1 of the Selection Criteria.)</p> <p>WHO? Who will complete the work, and who will oversee the project? Provide a brief description of your community or organization, highlighting its mission and purpose.</p> <p>WHAT? Explain what you are going to do or accomplish. What is the goal or the reason for your project? Break down the project into a list of specific activities to be completed. These should be quantifiable items that correspond to the categories on your budget page. Include quantity or quality as part of your description of work to be performed. How long? How many? How many feet? How many miles? What materials will be used? Is a specific standard or guideline being used?</p> <p>WHERE? Explain in detail the location of your project. Where is the project located? What county? What National Forest/BLM Office? Provide the names of the trail(s) or trail system and where the work will be performed. List the land manager agency or municipality.</p> <p>DEFINITIONS? Please define all acronyms and specialized terms that are used in your project description.</p>	

Exhibit A – Project Information

Project Description

WHO: Greeley is a growing community with a current population estimate of 113,000 residents. Population is projected to be nearly 124,000 in 2027. The regional Poudre River Trail provides recreational opportunities for users from Greeley to Fort Collins. A consulting firm will be retained to perform site analysis, facility design and preparation of construction drawings. Greeley Natural Areas & Trails staff, including the Superintendent, Environmental Planner and Maintenance Crew Supervisor will oversee the project. Karen Scopel, Environmental Planner will be the Project Manager. Other city staff include Planning, Engineering Development Review, and Public Works (Stormwater, Floodplain Administration, and Traffic). The CPW District Wildlife Manager, Town of Windsor representatives and Poudre Trail Corridor non-profit board will be involved from the outset. Community outreach and engagement will be part of the design process to gather input and feedback from trail users and other affected community members.

WHAT: The 59th Avenue Trailhead planning project will develop a site plan and 80% construction drawings for a new trailhead to serve users on both Poudre River and Sheep Draw trails. Currently there is not a trailhead for the northern terminus of Sheep Draw Trail where it connects to Poudre River Trail. Project activities include an analysis of two possible locations for the trailhead to choose the most appropriate site. The analysis will look at traffic on 59th Avenue, site conditions and other criteria that would impact the suitability of each site. Following the analysis and final site selection, a full-site plan will be developed for the chosen site and 80% construction plans will be created. It is anticipated that the trailhead will have at least 30 parking spaces and amenities that would be appropriate for a site in the 100-year floodplain. The design will include a connecting paved path from the trailhead to the primary trail. The path's configuration and location will depend on which site is selected. The parking surface will be road base.

WHERE: Greeley is the county seat of Weld County. The proposed new trailhead will be located off North 59th Avenue, between F Street and O Street. The two locations being considered are north of the Cache la Poudre River on the east side of 59th Avenue in Greeley's Cottonwood Bend Natural Area or south of the river on the west side of 59th Avenue in Sheep Draw Natural Area. The Poudre River Trail extends from Island Grove Regional Park in Greeley to Windsor and beyond on the west. The Weld County portion of the trail is 22 miles in length, and upon construction of missing sections between Windsor and Fort Collins, the completed trail will be over 40 miles in length extending between downtown Greeley and Bellevue, north of Fort Collins. Sheep Draw Trail extends from the Poudre Trail on the east side of 59th Avenue, southwesterly 6 miles through six Greeley natural areas and residential neighborhoods. It will eventually connect to Milliken and Johnstown, southwest of Greeley. Greeley Natural Areas & Trails is the land management agency.

WHEN: The planning project is anticipated take place from July 2023 to October 2024.

Previous CPW grants awarded (last 3 years) List award year, category and project name

2019, Large Construction, Sheep Draw Trail

2021, Maintenance (LWCF), *NOTE: while awarded by CPW in 2021 a grant contract had not been issued as of late September 2022.

Exhibit A – Project Information

LAND OWNERSHIP			
1. Provide the name/s of the property owners: City of Greeley			
2. The trail corridor is controlled by: <input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Lease <input type="checkbox"/> Easement <input type="checkbox"/> License <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Other:			
USER INFORMATION (Please check all that apply)			
<input checked="" type="checkbox"/> Hiking, Walking, Running	<input checked="" type="checkbox"/> Biking	<input type="checkbox"/> Equestrian	
<input checked="" type="checkbox"/> Skateboarding, In-Line Skating	<input type="checkbox"/> Snow Sports (non-motorized)	<input checked="" type="checkbox"/> ADA Accessible	
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other	
TRAIL SURFACE			
<input type="checkbox"/> Asphalt	<input checked="" type="checkbox"/> Concrete	<input type="checkbox"/> Other	
<input type="checkbox"/> Natural	<input type="checkbox"/> Crusher Fines	<input type="checkbox"/> Other	
PROJECT LOCATION (For multiple project sites attach a separate list.)			
Nearest Town or City: Greeley			
County(ies): Weld			
Latitude & Longitude Coordinates (in decimal degrees): 40.44N 104.77W			
State Congressional District (https://www.govtrack.us/congress/members): CO4			
<i>Please fill out all applicable categories for your project:</i>			
Acreage of new trailhead	~ 1 acre	Miles of trail being planned	~1000LF
Miles of new trail construction		Miles of trail maintenance	
Miles of inter-connecting trail	28	Miles of trail reroute	
Miles of trail to be decommissioned		Miles of trail to be restored	
Miles of trail to be signed		Miles of trail grooming	
Other ~ 30 parking spaces		Other	

Applicant Printed Name: Justin Scharton

Applicant Signature: Justin Scharton Digitally signed by Justin Scharton
Date: 2022.10.04 10:33:02 -06'00' Date: 10/03/2022

Exhibit A – Project Information

Preliminary Timeline Estimate – Planning

Provide a timeline estimate using the following form. Remember that the project is to be completed within two and a half years of the award date. Any proposed changes, including extensions or modifications in the project timeline, must be requested in writing and approved in advance by the State Trails Program.

Suggestion - use quarterly time frames. Initial expiration date - June 30 or December 31, 2025, dependent upon assigned funding source.

TASK <small>Mobilization, Staffing, Construction elements, etc.</small>	Dates	Dates	Dates	Dates	Dates	Dates	Dates	Dates	Dates	Dates
Issue RFP	7/15/23									
Award Contract	8/15/23									
Initial Site Analysis complete	11/15/23									
Final Site Selection	12/15/23									
Concept Design Phase complete	4/1/24									
30% Construction Planset	6/1/24									
80% Construction Planset	9/1/24									
Administrative Close-Out	12/31/24									

PLANNING GRANT SCORING CRITERIA

All applicants must respond to the criteria questions. Use the numbered blank pages at the end of this sections. This application will be scored on a 100-point basis. The maximum number of points that can be awarded for each question is shown in parentheses. Outside reviewers and State Trails staff will review each project. Projects will be ranked according to reviewer and staff scores.

Grant review subcommittee members review and score grant applications based on the totality of information available. This may include not only the answers provided to the application questions, but also additional information provided to the review subcommittee from agency staff and subcommittee member knowledge and information that is relevant to the proposed project.

Failure to provide a response to any question (unless otherwise noted) will reduce your project's score. Please read and understand all application questions prior to answering.

Respond in **12-point font**. Reference all attachments.

1. Scope (10 points)

Describe the proposed project. What are the benefits of this effort to trail users and groups in the communities, region, and/or state? Describe how the planning project will lead to trail system improvements, the development of tangible trails, trailheads, amenities, or recreation projects in the area. Please include potential site photos and a map of the proposed planning area(s). Discuss the ownership status of the proposed area - including any information regarding easements and/or recent land acquisitions. Is this a multi-phase project, and if so, how many phases is it and how will future phases be funded?

2. Community Need & Benefit (10 points)

Describe how the project will tie into existing management plans and demonstrate a significant improvement to community trail systems and larger connectivity throughout communities and existing trail systems. Summarize the community need for the project (letters of support should clearly document this need). How will this project specifically address the needs described? Describe how the project communities will benefit from the project. Why is it important to undertake this planning effort now, instead of at a later time? How will community health benefits and the equity of underserved communities be considered, evaluated, and prioritized in the plan? Will underserved communities be involved in decision making processes (i.e. where trails will be located, what they will look like, recreation prioritization, etc.) through citizen advisory boards or other means of public involvement?

3. Planning and Prioritization Process (10 points)

Explain the extent to which this project focuses on regional trail and resource planning. Is

this project part of an existing master plan, federal Forest or Resource Management Plan, or a landscape level regional planning effort (such as an Outdoor Regional Partnership)? If so, what priority is this project given in that plan? How will the plan evaluate multiple trail systems' cumulative impacts together in a comprehensive plan? How will trail development be evaluated and balanced with existing trail system management, wildlife and natural resource conservation, and long-term maintenance?

4. **Wildlife & Natural Resources (15 points)**

Describe how potential impacts to wildlife and natural resources will be evaluated during the planning process for the plan (such as utilizing resources listed in Planning Trails with Wildlife in Mind)? Describe any plans for avoiding sensitive habitat as well as minimizing, and/or mitigating wildlife and natural resource impacts. Describe how you will develop plans for trail management and monitoring after the trail is complete. How will CPW staff be engaged in the planning process? Describe how their recommendations will be implemented. For example, if a seasonal closure is recommended, what are the dates of the closure and how will it be implemented to be effective (signage, gates, game cameras, etc.)?

5. **Collaboration (10 points)**

Explain the extent to which the project demonstrates unique, innovative, and/or important multi-agency, organization and/or private partnerships. Describe which stakeholders will be involved with the planning process - public agencies, conservation groups, stewardship groups, recreational groups, environmental groups, non-profit organizations, schools, businesses, and/or individuals. Describe how these stakeholders will be engaged and these partnerships will be a benefit to the planning, development, and long-term management/maintenance of the trail systems. Will a professional consultant be hired to help facilitate this process?

6. **Sustainability (10 points)**

What is the long-term vision for the future of the work supported by this grant? What are potential sources of funding and resources for both trail construction and maintenance and how will these be considered and incorporated into the planning process? Is there committed funding and/or personnel and volunteer stewardship resources to support the long-term maintenance of the project?

7. **Public Engagement (10 points)**

Public notification is mandatory for all projects.

Describe the process you will use to engage the public in the project. Do you anticipate public opposition to this plan or its implementation? If so, how will that be addressed? Describe how potential user conflicts will be identified, addressed and managed.

8. Implementation Process and Outcome (5 points)

Describe the strategy for monitoring and evaluating project planning. What tangible or measurable products will result from this planning project? What is the anticipated timeline of the process and necessary reviews (such as NEPA if on federal land)? In analyzing options for the project, discuss how different alternatives for trail development will be evaluated in the planning process. How will project success be defined?

List (in bulleted form) and provide a brief, specific description for each:

- Objectives
- Tasks / Project Milestones
- End products and/or deliverables that will result from this planning effort

9. Matching Funds and Partnerships (10 points)

Discuss partnerships established for this project and their contributions. What other funding sources have been dedicated or are anticipated to be dedicated to this project? If matching funds are not yet secured, what are the plans for raising those additional funds? Will applicant and/or partner funds be lost if State Trails funds are not awarded? Submit letters of commitment/support from landowners and/or funders as a separate attachment (resolution from the governing body should include support and resource commitment; a separate support letter is not required). Beyond these letters, up to 5 non-funding letters of support may be submitted.

10. Ability/Contingency (5 points)

Describe your organization's ability to complete the specific grant transaction(s) that will be necessary to accomplish this project. Please provide examples (if any) for grant projects of similar magnitude that demonstrate your organization's ability to manage the requested level of grant funding; including the project title, grantor, award amount and year the project was funded. If State Trails funding is not awarded, what is the plan to complete the project?

1. Scope of Work (10 points)

The 59th Avenue Trailhead for Poudre River and Sheep Draw Trails planning project will develop a site plan and 80% construction drawings for a new trailhead to serve trail users on the Poudre River and Sheep Draw trails as well improve public access to the soft-surface nature trail in Sheep Draw Natural Area. Project activities will include an analysis of two possible locations for the trailhead to choose the most appropriate site (see Site Map). The analysis will look at traffic on 59th Avenue, site conditions such as ground water, wildlife and natural resources, and other criteria that could impact the suitability of each site. Following the analysis, the final site will be selected, concept designs and a final site design and construction plans will be developed. It is anticipated that the trailhead will have approximately 30 parking spaces and amenities appropriate for a site in the 100-year floodplain. The design will include a paved connecting path from the trailhead to the Poudre River Trail.

The 59th Avenue Trailhead planning project will result in 80% construction plans with an Opinion of Probable Cost that will facilitate getting the construction project into Greeley's 5-Year Capital Improvement Plan (CIP) pipeline.

The two sites under consideration are on properties owned by the City of Greeley acquired in 2014 and 2015 with funds from a Great Outdoors Colorado Rivers Initiative grant. Conservation easements held by Town of Windsor and Larimer County for each site include reserved rights for development of a trailhead and trails. Specifically the conservation easements provide for the following: allow non-motorized low-impact recreational uses, construct and maintain paved and unpaved trails and appurtenant structures on the properties for recreation, wildlife watching, and multi-use non-vehicular transportation purposes, construct and maintain trailhead facilities for access to the properties that may include access driveways, fences for vehicular and access control, vehicular parking, restroom facilities, picnic facilities, native landscaping, and signs for directional, regulatory, and interpretive purposes.

This is the planning and design phase for developing a new trailhead facility. Construction will occur in a separate phase. Funding for construction is expected to come from designated trail development funds, private contributions, and grant funds. Construction is anticipated within five years after design is completed, most likely within two years.

2. Community Need and Benefit (15 points)

Use of the Poudre Trail has increased significantly since the three nearest existing trailheads, located east (1.3 miles) and west (1 and 2.5 miles) of the proposed trailhead, were built (2004 and 2007). Recent data from trail counters along the Poudre Trail in this vicinity indicate nearly 40,000 people use the trail each year. The monthly average for the five peak use months (May-Sept) is close to 5,000 with a daily average of over 300. Parking capacity of the existing trailheads is 84 spaces. (See attached Photos) One of the trailheads is shared with a popular dog park which is busy at the same peak times, and another is shared with the Poudre Learning Center. Site constraints at the existing trailheads prevent enlargement of those facilities. As stated in the included letters of support, these trailheads are often at capacity, especially during peak use times resulting in illegal (and unsafe) parking on road shoulders or people not being able to recreate when they want to. The addition of this trailhead will increase parking and shorten distances to reach the trail, making it more attractive to users.

This trailhead, once developed, will be a significant improvement to the City's existing trail system by improving access to the regional Poudre River Trail connecting Greeley to Windsor and Fort Collins as well as to Sheep Draw Trail connecting residents in southwest Greeley to the Poudre River Trail and Milliken and Johnstown residents in the future.

Providing increased access through adequate parking and associated amenities to Greeley's trail systems will encourage members of the community to utilize these important recreational resources. Developing a facility with parking and other amenities will make this a popular location to access the Poudre and Sheep Draw Trails, enjoy a break while on a bike ride or walk, have a picnic in the great outdoors close to home or, bring students on a field trip to experience nature and apply classroom education in the real world.

The 2021 Get Outdoors Greeley (GO Greeley) strategic plan, documents Greeley's commitment to equity in outdoor recreation and access to nature as illustrated in the Connections to Nature Goal – "Equitably create physical connections to nature for all Greeley residents, through acquisition of high-value lands and expansion of the City's trail system" and the Community Connections Goal – "Connect residents to nature by partnering with the community to provide inclusive and equitable educational, volunteering, and leadership opportunities for all Greeley residents." A current example of this commitment is the community engagement taking place with master planning for Greeley's newest 1000-acre natural area. Located in the northwest corner of the community, residents from the east side of Greeley, who traditionally have been underrepresented, are actively being involved in that project in partnership with Trust for Public Land. Funded by GOCO's Fellowship Program, Greeley recently hired a Conservation Fellow, whose primary focus is on assuring equitable involvement from underserved communities. The Fellow will be actively involved in the public engagement for this project. The Parks & Recreation Advisory Board and the Poudre River Trail Corridor board will also be involved in this project.

3. Planning and Prioritization Process (10 points)

This project ties into several master plans including Poudre River Trail Master Plan (1995), Greeley Parks, Trails, and Open Lands Master Plan (2016), Imagine Greeley Comprehensive Plan (2018), Greeley Transportation Master Plan (2022) and Get Outdoors Greeley 5-Year Strategic Plan (GO Greeley 2021), as well as supporting City Council's strategic vision (2022). All these plans included significant public participation during their preparation.

A trailhead facility on 59th Avenue is identified in the City's Capital Improvement Plan (CIP) priority list. However, to move onto the active capital construction list, construction plans need to be prepared. An 80% construction plan will help identify costs and develop the budget and funding components for a CIP project and place it at the top of the next 5-Year GO Greeley Strategic Plan.

4. Wildlife and Natural Resources (15 points)

Natural Areas & Trails will obtain the expertise of a qualified consulting and design firm to perform the analysis of the two potential sites and the subsequent site plan. Necessary qualifications will include wildlife and natural resources expertise. Anticipated issues that will be assessed include impacts to habitats and wildlife. One of the potential sites has a large prairie dog colony near the proposed trailhead and will also require a bridge crossing of the Poudre River. However, it already has a large improved area that could be used for parking. Final site design will be based on having the least possible impact on sensitive habitat, wildlife and natural resources while creating a quality experience for trail users. CPW staff will be engaged as a stakeholder to provide comments and guidance throughout the design process.

Identifying and addressing trail and trailhead maintenance and management of the new facility will be major factors in the design. Natural Areas & Trails maintenance staff will be included to incorporate their experience and recommendations as an integral part of the design process.

5. Collaboration (10 points)

The 59th Avenue Trailhead project will involve a variety of partnerships. Within the city organization, multiple departments will be involved as part of existing design review processes. These include traffic, stormwater, planning, and engineering as well as Natural Areas & Trails which will be leading the project. Trust for Public Land (TPL) has become a valued and critical partner for cultivating inclusive community involvement. Other valued partners that will be invited to participate include Colorado Parks & Wildlife, the non-profit Poudre River Trail organization and trail users, University of Northern Colorado's environmental studies professors and students, Volunteers for Outdoor Colorado, the non-profit Poudre Heritage Alliance (representing the Cache la Poudre River National Heritage Area). These partners bring varied perspectives, skills and insights that will result in a well-designed project that balances the needs of trail users with important natural resource and wildlife protection. The consulting firm that will be hired for the project along with staff and partners will be involved with facilitation of the public engagement process.

6. Sustainability (10 points)

Potential sources of funding and resources for construction and maintenance of the planned trailhead include trail development fees, private contributions through the non-profit Poudre Trail Corridor organization, along with grant funds. It is anticipated that in the next few years, Greeley will seek dedicated funds to support the work of the Natural Areas & Trails program through a ballot initiative. NAT maintenance staff will be involved in site design to help assure that the project does not create unusual or unnecessary maintenance needs. NAT has a formal relationship with Volunteers for Outdoor Colorado that includes a dedicated volunteer coordinator for Greeley and Weld County projects. NAT has an annual dedicated budget to utilize the Weld County Youth Conservation Corps for projects.

7. Public Engagement (10 points)

NAT's Community Conservation Fellow will work with the city's Communication and Engagement office to engage the public in this planning project. This will include a social media campaign, surveys, and public events. The City has an on-line public engagement site called Speak Up Greeley (speakupgreeley.com) to allow citizens to easily provide comments and feedback. A current project can be viewed by clicking on the link. Projects underway in 2022, in collaboration with Trust for Public Land, have resulted in the creation of strong community connections with the culturally diverse, historically underrepresented residents of east Greeley. This project will continue to reinforce those connections through specific outreach to those residents.

Public opposition to the plan or implementation is not anticipated, based on feedback from trail users asking for a solution to the inadequate parking and trail access they currently experience. If Site 1 is selected as the preferred location, there is a potential that two neighboring landowners might have concerns. These landowners will be invited to participate in the site planning process to identify their concerns and incorporate solutions to alleviate them. Through the public engagement process, trail users will be invited to provide suggestions and feedback on design options. This will help identify and address potential user conflicts.

8. Implementation Process and Outcome (5 points)

If the grant is awarded, staff will begin preparing a project request for proposal (RFP) so that it can be issued immediately after a grant contract is executed. The RFP will outline the elements of the request, including project background, proposed scope of work, project goals and timeline, end products and proposal evaluation criteria.

Objectives:

To have a well-developed construction plan set for a new trailhead that will serve trail users on the Poudre River and Sheep Draw trails.

Tasks / Project Milestones

- * Execute grant contract – June 2023
- * Award contract to qualified consultant – August 2023
 - The contract will be the basis for monitoring and evaluating project planning.
- * Perform site analysis of two potential trailhead sites, obtain stakeholder feedback and select the final site – December 2023
 - Criteria for evaluating the site analyses will include:
 - Access from/to 59th Avenue (safety, traffic impacts)
 - Impacts to wildlife/habitats
 - Site constraints including groundwater levels, soils, connecting trail
- * Develop a preliminary site concept plan including cost estimate and obtain community/stakeholder feedback – February 2024
 - Evaluation criteria include:
 - Ability to accommodate adequate parking
 - Site amenities including trail connections
 - Maintenance
 - Aesthetics
 - Cost estimate
- * Prepare final site design – April 2024
- * Develop 30% construction plans and obtain staff review comments – June 2024
- * Develop 80% construction plans, obtain staff review comments, and prepare cost estimate for construction – September 2024
- * Administrative Grant Closeout – December 2024

End products and/or deliverables that will result from this planning effort:

- * 80% construction plans and cost estimate for a new trailhead

9. Matching Funds and Partnerships (10 points)

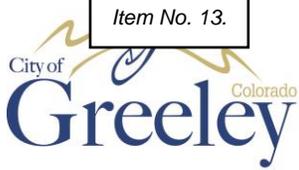
Matching funds for this project will come from the City of Greeley, including cash and in-kind services. The cash funds come from impact fees collected from residential development projects that are dedicated for trail development projects. The in-kind match will be from staff hours contributed to the planning project. It is anticipated that the non-profit Poudre River Trail Corridor organization will contribute funds towards construction at a later date as they have identified this as a priority project for their organization (see Otis letter of support). Poudre Heritage Alliance, the non-profit that manages the Cache la Poudre River National Heritage Area, might also be a contributor for the construction project.

10. Ability/Contingency (5 points)

Greeley has been the recipient of grants from a variety of funders, including private organizations, state, and federal agencies. These projects have ranged from under \$10,000 to several million dollars. The city has an established process to issue requests for proposals and award contracts. Recent examples include:

- Cache la Poudre Inspire Initiative, Great Outdoors Colorado, \$75,000, 2015
- Building Health in Greeley's East Memorial Neighborhood, Colorado Health Foundation, Phase I, \$20,000, 2017; Phase II, \$1,105,000, 2018
- East Greeley Natural Area, GOCO Resilient Communities, \$300,000, 2021
- Island Grove Trailhead Interpretive Signage, Poudre Heritage Alliance, \$6,080, 2022

If State Trails funding is not awarded, it is likely the planning project will be delayed for several years resulting in the construction phase also being delayed.



Item No. 13.

CULTURE, PARKS, AND RECREATION

UCCC • Public Art • Museums • Parks • Golf • Recreation • Youth Enrichment

Colorado Department of Natural Resources
State Trails Program
Attn: Fletcher Jacobs
13787 US Hwy 85
Littleton, CO 80125

September 30, 2022

Dear Mr. Jacobs:

Please accept this letter as evidence of support for the City of Greeley's State Trails planning grant application for the 59th Ave. Poudre River Trail trailhead design.

Staff anticipates that the resolution will be on the Oct. 18th City Council meeting agenda and the approved resolution will be provided to your office prior to the December 1st deadline.

Thank you for the flexibility to provide the required resolution after the grant deadline. Please let me know if you have any questions regarding the City's application and thank you for your consideration.

Sincerely,

DocuSigned by:


FF69547DFC01472...

John Dargle, Jr., CPRE
Director

WYOMING

Cheyenne ★

NEBRASKA

Fort Collins ★

GREELEY ★

34

Wray ★

Denver ★ + DIA

I-70

UTAH

★ Grand Junction

COLORADO

★ Colorado Springs

KANSAS

I-25

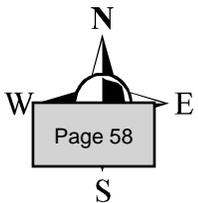
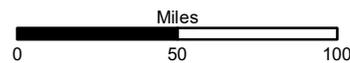
NEW MEXICO

OKLAHOMA

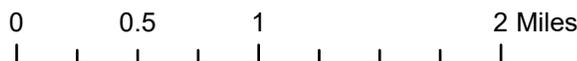
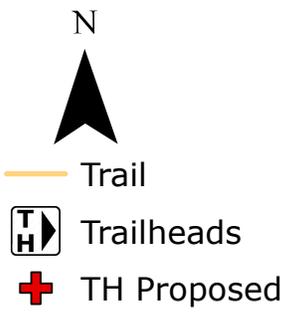
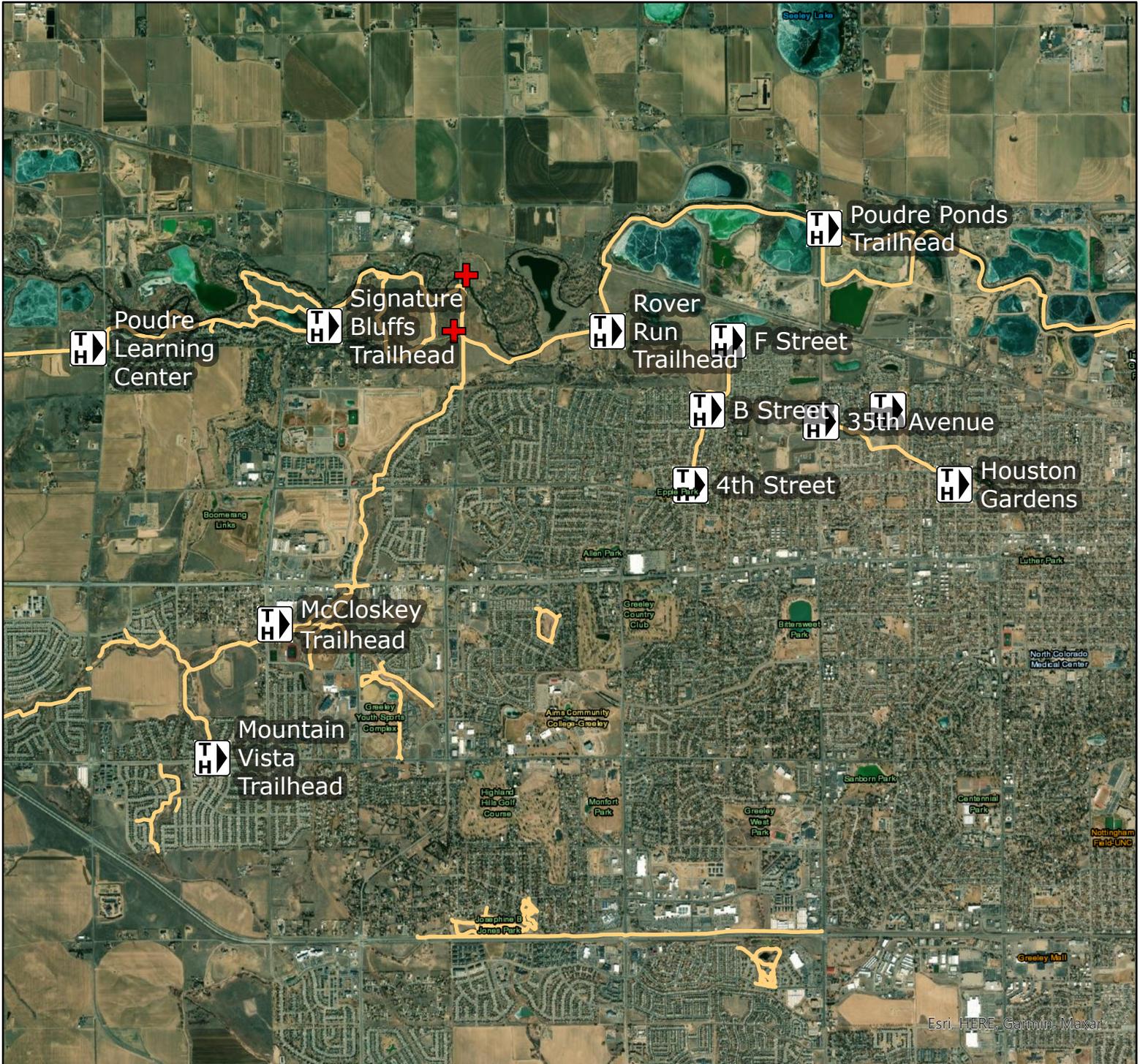


Location Map

Greeley, CO is pivotal



59th Avenue Trailhead Local Vicinity

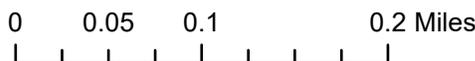


59th Avenue Trailhead

Proposed trailhead sites for Poudre River Trail and Sheep Draw Trail



-  Trails
-  Natural Area Border
-  TH Proposed



Cody DeVries
 9/28/2022
 City of Greeley Natural
 Areas & Trails Division
 NAD 1983 State Plane
 Colorado North
 FIPS 0501 (US Feet)

59TH AVENUE TRAILHEAD – LOCATION PHOTOS

SITE 1 – West side of 59th Ave, south of river



Left: Sheep Draw Natural Area & Ditch #3 access gate and maintenance road.

Below: Looking north from access road at site 1. Tree line is along Poudre River.



Left: Site access road. In the right of the photo is where former oil & gas tank battery was located. Removed in 2019.



Above and left: Looking north on 59th Avenue.

SITE 2 – East side of 59th Ave, north of river



Looking southeast. Fenced area is former oil/gas tank battery site removed in 2018. Trees on right are along the river. If selected, a bridge crossing would need to be installed about 600 feet downstream of the road bridge.

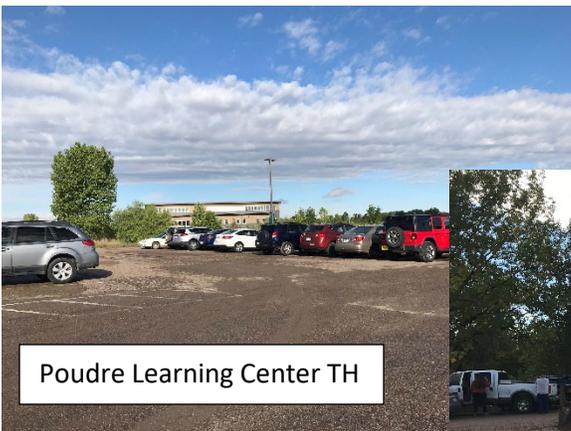


Left: Looking south along 59th Avenue. Road bridge was widened about 10 years ago in anticipation of 59th Avenue becoming a 4-lane street.



Below: Looking north along 59th Avenue.

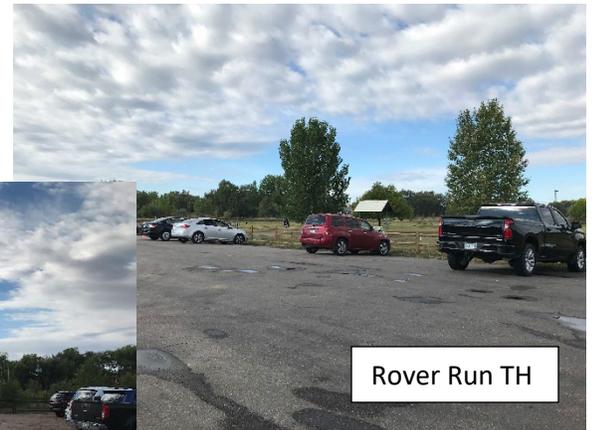
Existing Trailheads



Poudre Learning Center TH



71st Ave TH



Rover Run TH



Fred L. Otis, Esq.
The Doyle Building
1812 56th Avenue, 2nd Floor
Greeley, CO 80634
970-330-6700
fotis@nocoattorneys.com
www.nocoattorneys.com

October 3, 2022

Via Email Karen.Scopel@greeleygov.com

Karen Scopel
Environmental Planner
CPRD|Natural Areas & Trails

RE: 59th Avenue Trailhead for Poudre River and Sheep Draw Trails planning project

Dear Ms. Scopel,

Karen, as you know I am a Member of the Poudre River Trail Corridor Board, Inc. (“Trail Board”) I am a founding member of the Trail Board, former chair and now also chair of the Growth/Momentum Subcommittee. I am also a frequent Trail user. One of the focus projects of the Growth/Momentum Subcommittee is to add a 59th Avenue parking lot along the Trail.

The 59th Avenue parking lot is an important amenity that warranted, particularly since the City will be widening 59th Avenue in the near future, so planning a parking lot where it would be most used is very critical. Currently the closest alternative is parking at the 71st Avenue (“Red Barn”) parking lot. I was personally at the 71st Avenue, parking lot yesterday and it was packed with overflow parked along both sides of 71st Avenue where it is dangerous and annoying to the neighbors. The logical place for a parking lot, where it could be most used and already owned City land is available, is 59th Avenue.

I encourage you to apply for and try to get this grant. Please keep the Trail Board and me apprised of any way we can help.

Sincerely,
Otis & Bedingfield, LLC

FRED L. OTIS
Attorney at Law

To whom it may concern

September 28, 2022

Recommendation to fund additional parking for the Poudre Trail

I have been an avid user of the Poudre Trail from its very beginning. I have hiked the whole trail, parts it, and have done so for years and years, summer or winter. As more and more people are discovering this hidden treasure, parking gets more crowded. Even though I get to the trail early in the morning with still ample parking available, when I return from a hike, I often realize, there are people waiting for me to leave so they can use my parking spot.

The Greeley area has been experiencing tremendous population growth since the inception of this trail and it looks like it has already outgrown some of its capacity. Additional parking will be needed as will some other infrastructure elements as we proceed.

Please consider funding for this project.

Ulli Limpitlaw

Longs time resident of Greeley, CO.

September 29, 2022

Karen Scopel
City of Greeley
Natural Areas and Trails Division

Greetings,

I'm writing to support a proposal for a 59th Avenue trailhead on the Poudre River Trail.

I am a cyclist who rides primarily on the Poudre River Trail. I ride approximately 3,000 miles per year, about 90% on the Poudre River Trail. I know the trail very well and consider it to be a wonderful asset for the Greeley/Windsor area and the entire Northern Colorado region.

I live in reasonable proximity to the trail and can often ride to connect with a trailhead, however, there are times when I meet friends or there are sections of the trail closed that require parking at a trailhead. I ride past all of the PRTC trailheads numerous times a week.

My observation is that the trailheads are well used and at times can be crowded. As the population in the area grows, and with people seeking opportunities for fitness and a connection with nature, trail use has increased and will continue to increase.

Additional trailheads provide users with a place to park, restrooms, and trail information and way-finding signage. 59th Avenue has no direct trail access and is well located between the Dog Run Park and Signature Bluffs trailheads.

I support the construction of a new trailhead in the 59th Avenue area and to seek approval of a grant to plan and construct it. I'm interested in following the progress of this proposal.



You may contact me at:

Kirk Goble
970-371-7800
kirk@bell5.com

Hinderaker

September 30, 2022

Karen Scopel
Greeley Natural Areas and Trails
321 N 16th Ave.
Greeley, CO 80631

RE: Letter of Support for a new Poudre River Trailhead at 59th.

Dear Karen:

The purpose of this letter is to support the City of Greeley's grant application to plan and design a new trailhead at 59th Ave and the Poudre Trail.

As a regular trail user, I have experienced the growth of trail activity over the years. Existing trailheads along the Poudre Trail are regularly full. This is especially true between 71st Ave and 35th Ave., where activity has been amplified with the recent addition of nature trails and the popularity of the dog park. Adding a trailhead at 59th Ave. would not only relieve pressure on the existing trailheads, but will provide improved access to the Poudre Trail, the Sheep Draw Trail and the Sheep Draw Nature Trail for many people in our community.

Finally, I have participated in several volunteer projects along this section of the trail. The undeveloped sites under review have been an informal and convenient meeting place for the volunteers. Based on this experience I'm confident that further development of the sites will be well received and provide improved access to the trails in this area.

I hope you will be successful in this grant request. If I can assist in anyway, please feel free to ask. I can be reached at 970-371-0863 or by e-mail hinderaker@comcast.net.

Sincerely,

Bob Hinderaker

Bob Hinderaker
5414 W 27th Street
Greeley, CO 80634

September 29, 2022

To whom it may concern:

I walk the Poudre River Trail several times a week all year round. I have biked and walked the trail for over 20 years. Typically I park at the dog park or 71st Ave. 59th ave could use a parking lot as it is about a mile and a half from either lot. I believe the most pressing need is for traffic safety as cars occasionally park near the bridge or along the shoulder on F street.

Sincerely,
Erik Staub
3005 70th Ave

Council Agenda Summary

November 15, 2022

Key Staff Contact: Stacey Aurzada, Deputy City Attorney

Title:

Consideration of a Resolution of the City Council of the City of Greeley, Colorado, authorizing City staff to enter into a settlement and release agreement with Christina Wiles resolving all claims against the City of Greeley, its officers, and employees

Summary:

The plaintiff filed a charge of discrimination with the Colorado Civil Rights Division and the United States Equal Employment Opportunity Commission, alleging disability discrimination. The plaintiff also alleged violations of the Family Medical Leave Act. The City Attorney and legal counsel for the parties have reached a settlement agreement that will resolve all pending and potential claims. The settlement agreement is contingent upon approval of the City Council.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$65,000
What is the annual impact?	N/A
What fund of the City will provide Funding?	Claims Reserve Fund
What is the source of revenue within the fund?	Appropriated funds & interest as required by GMC §6-383
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

A settlement agreement with the claimant would resolve all associated claims against the City of Greeley, its officers, and employees as provided in Greeley Municipal Code §6-384(e).

Other Issues and Considerations:

None anticipated.

Strategic Work Program Item or Applicable Council Priority and Goal:

N/A

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

Release, Settlement and Non-Disclosure Agreement

**THE CITY OF GREELEY, COLORADO
RESOLUTION 42, 2022**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREELEY,
COLORADO AUTHORIZING CITY STAFF TO ENTER INTO A SETTLEMENT AND RELEASE
AGREEMENT WITH CHRISTINA WILES RESOLVING ALL CLAIMS AGAINST THE CITY OF
GREELEY, ITS OFFICERS, AND EMPLOYEES.**

WHEREAS, Christina Wiles filed a Charge of Discrimination with the Colorado Civil Rights Division and the United States Equal Employment Opportunity Commission, against the City of Greeley, alleging that as a result of discriminatory and retaliatory actions she suffered significant economic and emotional stress damages; and

WHEREAS, Ms. Wiles asserted additional potential claims against the City of Greeley; and

WHEREAS, the City of Greeley and Ms. Wiles have negotiated and reached an agreement resolving all issues related to the Charge of Discrimination and all additional potential claims; and

WHEREAS, the settlement agreement is fully contingent upon Council's approval pursuant to Section 6-384(b)(4) of the Greeley Municipal Code; and

WHEREAS, settlement of the claim will include the full release of all claims against the City of Greeley, its officers, and employees as required by Section 6-383(e) of the Greeley Municipal Code; and

WHEREAS, the City Attorney's Office believe it is in the best interests of the City of Greeley to approve a settlement of this litigation.

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

Section 1: City Council authorizes City staff members to sign a Mutual Release and Settlement Agreement with Christina Wiles, and legal counsel of record that resolves all issues associated with Charge of Discrimination and all additional potential claims, a form of which is attached as Exhibit A.

Section 2: The City Attorney is authorized to make changes to the Release and Settlement Agreement following review and approval by City Council if such changes do not change the substance of the agreement.

Section 3: This Resolution shall become effective immediately upon its passage.

PASSED, AND ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2022.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor John Gates

RELEASE, SETTLEMENT AND NON-DISCLOSURE AGREEMENT

This Release, Settlement and Non-Disclosure Agreement (hereinafter “Agreement”) is made by and between Christina Wiles (hereinafter referred to as “Employee”) and the City of Greeley, its assigns, employees, former employees, agents, elected officials, appointed officials, former elected and appointed officials, successors, predecessors, attorneys, insurance carriers and self-insurance pools (hereinafter referred to collectively as “Employer” and/or “City”).

For and in consideration of the mutual promises and covenants set forth below, the parties agree as follows:

WHEREAS, the Employee was a full-time employee of the Employer working in the capacity of a Marketing Coordinator I as of the date of her separation of employment from Employer; and

WHEREAS, the Employee separated employment from Employer on June 11, 2020.

WHEREAS, the Employee filed a Charge of Discrimination with the Colorado Civil Rights Division (hereinafter “CCRD”) and the United States Equal Employment Opportunity Commission (hereinafter “EEOC”), Charge No. 32A-2020-00771/E2100010093 (hereinafter “Charge”).

WHEREAS, the Employee asserted potential claims against Employer.

WHEREAS, Employee and Employer have agreed that this Agreement shall govern Employee’s separation from employment with Employer.

NOW, THEREFORE, in consideration of the mutual benefits and advantages hereinafter contained, and further in consideration of the mutual promises and covenants hereinafter more specifically set forth, the parties hereto do stipulate and agree as follows:

A. OBLIGATIONS OF EMPLOYEE

1. The Employee’s employment with City ended effective at 5:00 p.m. on June 11, 2020.
2. Employee has returned to the Employer any and all prox cards, keys, and equipment of the Employer that the Employee had in her possession. Employee affirms that she is in possession of no other property of the Employer.

3. Employee shall not, at any time, make any knowingly false statements or representations, or otherwise communicate, directly or indirectly, in writing, orally, or otherwise, or take any action which may, directly or indirectly, intentionally disparage City or any of its officers, directors, employees, advisors, businesses or reputations related in any manner to the issues and circumstances related to her employment. Notwithstanding the foregoing, nothing in this Agreement shall preclude Employee from making truthful statements that are required by applicable law, regulation or legal process, or from exercising any rights guaranteed under the First Amendment of the United States Constitution and under Article II, Section 10 of the Colorado Constitution. Nothing herein prohibits Employee from speaking openly with her spouse or medical/mental health providers.

4. In consideration of the obligations of Employer set forth below, Employee, including Employee's successors, agents, and estate, hereby releases Employer, its current and former officers, employees, elected and appointed officials, agents, insurance companies, and attorneys (hereinafter referred to as "Releasees") from any and all claims, causes of action, liabilities, expenses, and/or damages which Employee may have or may assert against Employer for any acts by Employer which occurred prior to the effective date of this Agreement, or omissions by Employer to perform acts which should have been performed prior to the effective date of this Agreement, including, without limiting the generality of the foregoing, any act or omission of Employer arising out of or relating to Employee's employment with the City, investigations during Employee's employment, and disciplinary action taken by Employer. Specifically, but not by way of limitation, this release includes claims under:
 - (a) Any federal, state or local law concerning employment, including but not limited to: the Constitution of the United States, Title VII of the Civil Rights Act of 1964, as amended, Age Discrimination in Employment Act ("ADEA") (29 U.S.C. 621 *et seq.*), as amended, Employee Retirement Income Security Act of 1974, Americans with Disabilities Act, Older Worker Benefit Protection Act, Civil Rights Acts of 1866, 1870, 1871 and 1991, Fair Labor Standards Act, Family and Medical Leave Act, Constitution of the State of Colorado, Colorado Anti-Discrimination Act, Workers' Compensation Act of Colorado, the Charter of the City of Greeley, and the Code of the City of Greeley;
 - (b) Claims based upon, relating to or arising out of the Employee's employment relationship with the City and/or the termination of that relationship;

- (c) Claims of constructive discharge, wrongful discharge, hostile work environment, retaliation, or discrimination of any kind including discrimination based on sex, gender, religion, race, ancestry, color, marital status, creed, age, sexual orientation, national origin, disability or disparate impact;
- (d) Claims of breach of contract, quasi contract, and promissory estoppel;
- (e) Claims based on the First Amendment to the United States Constitution and Article II, Section 10 of the Colorado Constitution; and
- (f) Claims for attorneys' fees, costs of suit, interest and the like.

Without limiting the generality of the foregoing, this Release and Agreement applies to all matters asserted, or which could have been asserted, up to the effective date of this Release and Settlement Agreement.

- 5. Employee agrees to request dismissal of the Charge by the EEOC and the CCRD. This provision shall not be construed as precluding Employee from testifying, assisting, or otherwise participating in any proceeding before any governmental agency on behalf of herself or any third party.
- 6. Notwithstanding the above and foregoing, nothing within this Agreement shall be construed as a release or waiver by the Employee of any claim, defense, right of indemnification or immunity arising pursuant to the provisions of the Colorado Governmental Immunity Act (C.R.S. § 24-10-101), as amended, and/or any other like or similar statutory or municipal provision or any other like or similar provision of law which may be available to Employee by reason of employment with the City in the event any person brings an action against Employee for any act or omission of Employee occurring within the course and scope of employment with the City.
- 7. Employee further warrants and represents that Employee has made no assignment and will make no assignment of the claims, demands, or causes of action released herein. Employee agrees not to file, re-file, or institute legal proceedings of any kind based upon, arising out of, or relating to any claim, demand, or cause of action released herein. In the event there is pending legal action in any federal, state or local court or governmental agency, commission, division or department, which was brought or initiated by the Employee against any or all of the aforementioned Releasees, Employee hereby agrees to cause each and every said action to be dismissed with prejudice immediately upon execution of this Agreement. Employee further agrees to indemnify and hold harmless all Releasees against any loss or any other liability whatsoever, including reasonable attorneys' fees and

costs, caused by any action or proceeding before any court or governmental agency, commission, division or department, whether federal, state or local, which is brought by Employee or her successors in interest, if such action or proceeding arises out of, is based upon, or is related to any of the claims, demands or causes of action released herein.

8. Employee does not waive any claims that cannot be waived as a matter of law, including any claims that may arise after the date of this Agreement. The parties agree that the consideration described herein is consideration to which they would not otherwise be entitled without signing this Agreement.
9. Employee acknowledges that she is relying solely upon the contents of this Agreement and is not relying on any other representations whatsoever of the Employer or other Releasees as an inducement to enter into this Agreement. The Employee further acknowledges the following:
 - a. That she has read and understands this Agreement; and
 - b. That she has been provided a full and ample opportunity to study it; and
 - c. That she has been advised to consult with an attorney prior to signing this Agreement; and
 - d. That she is signing it voluntarily with full knowledge that it is intended, to the maximum extent permitted by law, as a complete release and waiver of any and all claims; and

B. OBLIGATIONS OF EMPLOYER

1. Upon the approval of this agreement by the City Council of the City of Greeley, the City shall, as complete settlement of all claims and for the release set forth in Section A.4. of this Agreement, pay to the Employee the amount of Sixty-Five Thousand Dollars and No Cents (\$65,000.00).
 - (a) City shall pay Twenty-Six Thousand Dollars and No Cents (\$26,000.00) of this Sixty-Five Thousand Dollar amount to Livelihood Law, LLC, through mailing a check payable to Livelihood Law, LLC, to Kiron Kothari, Livelihood Law, LLC, 3401 Quebec Street, Suite 6009, Denver CO 80207. The City shall mail this payment no later than thirty (30) days after the City Council's approval of this Agreement.

- (a) City shall pay the remaining Thirty-Nine Thousand Dollars and No Cents (\$39,000.00) of this Sixty-Five Thousand Dollar amount to Christina Wiles as W-2 payment, through mailing a check payable to Christina Wiles to Kiron Kothari, Livelihood Law, LLC, 3401 Quebec Street, Suite 6009, Denver CO 80207. The City shall mail this payment no later than thirty (30) days after the City Council's approval of this Agreement. Employee understands that she is responsible for all taxes associated with this payment and appropriate taxes based on Employee's most recent W-4 will be withheld from this payment. No other withholdings will be made, and the Employee is not eligible for any benefits (including, but not limited to, PTO, health insurance, and retirement contributions) as the result of this payment.
 - (b) Employee and Livelihood Law, LLC, agree to provide Employer with a W-9 within 10 days of her execution of this agreement.
 - (c) The City will not make any deferred compensation payments based on this payment.
2. The payments to be made by the City under Section B.1. are intended to compensate the Employee for the release of all claims referred to throughout this Agreement, and for all other provisions of this Agreement.
3. Upon execution of this Agreement, Employer shall direct its supervisory and management personnel, to refrain from discussing the issues and circumstances of Employee's employment with any other person, agent, or entity. All inquiries made to any supervisory or management personnel concerning Employee's employment with the Employer shall be directed internally to the City's Human Resources Director, who shall respond in accordance with the terms and provisions of this Agreement. The Human Resources Director shall only release Employee's dates of employment, and job title(s) held while employed,. Also, in accordance with the terms of this Agreement, Employee agrees to direct any such inquiry of the City solely to the Human Resources Director at 970-350-9710 or via email at HR@greeleygov.com.
4. In the event Employee executes a waiver for the release of information to a prospective employer, Employer shall release only that information which is identified for release and disclosure in writing and with specificity by Employee. This provision does not affect the City's response to such disclosure if ordered by a Court of competent jurisdiction or if such disclosure is required by the Colorado Open Records Act.

C. GENERAL PROVISIONS

1. All parties have specifically taken into account that there may be a mistake of fact or law in regard to the nature or extent of claimed injuries, damages or losses. The parties are specifically taking into account those potential mistakes of fact or law in reaching this particular settlement. All parties acknowledge that there may be unknown injuries, damages or losses of which they are not aware. It is the intent of all parties hereto that Employee releases Employer from any and all claims, whether those claims or damages are now known or unknown.
2. The City denies that it has violated any of its policies or procedures, any federal or state laws, or any City Charter or Code provision, or any other regulations with respect to the Employee's employment or the termination thereof. The Employee and the City expressly acknowledge and agree that this Agreement, the terms of this Agreement and the negotiation of this Agreement are not to be construed as an admission on the part of the City or anyone released by this Agreement of any wrongdoing or liability whatsoever, or be admissible as evidence in any proceeding other than to enforce this Agreement.
3. The parties expressly recognize and agree that this Agreement, shall not be construed as an admission of any wrongful conduct or violation of any law by either party. Each party expressly denies any wrongful conduct or violation of any law on its part and also expressly denies any liability to the other party. This Agreement is intended for the purpose of settlement only and may not be used for any purposes other than those described herein.
4. Nothing contained in this Agreement shall be construed to release the Employer from payment of benefits, if any, the Employee may be entitled to receive now or in the future under any retirement or pension plan that Employee is a participant of pursuant to her employment with the Employer.
5. To the extent allowed by law, this Agreement, the specific terms and provisions hereof, and any facts relating to Employee's separation from employment shall be held strictly confidential and shall not be disclosed to any person not a party hereto. To the extent provided by law, the parties agree that neither they nor their attorneys or representatives shall reveal to anyone, other than as may be mutually agreed to in writing, any of the terms of the Agreement or any of the amounts, numbers or terms and conditions of any sums payable to Employee hereunder, except that either party may disclose the terms and conditions of this Agreement to any tax, financial or legal advisor.

6. That the parties hereto do further stipulate and agree as follows:
 - (a) That no promise, inducement or agreement has been offered, negotiated or accepted except as herein more specifically set forth, and this Agreement is not executed in reliance upon any statements or representations not contained herein;
 - (b) That each of the parties hereto is legally competent to execute this Agreement and accepts full responsibility therefore and has consulted with legal counsel;
 - (c) That the terms of this Agreement are contractual in nature and not mere recitals except to the extent this Agreement is required by law to be released;
 - (d) That the acceptance of the terms and conditions of the within Agreement are in accord and satisfaction of disputed matters relating to the employment relationship of the parties, and neither of the parties' acceptance of the within terms shall be construed in any way as an admission of guilt or liability on their part to the within Agreement;
 - (e) That each party has had the opportunity to cooperate in the drafting and preparation of this Agreement, and therefore the Agreement is not to be construed for or against one party based upon attribution of drafting;
 - (f) That each of the parties has executed this Agreement after carefully reading the contents hereof and signing the same in his or her or its free will and as a voluntary act without coercion or distress by any party or entity whatsoever; and
 - (g) That this Agreement is binding upon the parties individually and their respective heirs, devisees, agents, employees, personal representatives, administrators, attorneys, guardians, conservators, trustees, fiduciaries, grantees, donees, successors, and assigns.
7. In the event of breach or threatened breach by Employee of any of the provisions of this Agreement, Employee hereby agrees that the City shall be entitled to seek, in addition to other available remedies, a temporary or permanent injunction or other equitable relief against such breach or threatened breach from any court of competent jurisdiction.

8. This Agreement contains the entire understanding of the parties hereto with respect to its subject matter and supersedes all prior oral and written understandings and agreements between the parties. Any modification to this Agreement must be made in writing and signed by both parties. This Agreement shall also be binding upon and inure to the benefit of the successors and assigns of City and to the heirs, personal representatives, successors and assigns of Employee.
9. This Agreement shall be construed and enforced in accordance with the laws of the State of Colorado. Any action brought under it to enforce this Agreement must be filed in the Nineteenth Judicial District for Weld County in the State of Colorado or in the District Court for the District of Colorado.
10. If any one or more of the provisions of this Agreement are found to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby. Further, any provision found to be invalid, illegal or unenforceable shall be deemed, without further action on the part of the parties hereto, to be modified, amended and/or limited to the extent necessary to render such provisions valid and enforceable.
11. That the terms and provisions of the within Agreement shall be maintained by the parties in strictest confidence and shall be subject to those limitations as more specifically set forth herein.
12. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document. This Agreement may be executed and delivered by electronic signature by any of the parties and all parties consent to the use of electronic signatures.

THE ONLY PROMISES MADE TO CAUSE EMPLOYEE TO SIGN THIS AGREEMENT ARE THOSE STATED IN THIS AGREEMENT. EMPLOYEE ACKNOWLEDGES THAT EMPLOYER HAS ADVISED HER TO CONSULT WITH AN ATTORNEY PRIOR TO SIGNING THIS AGREEMENT.

EMPLOYEE AFFIRMS THAT THIS AGREEMENT HAS BEEN FULLY EXPLAINED BY EMPLOYEE'S ATTORNEY(S).

IN WITNESS WHEREOF, the parties hereto have executed this Release, Settlement and Non-Disclosure Agreement and Release as of the date written below and agree to and accept the terms set forth herein.

Employee:

11 / 03 / 2022

DATE



Christina Wiles
Employee

APPROVED AS TO FORM:

By: 
Kiron Kothari
Livelihood Law, LLC

Employer:

CITY OF GREELEY, COLORADO

APPROVED AS TO SUBSTANCE:

By: _____
Raymond Lee
City Manager

APPROVED AS TO FUNDS AVAILABILITY:

By: _____
John Karner
Director of Finance

APPROVED AS TO LEGAL FORM:

By: _____
Stacey Aurzada
Deputy City Attorney

TITLE	Livelihood Law LLC has sent you a document to review and...
FILE NAME	22.11.03 Wiles Settlement Agreement.pdf
DOCUMENT ID	f1c45edb5dc6a74859b858a29c02dc3e549ad6d0
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Signed

This document was requested on app.practicepanther.com and signed on app.practicepanther.com

Document History



SENT

11 / 03 / 2022

17:02:05 UTC

Sent for signature to Wiles, Christina

(wileschristina@gmail.com) from wileschristina@gmail.com

IP: 65.114.206.226



VIEWED

11 / 03 / 2022

17:40:49 UTC

Viewed by Wiles, Christina (wileschristina@gmail.com)

IP: 75.71.137.52



SIGNED

11 / 03 / 2022

17:41:10 UTC

Signed by Wiles, Christina (wileschristina@gmail.com)

IP: 75.71.137.52



COMPLETED

11 / 03 / 2022

17:41:10 UTC

The document has been completed.

Council Agenda Summary

November 15, 2022

Key Staff Contact: John Karner, Finance Director

Title:

Introduction and first 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 2022 and for funds held in reserve for encumbrances through December 31, 2021

Summary:

This is the fourth supplemental appropriation ordinance modifying the 2022 budget. This appropriation ensures that existing commitments in progress at 2021 year-end can be completed in 2022, 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?	\$34,055,361										
What is the annual impact?	\$34,055,361										
What fund of the City will provide Funding?	See Ordinance										
What is the source of revenue within the fund?	Fund Balance, Grants, Expense Reimbursement, Sales & Use Taxes Registration Fees, Royalties, Cash in Lieu, Insurance Recoveries, Private Donations & Bond Proceeds.										
Is there grant funding for this item?	Yes										
If yes, does this grant require a match?	Yes, Items 1, 6, 15, 28, 36, 37										
Is this grant onetime or ongoing?	Onetime										
Additional Comments:	<p>Total appropriations made by this ordinance, excluding transfers, are \$34,055,361. The following funding sources will be used to cover the appropriations made by this ordinance.</p> <table border="1"> <thead> <tr> <th></th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Fund Balance: Capital</td> <td>\$ 8,419,252</td> </tr> <tr> <td>Fund Balance: Operating</td> <td>6,329,131</td> </tr> <tr> <td>New Resources</td> <td>19,306,978</td> </tr> <tr> <td>Total (Excluding Transfers)</td> <td>\$ 34,055,361</td> </tr> </tbody> </table>		Total	Fund Balance: Capital	\$ 8,419,252	Fund Balance: Operating	6,329,131	New Resources	19,306,978	Total (Excluding Transfers)	\$ 34,055,361
	Total										
Fund Balance: Capital	\$ 8,419,252										
Fund Balance: Operating	6,329,131										
New Resources	19,306,978										
Total (Excluding Transfers)	\$ 34,055,361										

Legal Issues:

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

Other Issues and Considerations:

Strategic Work Program Item or Applicable Council Priority and Goal:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

Safety: Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors.

Economic Health & Development: Foster and maintain public and private investment in business development.

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

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for December 6, 2022.

Attachments:

Ordinance
Detail Supporting Schedule

**THE CITY OF GREELEY
ORDINANCE NO. _____, 2022**

**AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND
LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2022 AND
FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2021.**

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2022 fiscal year, and

WHEREAS, the revenues received in the City of Greeley in 2021, exceeded the amount of revenues estimated in the 2021 Budget by more than the total amount of the expenditures in the same year;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY 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 2022 budget and amounts held in fund balance reserves from 2021, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2022:

Fund	Amount	Transfers	Total
100 GENERAL FUND	\$ 2,236,671	\$ 140,000	\$ 2,376,671
103 HUD GRANTS FUND	1,062,930	-	1,062,930
104 STREETS AND ROADS FUND	147,895	-	147,895
106 SALES AND USE TAX FUND	13,050,000	-	13,050,000
112 NEHR GRANTS FUND	264,645	-	264,645
122 CABLE FRANCHISE PEG FUNDS	15,391	-	15,391
123 CASH IN LIEU OF LANDSCAPING	-	17,981	17,981
125 Poudre River Trail	150,000	-	150,000
143 COMMUNITY MEMORIALS	-	1,750	1,750
301 PUBLIC IMPROVEMENT	(2,350,000)	-	(2,350,000)
303 PUBLIC ART	91,250	-	91,250
304 FOOD TAX	24,257	-	24,257
306 FIRE EQUIPMENT ACQUISITION/REPLACEMENT	2,030,446	-	2,030,446
318 QUALITY OF LIFE	1,256,080	-	1,256,080
334 ROAD DEVELOPMENT	6,145,000	-	6,145,000
336 TRAILS DEVELOPMENT	458,000	-	458,000
414 SEWER DEBT SERVICE	1,795,793	-	1,795,793
425 WATER DEBT SERVICE	3,327,990	-	3,327,990
432 STORMWATER CONSTRUCTION	2,681,059	-	2,681,059
433 STORMWATER CAPITAL REPLACEMENT	53,987	-	53,987
434 STORMWATER DEBT SERVICE	1,399,789	-	1,399,789
502 LIABILITY	-	134,435	134,435
511 EQUIPMENT MAINTENANCE OPERATIONS	36,000	-	36,000
512 FLEET REPLACEMENT	164,178	-	164,178
513 EQUIPMENT REPLACEMENT	14,000	-	14,000
Grand Total	\$ 34,055,361	\$ 294,166	\$ 34,349,527

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 become effective five (5) days after its final publication as is provided by Section 3-16 of the Greeley Charter,

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____, 2022.

ATTEST:

THE CITY OF GREELEY

City Clerk

BY _____
Mayor



City of Greeley

2022 Appropriation - 4

City Council Meetings: November 15th & December 6th

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
100 - GENERAL FUND							
	1	Grant	History Colorado awarded an \$18,000 grant to the City of Greeley to hire a consultant to conduct a historic resource reconnaissance survey of 72 properties in the area bounded by 14th and 16th Streets and 10th and 12th Avenues. The City has a \$750 cash match that will be funded by existing budget in Community Development.	-	18,000	18,000	-
	2	Royalties	This appropriation request will use oil royalties to fund the continuous operations of the United Way Shelter. \$109,000 will be given to United Way to keep the day & overnight shelter open continuously from November of 2022 to April of 2023.	-	109,000	109,000	-
	3	Royalties	This appropriation request will fund the first year of the Housing First Team. Oil royalties will be used to support the staff and necessary equipment for fiscal year 2023.	-	1,048,610	1,048,610	-
	4	Operating Transfer: REVENUE FROM CASH IN LIEU OF LANDSCAPING & MEMORIALS.	This request will appropriate reimbursements for expenditures and cash in lieu related to the Share the Shade program, tree removals, and traffic control. \$1,750 will be transferred from the Community Memorials Fund & \$17,981 will be transferred from the Cash in Lieu of Landscaping Fund to the General Fund. The remaining \$13,339 are expense reimbursements by contractors for work paid for by the City.	-	33,070	33,070	-
	5	Grant	The City of Greeley received a grant for \$12,500 from the Colorado Department of Local Affairs (DOLA). This grant was provided to the City of Greeley for the recruitment and retention of lifeguards and aquatics staff that worked this summer at Discovery Bay and Centennial Swimming pools.	-	12,500	12,500	-
	6	Grant	The Natural Areas & Trails (NAT) division was awarded funding through a grant from Great Outdoors Colorado (GOCO) in March of 2022 to fund the majority of a two-year Fellowship position to support NAT in its operations and develop natural resource professionals in the early stages of their career. The grant, totaling \$143,000, is to fund the salary and benefits/overhead of the Fellow position, with up to 75% of the total award available from GOCO at the execution of the grant, with the final 25% payable upon the completion of the project (\$32,000 for 2022, \$69,000 for 2023, and \$42,000 in 2024). The funding for this position will be provided largely from the GOCO grant, with the remaining position costs funded out of the existing Natural Areas & Trails operation budget.	-	143,000	143,000	-
	7	Royalties	This appropriation request will use oil royalties to fund the purchase and installation of gates at the 8th Street Art Walkway that is privately owned but subject to an easement.	-	58,000	58,000	-
	8	Expense Reimbursement	Greeley Fire provides UC Health with two-way security authentication tokens and NetMotion Licenses. Greeley Fire's new partnership with UCHealth ambulance via contract requires UCHealth personnel and computers to have access to the Computer Aided Dispatch (CAD) for emergency response. This is a reimbursement for unexpected expenses to cover these items until UC Health has its own account with the communications center.	-	40,000	40,000	-
	9	Grant / Private Donation / Expense Reimbursement	This request is to appropriate all remaining 2022 grants (\$27,187), private donations (\$43,500), & expense reimbursements (\$183,521) for the Fire department. These funds were essential to the department in continuing operations & services to the community. Key highlighted items include \$120,000 that was reimbursed for providing lead & assistance instructors for the Front Range Fire Consortium Academy, \$20,000 from PDC Energy for the purchase of helmets, \$18,989 for deployment reimbursements for responding to Hurricane Ian & wildfires in Larimer County, and \$9,250 from the Firefighter Heart & Circulation Trust grant for physicals. The remaining grants, private donations, and expense reimbursements total \$85,969.	-	254,208	254,208	-
	10	Grant / Expense Reimbursement	This request is to appropriate all remaining 2022 grants (\$445,783) & expense reimbursements (\$39,500) for the Police department. As with the Fire Department, these funds were essential to the department in continuing operations & services to the community. Key highlighted items include \$135,000 from the Justice Assistance COVID Grant (JAG) which helped pay for safety equipment & personal protective equipment. \$108,300 will be received from the Victims of Crimes Act (VOCA) to pay for employees, equipment, and supplies for coordinators & volunteers. Another major grant was received from the High-Intensity Drug Trafficking Award (HIGTA) for investigations personnel, overtime, building, and vehicles leases in conjunction with the drug task force. The remaining grants & expense reimbursements total \$137,183.	-	485,283	485,283	-
	11	Royalties	This request is to appropriate oil royalties for the contractual increase for shelter and services provided by the Weld County Humane Society. The contract increases the per capita amount from \$3.3 to \$4.	-	35,000	35,000	-
100 - GENERAL FUND				-	2,236,671	2,236,671	-

Fund	Item	Description	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 15.						
103 - HUD GRANTS FUND						
12	Grant / Fund Balance	This request is to reappropriate prior year grant funding and program income for Community Development Block Grant projects. \$569,385 will be appropriated from the HUD Grants fund, while \$179,265 in federal funds will be appropriated.	569,385	179,265	748,650	-
13	Grant	This request is to reappropriate prior year grant funding for HOME (HOME Investment Partnerships Program) grant projects.	-	191,780	191,780	-
14	Grant	This request will reappropriate prior year grant funding received from the Community Development Block grant for coronavirus related projects.	-	122,500	122,500	-
103 - HUD GRANTS FUND			569,385	493,545	1,062,930	-
104 - STREETS AND ROADS FUND						
15	Grant	This request will fund one of Council's initiatives for a Waste Diversion & Characterization study. The approval of this request will facilitate the use of \$147,850 in grant funding to accomplish this project. Paired with the grant funding, the City will use \$19,650 in existing budget for this effort. The completion of these two related studies will not only provide a better understanding of what residents of Greeley are disposing, but also to provide potential policy options for City Council moving forward.	-	147,895	147,895	-
104 - STREETS AND ROADS FUND			-	147,895	147,895	-
106 - SALES AND USE TAX FUND						
16	Sales & Use Tax	Growth rates from sales and use tax collections have exceeded the original budget as was presented during the 2023 Budget. For accounting and appropriation requirements, estimated additional sales & use tax revenues are appropriated for 2022 to fund the adopted 2023 budget.	-	13,050,000	13,050,000	-
106 - SALES AND USE TAX FUND			-	13,050,000	13,050,000	-
112 - NEAHR GRANTS FUND						
17	Grant	This request will ensure that the City of Greeley can accurately report all grant revenues and expenditures to the State of Colorado. Any unspent funds in 2018, 2019, & 2020 will be reappropriated. Because the Northeast Colorado All Hazards region grant is a reimbursement, no funds will be received until the funds are spent on eligible projects and a request is submitted to the State of Colorado.	-	264,645	264,645	-
112 - NEAHR GRANTS FUND			-	264,645	264,645	-
122 - CABLE FRANCHISE PEG FUNDS						
18	Fund Balance	Weld School District 6, as a Designated Access provider, filed an application with the city requesting Public, Educational, and Government Access (PEG) Grant funds for the purpose of purchasing equipment to support their video divisions for providing local content associated with the educational programming for Channel 16. This content is consistent with the expectations of the city's cable franchise agreement.	15,391	-	15,391	-
122 - CABLE FRANCHISE PEG FUNDS			15,391	-	15,391	-
125 - POUUDRE RIVER TRAIL						
19	Fund Balance	This request is to appropriate funds that will close out the Poudre River Trail fund at the City of Greeley to align with the amended and restated intergovernmental agreement that was implemented on November 22, 2021 for the Poudre River Trail Corridor.	150,000	-	150,000	-
125 - POUUDRE RIVER TRAIL			150,000	-	150,000	-
301 - PUBLIC IMPROVEMENT						
20	Operating Transfer: GENERAL FUND	This request will use oil royalties to support the infrastructure construction for the Hope Springs contract. The City match for this project is \$140,000.	-	140,000	140,000	-
21	Expense Reimbursement	This request will appropriate additional funding from the Greeley Urban Renewal Authority (GURA) for new sidewalks. \$783,214 was received, but only \$773,214 was included in the budget.	-	10,000	10,000	-
22	Fund Balance	This request is to appropriate funds for the 16th Street Enhancement project out of the Public Improvement Fund (301) and into the Road Development Fund (334).	-	(2,500,000)	(2,500,000)	-
301 - PUBLIC IMPROVEMENT			-	(2,350,000)	(2,350,000)	-

Fund	Item	Description	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 15.						
303 - PUBLIC ART						
23	Fund Balance	After the 2022 budget had been approved, the Greeley Recreation Manager put in a request for the Art Commission to add a mural to the Family Funplex pool area as it is shut down for other pool maintenance/play installation in September 2022. The Art Commission agreed that the timing is ideal for all parties involved since painting a mural will greatly benefit from having low humidity in the room at the time and being closed to the public. The funding requested for this project to be added to the existing Paint the Town budget is \$33,250; this includes \$25,000 for the artist and all supporting costs for project management and contingency, etc. from the 303 1% for Art fund balance.	33,250	-	33,250	-
24	Fund Balance	The Art Commission has recommended to staff that additional funding be appropriated for 12th Street Outfall Art to reflect the total amount added to the 303 1% fund generated from phases 1A and 1B of the stormwater project, 12 St. Outfall project. When the new art project was originally planned and budgeted for, the total amount generated was not yet known. The Art Commission would like to honor stormwater contributions by installing the most impactful art that will be more visible to the public. A change order will need to be attached to the artists contract during the 2022 design phase of the project. The Art Commission recommends allocating additional funds in the amount of \$58,000 that will include an additional \$45,000 for a more substantial work of art to be installed at the proposed stormwater holding pond near 12th Street and 2nd Avenue in the Sunrise neighborhood. It also includes the supporting costs for project management and contingency. Additional project funds would come from the 303 1% for Art fund balance, the remaining fund balance would be within the guidelines for maintenance reserves.	58,000	-	58,000	-
303 - PUBLIC ART			91,250	-	91,250	-
304 - FOOD TAX						
25	Operating Transfer: LIABILITY	This appropriation will cover \$24,257 in roof panel damages at the Salt Shed from high winds. This amount will be moved from the Liability fund to the Food Tax Fund.	-	24,257	24,257	-
304 - FOOD TAX			-	24,257	24,257	-
306 - FIRE EQUIPMENT ACQUISITION/REPLACEMENT						
26	Fund Balance	As part of the Fire Department Fire Apparatus Capital Replacement plan, Ladder 1 is scheduled for replacement in 2025. Supply chain issues and a backlog in the fire apparatus manufacturing industry has created a 38-month delivery time from the order date on all fire engines and ladder trucks. Finance, Fleet, Purchasing, and Fire leadership are concerned with delaying the order of this front-line apparatus and the associated maintenance cost of keeping the current ladder in service for additional years. Approving this appropriation allows the City to create an order by the end of 2022. Delivery and payment for the apparatus would still be one year later than planned in 2026.	2,030,446	-	2,030,446	-
306 - FIRE EQUIPMENT ACQUISITION/REPLACEMENT			2,030,446	-	2,030,446	-
318 - QUALITY OF LIFE						
27	Grant	The City was awarded a grant from Poudre Heritage Alliance, a non-profit organization, to help fund the trailhead interpretive sign. Construction of the new Island Grove Trailhead occurred in 2021. The remaining item is the new trailhead sign that will be installed at the kiosk. The sign is in the final draft stage with fabrication and installation scheduled for summer 2022. Funds are in the original budget, however, we were able to secure additional funding through a grant from a partnering organization which will allow existing funds to be available for additional Poudre River Corridor work.	-	6,080	6,080	-
28	Grant	The City was awarded a \$1.25 million Land and Water Conservation Fund (LWCF) grant in late 2021, for the acquisition of the Shurview property which the Trust for Public Land and the City closed on in March 2022 for a total purchase price of \$8.5 million. The federal LWCF funds are managed by the Colorado Parks and Wildlife agency, and Natural Areas & Trails (NAT) staff coordinate regularly on the status of the LWCF grant in the federal process. These funds will be applied to the Shurview property purchase when they are received.	-	1,250,000	1,250,000	-
318 - QUALITY OF LIFE			-	1,256,080	1,256,080	-

Fund	Item	Description	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 15.						
334 - ROAD DEVELOPMENT						
29	Fund Balance	\$200,000 is needed to complete the design for the 16th Street Enhancement project which will be funded by Road Development fund balance. This item is related to request #24, which will also appropriate \$2.5 Million that was originally allocated in the Public Improvement Fund (301) to Road Development (334).	700,000	2,000,000	2,700,000	-
30	Fund Balance	Project will redesign the intersection at 23rd Ave and 4th St to remove the skewed intersection. Work will be performed in conjunction with the replacement of the 5th St. bridge over No. 3 Ditch. A CDOT grant of \$800,000 is available for the 5th St. bridge replacement. 5th St will be overlaid in 2023 and this project is a logical next project to improve transportation infrastructure and provide safer access to the school and neighborhood. This request is for an appropriation of \$200,000 to start the concept/scope design process. This new appropriation is required to maintain the project schedule.	200,000	-	200,000	-
31	Fund Balance	The City will be hiring a qualified consulting firm and/or team (Professional) to provide the City with engineering design, defining right-of-way (ROW) impacts, obtaining local, State and Federal clearances, stakeholder and utility coordination for the US 34/WCR 17 Intersection Improvement Project. The Intersection improvement design concept is a Continuous Flow Intersection. All work associated with the project must be in accordance with CDOT Standards and Specifications, with room for innovative design solutions. All plans must be prepared in CDOT format, and specifications must be written in the format of the latest CDOT Standard Specifications for Road and Bridge Construction. The project will be bid and led by the City.	2,000,000	-	2,000,000	-
32	Fund Balance	Downtown Improvements project involves three projects in the overall Downtown Corridor focused on managing downtown as a vibrant corridor for entertainment and people: (1) Planning efforts along 8th Ave/BUS 85 from 24th Street to US 85 Interchange (North) to bring a human scale to the street; (2) Improvements along 11th Street from UPPR to 9th Street to expand sidewalks, landscape, and lighting for an improved pedestrian mobility and accessibility; (3) Rehabilitation of the Alley south of 11th Street from 7th to 8th Avenues. This neighbors the new 55+ Apartment building and needs to be rehabilitated to match the overall addition of the 55+ Apartment building and surrounding area.	1,245,000	-	1,245,000	-
334 - ROAD DEVELOPMENT			4,145,000	2,000,000	6,145,000	-
336 - TRAILS DEVELOPMENT						
33	Fund Balance	The Broadview Acres Phases 2 and 3 construction has gone through an RFP process. The low bid for the project -- including the construction of the 0.7 mi of trail, and the desired add alternative 3 item to include a HAWK signal across 4th St to ensure safe access to Madison Elementary for students, is \$821,789. The current appropriated amount for the project in the 2023 budget in the Trails Development Fund (336) for this project is \$774,840. With the preferred add alternative 3 included in the project, in addition to project management (\$80,000), additional design and testing services (\$53,000), public art (\$4,000), and additional construction and contingency costs (\$321,000), the final project is projected to need \$1,232,840 to fully fund the project. Above the currently appropriated \$774,840, an additional \$458,000 needs to be appropriated from the Trails Development fund. The funding of this project comes from revenues from the Trails Development Fund, a \$300k grant from CDOT from the Multi-Modal Opportunities Fund (MMOF) grant program, and a \$25,000 contribution from the Poudre River Trail Corridor (PRTC), Inc. non-profit. The MMOF grant award and PRTC contribution have already been appropriated in past cycles.	458,000	-	458,000	-
336 - TRAILS DEVELOPMENT			458,000	-	458,000	-
414 - SEWER DEBT SERVICE						
34	Bond Proceeds / Fund Balance	This appropriation request will allocate sewer debt issuance costs & debt payments for 2022.	1,509,446	286,347	1,795,793	-
414 - SEWER DEBT SERVICE			1,509,446	286,347	1,795,793	-
425 - WATER DEBT SERVICE						
35	Bond Proceeds / Fund Balance	This appropriation request will allocate water debt issuance costs & debt payments for 2022.	2,980,604	347,386	3,327,990	-
425 - WATER DEBT SERVICE			2,980,604	347,386	3,327,990	-

Fund	Item	Description	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 15.						
432 - STORMWATER CONSTRUCTION						
36	Fund Balance	This request is to appropriate \$1,681,059 in fund balance for the 12th Street Storm Outfall Phase 4. These funds are currently budgeted in 2025 but we would like this project to be forwarded to 2023. The Stormwater Management Division was also awarded \$1,000,000 from the Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure in Communities (BRIC) program through the Capacity and Capability Building (C- and CB) scoping and planning activity. This grant is allocated to scoping, planning and design of the 12th Street Storm Outfall Phases 2-4 and positions the City favorably for being competitive for a sizeable FEMA construction grant. The application for the construction grant must be for Phases 2-4 and will be due in late 2023. Consequently, the City will need to complete design to a 50% level of Phases 2-4 by the end of 2023. The Division is proposing to appropriate funds from 2025 to 2023 to help facilitate this approach. Construction is still scheduled for 2026 for Phase 4 due to construction time of Phases 2 and 3.	1,681,059	1,000,000	2,681,059	-
432 - STORMWATER CONSTRUCTION			1,681,059	1,000,000	2,681,059	-
433 - STORMWATER CAPITAL REPLACEMENT						
37	Grant / Fund Balance	This appropriation request will utilize \$40,490 from the Federal Emergency Management Agency (FEMA). The subaward has a 75% (maximum) federal and 25% (minimum) non-federal cost share percentage. The City has a match amount of \$13,497 which will be provided by Stormwater fund balance. These dollars will be used to install 10 rain gauges and two weather stations in and around Greeley's Downtown Drainage Basin. These devices will not only enhance our response and preparedness for large rain events (like we experienced in July of 2021), but will also dramatically improve the data collection and improve future modeling for engineering purposes.	13,497	40,490	53,987	-
433 - STORMWATER CAPITAL REPLACEMENT			13,497	40,490	53,987	-
434 - STORMWATER DEBT SERVICE						
38	Bond Proceeds / Fund Balance	This appropriation request will allocate stormwater debt issuance costs & debt payments for 2022.	1,069,305	330,484	1,399,789	-
434 - STORMWATER DEBT SERVICE			1,069,305	330,484	1,399,789	-
511 - EQUIPMENT MAINTENANCE OPERATIONS						
39	Operating Transfer: LIABILITY	This request will appropriate insurance recovery funds to repair and maintain police vehicles & equipment. Funding will be moved from the Liability fund to the Fleet Maintenance fund.	-	36,000	36,000	-
511 - EQUIPMENT MAINTENANCE OPERATIONS			-	36,000	36,000	-
512 - FLEET REPLACEMENT						
40	Operating Transfer: LIABILITY	One City utility vehicle was stolen from the Linn Grove Cemetery. This appropriation request will ensure that the City receives a replacement. Funding will be shifted from the Liability Fund to the Fleet Replacement Fund.	-	35,000	35,000	-
41	Vehicle Sale to Other Department	This appropriation request will move funding in the Natural Areas & Trails budget to the Fleet budget for the purchase of a vehicle for the Restoration Specialist position.	-	90,000	90,000	-
42	Operating Transfer: LIABILITY	Two City vehicles were considered a total loss that were both caused by non-city staff. This appropriation will ensure that the City receives replacements. Funding will be shifted from the Liability Fund to the Fleet Replacement Fund.	-	39,178	39,178	-
512 - FLEET REPLACEMENT			-	164,178	164,178	-
513 - EQUIPMENT REPLACEMENT						
43	Equipment Sale to Other Department	This appropriation request will move funding in the Natural Areas & Trails budget to the Equipment budget for the purchase of equipment for the Restoration Specialist position.	-	14,000	14,000	-
513 - EQUIPMENT REPLACEMENT			-	14,000	14,000	-

Fund	Item	Description	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 15.						
TOTAL (Less Additional Operating Expenditures Between Funds)			14,713,383	19,341,978	34,055,361	-
OPERATING TRANSFERS						
4	Grant	Forestry Program Reimbursement Operating Transfer CASH IN LIEU OF LANDSCAPING to GENERAL FUND (\$17,981) COMMUNITY MEMORIALS TO GENERAL FUND (\$1,750)	-	19,731	19,731	-
20	Royalties	Hope Springs Contract Operating Transfer of Royalties GENERAL FUND to PUBLIC IMPROVEMENT	-	140,000	140,000	-
25	Insurance Recoveries	Salt Shed Repair from High Winds Operating Transfer of Insurance Recoveries LIABILITY to FOOD TAX	-	24,257	24,257	-
39	Insurance Recoveries	Police Cruiser Repair Operating Transfer of Insurance Recoveries LIABILITY to EQUIPMENT MAINTENANCE OPERATIONS	-	36,000	36,000	-
40	Fund Balance	Stolen Utility Vehicle Replacement Operating Transfer of Fund Balance LIABILITY to FLEET REPLACEMENT	35,000	-	35,000	-
42	Insurance Recoveries	Total Loss Vehicle Reimbursement Operating Transfer of Insurance Recoveries LIABILITY to FLEET REPLACEMENT	-	39,178	39,178	-
			35,000	259,166	294,166	-
			14,748,383	19,601,144	34,349,527	-

Council Agenda Summary

November 15, 2022

Key Staff Contact: John Karner, Finance Director

Title:

Introduction and First Reading of an Ordinance Amending Sections 6-998, 6-1000, 6-1002 through 6-1009, 6-1013 and 6-1015 the City of Greeley Municipal Code of Ordinances Relating to Development Impact Fees

Summary:

In 2020 the City contracted with Rafftelis Consulting to update its development impact fee schedule (2020 Development Impact Fee Study) in accordance with the Greeley Municipal Code requirement to review development fees every five years. Following presentation of that update in fall of 2020, however, City Council elected to suspend adoption of the study's fee recommendations, defaulting to a development fee schedule created in 2014.

The continuation of fees at 2014 levels and unexpected level of new growth experienced over the past two years has combined to create an expanding funding gap between the fees collected and capital projects that can be constructed to support growth-related improvements. To mitigate this growing funding gap staff have proposed revisiting the 2020 Development Impact Fee Study and adopting the study's recommended fees that were calculated to ensure the City is able to recover the cost of new or enhanced infrastructure needed to support development growth in Greeley.

The proposed ordinance replaces the current development fees with those recommended in the 2020 Development Impact Fee Study, aged two years using the economic adjustment factor.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	N/A
What fund of the City will provide Funding?	N/A
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	No
If yes, does this grant require a match?	N/A
Is this grant onetime or ongoing?	N/A
Additional Comments:	The proposed fee increase will result in an estimated additional \$4.5 Million in annual development fee revenue on average over the next five years. The estimated average annual amount by type of facility is as follows: - Parks Development: \$1,410,000

	<ul style="list-style-type: none">- Trails Development: \$240,000- Police Development: \$110,000- Fire Development: \$60,000- Transportation Development: \$2,540,000- Storm Drainage Development: \$140,000
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Legal Issues:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

N/A

Strategic Work Program Item or Applicable Council Priority and Goal:

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

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for December 6, 2022.

Attachments:

- Ordinance
- Appendix A

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 46, 2022**

**AN ORDINANCE OF THE CITY OF GREELEY AMENDING SECTIONS 6-998, 6-1000,
6- 1002 THROUGH 6-1009, 6-1013 AND 6-1015 OF THE CITY OF GREELEY
CODE OF ORDINANCES**

WHEREAS, in November 2020 a Development Impact Fee Study was prepared by Raftelis Financial Consultants, Inc. ("Raftelis Study"), setting forth a reasonable methodology and analysis for determining the impact of various types of development on City's improvements, facilities, and equipment, and estimating the cost of improvements, facilities and equipment necessary to meet the demands created by new development; and

WHEREAS, the Greeley City Council decided not to adopt the Raftelis Study as documented in Resolution 6, 2021; and

WHEREAS, the protection of the health, safety, and general welfare of the citizens of the City requires that the City's improvements, facilities, and equipment accommodate continuing growth within the City, and that new development pays its equitable share of these new improvements, facilities, and equipment; and

WHEREAS, in addition to reviews done in 2020, the Raftelis Study has been reviewed in 2022 with interested community builders, developers, bankers, and real estate professionals; and

WHEREAS, the City of Greeley intends to amend the Greeley Municipal Code to incorporate recommended changes to development fees based on the Raftelis Study.

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

Section 1. Sections 6-998, 6-1000, 6-1002 through 6-1009, 6-1013 and 6-1015 of the Greeley Municipal Code are hereby amended as shown on Appendix A attached hereto and incorporated herein by reference.

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 ON THIS ___ DAY OF _____,
2022.**

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor John Gates

Sec. 6-998. Legislative findings.

The city council finds that:

- (1) The protection of the health, safety and general welfare of the citizens of the city requires that the city's improvements, facilities and equipment be expanded and improved to accommodate continuing growth within the city.
- (2) New residential and nonresidential development imposes increasing demands upon existing city improvements, facilities and equipment and often overburdens those improvements, facilities and equipment.
- (3) The tax revenues generated from new development do not generate sufficient funds to provide city facilities and equipment to serve the new development.
- (4) New development is expected to continue and will place increasing demands on the city to provide services, facilities and equipment to serve new development.
- (5) Development impact fees will enable the city to impose the proportionate share of the costs of required improvements, facilities and equipment on those new developments that create these new needs.
- (6) All types of development that are not explicitly exempted from the provisions of this chapter will generate demand for improvements, facilities and equipment.
- (7) The Development Impact Fee Study, prepared by ~~Duncan Associates~~ Raftelis, dated ~~December 2014~~ November 2020 (hereinafter referred to as the Duncan Raftelis Study), sets forth a reasonable methodology and analysis for determining the impact of various types of development on the city's improvements, facilities and equipment and for determining the cost of improvements, facilities and equipment necessary to meet the demands created by new development. The ~~Duncan~~ Raftelis Study provides the basis for the police, fire, parks, trails, storm drainage and transportation impact fees.
- ~~(8) The Development Fee Study prepared by Red Oak Consulting, dated May 2007 (hereinafter referred to as the Red Oak Study), sets forth a reasonable methodology and analysis for determining the impact of various types of development on the city's storm drainage facilities and for determining the cost of improvements, facilities and equipment necessary to meet the demands created by new development. The Red Oak Study provides the basis for the storm drainage fees.~~
- (8) Due to the delay between completion of the Raftelis Study and adoption by the City Council, the fees adopted herein have been adjusted from those set forth in the Raftelis Study by application of the Economic Adjustment Factor.
- (9) The development impact fees described in this chapter do not exceed the costs of providing additional improvements, facilities and equipment required to serve those new developments.

- (10) The improvements, facilities and equipment will benefit new development in the city, and it is therefore appropriate to treat the entire city as a single service area for the purposes of calculating, collecting and spending the development fees.
- (11) There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this chapter and the development impact fees that development will be required to pay.
- (12) Except as described in section 6-1002(c) concerning optional independent fee calculation studies, the development fees created by this chapter are standardized fees to be applied uniformly within each specified class of development and are not discretionary fees to be determined on a case-by-case basis.
- (13) The development fees paid in new developments shall be used to expand or improve the city's improvements, facilities and equipment in ways that benefit the development that paid each fee within a reasonable period of time after the fee is paid.
- (14) The development fees created by this chapter shall not be used to cure deficiencies in existing improvements, facilities and equipment.

Sec. 6-1000. Intent.

- (a) The intent of this chapter is to ensure that new development bears its proportionate share of the cost of improvements, facilities and equipment, that such proportionate share does not exceed the cost of the improvements, facilities and equipment required to serve such new development, and that funds collected from new developments are used to construct and pay for the improvements, facilities and equipment that benefit such new developments.
- (b) It is the further intent of this chapter that new development pay its proportionate share of improvements, facilities and equipment through the imposition of police, fire, parks, trail, storm drainage and transportation development impact fees to finance, defray or reimburse all or a portion of the costs incurred by the city to construct the improvements, facilities and equipment that serve or benefit such new development.
- (c) It is the intent of this chapter to collect from new development that amount of money necessary to offset new demand for improvements, facilities and equipment generated by the new development.
- (d) It is the intent of this chapter that monies collected as development fees and deposited in separate accounts for each fee never be commingled with monies from any other development fee fund and never be used for a type of facility or equipment different from that for which the fee was paid.
- (e) This chapter is adopted to ensure that the city will have sufficient improvements, facilities and equipment that are consistent with the improvements, facilities and equipment identified in the ~~Duncan~~ Raftelis Study, dated ~~December 2014~~

~~November 2020 and the Red Oak Study, dated May 2007;~~ and such other plans, policies, regulations and ordinances that are relevant and that have been approved by the city council.

Sec. 6-1002. Computation of amount of development fee.

- (a) An applicant required by this chapter to pay development impact fees may choose to have the amount of such fee determined pursuant to either subsection (b) or (c) of this section. Regardless of whether the applicant calculates the amount of the fee pursuant to subsection (b) or (c) of this section, such fee may be subject to the adjustment described in section 6-1013.
- (b) Unless an applicant requests that the city determine the amount of such fee pursuant to subsection (c) of this section, the city shall determine the amount of the required development fees by reference to the fee schedule in this chapter.
- (1) If the applicant's development is of a type not listed in the schedule, then the city shall use the fee applicable to the most nearly comparable type of land use in that schedule.
 - (2) If the applicant's development includes a mix of those uses listed in the fee schedules, then the fee shall be determined by adding up the fees that would be payable for each use if it was a freestanding use pursuant to the fee schedule.
 - (3) If the applicant is applying for a permit to allow a change of use, the expansion or modification of an existing nonresidential building by more than 1,000 square feet, or the redevelopment of an existing development, the fee shall be based on the net positive increase in the fee for the new use or structure as compared to the development fee, if any, that would have been due under this chapter for the previous use or structure, whether or not such fee was actually paid. In the event that the proposed change of use, expansion, redevelopment or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, there shall be no refund of development fees previously paid.
- (c) An applicant may request that the city determine the amount of the required development fee by reference to an independent fee calculation study for the applicant's development prepared at the applicant's cost by qualified professionals, experts and/or economists and submitted to the city manager or his designee. Any such study shall be based on the same service standards, unit costs and criteria used in the ~~Duncan Study and/or the Red Oak~~ Raffelis Study, whichever is applicable, and must document the economic methodologies and assumptions used. The city may hire a qualified professional or consultant to review any independent fee calculation study on behalf of the city and may charge the costs of such review to the applicant. Any independent fee calculation study submitted by an applicant may be accepted, rejected or accepted with modifications by the city as the basis for calculating the development fees. If such study is accepted or accepted with modifications as a more accurate measure of the demand for new improvements facilities and equipment created by the applicant's proposed development than the applicable fee shown in the fee

schedules, then the applicable development fees due under this chapter may be calculated according to such study.

Sec. 6-1003. Automatic annual inflation adjustment.

- (a) The development impact fees shall be recalculated by the city manager, or his designee, on an annual basis, to reflect cost inflation experienced in the previous year, and the revised fee shall be effective on March 1 of each year. The revised fees will be adopted via city manager policy and shall be made available to the public approximately 120 days, or as soon as practical thereafter, before the March 1 effective date.
- (b) The fees will be recalculated by applying the economic adjustment factor. The economic adjustment factor shall be calculated pursuant to the guidelines established in the economic adjustment factor for all transportation, parks, fire, police, trails and storm drainage fees: using six weighted data variables, considered to be representative of economic growth, the cost of materials and services associated with constructing capital projects, and general economic conditions. The variables are:
 - (1) Percent change in Greeley Utility Customer Accounts – representing the growth and scope of public services;
 - (2) Percent change in CDOT Construction Cost Index – representing the cost of providing transportation networks;
 - (3) Percent change in Engineering News Records Construction Cost Index – representing material costs associated with capital projects;
 - (4) Percent change in Engineering News Records Building Cost Index – representing labor costs associated with capital projects;
 - (5) Percent change in Assessed Value of Greeley Real Property – representing growth and the economic value of real property assets; and
 - (6) Percent change in Greeley MSA Employment – representing a general indicator of the economic health of the area.
- (c) The economic adjustment factor method of revising all transportation, parks, fire, police, trails and storm drainage development impact fees will be in effect until such time as a new development fee study is ~~completed and adopted~~ recommends a change to the methodology.

Sec. 6-1004. Police development fee schedule.

The police development fee schedule has been calculated pursuant to the ~~Duncan Raftelis~~ Duncan Raftelis Study and has been adjusted pursuant to the economic adjustment factor. The current fee schedule as of the date the ordinance codified herein is adopted is set forth as follows: ~~and is set forth as follows:~~

Land Use Type	Unit	Fee
Single family detached	Dwelling	\$117.00
Multifamily	Dwelling	\$88.00
Mobile home park	Site	\$123.00

Retail/commercial	1,000 sq. ft.	\$143.00
Office	1,000 sq. ft.	\$67.00
Industrial	1,000 sq. ft.	\$27.00
Warehouse	1,000 sq. ft.	\$13.00
Public/institutional	1,000 sq. ft.	\$51.00
Oil and gas well	Wellhead	\$58.00

<u>Land Use Type</u>	<u>Unit</u>	<u>Fee</u>
<u>Residential</u>	<u>1,200 or less of heated living space¹</u>	<u>\$131</u>
<u>Residential</u>	<u>1,201 to 1500 of heated living space¹</u>	<u>\$231</u>
<u>Residential</u>	<u>1,501 to 1,800 of heated living space¹</u>	<u>\$263</u>
<u>Residential</u>	<u>1,801 or more of heated living space¹</u>	<u>\$280</u>
<u>Retail/Restaurant</u>	<u>1,000 Sq. Ft of Building</u>	<u>\$841</u>
<u>Office & Other Services</u>	<u>1,000 Sq. Ft of Building</u>	<u>\$452</u>
<u>Industrial</u>	<u>1,000 Sq. Ft of Building</u>	<u>\$230</u>

¹ Heated living space excludes garages, outdoor patio/porches/balconies, and unfinished basements

Sec. 6-1005. Fire development fee schedule.

The fire development fee schedule has been calculated pursuant to the Duncan Study and is set forth as follows: Raffelis Study and has been adjusted pursuant to the economic adjustment factor. The current fee schedule as of the date the ordinance codified herein is adopted is set forth as follows:

<u>Land Use Type</u>	<u>Unit</u>	<u>Fee</u>
<u>Single family detached</u>	<u>Dwelling</u>	<u>\$524.00</u>
<u>Multifamily</u>	<u>Dwelling</u>	<u>\$393.00</u>
<u>Mobile home park</u>	<u>Site</u>	<u>\$550.00</u>
<u>Retail/commercial</u>	<u>1,000 sq. ft.</u>	<u>\$641.00</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$301.00</u>
<u>Industrial</u>	<u>1,000 sq. ft.</u>	<u>\$119.00</u>
<u>Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$57.00</u>
<u>Public/institutional</u>	<u>1,000 sq. ft.</u>	<u>\$229.00</u>
<u>Oil and gas well</u>	<u>Wellhead</u>	<u>\$261.00</u>

<u>Land Use Type</u>	<u>Unit</u>	<u>Fee</u>
<u>Residential</u>	<u>1,200 or less of heated living space¹</u>	<u>\$342</u>
<u>Residential</u>	<u>1,201 to 1500 of heated living space¹</u>	<u>\$602</u>

<u>Residential</u>	<u>1,501 to 1,800 of heated living space¹</u>	<u>\$683</u>
<u>Residential</u>	<u>1,801 or more of heated living space¹</u>	<u>\$728</u>
<u>Retail/Restaurant</u>	<u>1,000 Sq. Ft of Building</u>	<u>\$1,872</u>
<u>Office & Other Services</u>	<u>1,000 Sq. Ft of Building</u>	<u>\$1,006</u>
<u>Industrial</u>	<u>1,000 Sq. Ft of Building</u>	<u>\$513</u>

¹ Heated living space excludes garages, outdoor patio/porches/balconies, and unfinished basements

Sec. 6-1006. Park development fee schedule.

The park development impact fee schedule has been calculated pursuant to the ~~Duncan Study~~ and is set forth as follows: ~~Raftelis Study~~ and has been adjusted pursuant to the economic adjustment factor. The current fee schedule as of the date the ordinance codified herein is adopted is set forth as follows:

<u>Land Use Type</u>	<u>Unit</u>	<u>Fee</u>
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$2,721.00</u>
<u>Multifamily</u>	<u>Dwelling</u>	<u>\$2,041.00</u>
<u>Mobile Home Park</u>	<u>Site</u>	<u>\$2,857.00</u>

<u>Land Use Type</u>	<u>Unit</u>	<u>Fee</u>
<u>Residential</u>	<u>1,200 or less of heated living space¹</u>	<u>\$2,543</u>
<u>Residential</u>	<u>1,201 to 1500 of heated living space¹</u>	<u>\$4,469</u>
<u>Residential</u>	<u>1,501 to 1,800 of heated living space¹</u>	<u>\$5,067</u>
<u>Residential</u>	<u>1,801 or more of heated living space¹</u>	<u>\$5,403</u>

¹ Heated living space excludes garages, outdoor patio/porches/balconies, and unfinished basements

Sec. 6-1007. Trails development fee schedule.

The trails development fee schedule has been calculated pursuant to the ~~Duncan Study~~ and is set forth as follows: ~~Raftelis Study~~ and has been adjusted pursuant to the economic adjustment factor. The current fee schedule as of the date the ordinance codified herein is adopted is set forth as follows:

<u>Land Use Type</u>	<u>Unit</u>	<u>Fee</u>
<u>Single-family detached</u>	<u>Dwelling</u>	<u>\$377.00</u>
<u>Multifamily</u>	<u>Dwelling</u>	<u>\$283.00</u>
<u>Mobile home park</u>	<u>Site</u>	<u>\$396.00</u>

<u>Land Use Type</u>	<u>Unit</u>	<u>Fee</u>
----------------------	-------------	------------

Residential	1,200 or less of heated living space ¹	\$382
Residential	1,201 to 1500 of heated living space ¹	\$671
Residential	1,501 to 1,800 of heated living space ¹	\$759
Residential	1,801 or more of heated living space ¹	\$810

¹ Heated living space excludes garages, outdoor patio/porches/balconies, and unfinished basements

Sec. 6-1008. Storm drainage development fee schedule.

The storm drainage development fee schedule has been calculated pursuant to the Raftelis Study and has been adjusted pursuant to the economic adjustment factor. The current fee schedule as of the date the ordinance codified herein is adopted is set forth as follows: The 2007 phased-in base level storm drainage development fee schedule has been calculated pursuant to the Red Oak Study and has been adjusted pursuant to an economic adjustment factor. The current fee schedule as of the date the ordinance codified herein is adopted is set forth as follows:

	Fee
Single family residential, per dwelling unit	\$341.00
Multifamily residential, per dwelling unit	\$245.00
Retail, per site square foot of impervious surface ¹	\$0.094
Commercial, per site square foot of impervious surface ²	\$0.094
Industrial, per site square foot of impervious surface ³	\$0.094
Oil and gas	\$188.00

¹ Shall not exceed 70 percent of the impervious surface.

² Shall not exceed 70 percent of the impervious surface.

³ Shall not exceed 76 percent of the impervious surface.

Unit	Fee
Per sit square foot of impervious surface	\$0.264

Sec. 6-1009. Transportation development fee schedule.

The transportation development impact fee schedule has been calculated pursuant to the Duncan Study and is set forth as follows: Raftelis Study and has been adjusted pursuant to the economic adjustment factor. The current fee schedule as of the date the ordinance codified herein is adopted is set forth as follows:

Land Use Type	Unit	Fee
Single-family detached	Dwelling	\$3,645.00
Multifamily	Dwelling	\$2,353.00
Mobile home park	Site	\$1,092.00
Retail/commercial	1,000 sq. ft.	\$4,825.00

Office	1,000 sq. ft.	\$4,266.00
Industrial	1,000 sq. ft.	\$1,476.00
Warehouse	1,000 sq. ft.	\$1,376.00
Public/institutional	1,000 sq. ft.	\$2,390.00
Oil and gas well	Wellhead	\$1,680.00
<u>Land Use Type</u>	<u>Unit</u>	<u>Fee</u>
<u>Residential</u>	<u>1,200 or less of heated living space¹</u>	<u>\$3,192</u>
<u>Residential</u>	<u>1,201 to 1500 of heated living space¹</u>	<u>\$5,895</u>
<u>Residential</u>	<u>1,501 to 1,800 of heated living space¹</u>	<u>\$6,751</u>
<u>Residential</u>	<u>1,801 or more of heated living space¹</u>	<u>\$7,213</u>
<u>Retail/Restaurant</u>	<u>1,000 Sq. Ft of Building</u>	<u>\$8,347</u>
<u>Office & Other Services</u>	<u>1,000 Sq. Ft of Building</u>	<u>\$5,383</u>
<u>Industrial</u>	<u>1,000 Sq. Ft of Building</u>	<u>\$2,742</u>

¹ Heated living space excludes garages, outdoor patio/porches/balconies, and unfinished basements

Sec. 6-1013. Credits against development fees.

- (a) After the effective date of the ordinance from which this chapter is derived, all land dedications and property improvements over and above those required by the city for a proposed development may be granted a credit against the applicable development fee imposed for such land dedication or property improvement uses that would otherwise be due for such development. However, no credit shall be awarded for:
- (1) Any land dedication for acquisition or construction of site-related improvements;
 - (2) Any land dedications not accepted by the city;
 - (3) Any acquisition or construction of property improvements not approved in writing by the city prior to commencement of the acquisition or construction; or
 - (4) Any land dedication, construction or acquisition of property improvements not included in the calculation of the applicable development fee pursuant to the ~~Duncan Study or the Red Oak Study, whichever is applicable~~ Raftelis Study.
- (b) In order to obtain a credit against development fees otherwise due, an applicant must submit a written offer to dedicate to the city specific parcels of land over and above those regularly required by the city or to acquire or construct specific improvements in accordance with all applicable state or city design and construction standards, and must specifically request a credit against the applicable identified development fee. Such written request must be made on a form provided by the city, must contain a statement under oath of the facts that qualify the applicant to receive a credit, must be accompanied by documents

evidencing those facts and must be filed not later than the time when an applicant applies for the first building permit that includes the obligation to pay the development fee against which the credit is requested. Failure by the applicant to follow the above procedures waives the claim for credit.

- (c) The credit due to an applicant shall be calculated and documented as follows:
- (1) Credit for qualifying land dedications shall, at the applicant's option, be valued at:
 - a. One hundred percent of the most recent estimated actual value for such land as shown in the records of the county assessor; or
 - b. That fair market value established by an MAI or Colorado Certified General Real Estate Appraiser acceptable to the city in an appraisal paid for by the applicant.
 - (2) In order to receive credit for qualifying acquisition or construction of improvements, the applicant shall submit completed engineering drawings, specifications and construction cost estimates to the city. The city shall determine the amount of credit due based on the information submitted or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the city.
- (d) Approved credits shall become effective at the following times:
- (1) Approved credits for land dedications shall become effective when the land has been conveyed to the city in a form acceptable to the city at no cost to the city and accepted by the city. When such conditions have been met, the city shall note that fact in its records. Upon written request from the applicant, the city shall issue a letter stating the amount of credit available.
 - (2) Approved credits for the acquisition or construction of property improvements shall become effective when:
 - a. All required construction has been completed and has been accepted by the city;
 - b. A suitable maintenance and warranty bond has been received and approved by the city; and
 - c. All design, construction, inspection, testing, bonding and acceptance procedures have been completed in compliance with all applicable city and state procedures. However, approved credits for the construction of property improvements may become effective at an earlier date if the applicant posts security in the form of a performance bond, irrevocable letter of credit or escrow agreement and the amount and terms of such security are accepted by the city. At a minimum, such security must be in the amount of 125 percent of the approved credit, or 125 percent of the amount determined to be adequate by the city manager or designee, to allow the city to construct the property improvements for which the credit was given, whichever is higher. When such conditions have been met, the city shall note that fact in its records. Upon request of the applicant, the city shall issue a letter stating the amount of credit available.

- (e) Approved credits may be used to reduce the amount of the applicable development fees due from that specific proposed development until the amount of the credit is exhausted. Each time a request to use approved credits is presented to the city, the city shall reduce the amount of the applicable development fee otherwise due from the applicant, and shall note in the city records the amount of credit remaining, if any. Upon written request from the applicant, the city shall issue a letter stating the number of credits available.
- (f) Approved credits shall only be used to reduce the amount of development impact fees otherwise due under this chapter, and shall not be paid to the applicant in cash or in credits against any other monies due from the applicant to the city.

Sec. 6-1015. Separate account for each fee.

All development fees collected shall be deposited into a separate account identifying each fee account, in the city's Development Infrastructure Fund, which shall be a special fund created in accordance with section 5-6 of the city Charter. The city council shall have authority to make continuing appropriations from the accounts, and appropriations and expenditures from the accounts shall be made for the purpose of paying revenue bonds of the city and (subject to any contractual restrictions entered into by the city in connection with such revenue bonds) for the purpose of paying for improvements, facilities and equipment of the types identified in the ~~Duncan Study or the Red Oak Raftelis Study.~~

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

November 15, 2022

Key Staff Contact:

Noel Mink, Human Resources Director
Celsey Duritsa, Human Resources Deputy Director
Ned Chapin, Assistant City Attorney

Title:

Public hearing and consideration of a Resolution of the Greeley City Council to decline participation in the State of Colorado paid Family Medical Leave Insurance (FAMLI) Program

Summary:

During the November 2020 election, Colorado voters approved Proposition 118 establishing a state-run paid Family and Medical Leave Insurance (FAMLI) program. The FAMLI program is intended to ensure access to paid leave for employees to take care of themselves or their family during life's circumstances.

Employee paid leave benefits will become available through FAMLI beginning January 1, 2024. Employee premium contributions would begin on January 1, 2023. Eligible employees would receive up to twelve weeks of paid leave – with four additional weeks available for employees who experience pregnancy or childbirth complications. Under FAMLI, paid leave would be provided at between 37% and 90% of their wages – with a benefits cap of \$1,100 per week for 2024.

Local governments – such as the City of Greeley (City) – can opt out of FAMLI participation and must do so by December 31, 2022.

Opting-In

FAMLI premiums amount to 0.9% of employees' wages. Premiums can be raised up to 1.2% of wages in 2025 and years after. Participating employers can choose to withhold 50% of the total premium cost from an employee or pay it on the employee's behalf. The employer is minimally responsible for 50% of the total premium cost. Local governments who opt-in now will have a three-year waiting period to opt out if it so chooses.

Opting-out

Employees who want to participate in FAMLI can do so directly with the State of Colorado. Employees would be responsible for 0.45% of the premium, while employers who opt-out would have no financial responsibility. Municipalities who opt-out it can opt in for any future year.

Local governments that opt in in the future would pay premiums for three months before benefits become available.

Comparison of City and FAMLI Benefits

Currently, city employees are eligible for FMLA job protection, and benefit eligible employees in the paid time off program are eligible for Short-Term disability leave programs which are more beneficial than those currently offered through FAMLI. Through the current City leave programs, employees are eligible for job protected leave related to:

- A serious health condition that makes them unable to perform their job
- Serious health conditions affecting their spouse, child, or parents for which they are needed to provide care
- Military leave
- Birth of a child or the placement of a child with the employee for adoption or foster care

Based on these considerations of existing benefits plus the comparison of value paid leave benefits currently available through the City and FAMLI provided below, the value to employees through the City's program is greater than that offered through FAMLI. In addition, the average employee would receive only 87% of their average monthly wage while top earners would receive only 23% of their weekly wage.

	VALUE
FAMLI Program	\$1,100 per week/ \$13,200 annually
City	\$1,216.65 weekly/ \$14,599.75 annually Avg hourly wage (30.42) x 2 weeks x 40 hours per week

If the City were to opt in, employees would be charged for 0.45% of the premium while the City would be responsible for 0.45% of the premium at an estimated cost of \$417,920 for 2023 (.45% of FY 2023 City payroll of \$92,871,049).

Resolution

Based on the analysis of the specific application of FAMLI to the City, the staff recommendation, and the October 25, 2022 Work Session discussion with City Council on this matter, a resolution is presented for City Council discussion and action to opt out of the FAMLI program. City Council action can occur following an open comment period for employees and the public to provide their input.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
---	-----

If yes, what is the initial, or, onetime impact?	\$417,920 Estimated (saved or expenditure depending on action)
What is the annual impact?	\$417,920 Estimated Annual (saved or expended depending on action)
What fund of the City will provide Funding?	General
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Guidance regarding implementation of the FMLI program requires the City Council as Greeley's legislative body to take official action to either opt-in or opt-out from participation after an open comment period during which employees and the public may provide input. Employees have also been provided notification and an opportunity to submit written comments in advance of City Council action as required.

Strategic Work Program Item or Applicable Council Priority and Goal:

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

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 action must be taken by December 31, 2022).

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution
PowerPoint

**THE CITY OF GREELEY, COLORADO
RESOLUTION 40, 2022**

**A RESOLUTION OF THE CITY OF GREELEY COUNCIL TO DECLINE GREELEY'S PARTICIPATION
IN PAID FAMILY MEDICAL LEAVE INSURANCE PROGRAM**

WHEREAS, in November 2020, Colorado voters approved Proposition 118, which created a state-run Paid Family Medical Leave Insurance (FAMLI) program; and

WHEREAS, FAMLI is codified at Colorado Revised Statutes sections 8-13.3-501 to -524, and is administered through the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance; and

WHEREAS, a local government may decline all participation in the FAMLI program by a vote of its governing body under Colorado Revised Statutes section 8-13.3-522, and interested employees may still elect to participate individually under Colorado Revised Statutes section 8-13.3-514; and

WHEREAS, on October 27, 2022, notice was provided to employees and the public of the opportunity to submit comments to City Council of the City of Greeley, Colorado regarding the FAMLI program at a public hearing on November 15, 2022; and

WHEREAS, a public hearing was held on November 15, 2022 during which employees were given the opportunity to submit comments to City Council of the City of Greeley, Colorado regarding the FAMLI program; and

WHEREAS, City Council of the City of Greeley, Colorado has determined to make a local decision as to how to provide benefits and protections to employees of the City of Greeley and declines participation in the FAMLI program.

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

Section 1. The City Council of the City of Greeley, Colorado as the governing body of the City of Greeley hereby formally resolves to decline participation by the City of Greeley in Paid Family Medical Leave Insurance (FAMLI) program under Colorado Revised Statutes section 8-13.3-522.

Section 2. City staff are hereby granted the authority to take all actions necessary to implement the provisions of Section 1 above including providing formal notice to the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance regarding the City of Greeley's decision to decline all participation in the FAMLI program.

Section 3. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of NOVEMBER, 2022.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Consideration of a Resolution to decline participation in the State of Colorado Family and Medical Leave Insurance Program (FAMLI)

**November 15, 2022
City Council Meeting**



FAMLI Program

- **November 2020:**
 - **Proposition 118 approved by electorate resulted in state-run Paid Family and Medical Leave Insurance (FAMLI) program**
- **October 25, 2022:**
 - **City Council Work Session provided FAMLI overview and recommendation to opt-out**
- **October 26, 2022:**
 - **Communication to all employees regarding FAMLI and their right to provide comment to City Council (written or during public hearing)**
- **November 7, 2022:**
 - **City-wide live virtual conversation about FAMLI program**

Benefits of Opting Out:

- **Employees can still choose to participate individually**
 - **Cost to the employee who wants FAMLI coverage is the same whether City participates or not**
 - **Employees that choose coverage will need to register with the FAMLI Division. HR will provide employees with information on how to do so once it is available from FAMLI**
- **The City has no financial responsibility for the premium that it would have if it had opted in (estimated cost of \$417,920)**
- **Most City employees receive a greater benefit from City at no cost to employees.**



FAMLI vs Greeley Leave Benefits:

FAMLI

Employee pays FAMLI monthly premiums IN ADDITION to regular monthly City benefits premiums

ESTIMATED CITY WIDE ANNUAL COST: \$417,920 in addition to current leave programs

MAXIMUM BENEFIT = \$1,100 per week/ \$13,200 per year

Greeley

Protected leave is at no additional cost to employee.

No additional cost for current leave programs.

\$30.42 (avg hourly wage) x 12 weeks X 40 hours per week = \$14,599.75 (\$1,216.65 avg weekly benefit)

Current leave programs are a better benefit to the employee and exceed the intention of state law.



Recommendation

**Adopt a resolution that the City of Greeley opts-out of the
FAMLI program.**



- **City Council Questions**
- **Public Hearing**
 - **Public Hearing to receive comments from employees and public regarding City's participation in FAMLI**
- **City Council Action**
 - **Action must be taken by December 31, 2022**

Council Agenda Summary

November 15, 2022

Key Staff Contact: Paul Trombino, Public Works Director
Brian Hathaway, Water Quality and Regulatory Compliance Manager

Title:

Public hearing and second reading of an Ordinance amending Title 12, Chapter 3 and Title 20, Chapter 3 and Chapter 4 of the Greeley Municipal Code Relating to the City of Greeley's Municipal Separate Storm Sewer System

Summary:

The City of Greeley holds a Municipal Separate Storm Sewer System (MS4) permit mandated by the Environmental Protection Agency (EPA) and Colorado Department of Public Health and Safety (CDPHE). The MS4 permit is a general permit under the National Pollution Discharge Elimination System (NPDES) that authorizes the City of Greeley to discharge uncontaminated stormwater from their storm sewer system to Waters of the State and Waters of the United States.

The MS4 permit requires the City to have enforcement capabilities in their construction, post construction, and illicit discharge programs. In 2019, the City adopted enforcement capabilities for these programs. However, CAO reviewed the language that was adopted during an enforcement proceeding and found that changes to the code were needed to adequately enforce administrative violations. These changes are intended to rectify those issues identified by CAO. The new violations designated as misdemeanor offenses were added to enhance enforcement of the requirements of the MS4 permit.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

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:

N/A

Strategic Work Program Item or Applicable Council Priority and Goal:

Safety: Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors.

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
Appendix A

**CITY OF GREELEY, COLORADO
ORDINANCE NO. ____, 2022**

**AN ORDINANCE AMENDING TITLE 12, CHAPTER 3 AND TITLE 20, CHAPTER 3 AND
CHAPTER 4 OF THE GREELEY MUNICIPAL CODE RELATING TO THE CITY OF GREELEY'S
MUNICIPAL SEPARATE STORM SEWER SYSTEM**

WHEREAS, the City of Greeley is a Municipal Separate Storm Sewer System ("MS4") Phase II general permit holder, as required by the Colorado Department of Public Health and Environment and the Environmental Protection Agency; and

WHEREAS, the City of Greeley controls and limits the pollutants to better protect and enhance the quality of stormwater that is discharged from the City's MS4; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would ensure compliance to protect the health, property, safety and welfare of the city and its inhabitants.

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

Section 1. Sections 12-204 and 12-206 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, shall be amended as shown in Appendix A.

Section 2. Sections 20-566, 20-567 and 20-568 of Division 1, In General, Article VII, Storm Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended and the same Division shall be amended by adding thereto new sections 20-570, 20-571 and 20-572 as shown in Appendix A.

Section 3. Section 20-639 of Chapter 4, Stormwater Management Program, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 4. This ordinance shall become effective five (5) days following its final publication as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF NOVEMBER, 2022.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Appendix A

Section 1. Sections 12-204 and 12-206 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

Sec. 12-204. Inspection, control and stop-work orders.

(a) The requirements of this chapter shall be enforced by the director of public works. The director of public works or designee shall have the authority to inspect the work and require the property owner and/or developer to obtain services for adequate on-site inspection, including compaction testing by an acceptable soil engineer, if determined necessary.

(b) If the director of public works finds that eroded soils are leaving the area where construction activities are occurring, the director of public works or designee may order the property owner and/or developer to install any and all erosion controls that are deemed necessary to prevent said soil erosion from migrating off-site.

(c) Stop-work orders. When any construction activities are being performed in noncompliance with any provisions of this chapter or any other applicable law, rule or regulation, the director of public works or designee may order the work stopped by serving written notice describing the violation upon the person performing the construction activities. The person should immediately stop work and not proceed with any work until written approval to proceed has been obtained from the director of public works. If the person cannot be located, the notice may be posted in a conspicuous place upon the site of the construction activities. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the director of public works.

(d) Developed property. Oversight of developed property from which pollutants, sediment, concrete wastes and other materials are allowed to spread are addressed and enforced pursuant to article VII of chapter 73 of title 20 of this Code.

Sec. 12-206. ~~Code~~ Violations.

(a) A violation noticed under this chapter shall be deemed an administrative code violation, unless otherwise designated, and shall proceed in accordance with chapter 12 of title 2 of this Code and shall be subject to penalties set forth in Chapter 10 of title 1 of this Code.

(b) It is unlawful to continue work after a stop-work order has been issued, a violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

(c) It shall be unlawful to make any false statements, representations, certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Chapter. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

(d) The city may seek and obtain remedies, including, but not limited to, civil and administrative sanctions and temporary or permanent injunctive relief against persons for noncompliance with provisions, standards and requirements of this chapter.

(~~be~~) In addition, if a permit holder violates a condition of a city-issued grading permit, this chapter or applicable state or federal laws or regulations regarding construction activities, the city shall revoke the grading permit. The city may reinstate the permit upon a showing of proof that the noncompliance has been corrected.

(f) Authorized employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair, or the enforcement of the provisions of this chapter.

Section 2. Sections 20-566, 20-567 and 20-568 of Division 1, In General, Article VII, Storm Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended and the same Division shall be amended by adding thereto new sections 20-570, 20-571 and 20-572 to read as follows:

Sec. 20-566. Notice of violation; stop work orders; permit termination.

(a) The director of public works or designee may issue a notice of violation to any owner/user who discharges material as described in this Code into the stormwater drainage system. Such notice of violation shall be issued in accordance with ~~section 2-1032~~ chapter 12 of title 2.

(b) When any construction activities, as defined in section 12-191, are being performed in noncompliance with any provisions of this chapter or Code or other applicable law, rule, or regulation, the director of public works or designee can order the work stopped by serving written notice upon the person performing the construction activities. The person shall immediately stop work until authorized in writing by the director of public works or designee to proceed with the work or until approval to proceed has been obtained by legal process. If the person cannot be located, the notice may be posted in a conspicuous place upon the site where construction activities are taking place. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the city.

(c) Any violation of a condition of a city-issued permits is a violation of this chapter, Code, or other applicable law, rule, or regulation, including performing noncompliant construction activities, shall be sufficient cause for revocation of the city-issued permit. The city may reinstate the permit upon proof of the correction of the noncompliance.

Sec. 20-567. Violations. ~~Code infraction and administrative hearing procedures.~~

A notice of violation issued under section 20-566 is an misdemeanor infraction administrative code violation and shall proceed in accordance with ~~section 2-1032~~ chapter 12 of Title 2, and shall be subject to the provisions of this chapter and penalties as set forth in chapter 10 of title 1 of this Code.

Sec. 20-568. Connecting to storm sewer without permit unlawful.

It is unlawful for any person to tap or make any connection with the stormwater drainage system without first having obtained a permit as provided in this chapter. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

Sec. 20-570. Unlawful discharge causing personal injury or damage.

It is unlawful for any person to introduce any substance into the MS4 that causes personal injury or damage. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

Sec. 20-571. Violation of stop-work order.

It is unlawful to continue work after a stop-work order has been issued. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

Sec. 20-572. False representation.

It shall be unlawful to make any false statements, representations, certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Chapter. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

Secs. 20-573 – 20-586, Reserved.

Section 3. Section 20-639 of Chapter 4, Stormwater Management Program, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Sec. 20-639. Enforcement.

(a) Any fee which has not ~~be~~ been paid when due may be recovered in an action at law by the city, in addition to any other remedies or penalties provided by this chapter or this Code.

(b) Authorized employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair, or the enforcement of the provisions of this chapter.

(c) The director of public works or designee may issue a notice of violation to any property owner and/or developer who has not installed and maintained permanent stormwater control measures in accordance with this chapter.

(d) A violation ~~noticed~~ under this chapter shall be deemed an misdemeanor infraction administrative code violation, and shall proceed in accordance with ~~section 2-1032 chapter 12 of Title 2,~~ and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

Stormwater Enforcement Code Updates

Sections 12-206, 20-639, and 20-567



Background

- The City of Greeley's Municipal Separate Storm Sewer System (MS4) permit is mandated by the EPA and administered by the Colorado Department of Health and Environment.
- Under the permit, enforcement provisions are required for:
 - Construction sites
 - Post-construction (oversight and maintenance of permanent infrastructure)
 - Illicit discharges

Background

- In 2019, stormwater code underwent comprehensive revisions to ensure regulatory compliance, which included enforcement provisions
- In early 2022, CAO notified Public Works that enforcement language adopted in 2019 had several crucial errors
 - The section outlining misdemeanor infractions referenced administrative hearing procedures, which nullified both methods of enforcement
 - A section of code had been redacted that Public Works relied on for permit compliance

Proposed Code Amendments

- Separate administrative hearing and misdemeanor procedures
- Establish basis for misdemeanor infractions
 - Ignoring a stop work order
 - Egregious spills causing harm to the community and environment
- Recodify relevant sections of redacted code that PW had been relying since 2019
 - Administrative sanctions
 - Injunctive relief
 - Access of properties

Council's Recommendation Action

A motion to adopt the ordinance amending Title 12 regarding Greeley's Municipal Separate Storm Sewer System.

Questions?



Council Agenda Summary

November 15, 2022

Key Staff Contact: Becky Safarik, Community Development Director

Meg Oren, Planner II

Title:

Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Holding-Agriculture (H-A) to Residential-High Density (R-H), changing the underlying land use designations for approximately 31.19 acres of property located north of and adjacent to 13th Street and the Fox Run Neighborhood, approximately 500' west of 59th Avenue, and approximately 580' south of 10th Street (ZON2021-0016)(13th Street Apartments Rezone)

Summary:

The property owner, Bear Rock, LLC, represented by Sam Coutts and Klara Rossouw of Ripley Design, requests a rezone of the subject property to allow for residential development options. The applicant is looking to incorporate residential density in the area to support existing and future commercial properties located adjacent to the property to the north along 10th Street and to the east along 59th Avenue.

The Planning Commission considered this request on September 27, 2022, conducted a public hearing, and voted to recommend approval to rezone the property by a vote of 5-0. City Council introduced this ordinance at its October 18, 2022 meeting and, at the applicant's request, continued the public hearing and consideration of this item to its November 15, 2022 meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a quasi-judicial process which includes the following public hearing steps:

- 1) City staff presentation
- 2) Council questions of staff
- 3) Applicant presentation

- 4) Council questions of applicant
- 5) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 6) Rebuttal, if requested
- 7) Council discussion
- 8) Council decision

Other Issues and Considerations:

None noted.

Strategic Work Program Item or Applicable Council Priority and Goal:

Conformance with the policies of the City of Greeley Comprehensive Plan

Economic Health & Development: Foster and maintain public and private investment in business development.

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:

Two motions are necessary to approve this request:

- 1) A motion that, based on the application received, the preceding analysis and Planning Commission recommendation, the proposed rezoning from Holding-Agriculture (H-A) to Residential-High Density (R-H) is in compliance with Title 24-204(b) and therefore approve the request.
- 2) A motion to adopt the Ordinance and publish with reference to title only.

Attachments:

Ordinance

Planning Commission Minutes (draft, September 27, 2022)

Planning Commission Summary (Staff Report) (September 27, 2022)

Staff PowerPoint presentation

Applicant PowerPoint presentation

Neighbor Letter

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 43, 2022
CASE NO. ZON2021-0016**

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM HOLDING AGRICULTURE (H-A) TO RESIDENTIAL HIGH DENSITY (R-H) CHANGING THE UNDERLYING LAND USE DESIGNATIONS FOR APPROXIMATELY 31.19 ACRES OF PROPERTY LOCATED NORTH OF AND ADJACENT TO 13TH STREET AND THE FOX RUN NEIGHBORHOOD, APPROXIMATELY FIVE HUNDRED FEET (500') WEST OF 59TH AVENUE AND APPROXIMATELY FIVE HUNDRED AND EIGHTY FEET (580') SOUTH OF 10TH STREET.

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

Section 1. The following described property located in the City of Greeley is hereby changed from the zoning district referred to as Residential Estate (R-E) and Commercial Low Intensity (C-L) TO Residential High Density (R-H), in the City of Greeley, County of Weld, State of Colorado:

Legal Description

MULTIPLE PARCELS OF LAND FOR REZONING PURPOSES ALL SITUATE WITHIN THE NORTH HALF OF THE NORTHEAST QUARTER (N1/2NE1/4) OF SECTION NINE (9), TOWNSHIP FIVE NORTH (T.5N.), RANGE SIXTY-SIX WEST (R.66W.), OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 9 AND ASSUMING THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9 TO BEAR SOUTH 89°24' 44" EAST A DISTANCE OF 2658.31 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE SOUTH 00° 03' 21" EAST ALONG THE WEST LINE OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER (N1/2N1/2NE1/4) OF SAID SECTION 9 A DISTANCE OF 659.27 FEET TO THE NORTH SIXTY-FOURTH CORNER OF SECTION 9 AND TO THE **POINT OF BEGINNING.**

THENCE SOUTH 89° 26' 43" EAST ALONG THE SOUTH LINE OF THE N1/2N1/2NE1/4 OF SAID SECTION 9 A DISTANCE OF 500.03 FEET TO THE EASTERLY LINE OF THE WEST 500.00 FEET OF THE N1/2N1/2NE1/4 SECTION 9.

THENCE SOUTH 89° 26' 43" EAST ALONG SAID SOUTH LINE OF THE N1/2N1/2NE1/4 OF SECTION 9 A DISTANCE OF 268.63 FEET TO THE NORTHEAST CORNER OF PARCEL NO. 2 AS DESCRIBED IN QUIET TITLE DECREE RECORDED MARCH 11, 2022 AS RECEPTION NO. 4809527 OF THE RECORDS OF WELD COUNTY.

THENCE SOUTH 00° 22' 29" EAST ALONG THE EASTERLY LINE OF SAID PARCEL NO. 2 AS DESCRIBED IN QUIET TITLE DECREE A DISTANCE OF 4.49 FEET TO THE NORTHWEST CORNER OF TRACT A, BEAR ROCK SUBDIVISION RECORDED SEPTEMBER 10, 2020 AS RECEPTION NO. 4628668 OF THE RECORDS OF WELD COUNTY.

THENCE SOUTH 89° 38' 14" EAST ALONG THE NORTHERLY LINE OF SAID TRACT A, BEAR ROCK SUBDIVISION A DISTANCE OF 1291.92 FEET TO THE NORTHEAST CORNER OF TRACT A, BEAR ROCK SUBDIVISION.

THENCE SOUTH 00° 22' 29" EAST ALONG THE EASTERLY LINE OF SAID TRACT A, BEAR ROCK SUBDIVISION A DISTANCE OF 501.80 FEET;

THENCE SOUTH 89° 24' 44" EAST A DISTANCE OF 20.41 FEET TO THE WESTERLY LINE OF TRACT 1, SHOPS AT SUNSET RIDGE SUBDIVISION RECORDED AUGUST 13, 2007 AS RECEPTION NO. 3496647 OF THE RECORDS OF WELD COUNTY.

THENCE SOUTH 00° 22' 58" EAST ALONG THE WESTERLY LINE OF SAID TRACT 1 A DISTANCE OF 156.14 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER (N1/2NE1/4) OF SAID SECTION 9.

THENCE NORTH 89° 28' 35" WEST ALONG SAID SOUTH LINE OF THE N1/2NE1/4 OF SECTION 9 A DISTANCE OF 2084.73 FEET TO THE CENTER-NORTH SIXTEENTH (C-N1/16) CORNER OF SAID SECTION 9.

THENCE NORTH 00° 03' 21" WEST ALONG THE WEST LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 9 A DISTANCE OF 659.20 FEET TO THE NORTH SIXTY-FOURTH CORNER OF SECTION 9 AND TO THE **POINT OF BEGINNING**.

SAID DESCRIBED PARCELS OF LAND CONTAIN 31.19 ACRES, MORE OR LESS.

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map are hereby changed so as to accomplish the above-described zoning changes, and the Mayor and City Clerk are hereby authorized and directed to sign and attest an entry which shall be made on the official zoning map to reflect this change.

Section 3. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _____ DAY OF NOVEMBER, 2022.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
September 27, 2022

1. Call to Order

Vice Chair Briscoe called the meeting to order at 1:16 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT

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

ABSENT

Commissioner Brian Franzen

3. Approval of Agenda

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

4. Approval of September 13, 2022, Minutes

Commissioner Briscoe moved to approve the minutes dated September 13, 2022. Commissioner Modlin seconded the motion. Motion carried 5-0. (Commissioner Franzen absent.)

5. A Public Hearing to consider a rezone from H-A (Holding Agricultural) to the R-H (Residential High Density) zone district. The properties consist of approximately 31.19 acres of property and are located south of 10th Street, north of 13th Street and west of 59th Avenue (ZON2021-0016).

Meg Oren, Planner II, explained the property and described the nearby zoning and land uses. She gave the historic timeline of the site, noting past annexations and a special use review for an oil and gas facility. Ms. Oren discussed the reason for requesting a rezone on this property and what the applicant is proposing. She then stated that the proposed residential high rezoning would have the potential to create a transition between nearby residential neighborhoods, along with commercial activity on 10th Street. Ms. Oren stated that the developer of the site would be required to construct the 63rd / 65th Avenue, from 13th Street to 10th Street, widen portions of 13th Street, and construct 11th Street through the property. She said that as part of the review process, a neighborhood meeting was virtually held on January 5th of this year. A total of 388 notice letters were sent to surrounding property owners

within 1000 feet of the subject site. In response to the letters, she received three phone calls from nearby citizens, who shared concerns regarding traffic, congestion, and a curiosity of what was being proposed.

Commissioner Schulte asked if anyone still has a right to put the use by special review for drilling into effect. Ms. Oren stated that she believed it was expired but wanted to confirm with Becky Safarik, Community Development Director.

Ms. Safarik said that the special use had expired and would no longer be able to drill on the site unless they could meet certain setback requirements and obtain approval by the Planning Commission.

Commissioner Schulte was curious if a past RV park request in the area was still a concern. Ms. Oren said that it was not. .

Chair Yeater stated he knew they are only considering rezoning at this point but wondered if any building on the property would require further construction of 63rd and 65th avenue, and then 11th and 13th street development. Ms. Oren stated that if any future development occurs then it would indeed require the roadway construction.

Commissioner Modlin asked if the intersection of 10th Street and 63rd Avenue would warrant a traffic light with the change in zoning. Ms. Oren stated that Thomas Gilbert, Engineer III, would be able to answer that question.

Mr. Gilbert specified that CDOT and the City's Transportation Planner reviewed the project and had no concerns. He told Commissioner Modlin that a traffic light would definitely need to be added to that location with future development.

Commissioner Modlin asked if there will be a signal by 13th Street and 59th Avenue. Mr. Gilbert stated that in the short term it does not warrant adding a signal, but there is some concern about it failing with or without the development in the long term. The applicant should address the specific uses in the long-range site plan when that happens.

Clara Russo, 419 Canyon Avenue, Ft. Collins, presented on behalf of Ripley Design Inc. along with Stephanie Thomas with Northern Engineering. She stated a preliminary application was submitted in 2021 and a neighborhood meeting was held in 2022. She also explained how rezoning would align with the intent of the Comprehensive Plan to provide horizontal mixed use in that area. Ms. Russo said that it would provide a nice transition from the commercial uses to the north and single-family residences to the south. She wrapped up but explaining a market study was completed for this proposal, which outlined the need for additional high density housing within the next three years, which would not impact the existing properties.

Chair Yeater opened the public hearing at 1:32 PM.

Roger Richman, 6120 West 15th Street, spoke on behalf of the Fox Run Homeowner's Association. He stated they are already surrounded by problems that come with high-density residential properties and adding more high density would only add to the existing problems. Mr. Richman also spoke about the traffic concerns and the high

school students' speeding issues.

Commissioner Andersen joined the meeting.

Suzanne Mall, 6319 13th Street Road, stated that 13th Street is directly behind her home. She said that the noise is already too much and hopes the city will add a noise abatement in the area. Ms. Mall is also concerned about the congestion this will cause, due to the large number of apartments and additional vehicles.

Heather Boss, 6339 13th Street Road, believes that she will lose privacy due to the tenants being able to view her home and backyard from the tall apartments. She said that the traffic and noise concern is already a huge problem. Ms. Boss reiterated that point, by sharing a recent story of a truck that crashed into her neighbor's yard. She feels the road has become a racetrack and shared her concern for the high school students' safety since they frequently jog along that road.

Donna Richman, 6120 15th Street, voiced her concern regarding property values going down. Previous buildings have been built in the area but were set too close to Fox Run development. Consequently, many people sold their homes. Ms. Richman requested that an adequate buffer be placed between the existing single-family homes and the apartments.

Chair Yeater closed the public hearing at 1:42 PM.

Ms. Russo noted that at this time, they do not yet have a site plan since they are in the first phase of their land use approval request. She said however, when they get a site plan that it will meet the code as outlined in the R-H zone district. The connection of 63rd / 65th Avenue (from 13th Street to 10th Street) will be developed in the future.

Commissioner Briscoe specified the Planning Commission hearing is only for the rezone request, moving from C-H to R-H to R-L seems like the proper transition. He noted that the R-H zone district would allow for three-story apartments. He also believes that a signalized intersection at 63rd / 65th Avenue at 10th Street will alleviate some of the traffic concerns.

Commissioner Briscoe moved that, based on the application received and the preceding analysis, the Planning Commission find that the request to rezone from Holding Agriculture to Residential High Density is in compliance with Development Code section 24-204b; and therefore, recommends approval. Commissioner Schulte seconded the motion.

Commissioner Schulte wanted to make sure it was clear to the public that there are more steps between today's decision and the project being built. Before the applicants break ground, they will have to approach the city again with a completed site plan. He stated there will be another opportunity for the public to give their feedback.

Chair Yeater said that this will be a nice transition and will open up possibilities for what could be situated there. He also believes that with the addition of roads a lot of traffic concerns could be mitigated.

Commissioner Schulte believes that new developments should help the open country roads feel more like city roads thus reducing the temptation to drive haphazardly.

Commissioner Modlin stated the developer is also using some alternative dwellings in that same zone. He believes it is already very wise in terms of spreading the noise and buffering the high density on the north side.

Motion carried 6-0. (Commissioner Franzen absent).

6. Staff Report

Ms. Safarik stated that there were no business items to report but reintroduced the returning Planner on staff, Caleb Jackson, Planner III.

7. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 1:50 PM.

Justin Yeater, Chair

Becky Safarik, Secretary

PLANNING COMMISSION SUMMARY

ITEMS: Rezoning

FILE NUMBER: ZON2021-0016

PROJECT: 13th Street Apartments Rezone

LOCATION: North of and adjacent to 13th Street, west of 59th Avenue and south of the commercial properties along 10th Street

APPLICANT: Sam Coutts, Ripley Design, on behalf of the Owner, Bear Rock LLC

CASE PLANNER: Meg Simonds, Planner II

PLANNING COMMISSION HEARING DATE: September 27, 2022

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 24-204(b) of the 2021 Development Code.

EXECUTIVE SUMMARY

The City of Greeley is considering a request by the property owner, Bear Rock LLC, represented by Sam Coutts and Klara Rossouw of Ripley Design, to rezone an approximately 31.19-acre property from Holdings Agricultural (H-A) to Residential High Density (R-H). The property is located north of and adjacent to 13th Street and the Fox Run neighborhood, approximately five hundred feet (500') west of 59th Avenue and approximately five hundred and eighty feet (580') south of 10th Street. Please reference the enclosed Vicinity Map.

A. REQUEST

The proposed request is for an approval to rezone 31.19 acres from H-A to R-H zone district. The applicant is looking to incorporate residential density in the area to support existing and future commercial properties located adjacent to the property to the north along 10th Street and to the east along 59th Avenue. The property is located within walking distance of the Funplex recreation facility, Twin Rivers Community Park and the Sheep Draw Trail system. The R-H zone district allows for single-family detached, single-family attached and multi-family dwelling units.

B. STAFF RECOMMENDATION

Approval

C. LOCATION **Abutting Zoning/Land Use:**

North: C-H (Commercial High Intensity) / existing commercial uses

South: R-L (Residential Low Density) / residential development
 East: C-H / undeveloped, future commercial uses
 West: H-A / open space (City owned)

Site Characteristics:

The site is predominately undeveloped with an older home and sheds placed near the eastern edge of the property. The overall topography follows that of 13th Street and is higher at the eastern end and falls from the west towards the Sheep Draw.

D. BACKGROUND

The subject property was annexed into the city as part of the West 10th Street Annexation (*Rec. No. 0003430086*) [Case No. A 5:06; Ordinance No. 51:06] on October 25, 2006. Prior to that, the property had been an enclave since 2001.

Establishment of zoning for the subject site with the West 10th Street Annexation [Case No. Z 8:06; Ordinance No. 52:06] was also approved by the City Council on October 25, 2006. The subject property was designated as C-H (Commercial High Intensity) along 10th Street and H-A (Holding Agriculture) zoning along 13th Street.

The subject property had a proposed Use by Special Review for oil and gas wells, known as the Sheep Draw Directional Project USR (*Case No. 0003959996*) [Case No. USR 2:13]. The application was reviewed by the Planning Commission on March 12, 2013, continued to March 26, 2013, and was approved by Planning Commission on May 7, 2013. The Final Approval Document was recorded on August 29, 2013. The approved project was never implemented, and the subject site remains vacant to today.

APPROVAL CRITERIA

Standards for Rezoning (ZON2021-0016):

In reaching recommendations and decisions as to rezoning land, the Planning Commission and the City Council shall apply the review criteria established in Section 24-204(b) of the Development Code:

- 1. The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**

Staff Comment: The subject property is identified in the Comprehensive Plan as part of a Mixed-Use High Intensity area that extends from 10th Street to 13th Street and from 59th Avenue to the Sheep Draw Trail corridor. The R-H zone district encourage a variety of densities and range of housing options.

The proposal to add higher residential density adjacent to the existing commercial property along 10th Street and 59th Avenue should help support existing businesses and the expansion of new businesses and redevelopment along the 10th Street corridor. Additional residential density on the subject property would also provide a transition between the single-family detached residences in the Fox Run neighborhood to the south and the commercial properties to the north (along 10th Street). Future residents, generated by the development of the site, would be located within walking distance of recreational facilities, amenities, and local and regional commercial centers.

The request complies with this criterion.

2. The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.

Staff Comment: The proposed rezone would provide opportunities to add residential densities adjacent to and within walking distance of current and future commercial uses along 10th Street and 59th Avenue. The future development of this property has the potential to create a transition between the Fox Run neighborhood to the south and the commercial activity along 10th Street to the north.

The request complies with this criterion.

3. Whether the area changed or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.

Staff Comment: The rezone request would help support current commercial businesses within the area and encourage redevelopment of properties along the 10th Street corridor. As part of the future development of the site, the developer would be required to construct the 63rd and 65th Avenue connections, widen areas of 13th Street and construct 11th Street through the property.

This request complies with this criterion.

4. Whether the existing zoning has been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.

Staff Comment: The existing H-A zone district is intended to serve as a “pre-development” district to hold areas until a coordinated development plan is in place. The R-H district provides transitions between lower-density neighborhoods (such as the Fox Run neighborhood to the south) and non-residential uses (such as the commercial district along 10th Street).

The request complies with this criterion.

5. The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.

Staff Comment: The applicant noted in their narrative that the future development would include the construction of additional roadway infrastructure to serve the property, completing missing segments of the urban street grid in this area. Higher density residential development in this area could also serve as an appropriate transition between the Fox Run neighborhood to the south and the commercial uses along 10th Street to the north. Site plan details including buffering and on-site transitions, as well as architectural character would be reviewed in greater detail as part of a formal site development plan application.

The request complies with this criterion.

6. The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.

Staff Comment: Staff and referral agencies have reviewed the proposal and have no concerns at this time. At the time of subdivision, the applicant would need to provide final reports and analysis that conform with City and agency requirements. There are existing water and sewer utilities adjacent to the property that would be extended to serve the future development.

The request complies with this criterion.

7. The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.

Staff Comment: The proposed rezoning would not allow the applicant to develop the property as it is currently zoned H-A, which is intended as a “pre-

development” district. The rezoning request to Residential-High Density is consistent with the goals and intent of the zoning regulations and Comprehensive Plan to provide a transition between residential densities and commercial districts. A market study was commissioned for this rezone by the developer and is included for reference and review. Additional details would be reviewed as part of the subdivision and applicable site plan processes, consistent with the Development Code design criteria.

The request complies with this criterion.

8. Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.

Staff Comment: Any development proposal will be required to meet Development Code, Subdivision and Design criteria and will be evaluated against those criteria as part of the review process. The applicant did complete a preliminary traffic analysis as part of the rezoning request. The proposed roadway improvements and connections are intended to mitigate congestion and will be reviewed in greater detail as part of the subdivision and site plan processes.

The request generally complies with this criterion and will be evaluated in greater detail with formal development plans.

9. The recommendations of professional staff or advisory review bodies.

Staff Comment: Staff and referral agencies have reviewed the rezoning request and have no concerns at this time. Further analysis would be conducted at the time of subdivision and site planning, as applicable. Development plans must meet the subdivision and design criteria established under the Development Code.

The request generally complies with this criterion and will be evaluated in greater detail with formal development plans.

Consistency with the Land Use Chapter of the Comprehensive Plan. *A rezoning proposal shall be found to be in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.*

The following Comprehensive Plan goals are met with this PUD proposal:

- GC-1: Manage growth effectively.
 - The proposed development is located adjacent to existing developed areas within the city and is adjacent to existing utility infrastructure that can serve the proposal.

- GC-2: Promote a balanced mix and distribution of land uses.
 - The proposed rezoning and future development provide a mix of land uses in the area and transitions between land uses of varying intensities and densities.
- GC-4: Prioritize infill and redevelopment
 - The property serves as an infill site surrounded by existing developments. Adding additional residential densities in the area could promote the redevelopment and development of vacant or underutilized commercial properties adjacent to the site.
- HO-2: Encourage a broad diversity of housing options.
 - The rezoning request and future development could provide a variety of housing options to the area adjacent to existing single-family detached residences.

F. PHYSICAL SITE CHARACTERISTICS

HAZARDS

The site's proximity to the Sheep Draw, wetlands and open space corridor will require careful final design and construction of adjacent infrastructure to mitigate any impacts to these natural areas.

WILDLIFE

A current biologist report would be required with the subdivision application to identify wildlife observed on-site and in the vicinity of the property.

FLOODPLAIN

The intended development area is not located within the 100-year floodplain, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

DRAINAGE AND EROSION

The applicant will be required to submit final engineering reports and design the site to meet City criteria. Once construction documents are created, the applicant would be required to meet the City's current MS4 permit requirements as well as the City of Greeley Design Criteria and Construction Specifications.

TRANSPORTATION

The applicant's narrative describes the construction of 63rd/65th Avenue, widening of 13th Street and the construction of 11th Street as part of the future development of the site. The City of Greeley Transportation Planner and Engineering Development Review have reviewed the Traffic Study and have no significant concerns at this point. Further traffic analysis would occur at time of Subdivision.

G. SERVICES

WATER

The City of Greeley provides water services to the area. Water lines would need to be extended and looped from the existing 12" and 10" water lines located along 13th Street. Water

provisions, including non-potable, within the development would be reviewed at time of Subdivision.

SANITATION

The City of Greeley would provide sanitary services to the area. Additional infrastructure will be required to serve this property to connect to the existing infrastructure.

Sanitary Sewer and any applicable agreements would be reviewed at time of Subdivision.

EMERGENCY SERVICES

The property is served by the City of Greeley's Police and Fire Departments. Fire Stations #7 is located approximately 0.25 miles west of the site and north of 10th Street.

PARKS AND OPEN SPACES

Parks and Open Space details have not been provided for at this time. Final details will be provided at the time of Subdivision.

SCHOOLS

The subject property is located within the Greeley-Evans School District. A school site is not required to be dedicated with this project; however, the applicant will be required to pay cash-in-lieu to the district for school land dedication requirements at time of Subdivision.

METROPOLITAN DISTRICT

The subject property is not associated with a Metropolitan District.

H. NEIGHBORHOOD IMPACTS

VISUAL

Visual impacts will be reviewed for at time of subdivision against landscape and buffer requirements set forth in Code.

NOISE

Any potential noise created by future development will be regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

A neighborhood meeting was held virtually via Zoom on January 5, 2022. Notice for the meeting was mailed to addresses within 500' of the subject site on December 22, 2021. Nine individuals from the public attended the meeting and no concerns were communicated.

Notice for the Planning Commission meeting was mailed as per 24-201. f.3 of Greeley Municipal Code on September 12, 2022, to addresses within 1,000' of the subject site, and a notice was published on the City's website per Development Code requirements. Two signs were posted on the site on September 09, 2022, by the applicant as per City requirements.

As of the finalization of this report no written comments have been received and one phone call from a neighbor with concerns for the potential of increased traffic due to future development that could occur with the proposed rezoning.

J. PLANNING COMMISSION RECOMMENDED MOTIONS

Based on the application received and the preceding analysis, the Planning Commission finds that the request to rezone from Holding-Agriculture (H-A) to Residential High Density (R-H) is in compliance with Development Code Section 24-204(b) and therefore recommends approval.

ALTERNATIVE MOTION

Based on the application received and the preceding analysis, the Planning Commission finds that the request to rezone from Holding-Agriculture (H-A) to Residential High Density (R-H) is not in compliance with Development Code Section 24-204(b) and therefore recommends denial.

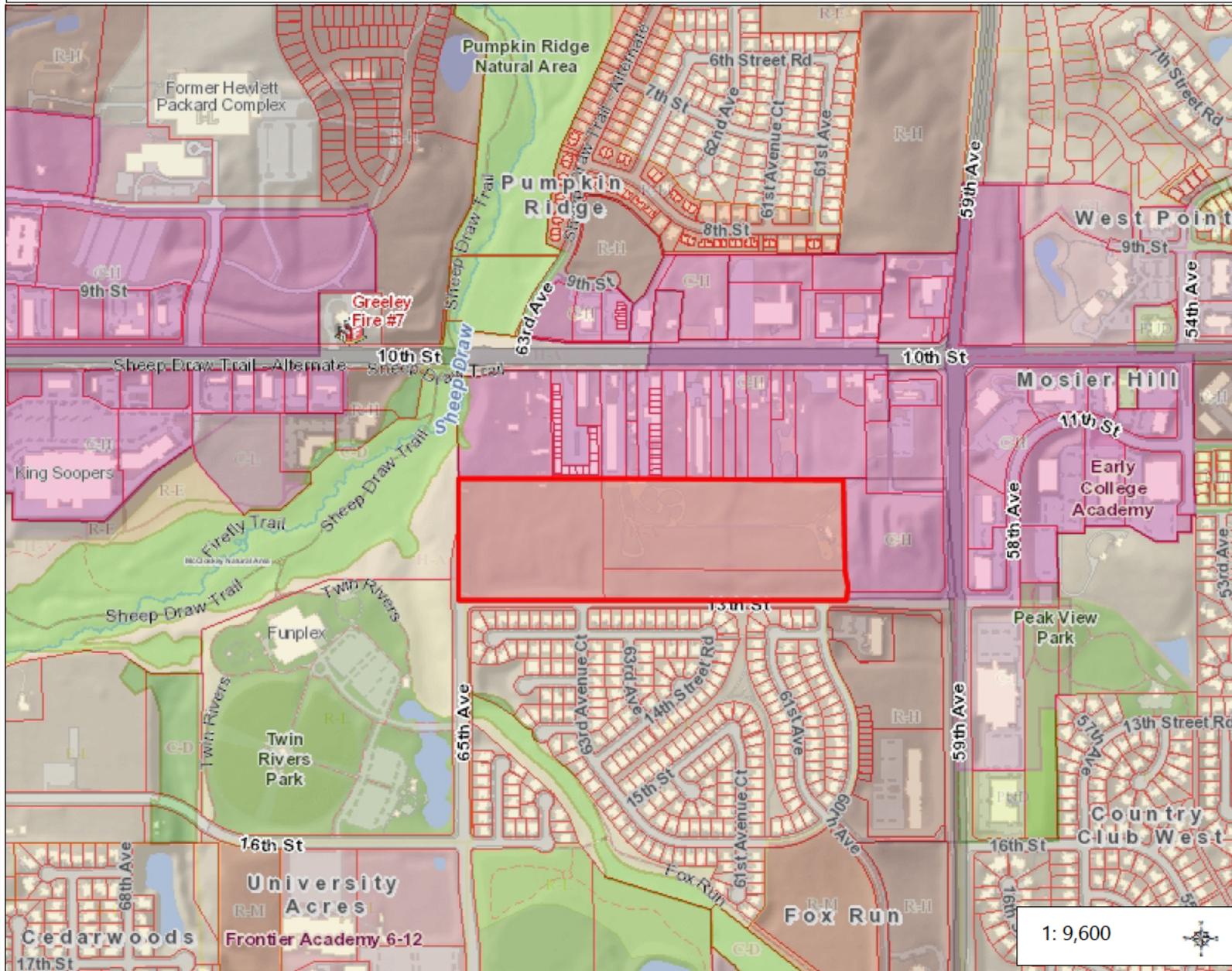
ATTACHMENTS

- Attachment A – Zoning/Vicinity Map
- Attachment B – Application
- Attachment C – Project Narrative
- Attachment D – Market Study
- Attachment E – Rezoning Plat

ZON2021-0016 Staff Report
Attachment A: Zoning/Vicinity Map



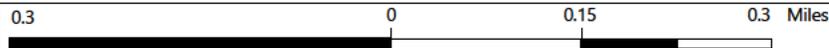
13th Street Apartments Rezone Vicinity Map



Legend

- City Voting Wards
- GreeleyBaseData.DBO.FIRMn
- Greeley Fire Response Areas
- Weld Subdivisions
- Zoning
 - Conservation District (C-D)
 - Commercial Low Intensity (C-L)
 - Commercial High Intensity (C-H)
 - Holding Agriculture (H-A)
 - Industrial Low Intensity (I-L)
 - Industrial Medium Intensity (I-M)
 - Industrial High Intensity (I-H)
 - Planned Unit Development (PUD)
 - Residential Estate (R-E)
 - Residential Low Density (R-L)
 - Residential Medium Density (R-M)
 - Residential High Density (R-H)
 - Residential Mobile Home (RMH)
- Colorado School Districts
 - High School Attendance Areas
 - Middle School Attendance Areas
 - Elementary School Attendance Areas
- GreeleyBaseData.DBO.Parcel
- Greeley City Outline
- Other City Outlines
- Fire Stations

1: 9,600



Notes

ZON2021-0016 Staff Report
Attachment B: Application



Land Use Application

1 Please print or type all required information. This form is **NOT** the complete submittal. The application fee and all associated materials are to be provided with this form. Staff will review the submittal and advise you of its completeness for processing.

2 Project Name: Apartments on 13th Street Rezone

Land Use Request: **Rezone**

Address/Location: **6450 W 10th Street; 6314 W 10th Street**

	Existing		Proposed (if different)	
Zoning	H-A and C-H		MU-H	
Site Use	Vacant		Determined at Site Plan Review	
Site Area	Acres: 38.99	Sq. Ft.: 1,698,229	Acres: 38.99	Sq. Ft.: 1,698,229

3

	Owner	Submittal Contact (if different)
Name	Bear Rock, LLC; Jannis Mitchell	Sam Coutts
Business	See owner's authorization form	Ripley Design Inc
Address	See owner's authorization form	419 Canyon Ave, Suite 200
Phone #	See owner's authorization form	██████████
Fax #	See owner's authorization form	
E-Mail	See owner's authorization form	████████████████████

4 This application must be signed by **all owner(s)** of record or the authorized officer, if a corporation; current proof of ownership, such as a warranty deed, is to be submitted with this application. A letter of authorization should be submitted if the authorized representative will be acting on the owner's behalf.

I/We, the owner(s), depose and state under penalties of perjury that the application and support materials provided to the City of Greeley for the identified request(s) are true and accurate. I/We am/are fully aware of all requests being made to the City of Greeley and authorize individuals or firms to represent our interest in this/these request(s).

Name: Jack Schrager

Name:

Signature: *Jack Schrager*

Signature:

Date: 10/29/21

Date:

ZON2021-0016 Staff Report
Attachment C: Project Narrative



13th Street Apartments Rezone

Rezoning Analysis | 11-12-2021

Project Narrative and Relationship to Surrounding Uses

This memo is being provided for the purpose of showing compliance with Greeley Development Code criteria for rezoning the property from C-H (Commercial High Intensity) and H-A (Holding Agriculture) to R-H (Residential High Density) per Sec 24-204(b) The R-H district *"provides multi-family residential living in a moderate-density pattern in suburban neighborhoods or higher-density, and larger scale projects in strategic locations for walkable and urban neighborhoods."* The R-H intent is for the zoning to be *"located in areas that have transitions between lower-density neighborhoods or more intense non-residential uses and where a high level of accessibility, public amenity and support services are immediately available."* The subject parcels of this application total roughly 37 acres located south of 10th Street, north of 13th Street and east of 65th Avenue Residential zoning such as R-L (Residential Low Density), R-H (Residential High Density), and R-M (Residential Medium Density) exist to the South and West while the adjacent areas to the North and East of the site are zoned C-H (Commercial High Intensity) The site proposed to be rezoned is located perfectly in between these differing zoning districts and can serve as a transitional buffer between vehicle intensive C-H and lower density residential zoning

This transitional buffering can be done while adding a variety of higher density housing developments to the rezoned parcel The R-H district is intended for higher density residential, such as multi-family dwellings, row house dwellings, and mixed-use dwellings (when granted use by special review) Increasing land use intensity from the existing single-family communities to the commercial developments along a major arterial provides excellent buffering from commercial zoning Additionally, the rezone opens the land to a variety of housing options to ensure that the land is primed for the type of development that Greeley needs as it grows

The Greeley MSA ranked as the No 3 fastest growing nationwide from July 2018 to June 2019 and the No 6 fastest growing in the country from 2010-2019 per data from the U S Census Bureau Greeley also currently ranks No 6 in Jobs & Economy and No 48 overall on Wallethub's Fastest-Growing Cities in the U S , ranking ahead of all other Colorado MSA's except for Denver The applicant is currently commissioning a complete market study to better analyze this site specifically as it relates to the supply and demand of high density housing The study will be provided for Staff's review upon its completion



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o: 970.224.5828 | w: ripleydesigninc.com

RIPLEY DESIGN, INC. | 419 Canyon Avenue, Suite 200 | Fort Collins, CO 80521



The proximity to the Sheep Draw Trail allows for the opportunity that future development be a multi-modal community. With AIMS Community College in close proximity, added rentable housing stock to the area would increase the ability for students to live close to campus and not be reliant on vehicular transportation to attend classes. The Sheep Draw Trail also continues north from this site and eventually connects to the Poudre River Regional Trail. This connection to a regional trail that currently spans 21.8 miles East/ West from East Greeley to West Windsor will provide a viable alternative commuting route and recreation options for users of a future development. Lastly, the parcel part of this rezone is adjacent to Twin Rivers Community Park and the Greeley Family FunPlex. These existing public amenities would immediately support residents of the future development and provide space for recreation.

The applicant team believes the parcels part of this rezoning application fit the intent of the R-H zoning district and the rezoning will have beneficial impacts to development on site and the Greeley community.

Vehicular and Pedestrian Connectivity

A traffic study has been included with this application which studies a potential residential development for the site in order to assess what the highest traffic demand for the site could be in the R-H zone district. Numerous connectivity improvements are proposed with this application. This piece of ground completes a key connection between 10th Street and 13th Street by linking 63rd Avenue and 65th Avenue along the western portion of the site. The entirety of 11th Street right-of-way is dedicated along the northern boundary and will connect to future developments to the east. 11th Street will act as the primary entrance to the development, as well as future access to commercial developments along 10th Street as it redevelops. While this project will not be responsible for the construction of 11th Street past the access point on the western portion, the right-of-way dedication provides a mechanism for the rest of the road to be built as redevelopment occurs along 10th Street. Other connections to local infrastructure include adding accessory access points to the property along 13th Street, which will have additional right-of-way dedicated and improvements installed. The public street sections include pedestrian facilities which will complete the pedestrian framework in the area and increase pedestrian circulation between communities. Sidewalk connections within the interior of the site to connect buildings/ amenities will also be required at the time of site development.

In addition to access and circulation on site, the parcels are also adjacent to the Sheep Draw Trail. This trail would connect the site to Twin Rivers Community Park and the Greeley Family FunPlex (1/4 mile to the southwest). The Sheep Draw Trail also connects to the regional Poudre River Trail which would





allow the end users of this site to have an accessible east-west connection from Island Grove Regional Park in East Greeley to River Bluffs Open Space in West Windsor

Rezone Review Criteria 24-204(b)

1. *The proposal is in accordance with the goals and objectives the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan*
 - The proposed rezone follows the framework outlined in the Imagine Greeley Comprehensive Plan and is supported by many Goals and Principles of the plan Rezoning this property to R-H district will allow future developers to better accomplish objectives of the Comprehensive Plan The following Imagine Greeley objectives support the rezoning of these properties *ED-2.2 Assets and Amenities, EH-2.3 Active Living, EH-2.4 Land Use, EH-2.5 Walkability & Bikability, EH-2.6 Built Environment, GC-1.2 Form of Growth, GC-1.6 Transitions to Parks and Open Lands, GC-2.1 Land Use Guidance Map, GC-2.2 Jobs/Housing Balance, GC-2.3 Pedestrian and Bicycle Oriented Development, GC-4.1 Infill/ Redevelopment Areas, GC-4.3 Infill Compatibility, GC-5.4 Residential Development, HO-2.1 Diversity in New Development, HO-2.2 Rental Housing, NR-2.7 Stormwater Management, and TM-2.2 Bikeway System.*
2. *The proposal can fulfill the intent of the zoning district considering the relationship to the surrounding areas*
 - As stated above, this site exemplifies the intent of the R-H zoning district considering the relationship to adjacent land uses, opportunity to transition from and buffer existing residential uses and ability to connect to surrounding infrastructure
3. *Whether the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area*
 - Between the final build out of the Fox Run Subdivision to the south occurring within the last five years, CDOT's access plan for 10th Street, and the new development proposal expected along 59th Avenue, has changed substantially and is expected to continue to change With the rapid growth of the Greeley community and need for a variety of housing types within City limits and the Front Range, rezoning the infill parcels from the limited C-H and H-A zone districts to the more inclusive R-H zone district will encourage development that will set up the community for success regardless of market conditions and trends





4. *Whether the existing zoning has been in place for a substantial time without development or redevelopment, and if this indicates the existing zoning is appropriate given the development trends of the area*
 - The existing zoning has been in place for a substantial time without redevelopment that follows the objectives outlined in the Comprehensive Plan. This is likely due to the large infrastructure burden the property carries. The combination of the acreage left for agricultural uses and the small portion of commercial zoning do not support land uses that drive enough revenue to fund such a large infrastructure burden. A denser or more intense use or mix of uses is required to justify the development of three new public roads.
5. *The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.*
 - The requested zoning will allow for a mix of uses and housing types which allows for development to transition from lower density residential zoning districts to high vehicle use commercial zoning while adding amenities that both surrounding districts will be able to use. Any development that occurs within this zone will be required to meet zone specific and general standards regarding open space, street design, and architectural compatibility.
6. *The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district*
 - Since the subject properties are bounded on nearly all sides by existing development, there are no issues providing services to the proposed district. A utility and drainage study have been submitted with this application to further study the public services.
7. *The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.*
 - The change of zoning will provide additional housing stock for the Greeley community with the R-H zoning. Outdoor amenity areas will also be part of the development. These types of improvements serving the Greeley community needs are not permitted within the current H-A zoning. In addition, numerous public infrastructure projects will be completed by developing this property, which serves a community need.





8. *Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.*
- While the site plan is still being designed, the applicant team is considering best practices for the site that utilizes sound planning, design, and engineering. It is not the intent of this rezone to negatively affect the surrounding land and its uses rather complement and improve those uses with this new zoning district.



ZON2021-0016 Staff Report
Attachment D: Market Study



Apartment Appraisers & Consultants, Inc.

MARKET STUDY

Proposed 13th Street Phase I Apartments
NE corner W. 13th St. & 65th Ave.
Greeley, Colorado 80634

EFFECTIVE DATE OF ANALYSIS

February 8, 2022

DATE OF REPORT

February 10, 2022

Mr. Jack Schragger
Loge Properties
Aspen, CO

PREPARED BY

Apartment Appraisers & Consultants, Inc.
1660 South Albion Street, Suite 1002
Denver, Colorado 80222
303.722.4222





Apartment Appraisers & Consultants

1660 South Albion Street, Suite 1002 • Denver, Colorado 80222 • 303.722.4222
www.ApartmentAppraisers.com

February 10, 2022

Mr. Jack Schrager
Loge Properties
414 AABC, Unit A
Aspen, CO 81611

Re: Proposed 13th Street Phase I Apartments
NE corner W. 13th St. & 65th Ave.
Greeley, Colorado 80634
Our File No. 222012

Dear Mr. Schrager:

At your request, we have completed a market study for the real property named above. The subject site is currently vacant land in the western part of Greeley, Colorado. Various existing uses are found in the surrounding blocks. In this market study, we have examined the potential of the site for rental apartment development only.

The purpose of this market study was to analyze market conditions, including metropolitan and submarket rents, vacancy, new supply, and demand. Based on our analysis, the Greeley market is not expected to experience oversupply during the next 3 years, and the anticipated new supply is not expected to impact existing apartment properties in the market area.

The intended users of the market study include the addressee above, design consultants engaged for this property, and interested equity investors and/or construction lenders. The intended use of the market study is to provide guidance to the developer and other interested parties. No other use of this report is intended or permitted. This market study is subject to the Assumptions and Limiting Conditions described in the accompanying report.

The scope of work included an analysis of the subject's location as well as supply and demand conditions in the northern Colorado region and in the Greeley submarket. The primary market area is considered to be the cities of Greeley and Evans. The secondary market is considered to be the northern Colorado region. This market study is based on existing and anticipated real estate activity. The scope of the analysis does not include user surveys or other consumer oriented research, which could also be performed to further identify renter preferences.

The analyses, opinions, and conclusions were developed, and this report has been prepared in conformance with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, the Uniform Standards of Professional Appraisal Practice (USPAP) as adopted by The Appraisal Foundation, and with the requirements of the State of Colorado for State Certified Appraisers.

Mr. Schrager
February 10, 2022
Page 2

USPAP requires that an appraiser must have the knowledge and experience necessary to complete an assignment competently. The appraisers have extensive experience appraising and performing market studies of this type and size of property in this geographic area as described in the qualifications and shown in the list of selected assignments at the end of this report. Therefore, no additional steps were necessary to comply with this USPAP provision.

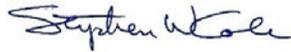
Engagement in this assignment and compensation for completing the assignment were not contingent upon developing or reporting predetermined results. We certify that we have no present or prospective interest in the property, and we have no personal interest with respect to the parties involved. The appraisers have performed no services, as appraisers or in any other capacity, regarding the property that is the subject of this report within the 3-year period immediately preceding acceptance of this assignment.

This report contains a total of 23 pages. All pertinent data we have gathered and our methods of estimating supply and demand are summarized in the report.

Respectfully submitted,
Apartment Appraisers & Consultants, Inc.



Cary W. Bruteig, MAI
Colorado State Certified General Appraiser
License No. CG1313164



Stephen W. Cole, MAI
Colorado State Certified General Appraiser
License No. CG1313502

APARTMENT MARKET OVERVIEW

In our analysis of the northern Colorado apartment market, we have relied primarily on the *Apartment Insights* survey (AI). It is prepared by Colorado Apartment Insights LLC, a joint effort between AA&C and RealData, which began surveying every property over 50 units in northern Colorado in the 3rd quarter of 2006. The 170+ properties surveyed each quarter contain over 25,000 units and provide the most accurate and consistent statistics for rents and vacancies for large apartment properties. All recent rents and vacancy rates presented in this report are quoted from this source.

Impact of the COVID-19 Pandemic

In the United States, the economy and real estate markets are recovering from the COVID-19 pandemic, though it remains a serious public health threat. Nevertheless, employment has not yet returned to pre-pandemic levels, and there are backlogs in the production of many construction materials and services. There are still delays in government and private investment functions.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) has addressed economic impacts of the pandemic, replacing lost wages for many unemployed renters in the short term, allowing them to continue to pay rent. Increased unemployment benefits have also helped limit deterioration in the multifamily market. An eviction moratorium first issued by the Centers for Disease Control and Prevention (CDC) in September 2020, and later extended, has been declared unconstitutional and is no longer in effect. We cannot predict with any certainty how the rental market will be impacted as the CDC eviction moratorium and other similar policies expire.

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021, also called the COVID-19 Stimulus Package. It is a \$1.9 trillion economic stimulus bill intended to speed up the country's recovery from the economic and health effects of the pandemic and the ongoing recession. The stimulus package includes numerous provisions that should continue to assist renters.

Renter payment statistics indicate that these programs and regulations have been effective. According to the National Multifamily Housing Council (NMHC) and the Colorado Apartment Association (CAA), rent collections nationally and in Colorado have been stronger than anticipated. The most recent data from the NMHC indicate that 92.0% of apartment households nationally made a full or partial rent payment as of the end of December 2021, down from 93.1% of renters who had paid by the end of November 2021. There has been a slight trend of decline during the last 3 months, which appears to reflect reductions in renter and business subsidies.

The CAA reported that 96.3% of Colorado renters made their payments in August 2021 (the most recent data available), which was well above the national average in August 2021. According to the CAA, Colorado collections have outperformed national collections in every month since tracking the numbers began in April 2020. In addition to government assistance, the statistics reflect the willingness of renters to prioritize their rent obligations and continue making payments.

The CAA also reported that eviction filings in Colorado remained at record lows in September 2021, reaching only 66.3% of September 2019 levels (pre-COVID). "Rent payments have remained strong and steady, and eviction filings have been abnormally low throughout the pandemic," said Drew Hamrick, senior vice president and general counsel at the Colorado Apartment Association. "The expiration of the eviction moratorium allowed our housing markets to return to normal, and that return hasn't brought a surge in eviction filings. Colorado's numbers remain well below pre-pandemic levels."

APARTMENT MARKET OVERVIEW - Continued

It appears that job growth and economic recovery are occurring just as government support is reaching its limits and eviction moratoriums are coming to an end. We are continually monitoring the situation, as well as relevant market data, and our estimates throughout this report reflect the best data and analysis currently available.

Northern Colorado Region

During the 1990s, the Fort Collins-Loveland-Greeley apartment market benefited from an expanding local economy with several years of low vacancy, increasing rents, and only limited new supply. However, the local supply increased significantly in the early 2000s, just as the economy slowed, resulting in high vacancy and minimal rent growth for 4 years. The local economy improved from the 2nd half of 2004 through the 1st half of 2008, and there was little new apartment supply, resulting in declining vacancy and increasing rents. In 2009, vacancy increased and effective rents declined in response to the national economic downturn beginning in late 2008. Strong market recovery occurred after mid-2010, with vacancy dropping to a record low 2.1% in late 2014 and early 2015 and rent growth exceeding 11% during this time period. Since then, vacancy has been moderately higher as new supply was delivered.

During the pandemic (2nd quarter of 2020 to present) vacancy peaked at 6.0% in the 1st quarter of 2021, but it has averaged only 4.6% during this 7-quarter period. Rents changed little during the early quarters of the pandemic, but they increased sharply during the 2nd half of 2021.

According to the *Apartment Insights* (AI) survey, the average vacancy rate for the Fort Collins-Loveland-Greeley region is 4.1% in the most recent 4th quarter 2021 survey, down from a rate of 4.6% in the same period a year earlier. Even during the pandemic year of 2020, regional vacancy averaged only 4.6%. During the last 5 years, vacancy has averaged only 4.3%, well below a stabilized 5% to 6% and indicating chronic pent-up demand.

The region's average gross rent of \$1,536 is a substantial increase of 15.3% over the same period a year ago. The current average concession in the region is just \$1, or 0.1% of the gross rent. The resulting average effective rent (net of concessions) is \$1,535, an even higher increase of 17.9% over the same period a year ago. Both the gross and effective average rents are at record high levels.

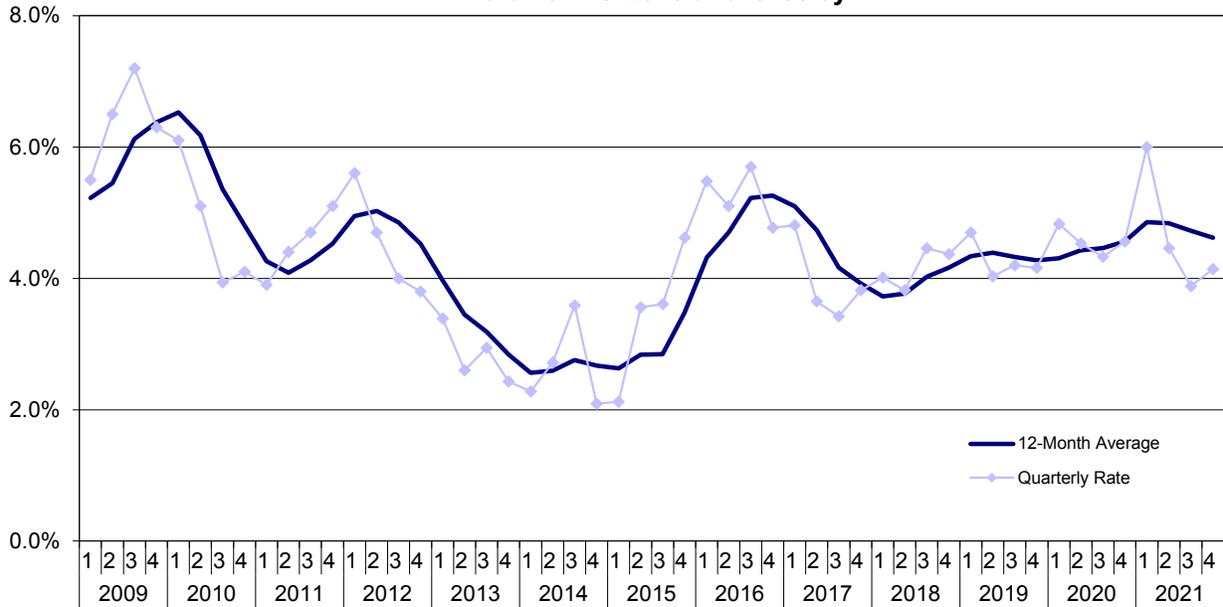
While the downturn in the oil and gas industry in Weld County was an influence several years ago, recent market fluctuations mostly reflect the increase in new supply, with recovery occurring as it has been absorbed. The pandemic was a minor influence in 2020 and the 1st quarter of 2021. Please refer to the table and graphs on the following pages for trends in vacancy and rents.

APARTMENT MARKET OVERVIEW - Continued

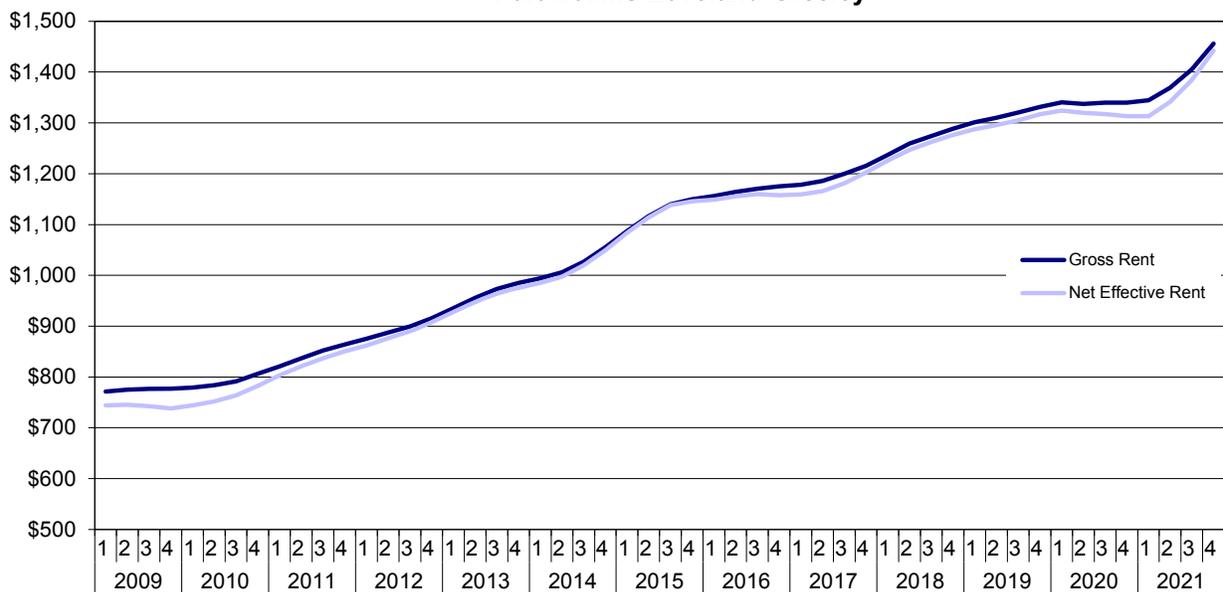
VACANCY AND RENTS										
Fort Collins-Loveland-Greeley										
Year	Quarter	Average Monthly Rents*					Overall Avg. Rent		Con- cession	Vacancy Rate
		Studio	1BD/1BA	2BD/1BA	2BD/2BA	3BD/2BA	Gross	Net		
2010	1	\$547	\$670	\$677	\$855	\$936	\$784	\$747	(\$37)	6.1%
	2	\$550	\$694	\$702	\$881	\$980	\$793	\$770	(\$23)	5.1%
	3	\$565	\$717	\$717	\$927	\$1,014	\$813	\$799	(\$14)	3.9%
	4	\$572	\$720	\$719	\$947	\$1,046	\$835	\$815	(\$20)	4.1%
2011	1	\$575	\$733	\$741	\$956	\$1,052	\$842	\$828	(\$14)	3.9%
	2	\$591	\$741	\$741	\$982	\$1,067	\$857	\$842	(\$15)	4.4%
	3	\$593	\$765	\$750	\$1,014	\$1,079	\$875	\$862	(\$13)	4.7%
	4	\$610	\$772	\$775	\$1,004	\$1,092	\$881	\$870	(\$11)	5.1%
2012	1	\$614	\$771	\$788	\$997	\$1,110	\$887	\$872	(\$15)	5.6%
	2	\$635	\$792	\$801	\$1,044	\$1,131	\$907	\$900	(\$7)	4.7%
	3	\$663	\$808	\$815	\$1,055	\$1,164	\$921	\$917	(\$4)	4.0%
	4	\$683	\$821	\$833	\$1,072	\$1,254	\$948	\$940	(\$8)	3.8%
2013	1	\$703	\$836	\$845	\$1,088	\$1,265	\$965	\$954	(\$11)	3.4%
	2	\$722	\$856	\$859	\$1,132	\$1,269	\$989	\$979	(\$10)	2.6%
	3	\$712	\$858	\$870	\$1,120	\$1,285	\$991	\$980	(\$11)	2.9%
	4	\$717	\$859	\$875	\$1,141	\$1,276	\$994	\$987	(\$7)	2.4%
2014	1	\$732	\$866	\$878	\$1,144	\$1,315	\$1,003	\$994	(\$9)	2.3%
	2	\$756	\$915	\$903	\$1,177	\$1,333	\$1,036	\$1,029	(\$7)	2.7%
	3	\$777	\$945	\$929	\$1,236	\$1,386	\$1,074	\$1,069	(\$5)	3.6%
	4	\$804	\$982	\$958	\$1,281	\$1,417	\$1,108	\$1,107	(\$1)	2.1%
2015	1	\$843	\$1,008	\$973	\$1,296	\$1,463	\$1,131	\$1,130	(\$1)	2.1%
	2	\$861	\$1,032	\$1,003	\$1,292	\$1,504	\$1,152	\$1,149	(\$3)	3.6%
	3	\$905	\$1,051	\$999	\$1,326	\$1,507	\$1,168	\$1,166	(\$2)	3.6%
	4	\$916	\$1,022	\$998	\$1,278	\$1,486	\$1,149	\$1,138	(\$11)	4.6%
2016	1	\$896	\$1,037	\$1,004	\$1,275	\$1,460	\$1,156	\$1,143	(\$13)	5.5%
	2	\$913	\$1,073	\$1,031	\$1,332	\$1,510	\$1,184	\$1,176	(\$8)	5.1%
	3	\$951	\$1,081	\$1,024	\$1,325	\$1,469	\$1,193	\$1,181	(\$12)	5.7%
	4	\$889	\$1,015	\$1,023	\$1,246	\$1,458	\$1,168	\$1,131	(\$37)	4.8%
2017	1	\$934	\$1,045	\$1,034	\$1,256	\$1,464	\$1,168	\$1,149	(\$19)	4.8%
	2	\$975	\$1,096	\$1,054	\$1,343	\$1,495	\$1,214	\$1,203	(\$11)	3.7%
	3	\$1,026	\$1,143	\$1,100	\$1,364	\$1,542	\$1,249	\$1,241	(\$8)	3.4%
	4	\$966	\$1,101	\$1,101	\$1,336	\$1,526	\$1,232	\$1,216	(\$16)	3.8%
2018	1	\$1,008	\$1,139	\$1,123	\$1,363	\$1,525	\$1,253	\$1,244	(\$9)	4.0%
	2	\$1,048	\$1,179	\$1,122	\$1,422	\$1,607	\$1,302	\$1,287	(\$15)	3.8%
	3	\$1,072	\$1,184	\$1,155	\$1,434	\$1,649	\$1,310	\$1,303	(\$7)	4.5%
	4	\$1,041	\$1,163	\$1,162	\$1,374	\$1,590	\$1,289	\$1,271	(\$18)	4.4%
2019	1	\$1,063	\$1,180	\$1,176	\$1,397	\$1,604	\$1,304	\$1,289	(\$15)	4.7%
	2	\$1,135	\$1,192	\$1,195	\$1,445	\$1,645	\$1,337	\$1,320	(\$17)	4.0%
	3	\$1,191	\$1,223	\$1,200	\$1,460	\$1,673	\$1,352	\$1,339	(\$13)	4.2%
	4	\$1,170	\$1,211	\$1,196	\$1,429	\$1,639	\$1,332	\$1,319	(\$13)	4.2%
2020	1	\$1,177	\$1,204	\$1,161	\$1,444	\$1,655	\$1,340	\$1,318	(\$22)	4.8%
	2	\$1,143	\$1,185	\$1,162	\$1,430	\$1,650	\$1,326	\$1,304	(\$22)	4.5%
	3	\$1,176	\$1,217	\$1,154	\$1,463	\$1,670	\$1,361	\$1,329	(\$32)	4.3%
	4	\$1,161	\$1,185	\$1,184	\$1,410	\$1,643	\$1,332	\$1,302	(\$30)	4.6%
2021	1	\$1,132	\$1,205	\$1,178	\$1,424	\$1,692	\$1,358	\$1,318	(\$40)	6.0%
	2	\$1,229	\$1,276	\$1,620	\$1,564	\$1,821	\$1,425	\$1,416	(\$9)	4.5%
	3	\$1,309	\$1,365	\$1,620	\$1,667	\$1,881	\$1,505	\$1,500	(\$5)	3.9%
	4	\$1,355	\$1,400	\$1,341	\$1,685	\$1,939	\$1,536	\$1,535	(\$1)	4.1%

APARTMENT MARKET OVERVIEW - Continued

AVERAGE APARTMENT VACANCY RATE Fort Collins-Loveland-Greeley

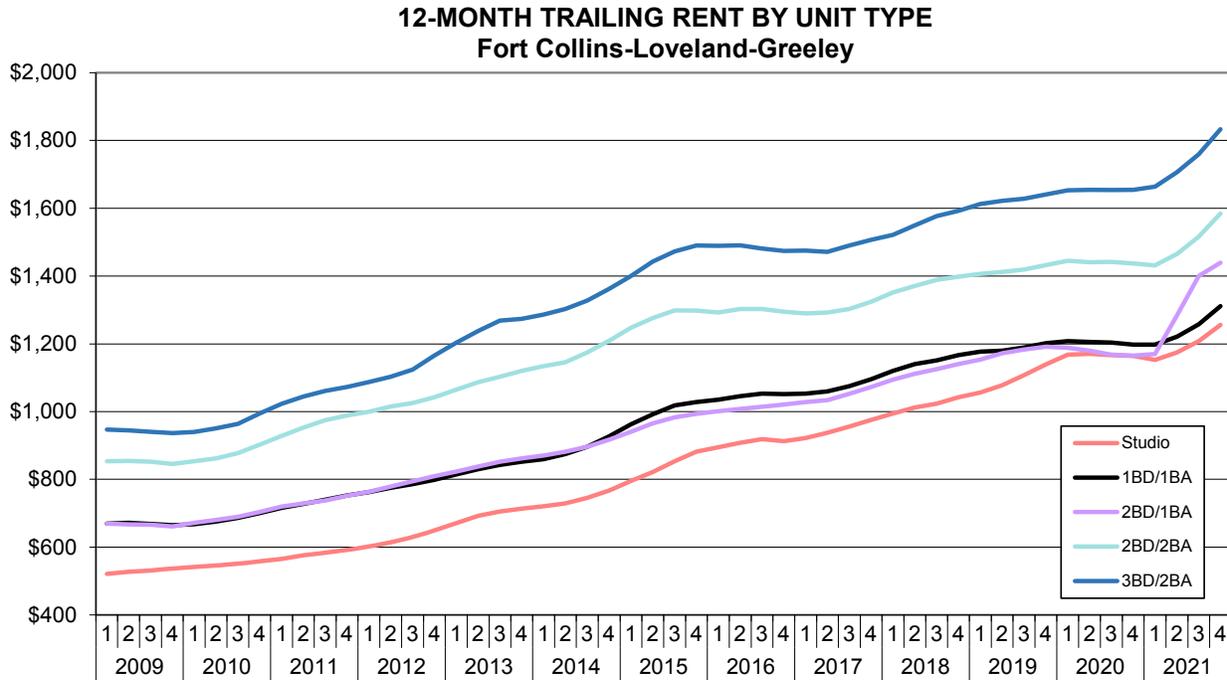


12-MONTH TRAILING AVERAGE MONTHLY RENT Fort Collins-Loveland-Greeley



A graph of effective rents by unit type, based on 12-month trailing averages, is shown below. There is minimal difference in the total monthly rents between the 1-bedroom and 2-bedroom/1-bathroom units because the 2-bedroom/1-bathroom type was mostly found in older, lower quality properties, until recent quarters when it was provided in new developments.

APARTMENT MARKET OVERVIEW - Continued



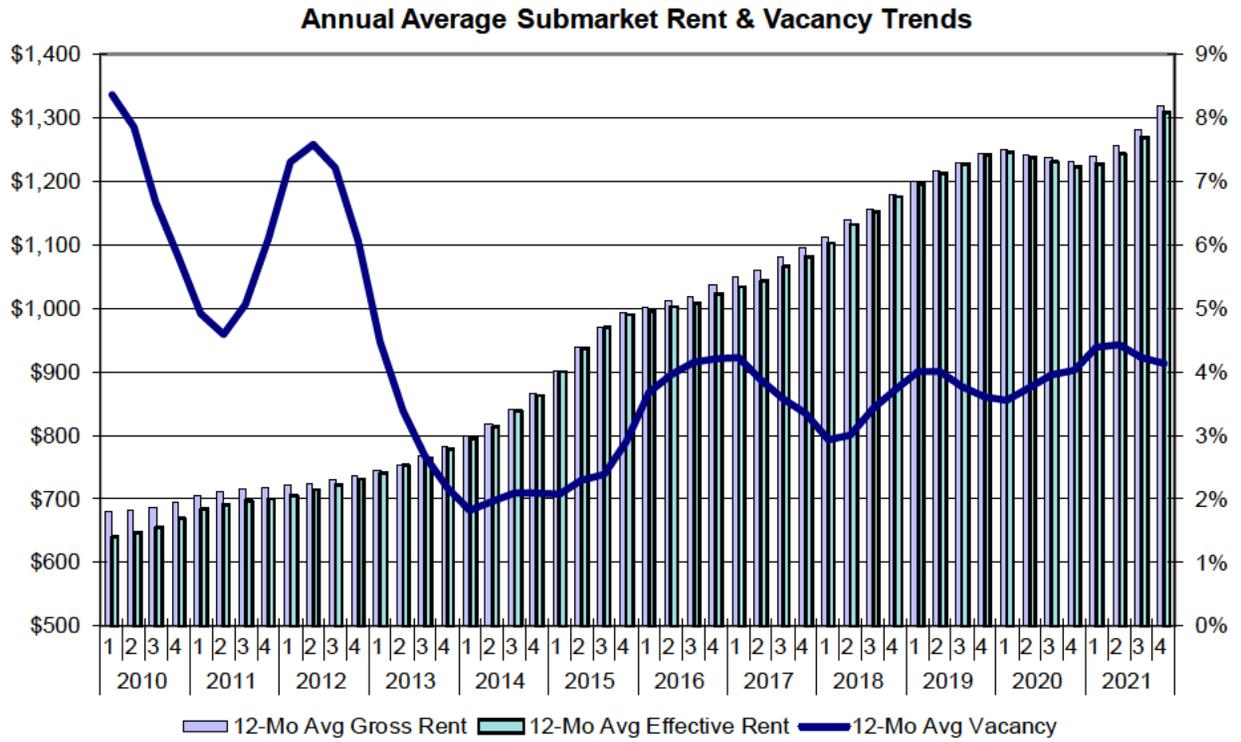
Submarket

In the *Apartment Insights* survey, the subject property is located in the Greeley submarket. The subject property is located in the northwestern part of the submarket. The historical trends in vacancy rates and rents in this submarket have generally followed the regional trends.

According to *Apartment Insights*, the 4th quarter 2021 vacancy rate in the Greeley submarket is 3.5%, down from the rate a year before of 3.8%. During the last 5 years, vacancy has averaged only 3.8%, indicating chronic pent-up demand. Submarket vacancy is even lower than the northern Colorado regional average for this time period.

The survey reports a monthly average gross rent for the submarket of \$1,389 with just \$1 (0.1%) in concessions, resulting in an effective rent of \$1,388 per month. The average effective submarket rent has increased by 13.0% during the past 12 months. Both the gross and effective submarket rents are at record highs. The trends in vacancy and effective rents are shown in the following graph and table.

APARTMENT MARKET OVERVIEW - Continued



APARTMENT MARKET OVERVIEW - Continued

RENT AND VACANCY TABLE										
Greeley										
Year	Qtr.	Average Monthly Rents					Overall Avg. Rent		Con- cession	Vacancy Rate
		Studio	1BD/1BA	2BD/1BA	2BD/2BA	3BD	Gross	Net		
2010	1	\$433	\$571	\$598	\$730	\$818	\$680	\$637	(\$43)	7.9%
	2	\$433	\$599	\$597	\$773	\$819	\$691	\$662	(\$29)	6.3%
	3	\$433	\$624	\$608	\$798	\$872	\$698	\$685	(\$13)	4.6%
	4	\$436	\$622	\$589	\$831	\$900	\$710	\$691	(\$19)	4.4%
2011	1	\$444	\$632	\$625	\$811	\$869	\$717	\$696	(\$21)	4.4%
	2	\$444	\$611	\$613	\$827	\$902	\$719	\$692	(\$27)	5.0%
	3	\$444	\$626	\$646	\$837	\$891	\$716	\$708	(\$8)	6.5%
	4	\$438	\$623	\$648	\$830	\$890	\$718	\$705	(\$13)	8.5%
2012	1	\$442	\$640	\$648	\$847	\$907	\$728	\$717	(\$11)	9.3%
	2	\$451	\$649	\$667	\$852	\$921	\$735	\$728	(\$7)	6.1%
	3	\$454	\$655	\$671	\$860	\$931	\$740	\$735	(\$5)	5.0%
	4	\$433	\$663	\$679	\$878	\$948	\$746	\$746	\$0	3.9%
2013	1	\$436	\$660	\$687	\$902	\$947	\$754	\$753	(\$1)	2.9%
	2	\$446	\$674	\$709	\$937	\$989	\$778	\$777	(\$1)	1.7%
	3	\$449	\$683	\$727	\$915	\$999	\$787	\$780	(\$7)	2.2%
	4	\$488	\$723	\$741	\$942	\$1,024	\$810	\$806	(\$4)	1.8%
2014	1	\$494	\$723	\$770	\$951	\$1,050	\$823	\$819	(\$4)	1.6%
	2	\$529	\$747	\$791	\$991	\$1,079	\$849	\$847	(\$2)	2.3%
	3	\$541	\$777	\$834	\$1,017	\$1,135	\$883	\$882	(\$1)	2.7%
	4	\$579	\$791	\$839	\$1,037	\$1,186	\$904	\$903	(\$1)	1.8%
2015	1	\$602	\$842	\$865	\$1,138	\$1,235	\$969	\$969	\$0	1.5%
	2	\$595	\$869	\$890	\$1,153	\$1,304	\$995	\$995	\$0	3.2%
	3	\$592	\$874	\$904	\$1,179	\$1,298	\$1,012	\$1,008	(\$4)	3.1%
	4	\$576	\$850	\$911	\$1,138	\$1,259	\$991	\$985	(\$6)	3.8%
2016	1	\$588	\$858	\$904	\$1,150	\$1,242	\$1,009	\$992	(\$17)	4.7%
	2	\$606	\$914	\$899	\$1,183	\$1,299	\$1,031	\$1,025	(\$6)	4.3%
	3	\$601	\$926	\$910	\$1,174	\$1,276	\$1,044	\$1,030	(\$14)	3.8%
	4	\$603	\$918	\$936	\$1,187	\$1,316	\$1,059	\$1,045	(\$14)	4.0%
2017	1	\$601	\$918	\$936	\$1,161	\$1,288	\$1,062	\$1,036	(\$26)	4.8%
	2	\$641	\$952	\$944	\$1,188	\$1,310	\$1,078	\$1,061	(\$17)	2.9%
	3	\$684	\$1,009	\$986	\$1,264	\$1,399	\$1,129	\$1,125	(\$4)	2.7%
	4	\$654	\$940	\$997	\$1,257	\$1,390	\$1,108	\$1,101	(\$7)	3.1%
2018	1	\$654	\$1,015	\$1,008	\$1,255	\$1,390	\$1,134	\$1,127	(\$7)	3.1%
	2	\$752	\$1,055	\$1,042	\$1,313	\$1,427	\$1,180	\$1,174	(\$6)	3.2%
	3	\$760	\$1,079	\$1,070	\$1,353	\$1,441	\$1,204	\$1,204	\$0	4.4%
	4	\$760	\$1,074	\$1,075	\$1,334	\$1,412	\$1,198	\$1,194	(\$4)	4.2%
2019	1	\$785	\$1,107	\$1,106	\$1,328	\$1,478	\$1,216	\$1,214	(\$2)	4.3%
	2	\$982	\$1,093	\$1,099	\$1,380	\$1,541	\$1,245	\$1,238	(\$7)	3.2%
	3	\$1,025	\$1,136	\$1,103	\$1,389	\$1,556	\$1,259	\$1,259	\$0	3.4%
	4	\$1,032	\$1,148	\$1,102	\$1,377	\$1,503	\$1,259	\$1,255	(\$4)	3.5%
2020	1	\$1,016	\$1,089	\$1,076	\$1,358	\$1,522	\$1,232	\$1,224	(\$8)	4.1%
	2	\$971	\$1,078	\$1,093	\$1,333	\$1,488	\$1,221	\$1,210	(\$11)	3.9%
	3	\$992	\$1,103	\$1,094	\$1,355	\$1,536	\$1,238	\$1,230	(\$8)	4.2%
	4	\$998	\$1,085	\$1,119	\$1,352	\$1,506	\$1,234	\$1,228	(\$6)	3.8%
2021	1	\$987	\$1,116	\$1,099	\$1,358	\$1,557	\$1,259	\$1,240	(\$19)	5.6%
	2	\$991	\$1,129	\$1,127	\$1,412	\$1,606	\$1,287	\$1,274	(\$13)	4.1%
	3	\$989	\$1,200	\$1,171	\$1,470	\$1,628	\$1,340	\$1,330	(\$10)	3.5%
	4	\$1,091	\$1,266	\$1,206	\$1,530	\$1,703	\$1,389	\$1,388	(\$1)	3.5%

APARTMENT MARKET OVERVIEW - Continued

A search of 8-unit and larger communities within the subject property's submarket, as defined by the *Apartment Insights* survey, shows there are 75 communities with a total of 8,888 apartments, including all of the units in 6 properties still under construction. The breakdown by decade of construction is summarized as follows:

YEAR BUILT	NO. OF PROPERTIES	NO. OF UNITS
1960s	5	207
1970s	23	2,475
1980s	6	655
1990s	4	277
2000s	8	1,143
2010s	14	1,861
<u>2020s</u>	<u>15</u>	<u>2,218</u>
Total	75	8,888

Demand Analysis – Primary Market Area (PMA)

The primary market for the subject property consists of the adjacent cities of Greeley and Evans. Virtually all developed areas of the PMA are within 6 miles of the subject site, so residents have convenient access to employment, shopping, services, and entertainment throughout the area.

The ESRI report projects average population growth of 1.59% annually, or 2,250 persons per year within the primary market during the next 5 years. This projection does not accurately reflect actual long-term growth. From 2014 through 2017, growth averaged 2.4% per year, or an average of 2,947 new residents per year. Slower growth from 2018 through 2020 apparently resulted from limited new housing supply, since job growth was strong prior to the pandemic. Weld County is projected by the Colorado Demography Office to grow at rates of 2.3% to 4.9% during the next 3 years, though Greeley/Evans is expected to grow at a lower rate. Based on this information, we have projected annual PMA growth during the next 3 years of 1.8%, which equates to an average of **2,551 persons** per year, below the actual annual growth from 2014 through 2017.

Information from the most recent 2015-2019 American Community Survey (ACS) 5-year estimates indicates that the ratio of multifamily renters to the total population is 21.6%, as shown in the table below.

TOTAL POPULATION IN OCCUPIED HOUSING UNITS BY TENURE BY UNITS IN STRUCTURE	
<u>Renter Occupied - Structure</u>	<u>Total</u>
1, detached or attached	18,703
2 to 4	9,579
5 or more	16,409
Mobile home	3,024
Boat, RV, van, etc.	0
Total population	120,181
Total renter population	47,715
Total renter population in 2+ unit structures	25,988
Ratio renter to total population	39.7%
Ratio multifamily renter to total population	21.6%
Source: 2019 American Community Survey 5-year estimates	

APARTMENT MARKET OVERVIEW - Continued

The allocation of renter households by structure type from the 2019 ACS is shown below. The data indicate the average multifamily renter household size is 2.28, calculated by dividing the 25,988 multifamily renter population in 2+ structures by the 11,387 multifamily renter households. According to the 2019 ACS, the average multifamily renter household size for all of Weld County was 2.16 persons, which supports the PMA statistics. After considering the indicators from these sources, we have used an average multifamily renter household size of 2.28 in this analysis.

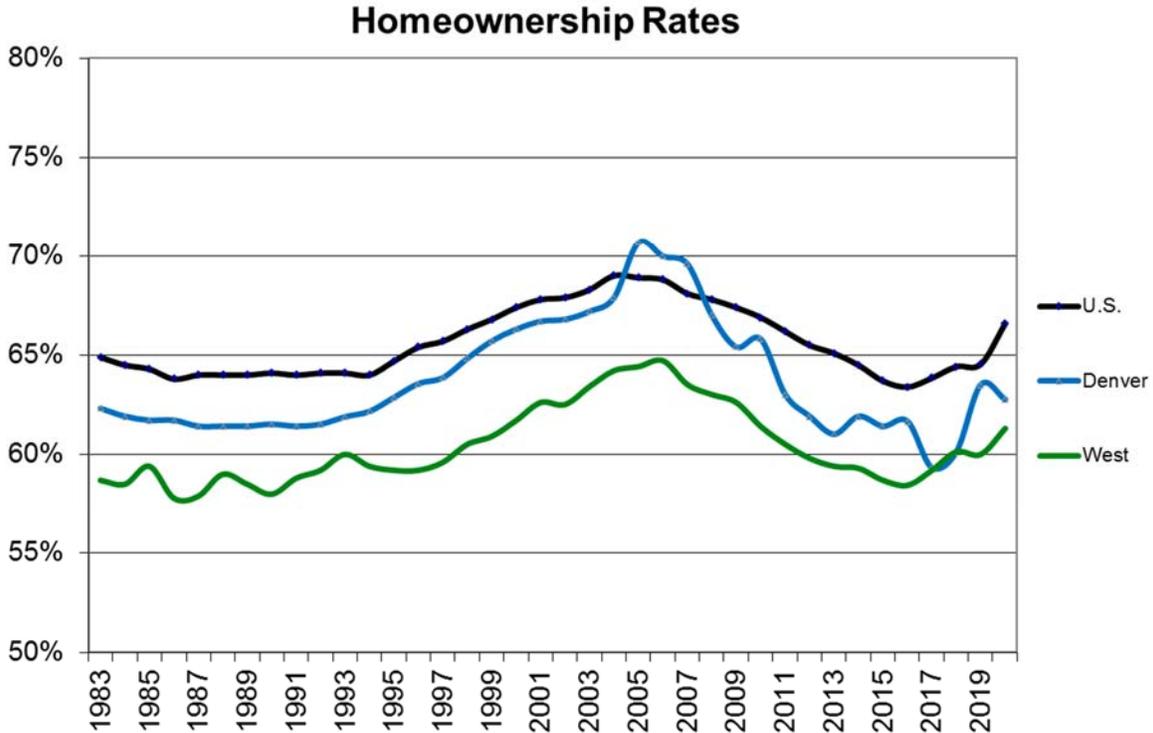
TENURE BY UNITS IN STRUCTURE	
<u>Renter Occupied - Structure</u>	<u>Total</u>
1, detached	4,230
1, attached	973
2	1,387
3 or 4	2,103
5 to 9	2,656
10 to 19	2,359
20 to 49	1,684
50 or more	1,198
Mobile home	758
Boat, RV, van, etc.	0
Total households	43,314
Total renter households	17,348
Total renter households in 2+ unit structures	11,387
Ratio renter to total households	40.1%
Ratio multifamily renter to total renter households	65.6%
Source: 2018 American Community Survey 5-year estimates	

As noted above, the ratio of multifamily renters to the total population was estimated at 21.6% in the 2019 ACS, which reflects existing households, rather than the proportion of new households choosing multifamily rental units. If households in single family homes are included, the total renter population is 39.7% of the PMA total population. Because of the subject's suburban location and recommended ratio of 3-bedroom units, it is expected to attract households that might otherwise choose to rent single family homes.

In addition, the supply of new single family homes has been constrained in recent years. In the City of Greeley, permits for multifamily residences, including condominiums, have exceeded permits for single family homes from 2013 through 2020, except for 2018, and the ratio has been particularly high during the last 3 years. From 2019 through 2021, multifamily unit permits ranged from 67% to 82%, and they averaged 75% of all permits during this period.

The overall decline in homeownership rates since 2005 has benefitted the apartment market, although the trend has reversed recently. The following chart shows homeownership rate trends both locally and nationally based on data from the U.S. Department of Housing and Urban Development. Figures for the Greeley MSA are not available, but they would most likely be similar to the statistics for the West.

APARTMENT MARKET OVERVIEW - Continued



Source: Dept of HUD, US Housing Mkt Conditions. Denver interpolated prior to 2005. Updated April 2020

Several additional trends further support demand for apartments. These factors, listed below, include both demographic trends toward smaller households that prefer to rent and economic conditions that limit the ability of households to purchase homes.

- Increasing number of persons aged 20 to 35, the most common renter age. In the PMA, this Millennial group now outnumbers Baby Boomers.
- Generally tight credit conditions for 1st time home buyers.
- Increasing student debt, which limits the ability of the renter age demographic to purchase a home.
- High current percentage of adult children living with parents, creating pent up demand.
- The declining fertility rate and later female age of 1st birth support rental, since growing families are a major motivation to purchase for persons under 35.
- Increasing percentage of unmarried and divorced mothers of small children who prefer the simplicity of renting to owning.
- Home prices increasing faster than personal income, plus limited condominium and detached home construction starts, which normally provide affordable entry into homeownership.

Based on these various sources, we have projected that 50% of the new population will choose multifamily rental apartments during the next 3 years. Using this projection, the forecasted population growth of 2,551 persons per year, and assuming that the average apartment household

APARTMENT MARKET OVERVIEW - Continued

size remains at approximately 2.28 persons, the annual demand for apartments is calculated to average **559 units per year**. The calculations are shown below.

$$\text{PMA: } 2,551 \times 50\% \div 2.28 = 559 \text{ units per year}$$

As a second methodology, we have reviewed actual new supply and absorption in the PMA during the last 7 years. Absorption is defined as the change in the number of occupied units. Absorption has fluctuated due both to economic changes and to the availability of new supply, as shown in the following table.

ANNUAL NEW SUPPLY AND ABSORPTION HISTORY						
Primary Market Area (Greeley and Evans)						
<u>Time Period</u>	<u>Total Units</u>	<u>Total Units</u> <u>Annual Change</u>	<u>Occupied</u> <u>Units</u>	<u>Annual</u> <u>Absorption</u>	<u>Overall</u> <u>Vacancy Rate *</u>	<u>Overall</u> <u>Vacant Units</u>
4th Quarter 2015	5,355	548	5,034	320	5.99%	321
4th Quarter 2016	5,648	293	5,328	294	5.67%	320
4th Quarter 2017	5,748	100	5,569	241	3.11%	179
4th Quarter 2018	5,854	106	5,470	-99	6.56%	384
4th Quarter 2019	5,895	41	5,662	192	3.95%	233
4th Quarter 2020	6,870	975	6,060	398	11.79%	810
4th Quarter 2021	7,062	<u>192</u>	6,815	<u>755</u>	3.50%	247
Total 2015Q4 - 2021Q4		2,255		2,101		
Avg. Absorption 2015Q4 - 2021Q4				300		
Avg. Absorption 2020Q4 - 2021Q4				577		

* Includes subsidized/affordable properties and properties still in lease-up

The highest absorption occurred during the last 2 years, despite pandemic conditions, because a large number of new units were delivered to the market. The 3rd highest absorption amount occurred in 2015, again due to new supply becoming available. Low absorption occurred during years with little new supply.

Overall, the PMA is able to absorb substantial new supply, as demonstrated by an occupancy increase of 755 units during 2021. Based on these methodologies, we project demand for **600 units per year** during the next 3 years.

Supply Analysis – Primary Market Area

At the present time, there are 5 properties under construction that will deliver a total of 892 units. One of these properties (Wildhorse at Tuscany) has completed buildings, with 48 units already occupied. There are also 17 developments proposed within the PMA, with a total of 3,604 units that could begin adding new units to the area within the next 1 to 2 years, including 282 units in the subject Phase I. One of the properties under construction is market rate age restricted (senior), and 1 of the proposed developments is affordable.

New developments typically face a wide range of issues regarding municipal approvals, financing, and construction, so not all proposed communities proceed. Historically, about half of the developments proposed at any given time were actually completed within 3 years. With increasing construction costs and other issues, this figure in metropolitan Denver dropped to 37% in 2019 and to just 28% in 2020. Preliminary information indicates that it increased to about 40%

APARTMENT MARKET OVERVIEW - Continued

in 2021. In Greeley, there were 2,778 proposed units during the 4th quarter of 2020. A year later, only 1,060 units were under construction, indicating a developer success rate of 38%. Rapidly escalating construction costs, as well as labor and material shortages caused by the pandemic, are expected to create even more challenges to proposed developments.

Based on this information, we have assigned a probability of 30% to most of the proposed developments. Reserve at Crescent Cove and Copper Platte are reportedly about to break ground, so they are included in the analysis at 100%. The subject is also included in the analysis at a 100% probability.

Combining the developments in earlier and later stages of planning, the blended probability of the proposed supply is 45%, consistent with recent developer success rates in the market. The table below summarizes the apartment developments that are now under construction and proposed in the PMA.

APARTMENT MARKET OVERVIEW - Continued

NEW SUPPLY - UNDER CONSTRUCTION AND PROPOSED								
Primary Market Area (Greeley and Evans)								
<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Developer</u>	<u>Miles</u>	<u>Direction</u>	<u>Total Units</u>	<u>Completion Date</u>	<u>Units to Absorb</u>
Trails at Sheep Draw II	Market	Under Const.	Journey Homes, LLC	2.2	W	252	Sep-22	252
Centerplace	Market	Under Const.	McWhinney	2.4	SE	304	Dec-23	304
Poudre Trails II	Market	Under Const.	Hargrave Construction Inc.	2.9	E	80	Aug-22	80
Wildhorse at Tuscany	Market	Under Const.	Mountain Regions RE Services	2.9	SE	171	Apr-22	123
55 Resort at the Maddie	Mkt./Age Restr.	Under Const.	L3 Communities	4.8	E	85	Jul-22	85
Subtotal Under Construction						892		844
<u>Name</u>	<u>Type</u>	<u>Status</u>	<u>Developer</u>	<u>Miles</u>	<u>Direction</u>	<u>Total Units</u>	<u>Probability</u>	<u>Probable Units</u>
13th Street Phase I	Market	Proposed	Loge Properties LLC	--	--	282	100%	282
Fox Run	Market	Proposed	Schuman Companies Inc.	0.3	SE	118	30%	35
City Center West	Market	Proposed	Hensel Phelps	0.9	NW	200	30%	60
Alpine Flats	Market	Proposed	Richmark Holdings, Inc.	1.3	SE	200	30%	60
Westgate	Market	Proposed	Continental Properties	1.7	SW	288	30%	86
Westgate SFR	Market	Proposed	Continental Properties	1.8	SW	191	30%	57
Rock Ridge PH I & II	Market	Proposed	Edward Rose & Sons	1.9	S	288	30%	86
Reserve at West T-Bone III	Market	Proposed	Ancon II Constructors Inc.	2.0	S	120	30%	36
Trails at Sheep Draw III	Market	Proposed	Journey Homes, LLC	2.1	W	84	30%	25
Watermark at Centerplace	Market	Proposed	Watermark Residential	2.6	SE	336	30%	101
Wildhorse at Tuscany II	Market	Proposed	Mountain Regions RE Services	2.9	SE	263	30%	79
Promontory PH I	Market	Proposed	Journey Homes, LLC	3.4	W	261	30%	78
Promontory PH II	Market	Proposed	Journey Homes, LLC	3.5	W	219	30%	66
Reserve at Crescent Cove	Market	Proposed	M. Timm Development	3.8	SE	288	100%	288
Rockies	Market	Proposed	E&T Electric	3.8	E	50	30%	15
Copper Platte	Affordable	Proposed	Inland Group	4.3	SE	224	100%	224
Confidential	Market	Proposed	Confidential	--	--	192	30%	58
Subtotal Proposed						3,604		1,637
Total New & Proposed Construction In PMA						4,496		2,481
Stabilized Occupancy (95%)								2,357
Estimated Demand								600
Years Supply in the PMA								3.9

APARTMENT MARKET OVERVIEW - Continued

The probable new supply in the PMA totals about 2,481 units. After deducting stabilized vacancy, approximately 2,357 new apartments must be absorbed. Demand has been estimated to average 600 units per year, indicating 3.9 years of supply in the pipeline during the next 3 years. After deducting affordable and age restricted developments, which are less dependent for demand on normal population growth, there are 3.4 years of supply in the pipeline during the next 3 years.

The anticipated supply is moderately in excess of the projected demand. However, the Greeley submarket currently has a vacancy rate of only 3.5%, well below a stabilized vacancy level of 5% to 6%. Vacancy has averaged only 3.8% for the last 5 years, indicating chronic pent-up demand. Pent-up demand is further indicated by the current record high rents. With minimal concessions, effective rents have increased 13.0% during the last year.

The new supply in the PMA is expected to ease pent-up demand, slowing the record rent growth, as vacancy increases slightly toward a stabilized level of 5% to 6%. The market is expected to remain in balance during the next 3 years, and the new supply is not expected to impact existing apartment properties in the market area.

CERTIFICATION

We certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report, and we have no personal interest with respect to the parties involved.
- The appraisers have performed no services, as appraisers or in any other capacity, regarding the property that is the subject of this report within the 3-year period immediately preceding acceptance of this assignment.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Appraisal Institute's Code of Professional Ethics and the Standards of Professional Appraisal Practice, which include the Uniform Standards of Professional Appraisal Practice.
- Stephen W. Cole made a personal inspection of the property that is the subject of this report. Cary W. Bruteig did not inspect the property.
- No one provided significant real property appraisal assistance to the persons signing this certification.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, Cary W. Bruteig and Stephen W. Cole have completed the continuing education program of the Appraisal Institute.
- The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

Stephen W. Cole, MAI
Colorado State Certified General Appraiser
License No. CG1313502

Cary W. Bruteig, MAI
Colorado State Certified General Appraiser
License No. CG1313164

ASSUMPTIONS AND LIMITING CONDITIONS

The certification of the appraiser appearing in this appraisal report is subject to the following conditions and to such other specific and limiting conditions as are set forth in the report.

1. The appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or the title thereto, nor does the appraiser render an opinion as to the title, which is assumed to be good and marketable. The property is appraised as if free and clear of any and all liens or encumbrances unless otherwise specified. The property is appraised as though under responsible ownership and management.
2. The appraiser is not required to give testimony or appear in court because of having made this appraisal with reference to the property in question, unless arrangements have been made previously.
3. Plats, maps, and exhibits included herein are for illustration only, as an aid in visualizing matters discussed within the report. They should not be relied upon for any other purpose. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. The appraiser has made no survey of the property.
4. The appraiser assumes there are no hidden or unapparent conditions of the property, subsoil, or structures that would render it more or less valuable. The appraiser assumes no responsibility for such conditions or for engineering that might be required to discover such factors. No opinion is expressed as to the value of subsurface oil, gas, or mineral rights and the property is not subject to surface entry for the exploration or removal of such materials except as is expressly stated.
5. Information, estimates, financial statements, rent rolls, construction budgets, and opinions furnished to the appraiser, and contained in this report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished the appraiser can be assumed by the appraiser. The appraiser assumes no responsibility for independently verifying this information.
6. The appraiser assumes no responsibility for economic or physical factors occurring after the date of the estimate of value. The appraiser has no obligation to update the report or revise it in any manner because of events or transactions occurring subsequent to the date of this report.
7. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, the MAI designation, or the firm with which the appraiser is connected), shall be disseminated to the public through advertising, public relations, news, sales or other media, without the written consent and approval of the appraiser. Further, the appraiser or firm assumes no obligation, liability, or accountability to any third party.
8. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser and, in any event, only with proper written qualification, and only in its entirety. The appraiser or firm assumes no obligation, liability, or accountability to any third party.
9. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
10. It is assumed that all applicable zoning and use regulations and restrictions have been complied with unless a nonconformity has been stated, defined, and considered in the appraisal report.
11. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or

ASSUMPTIONS AND LIMITING CONDITIONS - Continued

organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

12. The appraiser has made no investigation into the existence of hazardous materials such as asbestos, PCBs, urea-formaldehyde foam insulation, lead based paint, or other potentially hazardous materials. The appraiser is not qualified to detect such materials. The presence of hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such materials on, in, or nearby the property that would cause a loss in value. No responsibility is assumed for such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
13. The Americans with Disabilities Act (ADA) became effective January 26, 1992 and the Fair Housing Act's accessibility requirements apply to properties built for first occupancy after March 13, 1991. The appraiser has not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA or FHA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA and FHA could reveal that the property is not in compliance with one or more of the requirements of these acts. If so, this fact could have a negative effect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, possible noncompliance with the requirements of ADA or FHA was not considered in estimating the value of the property. Generally, ADA applies only to the clubhouse and amenities, while Fair Housing laws control the apartment units.
14. Loss or removal of any portion of this report invalidates the entire report.
15. Other Assumptions and Limiting Conditions may be specified in the report.

QUALIFICATIONS

CARY W. BRUTEIG, MAI

EMPLOYMENT HISTORY

1992 - Present	Apartment Appraisers & Consultants, Inc. Denver, Colorado Founder & President Emeritus (2021 - Present); Founder & President (1992 - 2021)
1986 - 1991	Joseph Farber and Company, Inc. Denver, Colorado Associate Appraiser
1985 - 1986	Willman & Associates Colorado Springs, Colorado Real Estate Appraiser

PROFESSIONAL EXPERIENCE

Cary W. Bruteig has experience in the valuation of a wide variety of of property types, from regional malls to office buildings, but has specialized exclusively in the valuation and evaluation of apartments since 1992. He has analyzed over 600,000 apartment units in 2,700 communities with a combined value in excess of \$40 billion.

PROFESSIONAL ASSOCIATIONS

Designated Member of the Appraisal Institute (MAI), Member #8360. Presently has completed the requirements of the continuing education program of the Appraisal Institute.

Member of the Apartment Association of Metro Denver, past board member 7/2013 – 6/2015. Interviewed by 9 News, 7 News, Channel 31, Channel 2, and Fox News as an industry expert.

STATE LICENSING

State of Colorado, Certified General Appraiser,
License No. CG1313164, expires December 31, 2023

ADVANCED EDUCATION

Degrees	1985	Bachelor of Science Degree Business Administration, Major - Finance University of Wyoming, Laramie, Wyoming
Courses - Appraisal Institute		
	2021	National USPAP - Update Course
	2019	National USPAP - Update Course
	2017	National USPAP - Update Course
	2015	National USPAP - Update Course
	2013	National USPAP - Update Course
	2012	Appraisal Curriculum Overview - General & Residential
	2011	National USPAP - Update Course
	2011	Online Analyzing Distressed Real Estate
	2010	An Introduction to Valuing Commercial Green Buildings

QUALIFICATIONS - Continued

ADVANCED EDUCATION - Continued

Seminars	2022	AAMD ECON 2022: Economic Livestream Event, Speaker
	2021	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2020	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2019	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2018	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2018	IREM Economic Forecast Breakfast, Speaker
	2017	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2016	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2015	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2014	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2014	Changing Dynamics in the Multifamily Market, Speaker – A.I.
	2013	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2012	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2011	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2011	Winter Economic Conference - Apt. Assoc. of Metro Denver
	2010	Economic Overview & Forecast – Appraisal Institute
	2010	CREJ Multifamily Conference, Speaker - Colo R.E. Journal
	2009	Valuing High Performance Residential Prop. – Appraisal Institute
	2009	Summer Economic Conference - Apt. Assoc. of Metro Denver
	2008	Winter Economic Conference - Apt. Assoc. of Metro Denver
	2007	2007 Economic Conference – Apt. Assoc. of Metro Denver
	2007	Apartment Realty Advisors Investor Symposium - Speaker
	2006	Apartment Realty Advisors Investor Symposium - Speaker
	2006	2006 Economic Conference–Apt. Assoc. of Metro Denver
	2005	2005 Economic Conference–Apt. Assoc. of Metro Denver
	2004	Transit Oriented Development –Appraisal Institute
	2004	Summer Economic Conference–Apt. Assoc. of Metro Denver
	2004	Winter Economic Conference–Apt. Assoc. of Metro Denver
	2003	Economic Overview & Forecast in Colorado
	2003	Economic Conference–Apartment Assoc. of Metro Denver
	2003	Dichotomy or Dementia - The Apartment Market in 2003
	2003	Easements for High Tension Lines

COURT EXPERIENCE

State of Utah, Salt Lake County, Third Judicial District Court
 Deposed on March 5, 2015 as an expert witness
 Thomas D. Williamson, et al vs. David Farrell, et al

QUALIFICATIONS

STEPHEN W. COLE, MAI

EMPLOYMENT HISTORY

1996 - Present	Apartment Appraisers & Consultants, Inc. Denver, Colorado Appraiser
1990-1995	Cushman & Wakefield Denver, Colorado Associate Director
1988-1990	Joseph Farber and Company, Inc. Denver, Colorado Associate Appraiser
1976-1988	Several architecture/planning firms in Denver, Colorado and Chicago, Illinois

PROFESSIONAL EXPERIENCE

Stephen W. Cole has experience as both an architect and a commercial real estate appraiser. He has designed and appraised a wide variety of residential, office, retail, industrial, and institutional property types and has emphasized multi-family residential work in both professions.

PROFESSIONAL ASSOCIATIONS

Designated Member of the Appraisal Institute (MAI), Member #10363. Presently has completed the requirements of the continuing education program of the Appraisal Institute.

STATE LICENSING

State of Colorado, Certified General Appraiser,
License No. CG1313502, expires December 31, 2023
State of Colorado, Licensed Architect, License No. B-1924

ADVANCED EDUCATION

Degrees	1988	MBA in Real Estate and Finance University of Denver, Denver, Colorado
	1978	Bachelor of Architecture Rice University Houston, Texas
	1976	BA in Architecture and Fine Arts Rice University Houston, Texas

Courses – Appraisal Institute (partial list)

2020	7-Hour National USPAP Update Course (also previous years)
2019	Business Practices and Ethics (also previous years)
1994	Standards of Professional Practice, Part A Standards of Professional Practice, Part B
1992	Course 2-2, Report Writing
1991	Course 2-1, Case Studies

QUALIFICATIONS - Continued**ADVANCED EDUCATION - Continued**

Courses - American Institute of Real Estate Appraisers

- 1988 Course 1B-A Capitalization Theory and Techniques Part A
 Course 1B-B Capitalization Theory and Techniques Part B
 Course 1A-2 Basic Valuation Procedures
 Course 1A-1 Real Estate Appraisal Principles

Seminars (partial list)

- 2021 Colorado Economic & Real Estate Update (also previous years)
 2021 Colorado Annual Demography Summit (also previous years)
 2021 Emerging Trends in Alternative Lodging in 2021
 2021 2021 Colorado Litigation Seminar
 2021 RTD, TOD, and the Pandemic
 2020 Colorado Post-COVID Submarket Update
 2019 Artificial Intelligence, AVMs, and Blockchain
 2019 Introduction to Green Buildings: Principles & Concepts
 2019 Valuation Resources for Solar Photovoltaic Systems
 2018 Slots, Cars, Green Roofs!
 2018 High Performance Homes
 2018 Nice House-Who Can Afford It?
 2017 CDOT Reports
 2017 Impacts of Tax Reform on Real Estate and Appraisal
 2017 Retail 2020
 2017 Update from the Division of Real Estate
 2017 Real Estate Valuation Policy Update
 2016 Challenges Appraising Resort and Mountain Properties
 2016 Hot Topics and Myths in Appraiser Liability
 2016 Drone Technology and Its Impact on the Appraisal Industry
 2016 It's A Small World After All – Alternative Housing
 2015 Metropolitan Denver Development and Construction Summit
 2014 The Real Estate Valuation Side of Marijuana
 2013 HOAs, What Appraisers Need to Know
 2013 Oil and Gas Fracking and its Effect on Property Values

COURT EXPERIENCE

Arapahoe County, Colorado, District Court
 Deposed on May 15, 2019 as an expert witness
 Trial testimony on June 26-27, 2019 as an expert witness
 Stephen A. Grove, et al. vs. Centennial Leased Housing Assoc., et al.

Cary W Bruteig
1660 S. Albion Street
Suite 1002
Denver, CO 80222

State of Colorado
Department of Regulatory Agencies
Division of Real Estate



Board of Real Estate Appraisers

Cary W Bruteig

Certified General Appraiser

License #: CG1313164
Status: Active
Expires: 12/31/2023

Marcia Waters

Director: Marcia Waters

COPY

For the most up to date information regarding this credential, visit <http://dora.colorado.gov/dre>

Stephen Cole
1660 S. Albion St., Suite 1002
Denver, CO 80222

State of Colorado
Department of Regulatory Agencies
Division of Real Estate



Board of Real Estate Appraisers

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Marcia Waters

Director: Marcia Waters

COPY

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SELECTED ASSIGNMENTS**Proposed Construction**

<u>Client</u>	<u>Property</u>
Bank of America	Horizons at Rock Creek II & III, 946 units
Bank United	Stonebridge, 172 units
Berkadia (Capmark, GMAC)	Legacy at Highlands Ranch, 422 units
Compass Bank	Talon Hill, 276 units
Guaranty Bank	Briargate on Main, 325 units
JP Morgan Chase	The Renaissance, 560 units
KeyBank	Jefferson Estates at Lowry, 414 units
Regions Bank	Pinnacle Station at Diamond Hill, 340 units
US Bank	Jefferson at Meridian, 652 units
Wachovia Bank	The Boulevard, 290 units
Wells Fargo	Crest at Lone Tree, 400 units

Fannie Mac/Freddie Mac/HUD

<u>Client</u>	<u>Property</u>
AmeriSphere	Crestmoor Downs, 710 units
ARBOR National Commercial Mortgage	Overlook at the Shores, 210 units
AMI Capital	Castle Highlands, 358 units
ARCS Commercial Mortgage	Riata at Bel Mar Park, 1,120 units
Capmark (GMAC)	The Fairways, 956 units
Deutsche Bank Berkshire Mortgage	Quincy Ridge, 424 units
EF&A	Western Terrace, 216 units
Green Park Financial	Glenlake, 206 units
Greystone Servicing Corporation, Inc.	The Traditions, 96 units
Johnson Capital/Huntoon Hastings	Sterling Point, 143 units
KeyCommercial Mortgage	Zuni Square, 131 units
Love Funding	Camelot, 216 units
Red Mortgage Capital	Sterling Pointe, 496 units
Prudential Mortgage Capital Company	Woodstream Village, 318 units
PW Funding	Partridge Court, 90 Units

Bond Financing/Tax Credits

<u>Client</u>	<u>Property</u>
Bank of America	Autumn Creek, 187 units
Capmark (GMAC)	Broadway Plaza Lofts, 223 units
Capri Capital	Brittany Downs, 464 units
Colorado Housing & Finance Authority	South Oneida Club, 112 units
KeyBank	Globeville Townhomes, 41 units
US Bank	Terrace Park, 179 units
Wells Fargo	Sunset Park Senior Housing, 242 units

Sales/Refinancing

<u>Client</u>	<u>Property</u>
AEGON USA Realty Advisors, Inc.	The Breakers, 1,523 units
AMRESO	Peppercorn, 317 units
Associated Bank	Bradburn Row, 310 units
Berkadia (Capmark, GMAC)	Crestmoor Downs, 710 units
CitiBank	Highland Square Lofts, 10 units
Guaranty Bank	Promenade Place, 387 units
Holliday Fenoglio Fowler, LP	Champions at Norwood, 332, units
IDS Life Insurance Co.	The Orchards, 360 units
John Hancock Real Estate	Alexan Castle Pines, 356 units
JP Morgan Chase	Cloverhill, 108 units
Merrill Lynch	Commons at Briargate, 194 units
Metlife Real Estate Investments	The Metro, 415 units
National City Bank	Estates at Mira Vista, 240 units
Washington Mutual	Bella Springs, 354 units
Wells Fargo	Spyglass Hill, 573 units

ZON2021-0016 Staff Report
Attachment E: Rezoning Plat

PROPERTY DESCRIPTION:

Multiple parcels of land for rezoning purposes all situate within the North Half of the Northeast Quarter (N1/2NE1/4) of Section Nine (9), Township Five North (T.5N.), Range Sixty-six West (R.66W.), of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

COMMENCING at the North Quarter Corner of Section 9 and assuming the North line of the Northeast Quarter of said Section 9 to bear South 89°24'44" East a distance of 2658.31 feet with all other bearings contained herein relative thereto:

THENCE South 00° 03' 21" East along the West line of the North Half of the North Half of the Northeast Quarter (N1/2N1/2NE1/4) of said Section 9 a distance of 659.27 feet to the North Sixty-fourth Corner of Section 9 and to the POINT OF BEGINNING.

THENCE South 89° 26' 43" East along the South line of the N1/2N1/2NE1/4 of said Section 9 a distance of 500.03 feet to the Easterly line of the West 500.00 feet of the N1/2N1/2NE1/4 of Section 9.

THENCE South 89° 26' 43" East along said South line of the N1/2N1/2NE1/4 of Section 9 a distance of 268.63 feet to the Northeast corner of Parcel No. 2 as described in Quiet Title Decree recorded March 11, 2022 as Reception No. 4809527 of the Records of Weld County.

THENCE South 00° 22' 29" East along the Easterly line of said Parcel No. 2 as described in Quiet Title Decree a distance of 4.49 feet to the Northwest corner of Tract A, Bear Rock Subdivision recorded September 10, 2020 as Reception No. 4628668 of the Records of Weld County.

THENCE South 89° 38' 14" East along the Northerly line of said Tract A, Bear Rock Subdivision a distance of 1291.92 feet to the Northeast corner of Tract A, Bear Rock Subdivision.

THENCE South 00° 22' 29" East along the Easterly line of said Tract A, Bear Rock Subdivision a distance of 501.80 feet; THENCE South 89° 24' 44" East a distance of 20.41 feet to the Westerly line of Tract 1, Shops at Sunset Ridge Subdivision recorded August 13, 2007 as reception No. 3496647 of the Records of Weld County.

THENCE South 00° 22' 29" East along the Westerly line of said Tract 1 a distance of 156.14 feet to the South line of the North Half of the Northeast Quarter (N1/2NE1/4) of said Section 9.

THENCE North 89° 28' 35" West along said South line of the N1/2NE1/4 of Section 9 a distance of 2084.73 feet to the Center-North Sixteenth (C-N1/16) corner of said Section 9.

THENCE North 00° 03' 21" West along the West line of the North Half of the Northeast Quarter of said Section 9 a distance of 659.20 feet to the North Sixty-fourth Corner of Section 9 and to the POINT OF BEGINNING.

Said described parcels of land contain 31.19 acres, more or less.

13TH STREET APARTMENTS REZONE MAP

MULTIPLE TRACTS OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO (6450 10TH STREET) TOTAL ACREAGE: 31.19 ACRES. PROJECT NO. ZON2021-0016

ACKNOWLEDGEMENT OF OWNERSHIP INTEREST

Know all men by these presents that the undersigned, being all the owners, lienholders, and holders of any ownership interest as defined by the City of Greeley, of the land described herein, have caused such land to be rezoned as indicated on this plat. The within rezoning plat is submitted in accordance with the Greeley Municipal Code. It is hereby acknowledged that all construction, use and development of this property will be in strict accordance with this rezoning plat. It is further acknowledged that deviation from this rezoning plat without the express written consent of the City of Greeley may result in revocation of the City's approval of the rezoning plat, denial of building permits, refusal to issue certificates of occupancy, injunctive relief prohibiting use of the property and other remedies available to the City under the Greeley Municipal Code and other applicable laws of the State of Colorado. Know all men by these presents that the undersigned have caused said land to be laid out and rezoned under the name of 13TH STREET APARTMENTS REZONE MAP.

In witness whereof, we have hereunto set our hands and seals this _____ day of _____, 20____.

BEAR ROCK LLC

JANIS I MITCHELL, TRUSTEE OF THE JANIS I MITCHELL TRUST DATED OCTOBER 20, 2003

NOTARIAL CERTIFICATE

STATE OF COLORADO)
ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me by _____, this _____ day of _____, 20____.

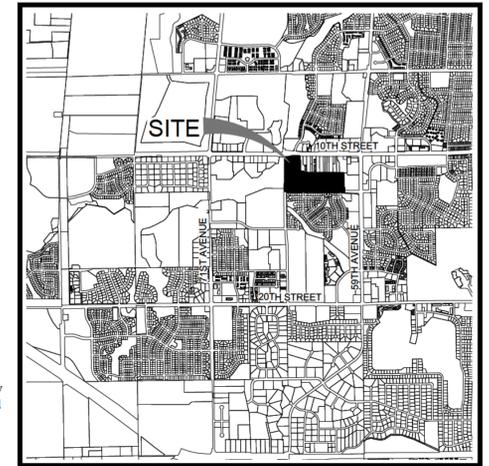
My commission expires: _____ Notary Public

(SEAL)

SURVEYING CERTIFICATE

I, Aaron M. Lund, a Registered Professional Land Surveyor in the State of Colorado, do hereby state that the PROPERTY BOUNDARY MAP was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

08-11-2022
PRELIMINARY - NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION
Prepared on behalf of Northern Engineering Services, Inc.
Aaron M. Lund
Registered Professional Land Surveyor LS 38670



VICINITY MAP
1" = 3000'

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION: 9
TOWNSHIP: 5 N
RANGE: 66 W of the 6th PM

NORTHERN ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
FORT COLLINS | GREELEY
970.281.4188
NORTHERNENGINEERING.COM

COMMUNITY DEVELOPMENT DIRECTOR

Director of Community Development

Date _____

PLANNING COMMISSION APPROVAL

Recommended for approval this _____ day of _____, 20____.

Chairman,
Greeley Planning Commission

CITY COUNCIL APPROVAL

Approved by the Greeley City Council on this _____ day of _____, 20____.

Greeley City Council

NOTES:

- The lineal unit of measurement for this survey is U. S. Survey Feet.
- The Basis of Bearings is the North line of the Northeast Quarter of Section 9 as bearing South 89°24'44" East, and monumented as shown on drawing.
- The intent of this map is to rezone several parcels of land to Zone "R-H" (Residential High Intensity).
- Horizontal Datum: Coordinate system is a Northern Engineering local coordinate system based on NGS "RULLI" (400000,800000). Known internally as "greeley local".
- Approval of site construction plans by the City of Greeley shall be required (as applicable) prior to issuance of building permits.
- All existing and proposed utilities shall be installed underground.
- No building permit shall be issued for the construction of a new building or structure unless the property has been planned in accordance with the City's Subdivision Regulations (Chapter 3).
- All elevations on these plans are tied to NAVD 88 datum.

SYMBOL LEGEND

- FOUND PROPERTY MONUMENT
- SECTION CORNER
- CALCULATED POSITION

LINE LEGEND

- SECTION LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE
- PROPERTY LINE
- EASEMENT LINE

13TH STREET APARTMENTS REZONE MAP
MULTIPLE PARCELS OF LAND
GREELEY, COLORADO

Sheet
1
Of 1 Sheets

Item No. 20.

13th Street Apartments Rezone ZON2021-0016

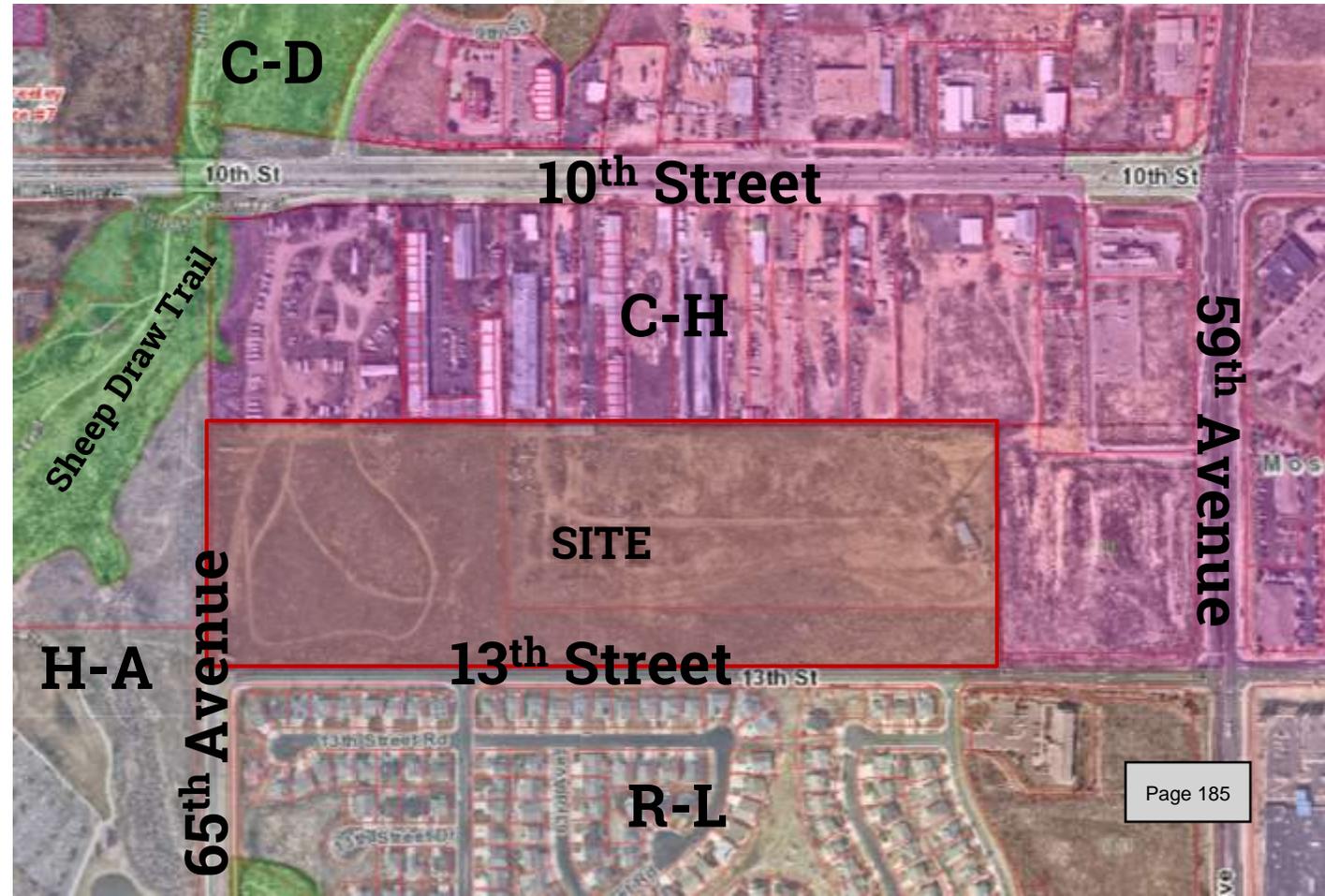
City Council

November 15, 2022

Meg Oren, Planner II

Location

- North of and adjacent to 13th Street, west of 59th Avenue, and south of the commercial properties along 10th Street
- **Surrounding Zoning and Land uses:**
 - North: C-H – existing commercial uses.
 - East: C-H – undeveloped, future commercial uses.
 - South: R-L – residential development.
 - West: H-A – open space (City owned).



Site Background & Request

- **Background:**

- In 2006, the property was annexed and zoned Holding-Agriculture (H-A)
- In 2013, the site had a proposed Use by Special Review (USR 2:13) for oil and gas wells. It was approved by the Planning Commission. The approved project was never implemented, and the subject site remains vacant to today.

- **Request:**

- Rezone 31.19 acres from Holding-Agriculture (H-A) to Residential-High Density (R-H)
- Applicant is looking to incorporate residential density in the area to support existing and future commercial properties located adjacent to the property to the north and to the east.

Item No. 20.

10th Street

59th Avenue

65th Avenue

13th Street

N

LEGEND

- BOUNDARY OF AREA REZONED
- - - EXISTING LOT LINES
- - - EXISTING EASEMENTS
- - - EXISTING FLOODWAY
- - - EXISTING 100-YEAR FLOODPLAIN
- - - EXISTING 100-YEAR FLOODPLAIN
- █ PROPOSED RESIDENTIAL HIGH DENSITY (RH) ZONING
- █ PROPOSED OPEN SPACE
- ↔ CONNECTION TO ADJACENT LANE

NOTE: RIGHT OF WAY TO BE ADEQUATELY DEDICATED ON FINAL PLAN AS NECESSARY TO ENSURE MINIMUM ROADWAY WIDTH FOR ALL ROADWAYS THAT SERVE THIS DEVELOPMENT

Zoning Suitability Map



Approval Criteria

Rezone Criteria – 24-204(b): Nine Criteria Used to Evaluate Rezone applications

- The proposed Rezone is consistent with the criteria as outlined in your Summary

Notification

- Neighborhood Meeting was held virtually via Zoom on January 5, 2022
- A total of 388 notice letters were mailed to property owners within 1,000 feet
- Two signs posted on the property
- Five phone calls received – Wanted to know what was being proposed, concerns about traffic and opposition to having apartments
- One letter was emailed with concerns pertaining to traffic congestion, safety and opposition to apartments

Recommendation

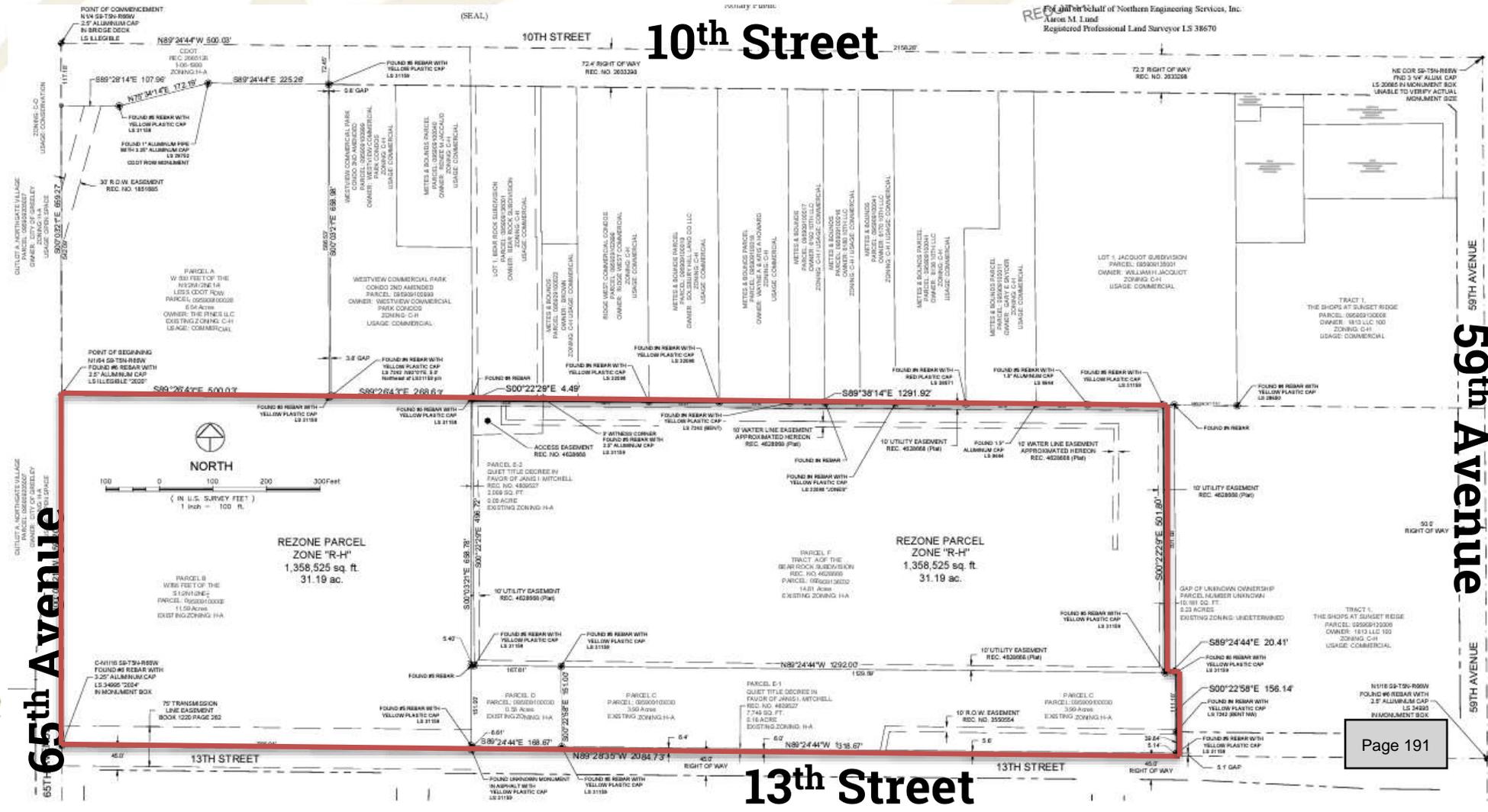
Item No. 20.

- Complies with Section 24-204(b) 1-9
- Planning Commission reviewed the request and conducted a public hearing on September 27, 2022, voted unanimously to recommend approval (5-0)
 - Four individuals spoke in opposition at the public hearing
 - Traffic, density, noise, privacy and safety concerns

Rezone Boundary Map

Item No. 20.

31.19 acres
Rezone request



Approval Criteria

Item No. 20.

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

1)	The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.
	<ul style="list-style-type: none">• <i>Subject site identified in the Comprehensive Plan as part of a Mixed-Use High Intensity area</i>• <i>R-H zone district encourages a variety of densities and range of housing options</i>• <i>R-H zone provides a transition between single-family residences to the south and commercial properties to the north</i>
2)	The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.
	<ul style="list-style-type: none">• <i>Proposed rezone would provide opportunities to add residential densities adjacent to and within walking distance of current and future commercial uses</i>• <i>Future development of this property has potential to create a transition between neighborhood to the south and commercial activity to the north</i>

Approval Criteria

Item No. 20.

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

3) Whether the area changed or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.

- Rezone request would help support current commercial businesses within the area and encourage redevelopment of properties along 10th Street corridor*
- Developer would be required with future development of the site to construct the 63rd and 65th Avenue connections, widen areas of 13th Street and construct 11th Street through the property*

4) Whether the existing zoning has been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.

- Existing H-A zone district is intended to serve as a “pre-development” district to hold areas until a coordinated development plan is in place*
- R-H zone district provides transition between lower-density neighborhoods (Fox Run to the south) and non-residential uses (commercial district along 10th Street)*

Approval Criteria

Item No. 20.

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

5) **The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.**

- *Applicant narrative noted future development would include construction of additional roadway infrastructure to serve the property; completing missing segments of the urban street grid*
- *Site plan details, including buffering and on-site transitions, as well as architectural character, would be reviewed in greater detail as part of a formal site development plan application*

6) **The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.**

- *Staff and referral agencies have reviewed the proposal and have no concerns at this time*
- *At the time of Subdivision, the applicant would need to provide final reports and analysis that conform with City and agency requirements*
- *There are existing water and sewer utilities adjacent to the property that would be extended to future development*

Approval Criteria

Item No. 20.

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

7) **The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

- *Current zoning as Holding Agriculture would not allow the applicant to develop the property*
- *H-A zone district is intended as a “pre-development” district*
- *Rezone request is consistent with the goals and intent of the zoning regulations and Comprehensive Plan to provide a transition between residential densities and commercial districts*
- *Market study was commissioned by the developer and included for review*

8) **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

- *Any development proposal will be required to meet Development Code, Subdivision and Design criteria and will be evaluated against those criteria as part of the review process*
- *Applicant did complete a preliminary traffic analysis as part of the rezoning request*
- *Proposed roadway improvements and connections are intended to mitigate congestion and will be reviewed in greater detail as part of the subdivision and site plan processes*

Approval Criteria

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

9) The recommendations of professional staff or advisory review bodies.

- Staff and referral agencies have reviewed the rezoning request and have no concerns at this time. Further analysis would be conducted at the time of subdivision and site planning, as applicable. Development plans must meet the subdivision and design criteria established under the Development Code.*

Zone District H-A

Table 24-4-1: Zoning Districts and Intent	
District & Intent	Relationship to Comprehensive Plan
<p>H-A — Holding-Agriculture. The H-A district is intended for properties which have been annexed to the City and are either being used for agricultural purposes or have little or no immediate development potential. Due to the development patterns and inefficiency of providing City services, this area receives only limited infrastructure investment and is therefore used as a "pre-development" district to either preserve open and rural lands and agriculture uses, or hold areas until more coordinated planning for infrastructure, land uses, and design can occur.</p>	<p>Limited application as a pre-development area or for agriculture uses in Rural Neighborhoods.</p>

Zone District R-H

Table 24-4-1: Zoning Districts and Intent	
District & Intent	Relationship to Comprehensive Plan
<p>R-H — Residential High Density. The R-H district provides multi-family residential living in a moderate-density pattern in suburban neighborhoods or higher-density, and larger-scale projects in strategic locations for walkable and urban neighborhoods. It is located in areas that have transitions between lower-density neighborhoods or more intense non-residential uses and where a high level of accessibility, public amenity and support services are immediately available.</p>	<p>General application the Mixed-use, Legacy Urban, and Downtown Neighborhoods; Multi-modal Corridors; and Mixed-use High-intensity Areas.</p> <p>Limited Application in Suburban Neighborhoods, as part of housing mix or creating walkable neighborhoods.</p>

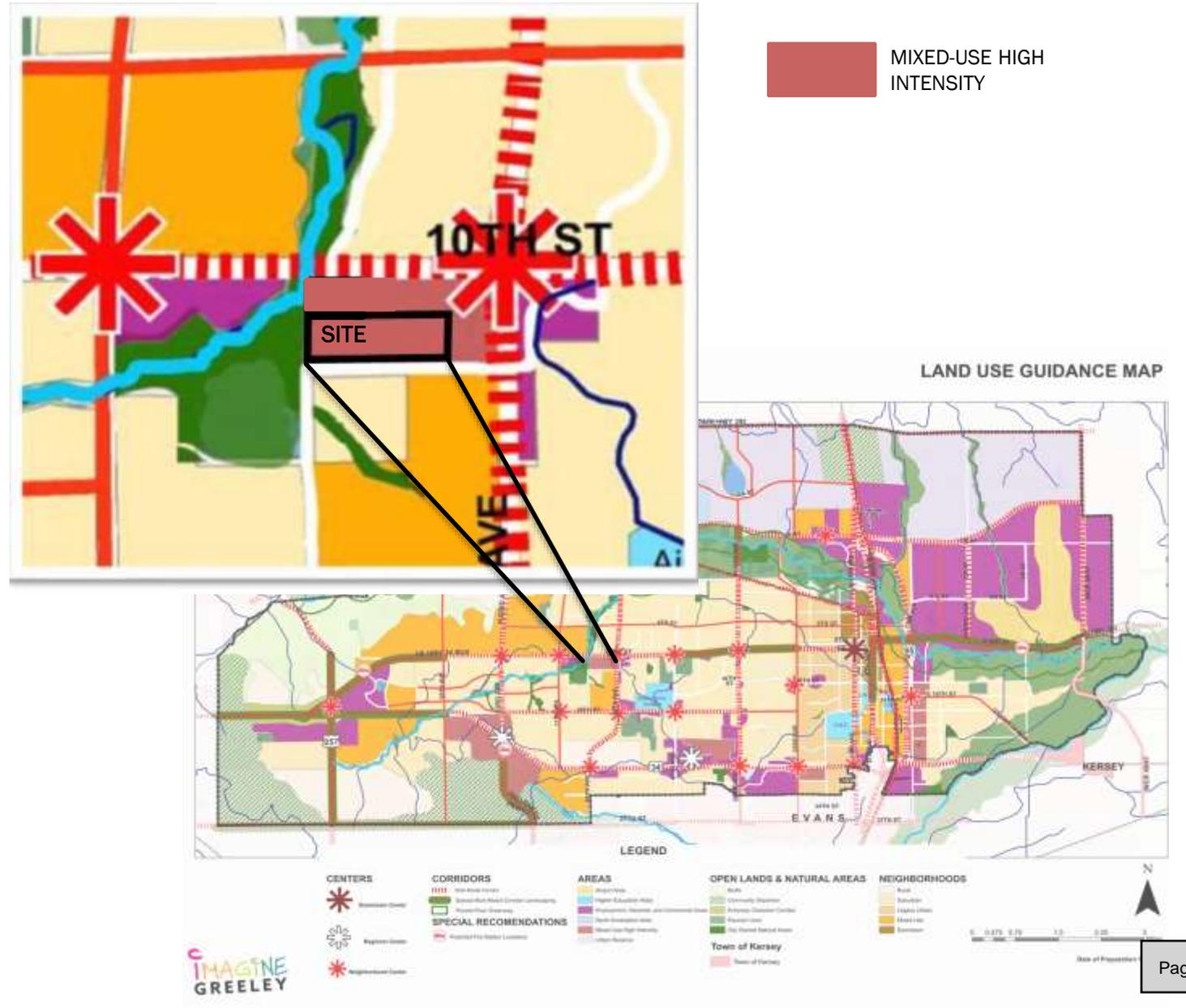
13TH STREET APARTMENTS REZONE

CITY COUNCIL

NOVEMBER 15TH, 2022

WHY DO WE NEED TO REZONE?

- Allows future development to better accomplish objectives of the Imagine Greeley Comprehensive Plan (2018)

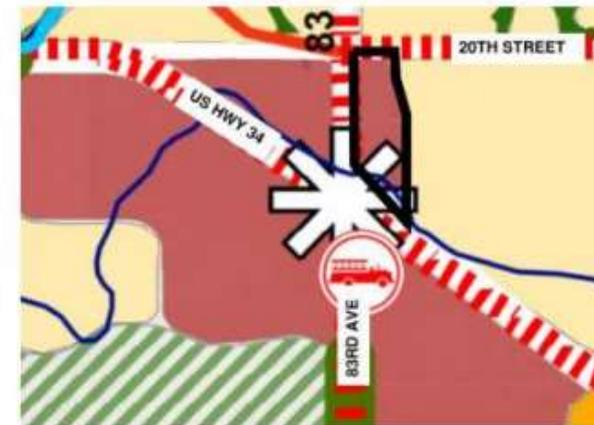


REZONE REQUEST FOLLOWS A TYPICAL PATH

- Examples shown are of other existing R-H zoning within the M-UH Districts



Example A.



Example B.



-  R-H (Residential High Density) - Zoning
-  M-UH (Mixed Use High Intensity) - Land Use Guidance Map Designation

MIXED-USE HIGH INTENSITY

Outlined in the ‘Special Considerations’ for the Mixed-use High Intensity Area:

“Existing development within mixed-use high intensity areas are likely to contain a single use or a narrow range of uses (such as a mall or strip commercial center). As such, redevelopment of these areas should be encouraged to include a wider range of uses, particularly when these areas are located along existing transit lines. **Introducing residential uses in such areas should be a particular focus, either as stand-alone uses, or as part of a mixed-use building (e.g., ground-floor retail uses with apartments above).** “

R-H ALLOWED USES

- Residential Uses
 - Single-family Dwelling
 - Two-family dwellings
 - Row House dwellings
 - Multi-family Dwellings
 - Mixed-use dwelling
 - Accessory Dwelling Units
 - Boarding Houses
 - Residential Care
- Public & Civic Uses
 - Assembly
 - Golf Course & Country Clubs (no lights)
 - Libraries, Museums, Public or Quasi-public
 - Police, Fire Stations, Ambulance Dispatch & Storage
 - Parks, Open Spaces & Common Areas
 - Schools
 - Public Transportation
 - Utilities
- Commercial Uses
 - Childcare
 - Short-term rental
 - Bed & Breakfast

BENEFITS OF A REZONE?

- Rezoning will allow a use that can support the construction of a connection of 65th Avenue to 10th Street and build out public infrastructure along 13th Street.
- Provides a transition and buffer between single-family homes and C-H uses along 10th Street



MARKET ANALYSIS – MULTIFAMILY RESIDENTIAL

In summary:

“During the last 5 years, vacancy has averaged only 4.3%, well below a stabilized 5% to 6% and indicating chronic pent-up demand”

“The Greeley market is not expected to experience oversupply during the next 3 years, and the anticipated new supply is not expected to impact existing apartment properties in the market area,”

REZONING REVIEW CRITERIA:

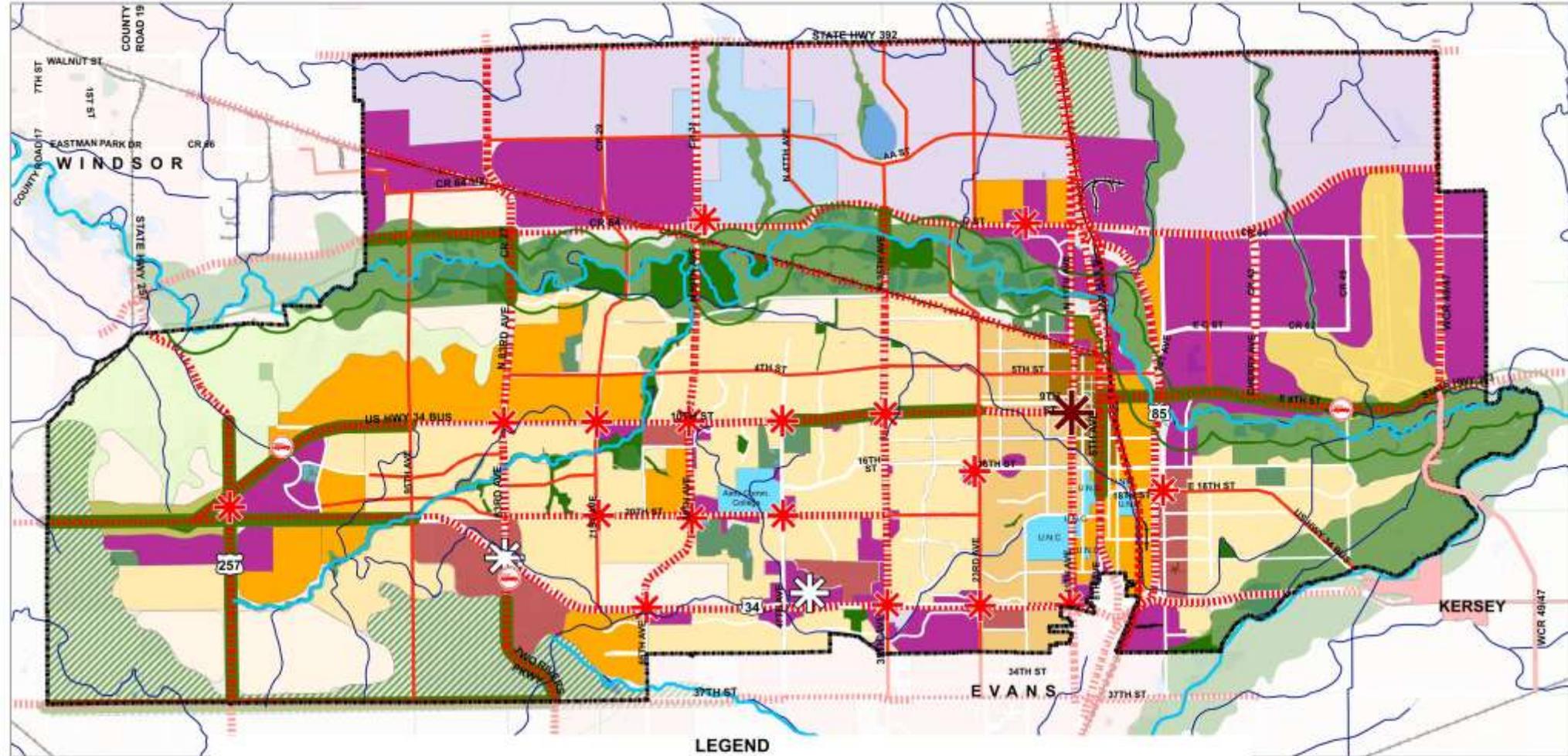
Staff has found this proposal to be compliant/ generally compliant with all nine (9)

1. The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.
2. The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.
3. Whether the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area
4. Whether the existing zoning been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.
5. The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.
6. The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.
7. The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.
8. Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.
9. The recommendations of professional staff or advisory review bodies

13TH STREET APARTMENTS REZONE

CITY COUNCIL

NOVEMBER 15TH, 2022



CENTERS

-  Downtown Center
-  Regional Center
-  Neighborhood Center

CORRIDORS

-  Multi-Modal Corridor
-  Special Multi-Modal Corridor Landscaping
-  Frontier River Greenway

SPECIAL RECOMMENDATIONS

-  Potential Fire Station Locations

AREAS

-  Airport Area
-  Higher Education Hub
-  Employment, Industrial, and Commercial Areas
-  North Annexation Area
-  Mixed Use High Intensity
-  Urban Reserve

OPEN LANDS & NATURAL AREAS

-  Skuffs
-  Community Separator
-  Entryway Character Corridor
-  Riparian Land
-  City Owned Natural Areas

Town of Kersey

-  Town of Kersey

NEIGHBORHOODS

-  Rural
-  Suburban
-  Legacy Urban
-  Mixed Use
-  Downtown



Date of Preparation 12/1/17

R-H DISTRICT

(RESIDENTIAL HIGH DENSITY)

R-H – Residential High Density.

“The R-H district provides multi-family residential living in a moderate-density pattern in suburban neighborhoods or higher-density, and larger-scale projects in strategic locations for walkable and urban neighborhoods. It is located in areas that have transitions between lower-density neighborhoods or more intense non-residential uses and where a high level of accessibility, public amenity and support services are immediately available”

Relationship to Comprehensive Plan

- General application the Mixed-use, Legacy Urban, and Downtown Neighborhoods; Multi-modal Corridors; and Mixed-use High-intensity Areas



Mixed-Use High Intensity

Range of Densities: 5 to 20 units per acre

Description: Mixed-use high intensity areas are distinctly urban in character; however, the density and intensity of development varies depending on location. Higher density and intensity development is encouraged along existing and planned transit routes, particularly adjacent to transit stations. Such areas contain a mix of uses that are either located next to each other (on one site or across multiple sites, also referred to as horizontal mixed-use) or found within the same building (also referred to as vertical mixed-use). Supported uses include residential, commercial, retail, office, and civic/institutional uses (such as schools, recreational facilities, parks, religious institutions, etc.). Building facades, entry-ways oriented towards the street, public spaces, street trees and street furniture are prominent features of the public realm which help these areas to be vibrant and walkable places. Parking areas are located behind buildings where they are less visible from the public right-of-way, and signs are appropriately sized to be visible to pedestrians, bicycles, and other slow-moving traffic rather than being large elevated signs or billboards.

Street Pattern and Mobility: Circulation networks within these areas give priority to pedestrians and bicyclists. While automobiles are accommodated, they do not dominate the landscape (particularly on local streets). When located along multi-modal corridors, development should be transit-oriented or transit-supportive. In new mixed-use high intensity areas, block sizes are designed to be no longer than around 600 feet, and street networks aim to maximize connectivity to facilitate walkability and permeability for pedestrians. Within individual developments, connectivity to adjacent mixed-use high intensity properties is maximized to the extent possible.

**SPECIAL
CONSIDERATIONS**

Existing development within mixed-use high intensity areas are likely to contain a single use or a narrow range of uses (such as a mall or strip commercial center). As such, redevelopment of these areas should be encouraged to include a wider range of uses, particularly when these areas are located along existing transit lines. Introducing residential uses in such areas should be a particular focus, either as stand-alone uses, or as part of a mixed-use building (e.g., ground-floor retail uses with apartments above).

13TH STREET APARTMENTS REZONE MAP

MULTIPLE TRACTS OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO (6450 WEST 10TH STREET)

PROPERTY DESCRIPTION

Multiple parcels of land for rezoning purposes of which situate within the North Half of the Northeast Quarter (NW1/4) of Section 9, Township 5 North, Range 66 West of the 6th P.M., City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

REZONING as the North Quarter Corner of Section 9 and adjoining the North Half of Northeast Quarter of said Section 9 to have South 89°23'31" East a distance of 2495.31 feet with all other bearings contained herein relative thereto.

REFERENCE South 89°23'41" East along the North line of the Northeast Quarter of said Section 9 a distance of 380.00 feet to the Northern prolongation of the East line of the Quarter 380.00 feet of the North Half of the North Half of the Northeast Quarter (NW1/4) of said Section 9.

REFERENCE South 89°47'27" East along said Eastern line of the Quarter 480.00 feet of the NW1/4) of Section 9 a distance of 659.89 feet to the South line of the North Half of the Northeast Quarter (NW1/4) of Section 9.

REFERENCE South 89°26'47" East along said South line of the NW1/4) of Section 9 a distance of 266.02 feet to the Eastern line of the West 700.00 feet of the North Half of the Northeast Quarter (NW1/4) of said Section 9.

REFERENCE South 89°47'27" East along the West 700.00 feet of the NW1/4) of Section 9 a distance of 4.58 feet to the Northeast corner of Tract A, Bear Rock Subdivision recorded September 18, 2009 as Reception No. 402868 of the Records of Weld County.

REFERENCE South 89°18'14" East along the Northern line of said Tract A, Bear Rock Subdivision a distance of 1314.94 feet to the Western line of Tract C, Steps at Steam Ridge Subdivision recorded August 13, 2007 as Reception No. 548687 of the Records of Weld County.

REFERENCE South 89°27'21" East along the Western line of said Tract 1 a distance of 609.02 feet to the South line of the North Half of the Northeast Quarter (NW1/4) of said Section 9.

REFERENCE North 89°28'29" West along said South line of the NW1/4) of Section 9 a distance of 284.75 feet to the Corner-North Street (C.M. 1754) corner of said Section 9.

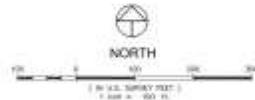
REFERENCE South 89°47'49" West along the West line of the North Half of the Northeast Quarter of said Section 9 a distance of 1118.47 feet to the North Quarter Corner of Section 9 and to the POINT OF BEGINNING.

Said described parcels of land contain 34.99 acres, more or less.

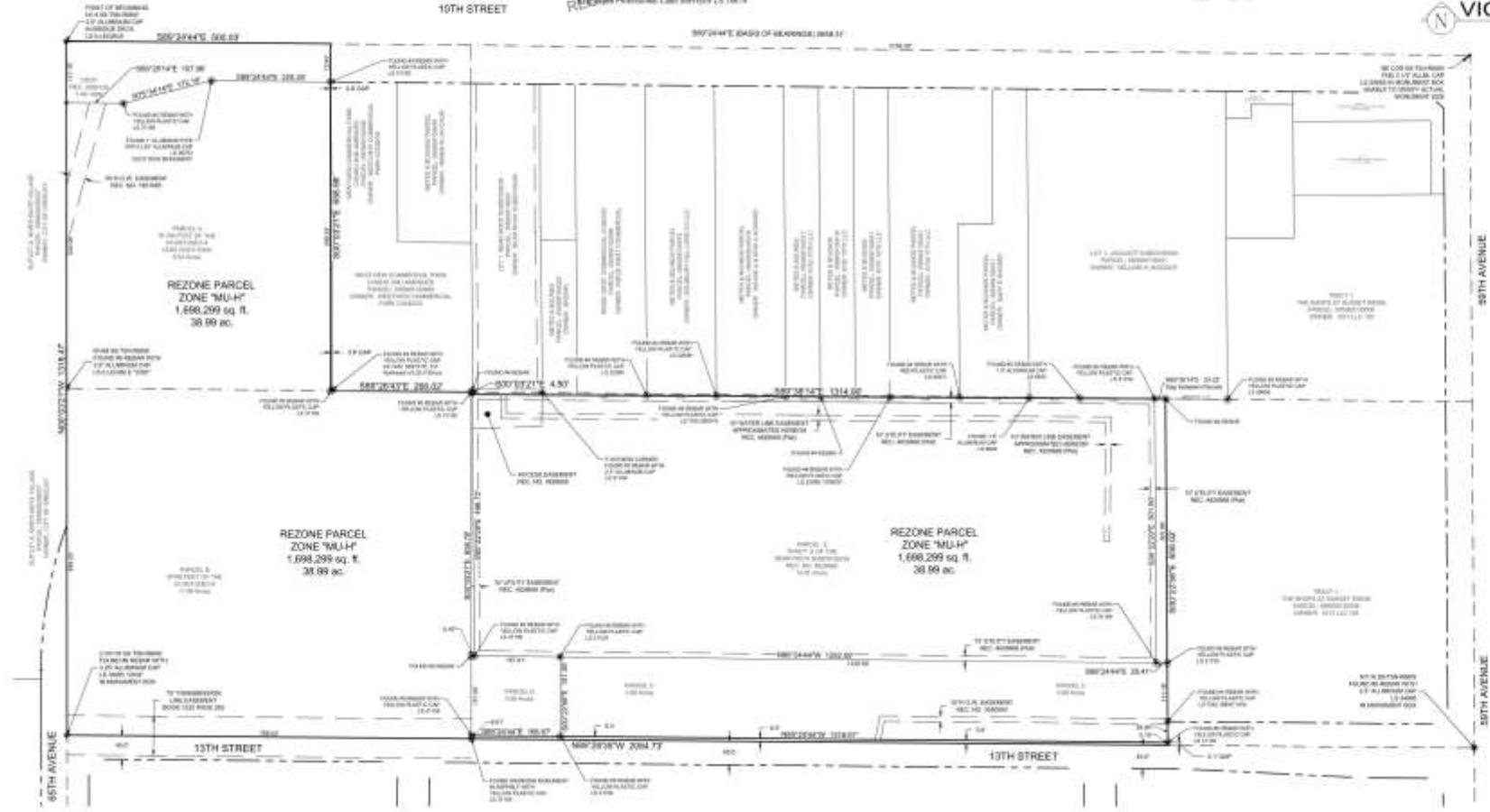
SUBVISING/ENGINEER

I, Anne M. Lund, a State of Colorado Professional Land Surveyor in the State of Colorado, do hereby state that this PROPERTY BOUNDARY MAP was prepared in accordance with the laws and regulations of the State of Colorado, and that I am a duly licensed and sworn to the best of my knowledge and belief.

DRAFT
10-27-2021
PROVISIONAL - NOT FOR CONSTRUCTION, REZONING PURPOSES OR IMPLEMENTATION



VICINITY MAP
1" = 3000'



- NOTES:**
- 1) The base of all measurements for this survey is U.S. Survey Feet.
 - 2) The Dates of Readings in the North Half of the Northeast Quarter of Section 9 as bearing South 89°23'41" East, and measured as shown on drawing.
 - 3) The intent of this map is to convey several parcels of land to John "MU-H" (shown Use Right Inventory).
 - 4) National Datum: Coordinate system is a Northern Engineering local coordinate system based on NAD 83 "8113" (4800000,00000, known internally as "gridly foot").

SYMBOL LEGEND

■	FOUND PROPERTY CORNER
●	REVISION
○	EXCLUDED PROPERTY

LINE LEGEND

---	SECTION LINE
---	BOUNDARY LINE
---	PROPERTY LINE
---	EXISTING USE

NOTICE:
This map is a draft and is not intended for legal purposes. It is for informational purposes only and should not be used for any legal or financial decisions. The user assumes all responsibility for any errors or omissions. This map is the property of Northern Engineering and is not to be reproduced without written permission.

DATE: 10/27/2021
DRAWN BY: [Name]
CHECKED BY: [Name]



PROJECT:	13TH STREET APARTMENTS REZONE MAP
DATE:	10/27/2021
DRAWN BY:	[Name]
CHECKED BY:	[Name]

13TH STREET APARTMENTS REZONE MAP
MULTIPLE PARCELS OF LAND
GREELEY, COLORADO

WHO IS LOGE PROPERTIES AND WHY ARE WE HERE?



Founded in 2019, Loge Properties is focused on developing Class A multi-family and mixed-use projects in Colorado and Nebraska.

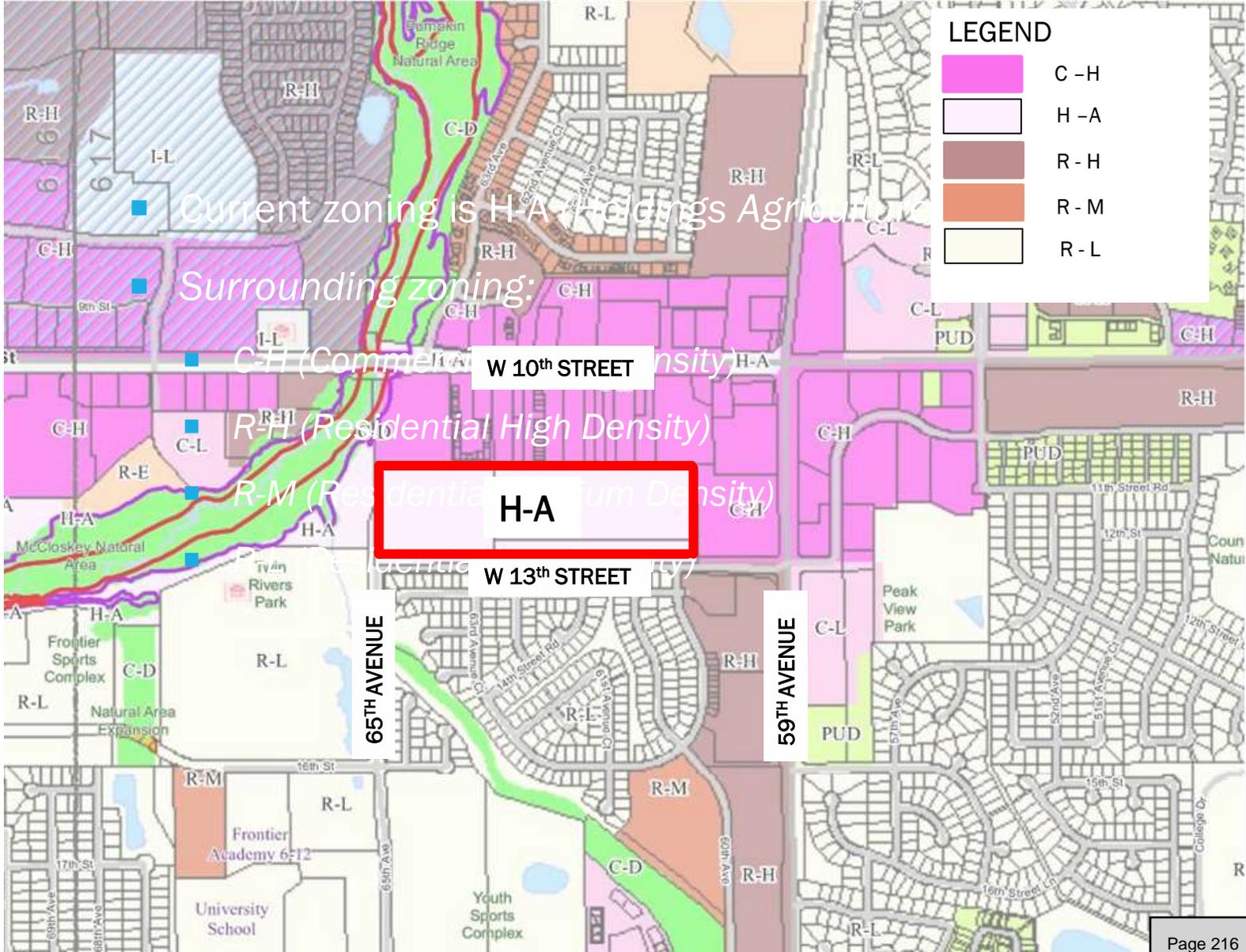


We believe in building good development teams to produce the best possible results and are very involved in every stage of the development process, from initial permitting through obtaining a CO.

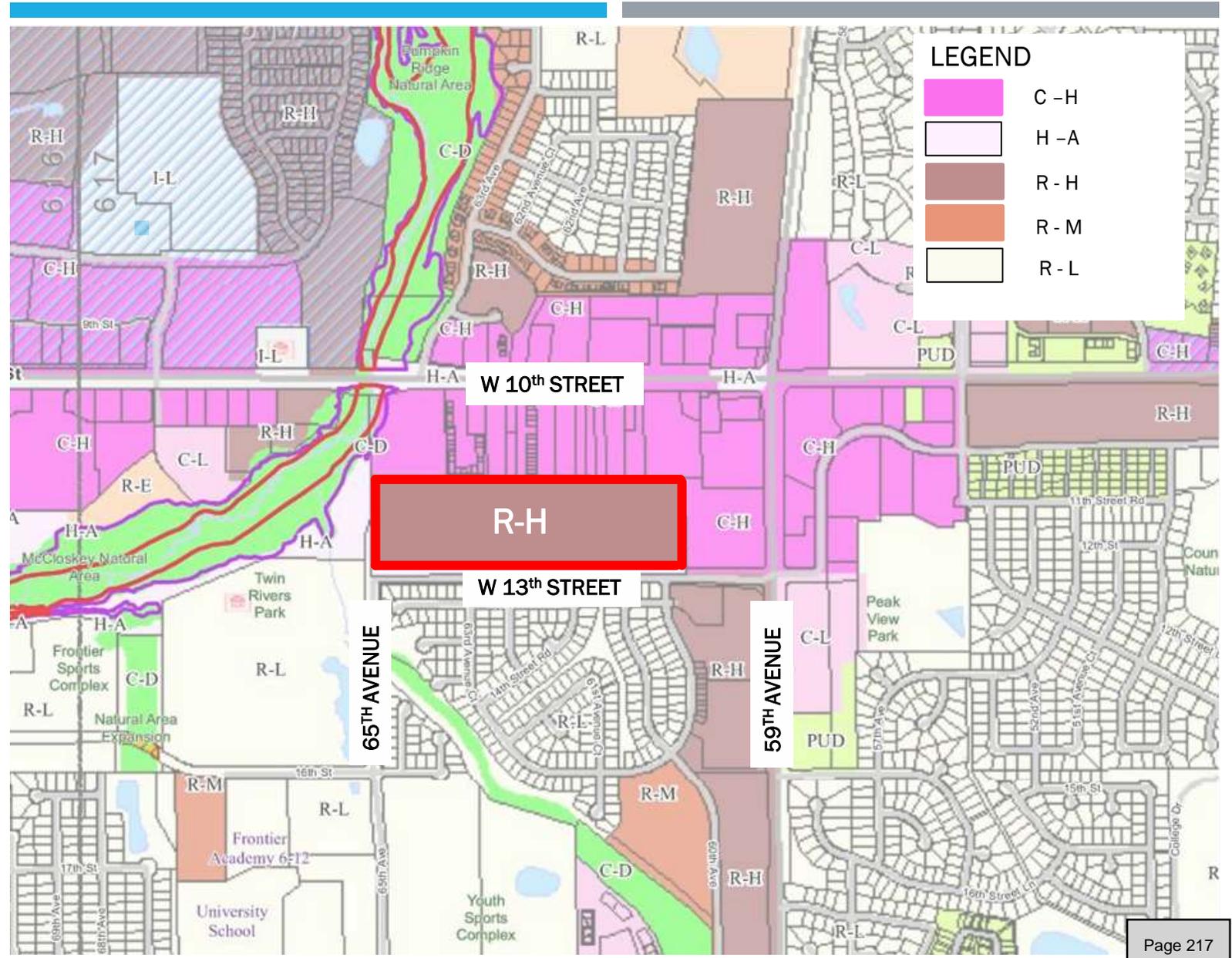
SITE LOCATION



EXISTING ZONING



PROPOSED ZONING



Sherri & Mike Zuhlke

[REDACTED]
Greeley, CO

September 22, 2022

RE: Case # ZON2021-0016

Resident of Fox Run – Concerns for Development of Apartments

Our Subdivision was developed as a single-family home subdivision not a multi-use high density populated subdivision with transition apartments, 55 + apartments, and modern industrial homes all built on 13th street. We have lived here since 2005 and the traffic has gotten worse over the last 5 years. The City should do a speed and traffic assessment to see for themselves.

There is a major blind spot where the road curves in front of our home, constant speeders, city route with bus traffic, now people use it as a through the street. Used by those not even living in our subdivision. Zoning this for apartment living is pure asinine and greed. Greeley doesn't need more apartments, just look around, they are being built everywhere in our communities.

Young children can't even play on our street. It's really sad.

I know money talks, so the developers have already sealed the deal, but I would hope you consider using this forum as a way of understanding community concerns. This was never written into our HOA and the congestion is already out of control on 60th street. This will magnify the issue.

Do the right thing... I was born and raised in Greeley Colorado... 51 years later and yes growth has happened... it's inevitable, but too much growth and apartments popping up all over the city is not the answer.

Thank you for your time.

Mike and Sherri Zuhlke

[REDACTED]

Council Agenda Summary

November 15, 2022

Key Staff Contact: Heidi Leatherwood, City Clerk, 970-350-9742

Title:

Appointment of applicants to the Housing Authority

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?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

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:

Not applicable

Strategic Work Program Item or Applicable Council Priority and Goal:

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

Decision Options:

- 1) Appoint or reappoint the individuals to serve on applicable board or commission;
or
- 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

November 2022 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 *****

Housing Authority	
<i>1 Position</i>	
<input type="checkbox"/>	Charles Countee
<input type="checkbox"/>	Juliana Kitten
<input type="checkbox"/>	(Recruit for Additional Applicants)

(I) = Incumbent

Boards & Commissions Transmittal

November 7, 2022

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

Interview Date

November 10, 2022

Council Interview Team

Councilmembers Hall & Butler

Council Appointment Date

November 15, 2022

Boards and Commissions Being Interviewed

- **Housing Authority**

Council's Recruitment and Qualifications Policy

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

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

Legal Issues

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

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

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

Applicable Council Goal or Objective

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

Decision Options

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

Attachments

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

Transmittal reviewed by:  Raymond Lee, City Manager  Heidi Leatherwood, City Clerk

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

City Council Meeting Scheduling 2022			
	11/8/2022		
	This schedule is subject to change		
Date/Type	Description	Sponsor	Placement/Time
November 22, 2022 Council Work Session	Cancelled		
December 6, 2022 Council Meeting	Minutes Approval (11/1 Council Meeting; 11/15 Council Meeting, 11/25 Special Work Session)	Heidi Leatherwood	Consent
	Approval and Adoption of 2023 Proposed Council Meeting and Work Session Dates	Heidi Leatherwood	Consent
	Intro & 1st Rdg - Ord Authorizing 6th Amendment to Leprino Development Agreement	Sean Chambers	Consent
	Intro & 1st Rdg - Ord Reauthorizing various Boards & Commissions	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Council consideration of Grant Approval limits	John Karner	Consent
	Resolution Approving an IGA w/Fort Collins and Loveland re Judicial and Administrative Services	Stacey Aurzada	Consent
	PH - Motion to Amend 2020-2024 Consolidated Plan re CDBG-CV funds	Ben Snow	Regular
	Resolution - Adoption of 2022 Water Efficiency Plan	Sean Chambers	Regular
	2nd Rdg Ord & PH- Appropriation	John Karner	Regular
	2nd Rdg Ord & PH - Development Fees	John Karner	Regular
December 13, 2022 Council Work Session	Regional Water Initiatives (Water StratOp) Update	Sean Chambers	
	W&S Design Standards, Criteria and Specifications review	Sean Chambers	
	ARPA Priorities	John Karner	
	Legislative Agenda	Stacye Coons	
December 20, 2022 Council Meeting	Cancelled		

November 14, 2022 - November 20, 2022

November 2022

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

December 2022

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

Monday, November 14

Tuesday, November 15

6:00pm - City Council Meeting - Council Master Calendar ↻

Wednesday, November 16

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

Thursday, November 17

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

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

Friday, November 18

Saturday, November 19

Sunday, November 20

November 21, 2022 - November 27, 2022

November 2022

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

December 2022

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

Monday, November 21

Tuesday, November 22

6:00pm - City Council Worksession Meeting - Cancelled - Council Master Calendar

Wednesday, November 23

Thursday, November 24

Friday, November 25

Saturday, November 26

5:30pm - 7:00pm Lights the Night Parade (Gates, Hall, Butler, Payton, Clark) - Council Master Calendar

Sunday, November 27

November 28, 2022 - December 4, 2022

November 2022

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

December 2022

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

Monday, November 28

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

Tuesday, November 29

Wednesday, November 30

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

Thursday, December 1

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

Friday, December 2

Saturday, December 3

Sunday, December 4

December 5, 2022 - December 11, 2022

December 2022							January 2023						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30	31				

Monday, December 5

Tuesday, December 6

 **6:00pm - City Council Meeting** (Council Chambers and via Zoom) - Council Master Calendar 

Wednesday, December 7

Thursday, December 8

 **4:00pm - 5:00pm Chamber of Commerce Ribbon Cutting - 55 Resort** - Council Master Calendar

Friday, December 9

Saturday, December 10

Sunday, December 11

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.

City Council Work Session Agenda Summary

November 15, 2022

Doug Marek, City Attorney

Title:

Consideration of a motion to go into executive session to request and receive legal advice from the City Attorney regarding qualifications of candidates for City office as set out in the Greeley Municipal Charter and the Colorado Constitution

Background:

Recent correspondence from the American Civil Liberties Union called attention to the provisions in the Greeley Municipal Charter regarding qualifications of candidates for City office. Article II, section 2-4 of the Charter provides that "A person who has been convicted of a felony shall not be eligible to become a candidate for a City office." A state district court recently ruled in a case involving a similar charter provision of the City of Aurora that the charter provision violated the Colorado Constitution's guarantees or the rights of citizenship and equal protection.

The City Council may move for an executive session to request and receive legal advice regarding any requirements of the Municipal Charter and Colorado Constitution related to the qualifications of candidates for elected office.

Decision Options:

A motion to go into an Executive Session for a conferral with the City Attorney, to request and receive legal advice regarding qualifications of candidates for elected office, as provided in C.R.S. 24-6-402(4)(b) and Greeley Municipal Code 2-151(a)(2).

Council Meeting 11-15-22

Mayor Recognition: Winna McLaren

I'd like to insert a special recognition at this time.

I'd like to extend a council welcome to a new member of the city's leadership team.

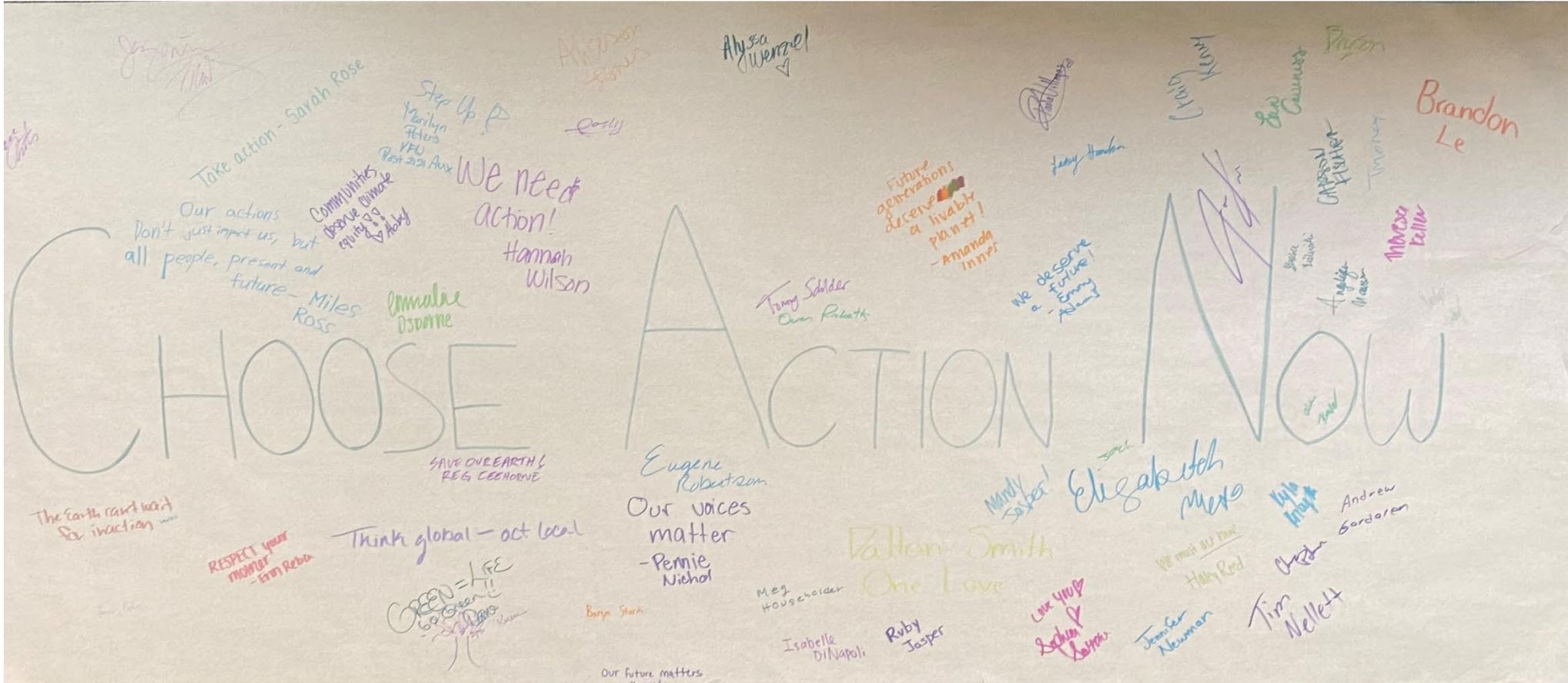
Winna McClaren, would you please stand.

Winna is starting her second week on the job as the new director of Communications and Engagement, filling Chief of Staff Kelli Johnson's vacancy.

Winna's municipal government experience includes serving as the director of the Communication and Engagement division dedicated to sustainability efforts for the City of Denver. She previously managed communication for Denver Public Schools, a district with 207 schools and over 90,000 students.

Winna will lead the city's internal and external communication and engagement efforts for the city.

Please join me in welcoming Winna to the city. We're glad to have you.



Chloe

Jessica
Mia

Take action - Sarah Rose

Alison
Harris

Alysa
Wenzel

Step Up
Marilyn
Peters
VFC
Post 2021 Nov

Communities
observe climate
equity
Abby

We need
action!
Hannah
Wilson

Our actions
Don't just impact us, but
all people, present and
future - Miles
Ross

Emmalee
Osborne

Future
generations
deserve
a livable
planet!
- Amanda
Innes

Paul
Harris

Jenny
Harden

Kevin
Kraus

Lucy
Cavender

Phyllis

Brandon
Le

Christal
Fisher

Imani

Miraya
Teller

Shane
Tillack

Angela
Mason

Tracy
Schuler
Carm
Rohrbaugh

We deserve
a
Future!
- Emily
Kilmer

CHOOSE

ACTION

NOW

SAVE OUR EARTH!
REG
CECHORNE

Eugene
Robertson
Our voices
matter
- Pennie
Nichol

The Earth can't wait
for inaction

RESPECT your
MOTHER
- Erin Reba

Think global - act local

GREEN = LIFE
GO GREEN
GO GREEN
GO GREEN

Brian
Stark

Our future matters

Meg
Householder

Isabelle
DiNapoli

Ruby
Jasper

Ballon
Smith
One Love

Mindy
Salper

Love
HUP
Sophia
Lynn

Elizabeth
Moro

We must all rise
- Hilary Reed

Jeanne
Neuman

Tim
Nellett

Kyle
Hick

Andrew
Sardoren