



Mayor

John Gates

Councilmembers

Jonathan Smail
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Stacy Suniga
At-Large

Robb Casseday
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

March 05, 2019 at 6:30 PM

City Center South Campus

1001 11th Avenue, Greeley, CO 80631

- [1.](#) Call to Order
- [2.](#) Pledge of Allegiance
- [3.](#) Roll Call
- [4.](#) Recognitions and Proclamations
- [5.](#) Citizen Input
- [6.](#) Approval of the Agenda
- [7.](#) Reports from Mayor and Councilmembers
- [8.](#) Petitions 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 or staff may request an item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

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- [9.](#) Approval of the City Council Proceedings of February 19, 2019
 - [10.](#) Acceptance of the Report of the February 26, 2019, City Council Worksession
 - [11.](#) Introduction and first reading of an ordinance amending Greeley Municipal Code enacting Chapter 1.34; amending Chapter 2.09, enacting Section 10.28.051; and amending Title 11 all related to parking within the City of Greeley.

End of Consent Agenda

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- [12.](#) Pulled Consent Agenda Items
 - [13.](#) Public hearing and final reading of an Ordinance to facilitate installation of City-owned fiber optic conduit during excavation projects within the City's rights of way
 - [14.](#) Public hearing and final reading of an Ordinance

authorizing the acquisition of interests in real property located in the City of Greeley for road improvements by purchase or exercise of power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colorado Revised Statute § 38-1-101, et seq. (65th Avenue and Highway 34 Frontage Road Project)

- [15.](#) Public hearing and final reading of an ordinance vacating a right-of-way located south of the intersection of 30th Street and 43rd Avenue and approving of a subdivision replat for Gateway Estates 2nd Filing, 1st Replat
- [16.](#) Scheduling of Meetings, Other Events
- [17.](#) 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 at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances
- [18.](#) Adjournment

Council Agenda Summary

March 5, 2019

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

March 5, 2019

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

March 5, 2019

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Smail

Councilmember Payton

Councilmember Casseday

Councilmember Fitzsimmons

Councilmember Suniga

Councilmember Hall

Council Agenda Summary

March 5, 2019

Agenda Item Number 4

Title

Recognitions and Proclamations

Summary

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

Recognition of the City of Greeley Finance Department for earning the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report (CAFR).

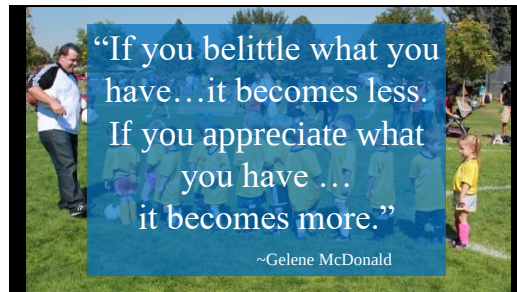
Attachments

March 5, 2019 What's Great about Greeley Report
Press Release and Certificate of Achievement

Slide 1



Slide 2



At each Council Meeting, we recognize the people, organizations and businesses that make Greeley Great.

Tonight it's my turn to announce the recognitions. I'll start with a quote, "If you belittle what you have, it becomes less. If you appreciate what you have, it becomes more." With these announcements we are appreciating the good work of our residents, showing support for their efforts, and encouraging everyone to share the word that Greeley is Great.

Slide 3



Colorado Governor Jared Polis recently appointed Susie Velasques of Greeley to serve as the public trustee representing Weld County and Greeley City Manager Roy Otto to serve on the state Energy Assistance Advisory Committee.

Slide 4



The City of Greeley's Finance Department has been awarded the Certificate of Achievement by the Government Finance Officers Association of the United States and Canada. The Certificate is the highest form of praise in the area of governmental accounting and financial reporting. This is the 35th consecutive year that the City has received the award.

Slide 5



Congratulations to Northern Colorado Men's golfer, Coby Welch, who has earned his third Big Sky Golfer of the Week honor and to women's basketball player, Savannah Smith, who has earned her fifth Big Sky Player of the Week honor this season.

Slide 6



The music program at University of Northern Colorado has been ranked as a “Best Value for the Money” in Colorado in the annual nationwide ranking of U.S. colleges and universities by College Factual. UNC has achieved this ranking 2 years in a row.

Slide 7





GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

02/08/2019

For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
E-mail: mlevine@gfoa.org

(Chicago, Illinois)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Greeley** by Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s) or department designated by the government as primarily responsible for preparing the award-winning CAFR.

The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

Government Finance Officers Association is a major professional association servicing the needs of nearly 19,000 appointed and elected local, state, and provincial-level government officials and other finance practitioners. It provides top quality publications, training programs, services, and products designed to enhance the skills and performance of those responsible for government finance policy and management. The association is headquartered in Chicago, Illinois, with offices in Washington, D.C.



**The Government Finance Officers Association
of the United States and Canada**

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Finance Department

Financial Services
City of Greeley, Colorado



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Christopher P. Morill

Date February 8, 2019

Council Agenda Summary

March 5, 2019

Agenda Item Number 5

Title

Citizen Input

Summary

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

Individual speakers will be limited to 3 minutes each. Council and staff will respond tonight, if possible, to questions or requests. If further time or discussion is needed, a staff member will contact you within the next couple of days. Some items may need to be scheduled for a future meeting.

Council Agenda Summary

March 5, 2019

Agenda Item Number 6

Title

Approval of the Agenda

Council Agenda Summary

March 5, 2019

Agenda Item Number 7

Title

Reports from Mayor and Councilmembers

Summary

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

Board/Commission	Meeting Day/Time	Assignment
--Team of 2-- Board/Commission Interviews	Monthly as Needed	Council Rotation
Water & Sewer Board	3 rd Wed, 2:00 pm	Gates
Youth Commission Liaison	4 th Mon, 6:00 pm	Smail
Historic Preservation Loan	As Needed	Suniga
Police Pension Board	Quarterly	Suniga
Employee Health Board	As Needed	Suniga
Human Relations Commission Liaison	2 nd Monday, 12:30 P.M.	Suniga
Airport Authority	3 rd Thur, 3:30 pm	Casseday/Payton
Visit Greeley	3 rd Wed, 7:30 am	Fitzsimmons
Upstate Colorado Economic Development	Last Wed, 7:00 am	Gates/Hall
Greeley Chamber of Commerce	4 th Mon, 11:30 am	Gates
Island Grove Advisory Board	1 st Thur, 3:30 pm	Smail
Weld Project Connect Committee (United Way)	As Needed	Fitzsimmons
Downtown Development Authority	3 rd Thur, 7:30 am	Casseday/Smail
Transportation/Air Quality MPO	1 st Thur, 6:00 pm	Casseday/Gates
Poudre River Trail	1 st Thur, 7:00 am	Hall
Interstate 25 Coalition	As Needed	Gates
Highway 85 Coalition	As Needed	Payton
Highway 34 Coalition	As Needed	Payton
CML Policy Committee (Council or Staff)	As Needed	Payton and City Manager Roy Otto/Fitzsimmons alternate
CML Executive Board opportunity	As Needed	
CML - Other opportunities	As Available/Desired	

Council Agenda Summary

March 5, 2019

Agenda Item Number 8

Title

Petitions 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.

Petitions 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 Petitions and Related Information
Memo responding to petition 02-2019

Greeley City Council

Status Report of Council Petitions

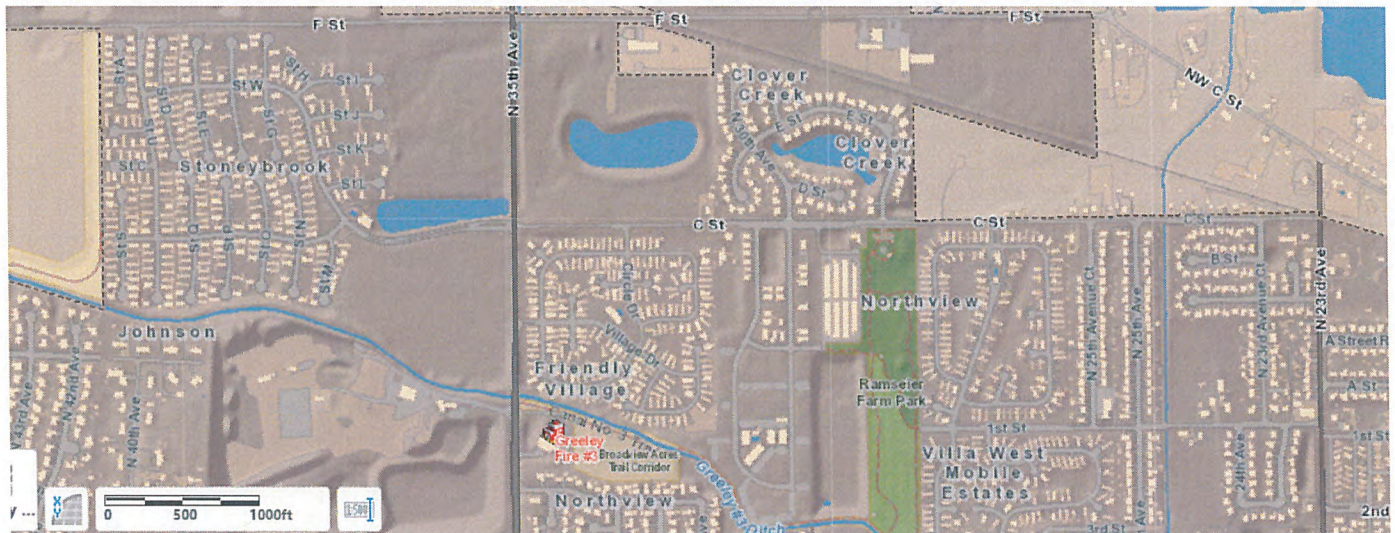
Council Request		Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
02-2019	Councilmember Suniga requested that staff provide more information regarding potential projects to build sidewalks leading to the new City park on C Street between 23 rd and 35 th Avenues.	February 5, 2019 Council Meeting	At the direction of Roy Otto, Public Works Director Joel Hemesath has prepared a memo on this subject. It is attached to Item 8 of the March 5, 2019, Council meeting agenda.	Joel Hemesath
03-2019	Councilmembers encouraged staff to continue looking for other creative options for addressing the trash in alleyways, etc., issue in particular parts of the community.	February 12, 2019 Worksession	At the direction of Roy Otto, Community Development Director Brad Mueller will continue researching creative solutions to this issue.	Brad Mueller



Public Works Administration MEMORANDUM

TO: Mayor and City Council
FROM: Joel Hemesath, Public Works Director *JH*
THROUGH: Roy H. Otto, City Manager
RE: Petition 02-2019 - "C" Street Sidewalks
DATE: February 20, 2019

At the February 5 City Council meeting Councilmember Suniga requested that staff provide more information regarding potential projects to build sidewalks leading to Ramseir Park located on "C" Street between 23rd and 35th Avenues.



Ramseir Park is one of the City's newer parks located on the northern side of the city where some of the infrastructure is not up to city standards due to some of it being developed in the county previously. There are many areas that lack curb, gutter and sidewalks in this area as well as other

parts of the City. There are also some existing subdivisions that were constructed as far back as the 1970's and 1980's, and at the time of development the perimeter roads were old county roads that weren't required to be upgraded at the time of development as they would be now. City standards are evident in some areas of "C" Street where it has been widened as a part of newer subdivisions near Ramseir Park, and do include sidewalks including the park itself. There are sidewalks/paths that lead to the park, but come from the south side and the Broadview Trail that runs along the No.3 ditch and into the south end of the park, see map below.

"C" Street itself is a collector road and the City only collects fees for arterial road improvements, which makes finding funding for such a project difficult. There are no direct funding sources for collector or even local roads that were not built to city standards in the past.

In this case along "C" Street just a sidewalk wouldn't be recommended, but instead the entire road should be evaluated to be properly constructed ensuring proper drainage and having a curb that would create a safer barrier separating pedestrians on a sidewalk from vehicles. There are also low areas, driveways, mailboxes, landscaping (including large trees) that would make building just a sidewalk difficult as a standalone project.

"C" Street from Ramseir Park being approximately 1,500 feet from 35th Avenue and 2,600 feet from 23rd Avenue and would cost approximately \$1.1 million and \$2.0 million to rebuild the road in these sections respectively. ROW is only 60' wide and additional property would be needed to meet the collector standard at 80 feet, or to set just a sidewalk for enough back to be safe would require additional ROW.

Funding Options:

Several options were considered to fund such a project and include:

Improvement District

An improvement district could be done and the cost of the improvements billed back to the adjacent property owners/subdivisions. The way development is done today these collector roads are built as a part of a larger development projects and then spread amongst the other lot costs.

Community Development Block Grant

Roads within the Redevelopment District do qualify for Community Development Block Grant funding that would allow for sidewalk improvements, but this area around Ramseir Park is outside this boundary, see attached map.

Safe Routes to School Grants

Safe Routes to school grants closed November of 2018 and will not have another round until August of 2020. This could be a potential funding source for a portion of the project, but the maximum award per project is \$500,000 and matching money at 20% would also have to be determined.

General Fund

General fund money could be redirected to this request, but a cost estimate needs to be better developed if this option is chosen. Also there are other competing interests for General Fund

money, and with transportation receiving funding from other sources usually road projects don't compete with other General Fund priorities making situations such as this difficult to fund.

Extension of 35th Avenue Widening Project

"C" Street has several pieces of sidewalk in this 1 mile corridor and an option is to see as a part of the 2021 35th Avenue widening project the opportunity to extend improvements east down "C" Street some distance. Some work is already planned in order to get the proper turn lanes on "C" Street that will connect to the new 35th Avenue, so this would help get closer to meeting the need, but there very likely wouldn't be enough money to build even the west section to Ramseir Park.

Connection to Ramseir Park from the east would preferably be via 1st Street which is in the center of several neighborhoods. Unfortunately, 1st Avenue is in similar condition as "C" Street, but is more of a local collector street with local traffic and lower speeds. There are spots where the sidewalk exists, but isn't continuous. The City is adding sidewalks across the new bridge over the Clarkson spillway channel at 1st Street that is under construction now. There are better shoulders and grass areas to walk along 1st Street, but wouldn't accommodate strollers, beginner bicyclists or the disabled and they would have to walk in the street.

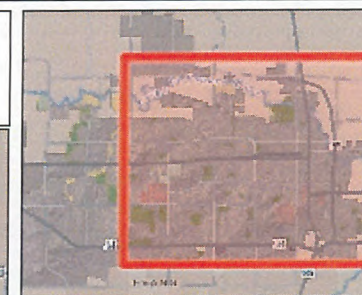
Recommendation

At this time staff suggests stretching the 35th Avenue project dollars if available in 2021 to work towards getting the road and sidewalk on "C" Street improved as far east as possible in hopes of connecting the sidewalks to existing ones allowing better access to Ramseir Park.





Map Title



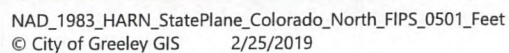
Legend

Redevelopment_District

1: 48,955



Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION OR SURVEY PURPOSES

Council Agenda Summary

March 5, 2019

Agenda Item Number 9

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Approval of the City Council Proceedings of February 19, 2019

Summary:

A meeting of the City Council was held on February 19, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

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:

February 19, 2019 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
 February 19, 2019

1. Call to Order

Mayor John Gates called the meeting to order at 6:30 p.m., in the City Council Chambers at City Center South, 1001 11th Avenue.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. Roll Call

Cheryl Aragon, Deputy City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Robb Casseday, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga. Councilmember Fitzsimmons was excused.

4. Recognitions and Proclamations

Councilmember Suniga presented the What's Great About Greeley Report.

Mayor Gates presented Proclamations recognizing Youth Art Month 2019 and Up with People Week.

5. Citizen Input

Micah Goeglein reported that he just finished an internship with Mayor Gates of 50 hours. He stated that it was a lot of time, and he learned a lot through the process and noted that he will be graduating soon and will be attending the University of Wyoming on a scholarship from the U.S. Army in the fall. He stressed what a great hometown Greeley is and that he is proud to be here.

Mayor Gates expressed gratitude for being able to work through this internship commitment with Micah and that he made a friend in the process. He and the Council wished Micah well in his future endeavors.

Aria Drexler, a Greeley resident and employee of School District 6, addressed Council about the alleyway trash issue that Council is grappling with. She stated that she has been in a position of leaving sofas behind because of a lack of funding when she was a college student just to get rid of them and stressed that college students don't have extra money to dispose of things properly. She offered some ideas to address this issue such as Dumpster Days in conjunction with local trash haulers for the college area; community upcycling programs; community clean-up days; and a hazardous waste disposal day.

6. Approval of Agenda

The agenda was approved upon noting additional documentation for Item No. 4.

7. Reports from Mayor and Councilmembers

Mayor Gates reported that he attended a vibrant community meeting last week held by District 6 at which he found people realizing that suicide is a real problem. He stated that he and others are ve

much looking for continued conversations about this important issue. He also spoke of the cooperative village going in at Centerplace where residents can buy into a complex and have all of the amenities of senior living while living independently. He noted that this is an important and diverse option in this community.

Councilmember Suniga stated that a forum on affordable housing is scheduled which will help Council learn from experiences what is needed in this community.

8. Petitions from Mayor and Councilmembers

No petitions were offered from Council.

****** Consent Agenda ******

9. Approval of the City Council Proceedings of February 5, 2019

The Council action recommended was to approve the Proceedings.

10. Acceptance of the Report of the February 12, 2019 City Council Worksession

The Council action recommended was to accept the Report.

11. Consideration of a Resolution accepting dedication of 90 feet of previously reserved right-of-way plus an additional 5 feet to accommodate an off-street trail for a total of 1.453 acres, located north of Highway 34 Business, east of 83rd Avenue and west of the Boomerang Golf Course

The Council action recommended was to adopt the Resolution. (Resolution No. 9, 2019)

12. Consideration of a change order to the contract with JUB Engineers for design services for the 20th Street road widening project in the amount of \$149,781

The Council action recommended was to approve the Change Order. (Change Order No. 3)

13. Introduction and first reading of an ordinance vacating a right-of-way located south of the intersection of 30th Street and 43rd Avenue and approving of a subdivision replat for Gateway Estates 2nd Filing, 1st Replat

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for March 5, 2019.

14. Introduction and first reading of an Ordinance to facilitate installation of City-owned fiber optic conduit during excavation projects within the City's rights of way

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for March 5, 2019.

15. **Introduction and first reading of an Ordinance authorizing the acquisition of interests in real property located in the City of Greeley for road improvements by purchase or exercise of power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colorado Revised Statute § 38-1-101, et seq. (65th Avenue and Highway 34 Frontage Road Project)**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for March 5, 2019.

****** End of Consent Agenda ******

Councilmember Payton moved, seconded by Councilmember Hall to approve the items on the Consent Agenda and their recommended actions. The motion carried: 6-0 (Fitzsimmons excused)

16. Pulled consent agenda items

No items were pulled from the Consent Agenda.

17. **Public hearing to consider a change of zone from PUD (Planned Unit Development – Oil and Gas, and Neighborhood Center) to PUD (Planned Unit Development – Residential) zone district for approximately 7.11 acres located north of 25th Street (a.k.a., Centerplace Drive) and west of 35th Avenue Court, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same**

Brad Mueller, Community Development Director, requested that Item Nos. 17 and 18 on this agenda be presented together as they are companion items.

He reported that the City of Greeley is considering a request by Gate Way Place Phase II LTD., to rezone an area, approximately 7.11 acres in size, from a PUD, Planned Unit Development, with one set of allowed uses, to a PUD allowing a different set of uses such as Residential and noted that the site is located north of Centerplace Drive and west of 35th Avenue Court.

Mr. Mueller advised that until recently, the property was utilized for an oil and gas facility, the only allowed use, and that the oil and gas facility has been fully capped and abandoned. As such, the applicants are requesting a rezone, which would allow for their vision of 144 multi-family dwelling units. He reviewed the rezoning criteria to be considered with these types of requests, and noted that there are environmental conditions that need to be considered. He added that the Planning Commission considered the request on January 22, 2019 and unanimously recommended approval to City Council.

Councilmember Suniga inquired about other dwelling units that have been built on capped and abandoned wells, and Mr. Mueller stated that there have not been any in recent history, other than a commercial site, King Soopers at 71st Avenue, as it was built on a capped well site. Mr. Mueller added that he is not aware of any safety issues or problems with well sites after they have been plugged and abandoned during the last 20 years or so.

Ryan McBreen with Norris Design stated that what is being proposed is what is in line with Council's expectations for this site. He added that there will not be any living structures right on top of the plugged and abandoned well site. He also stated that construction will begin in quarter three of 2019 with leases in places in the early part of 2020.

Mayor Gates opened the public hearing at 7:12 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Casseday to find that, based on the application received and subsequent staff analysis, the proposed rezoning from PUD (Planned Unit Development – Oil and Gas and Neighborhood Center) to PUD (Planned Unit Development – Residential) meets Development Code Section 18.30.050(c)(3) and 18.32.040(b); and, therefore, to approve the rezone. The motion carried: 6-0 (Fitzsimmons excused)

Councilmember Payton moved, seconded by Councilmember Casseday to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Fitzsimmons excused) (**Ordinance No. 4, 2019**)

18. Public hearing to consider approval of the Gateway Park II Preliminary PUD (Planned Unit Development) for approximately 7.11 acres located north of 25th Street (a.k.a., Centerplace Drive) and west of 35th Avenue Court

Mayor Gates noted that a report on this item was given in conjunction with Item No. 17 above.

He then opened the public hearing at 7:14 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Hall that, based on the application received and subsequent staff analysis, the proposed Gateway Park II PUD Preliminary Plan is consistent with Section 18.32.040, 18.32.050 and 18.32.060 of the Development Code and, therefore, approves the request with the following condition: 1) Prior to Final PUD recordation, any remaining engineering construction and design issues must be addressed, to the satisfaction of the City, including those related to traffic impacts, roadway maintenance, and drainage. The motion carried: 6-0 (Fitzsimmons excused)

19. Public hearing and final reading approving an ordinance to adopt the City of Greeley Strategic Housing Plan, an Element of the Imagine Greeley Comprehensive Plan

Mr. Mueller reported that this is the culmination of two years of work on the Comprehensive Plan, which began in February of 2018 with the Imagine Greeley effort. A high priority recommendation of this Plan is the development of a comprehensive housing strategy for Greeley, and he noted that Council's consideration of this Strategic Housing Plan for the City of Greeley is intended to implement this recommendation. He went on to state that this Plan was developed throughout 2018 based on an approach that included a stakeholder task force, a consultant assembling housing information, staff work in support of the task force, and analyzing available information.

He reviewed the origin of the plan and explained that the Housing Accessibility Task Force met five times to discuss possible causes and potential solutions to Greeley's housing problems. The Task Force included real estate professionals, affordable and market housing providers, nonprofit and for-profit developers, and City staff. He then reviewed housing trends and then goals and strategies for housing in Greeley.

Mr. Mueller advised that the Strategic Housing Plan would become a sub-element of the City's Imagine Greeley Comprehensive Plan, along with all other adopted master plans and area plans. The Planning Commission is the primary steward of the City's Comprehensive Plan and any amendments or additions to the Plan. The Planning Commission heard the proposed housing plan at its' February 12, 2019, meeting.

Ben Snow, Economic Health and Housing Director, stated that he has had time to digest this information the last couple of months and endorses the plan. He stated that it will be important to create mobility for economic development and housing and that this has been an excellent clearing house of ideas. He encouraged creativity and open mindedness in order to be successful and competitive in this effort.

Councilmember Hall stated that he is pleased with what he is seeing in this plan, but that he is puzzled by the accessory dwellings piece.

Mr. Mueller advised that there was significant community discussion a number of years ago about accessory dwelling, and it was a closed conversation at that point. He stated that there have been advances in how to manage and zone those types of dwellings which gives the City more controls, so it may be appropriate in certain geographic areas and that it is just another option.

Councilmember Hall stated that work needs to be done on the affordable part of affordable housing, in terms of better jobs, and then expressed some trepidation with metro district based on some past experiences. Finally, Councilmember Hall asked that the term manufactured be replaced with the word community just to take away any stigma as it relates to how manufactured homes used to be built.

Councilmember Casseday stated that he concurs with Councilmember Hall's comments, and expressed hope that this will be a like tool to what has been done with water policies and how that has helped.

Councilmember Suniga stated that the Committee and staff has done a terrific job with this plan and noted that it incorporates multi-faceting housing and diversity options. She inquired about the market correcting itself and how we can trust that, and Mr. Mueller stated that this is an important question and stated that staff has taken some comfort that when changes are made to the inputs, there is a natural motivation for a developer to translate that to lower costs for the end user.

Councilmember Suniga stated that she would like to keep this going with this good start, and Mr. Mueller advised that this is definitely a vision for Council and then for staff to utilize and that there is some low-hanging fruit to grab onto now to keep up the momentum which staff intends to do.

Councilmember Smail stated that this is the coolest agenda item ever, and thanked staff for the strategies laid out. He asked what will be done right away, and Mr. Mueller stated that he will work with staff to bring forth work program recommendations of what can be done soon.

Councilmember Payton stressed that we must remain open minded and creative since we are working with multiple markets so it's important to be flexible. He thanked staff for all of the work bringing out as many tools as possible to use when needed.

Mayor Gates stated that this is a fantastic road map for the future and stressed that this plan cannot sit on the shelf if approved. Many communities cannot say they have what we have, so it will be important to keep things moving.

Mayor Gates opened the public hearing at 8:05 p.m.

Patrick Kelly, a recent appointee to the Commission on Disabilities, was present and stated that he will be keeping an eye on plans like this so that it is inclusive and so that someone will champion that from his Commission.

Kris Pickett was present and stated that he was proud to serve on this committee and that the result is very encouraging. He stated that he is anxious to be able to go outside of Greeley and tell this story and to be able to carry these tools outside of the community will be amazing. He added that this will bring and encourage development to our community.

Sherrie Witt-Brown, Greeley Weld Habitat for Humanity, stated that she was honored to work on the task force and that great work has been done on this plan. She stated that currently there are 400 families on waiting lists so this is critical work in order for them to provide homes for their families.

Councilmember Suniga moved, seconded by Councilmember Casseday to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Fitzsimmons excused) **(Ordinance No. 5, 2019)**

Councilmember Hall offered a friendly amendment that was approved by Councilmembers Suniga and Casseday, to replace the word “park” with the word “community” when talking about manufactured housing in the plan. A vote on the friendly amendment was taken and it carried: 6-0 (Fitzsimmons excused)

20. Public hearing and final reading of an Ordinance for the 2nd Amendment to the Centerplace North Development Concept Master Plan (DCMP)

Mr. Mueller reported that the applicant is requesting a 2nd amendment to the existing Development Concept Master Plan to clarify that single-family, two-family, townhouse, and multi-family dwellings will no longer be subject to the commercial standards outlined in the Development Concept Master Plan (DCMP).

He stated that a DCMP is a voluntary tool that landowners can use to more narrowly define the “ground rules” of zoning on a particular property. In this case, the original developer created rules requiring certain architectural features and materials that are consistent with the retail look that has evolved in Centerplace. Some, such as the prohibition for asphalt shingles, probably were not envisioned for residential, but nonetheless apply because of the current form of the DCMP language. This amendment would simply exclude residential from these limits; existing city-wide design standards for multi-family would still apply. He reported that the Planning Commission considered this request on January 22, 2019, and unanimously recommended approval.

Cory Walker, Senior Vice President representing the owner entity, reported that a lot is happening here with a lot of diversity in uses and that this will allow the movement to the next phase of this project and working with multi-family housing developers for this site.

Mayor Gates opened the public hearing at 8:16 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Payton to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Fitzsimmons excused) **(Ordinance No. 6, 2019)**

21. Public hearing and final reading of an Ordinance amending Section 6.16 of Greeley’s Municipal Code regarding Alcohol Beverages

Betsy Holder, City Clerk, reported that some legislative changes have taken affect that impact Greeley Municipal Code as it relates to alcohol beverages, and introduced Cheryl Aragon, Deputy City Clerk, who reviewed this proposal.

She stated that during the course of the last few years, a couple of key Senate Bills were passed into law, specifically 16-197 and 18-243, that changed a number of licensing provisions to which Greeley's Code needs some alignment.

She added that a majority of these changes did not take effect until January 1 of this year with additional provisions taking effect moving forward in future years and that this new legislation gave City staff an opportunity to conduct a comprehensive review of Chapter 6.16 for any needed additions and modifications, which took place in the last quarter of 2018.

Ms. Aragon advised that Greeley's Liquor Code essentially adopts the Colorado State Liquor Codes, by reference and then anything where State Code allows municipalities to deviate, or opt in or out of, is what is found in Greeley's Code, Chapter 6.16. She offered a couple of examples such as Retail Liquor Store Tastings and Common Consumption Areas.

She emphasized that a majority of the changes proposed within this Ordinance are housekeeping in nature and serve to clean up our local Code and to simplify and clarify particular words or phrases and to better mirror how particular sections are being applied. She highlighted the changes as: 1. retitles Liquor, Beer & Special Event Codes to reflect the recodification of the State Code to different articles and titles within the Colorado Revised Statutes; 2. defines "Alcohol" to include Fermented Malt Beverages and eliminates 3.2% Beer references; 3. incorporates additional distance restrictions for Retail Liquor Stores, Liquor Licensed Drugstores, and Fermented Malt Beverage classes of licenses; 4. clarifies the restrictions of alcohol beverages when on, in or using Glenmere Park; and 5. updates the hours that beer and liquor tastings can occur, as well as the manner with which unused samples are to be removed following a tasting event.

She stated that this Ordinance was introduced at the February 5, 2019, Council meeting.

Mayor Gates opened the public hearing at 8:22 p.m., and no comments were offered.

Councilmember Hall moved, seconded by Councilmember Suniga to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Fitzsimmons excused) (**Ordinance No. 7, 2019**)

22. Public hearing and final reading of an Ordinance amending Chapter 13.40 of the Greeley Municipal Code to update certain park regulations

Andy McRoberts, Culture, Parks & Recreation Director, reported that the State of Colorado adopted Senate Bill 243 in 2018 which changed how the definition of beer in Colorado was addressed. Essentially, the new law, which took effect January 1, 2019, eliminated past references and the previous definition of "fermented malt beverage" which we commonly knew as 3.2% beer.

He advised that the new Colorado law also enables local governments to decide what kinds of alcohol consumption can be allowed in public spaces, and most notably in this case, Greeley's public parks. He stated that local law still restricts spirits and glass, but allowing fermented malt beverages in Greeley's parks is sought. Essentially, just allowing what is defined by State law as fermented malt beverages.

Councilmember Casseday stated that he is looking for more consistency for enforcement purposes as users don't know what they can do where and when.

Mr. McRoberts stated that this is fairly consistent and parks will be properly signed. He did note that Glenmere Park restricts alcohol sales and service through a warranty deed and Lincoln Park restricts alcohol to only those events where a special event permit has been taken obtained.

Doug Marek, City Attorney, advised that to do away with the deed restriction at Glenmere Park would require legal action in District Court.

Council consensus was to let the deed restriction stand.

Councilmember Hall noted that the deed restriction does not mention consumption of alcohol beverage.

Mr. McRoberts stated that the Parks and Recreation Advisory Board did discuss this item at their regular meeting of February 1, 2019 and voted to recommend approval to Council on a vote of 6-1 and that the Ordinance was introduced at the February 5, 2019, Council meeting.

Mayor Gates opened the public hearing at 8:33 p.m., and no comments were offered.

Mayor Gates made note of a call he received from resident Ginger Walker who expressed mild concern with this item. He emphasized though that the only change here is alignment to State Code with regard to fermented malt beverages.

Councilmember Suniga moved, seconded by Councilmember Payton to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Fitzsimmons excused) **(Ordinance No. 8, 2019)**

23. Appointment of applicants to the Commission on Disabilities

Golf Board –	Keagan Dollard
Island Grove Advisory Board –	Mary Bohlender
Parks and Recreation Advisory Board –	Caitlin Alexander, Marshall Parks, Mikyla Silva
Stormwater Board –	Jim Lord, Patrick McDonald

24. Scheduling of meetings, other events

No additional meetings or events were scheduled.

25. 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 at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Councilmember Hall moved, seconded by Councilmember Payton to approve the above authorizations, and the motion carried: 6-0 (Fitzsimmons excused)

26. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 8:43 p.m.

John Gates, Mayor

Cheryl Aragon, Deputy City Clerk

Council Agenda Summary

March 5, 2019

Agenda Item Number 10

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Acceptance of the Report of the February 26, 2019, City Council Worksession

Summary:

A City Council Worksession was held on February 26, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

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:

February 26, 2019 Report

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
 February 26, 2019

The meeting was called to order at 5:00 p.m. by Mayor Gates, in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

Those present were Mayor John Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail, and Stacy Suniga.

1. PROPEL UPDATE

Sharon McCabe, Human Resources Director, introduced Bob Tipton, President of Team Tipton, to deliver an update on PROpel. Mr. Tipton discussed the results of the survey/pulse checks and the focus groups including a deep dive into subjects/topics that are accelerating Greeley (moving it forward) and hindering Greeley (not negatives, just opportunities for growth/improvement/talent management). He continued by highlighting the three choices (Innovation, Customer Service, and Operational Excellence) Greeley had when deciding what our cultural priority would be moving forward. He noted that Greeley has chosen operational excellence as its priority. Mr. Tipton concluded by discussing what Operational Excellence means for Greeley and its culture going forward.

In response to questions by Councilmember Smail, Mr. Tipton clarified that employee rank was not a factor in the survey. He also explained that a 'Champion' style of training is being implemented where supervisors are being trained to be champions of change and will go on to train others in the organization once they have completed the program.

In response to a question from Councilmember Suniga, Mr. Tipton noted that there is an art to some of the implementation of cultural change within an organization. He then provided some examples from other municipalities.

Mayor Gates asked whether the surveys were voluntary, and Mr. Tipton explained that completion of the surveys was completed voluntary.

In response to a question from Councilmember Fitzsimmons, Ms. McCabe highlighted the timeline for next step by explaining that the 'Champion' training will begin in March and occur every six weeks until the program is complete. She added that Councilmembers are welcome to attend the 'Champion' trainings conducted by Team Tipton.

2. 2018 CARRYOVER RECOMMENDATIONS

Renee Wheeler, Interim Finance Director, highlighted the 2018 carryover recommendations. This discussion included an overview of the overall 2018 carry over recommendations and projects being funded for facilities, vehicles and equipment, technology infrastructure, and operational support. In discussing vehicles and equipment, Ms. Wheeler provided detailed information regarding fire department vehicles including the results of research regarding the potential purchase of SUV's for use in responding to health related emergencies instead of using fire engines. She continued by discussing the following technology infrastructure projects: broadband conduit development, Enterprise Resource Planning (ERP) System, and Information Technology security improvements. In discussing the Operational Support projects, Ms. Wheeler provided detailed information regarding the creation of a Utility Coordinator position and a TRAKiT Analyst position, the Emergency Medical Services (EMS) Study, the traffic signal intersection

study and improvements, the oil and gas royalty audit, and Emerald Ash Bore mitigation. She concluded by providing a summary of the proposed uses of 2018 carryover funds and a summary of unfunded recommendations.

In response to questions from Council regarding the expansion of broadband conduit, Mark Hoekstra, Director of Information Technology, explained that the City will pay for installing broadband conduit when companies have dug trenches for other purposes. He added that the estimated consulting costs described in the 2018 carryover recommendations will cover the cost of studies, some of which will help the City decide which model to use to reach its goal of providing broadband internet to Greeley residents (public/private partnership, broadband as a utility, etc.).

In response to a question from Councilmember Suniga related to the new ERP system, Ms. Wheeler explained that the costs described during the presentation represent all purchase and implementation costs of the new system. Ms. Wheeler added that the only cost not included was the annual software subscription charge.

Councilmembers Hall and Payton expressed concerns about using potentially variable funds to pay for full-time employee positions. Ms. Wheeler and Roy Otto, City Manager, expressed confidence that there will be enough funding for these positions going forward, and they acknowledge that it is not optimal to fund full-time positions this way.

In response to a question from Councilmember Hall, Ms. Wheeler explained that she expects the City will receive more than the forecasted \$50,000 because of the oil and gas royalties audit.

Discussion ensued regarding the research conducted by the Fire Department to determine the feasibility of purchasing SUV's to respond to health related emergencies instead of taking fire engines out on these types of calls. Dale Lyman, Fire Chief, explained that it would cost more money for the City to invest in SUV's to utilize for health related calls than it would for the City to continue to invest in fire engines and use fire engines on all calls. He added that the extra cost of these SUV's comes from the modifications required to make them operational and the short lifespan of the vehicles due to significant wear and tear.

Consensus was reached by Council for the Finance Department to proceed with the recommendations as presented.

3. SCHEDULING OF MEETINGS, OTHER EVENTS

Becky Safarik, Assistant City Manager, briefed Council on flyers that have been posted in many City parks advertising an event on March 2nd to feed and provide assistance to the homeless population. She explained that the group organizing this event has not received any approval or permit from the City or Weld County for this event. City staff and police officers will be present at the event.

No additional meetings or other events were scheduled.

Councilmember Payton moved, seconded by Councilmember Fitzsimmons to move into Executive Session for the purpose of discussing personnel who report to the City Council, the Municipal Judge's Annual Performance Review, as provided for under C.R.S. 24-6-402(4)(f) and Greeley Municipal Code Section 2.04.020(6)a. The motion carried: 7-0

There being no further business to come before the Council, Mayor Gates adjourned the meeting and moved into Executive Session at 6:23 p.m. The Executive Session adjourned at 7:45 p.m.

Jerry Harvey, Assistant City Clerk

Council Agenda Summary

March 5, 2019

Agenda Item Number 11

Key Staff Contact: Joel Hemesath, Public Works Director, 970-350-9795

Title:

Introduction and first reading of an ordinance amending Greeley Municipal Code enacting Chapter 1.34; amending Chapter 2.09, enacting Section 10.28.051; and amending Title 11 all related to parking within the City of Greeley.

Summary:

The City of Greeley's Municipal Code, Chapter 11.01 – Traffic Code, currently addresses parking; however, as presented at the October 9th, 2018 Worksession, an update is needed to improve the management of parking and facilitate the use of License Plate Recognition by Public Works. Please find below an overview of the details of the October Worksession as well as an overview of the outlined municipal code changes.

Worksession Overview:

As parking is much more than just where you park your car. This limited resource not only plays a role in our daily lives but also a significant role in the vibrancy of our downtown. As such, starting in late 2017, staff began to analyze parking in Greeley. This process involved the review of previous parking studies, industry best practices and finally an internal review of Greeley's operations. The goal of this analysis was to identify opportunities to not only improve how we manage parking, but more importantly improve parking from a customer service and accountability standpoint. The results of this analysis are outlined within the attached Greeley Parking Management Report.

Understanding that parking plays a role in the lives of many citizens within Greeley, staff ensured there were multiple opportunities for public input. In June of 2018, staff met with interested parties to not only review the previously mentioned report but also discuss their concerns and garner any ideas on potential solutions. Awareness regarding the public meetings was made through social media, a newspaper article, and through the delivery of flyers door-to-door in the downtown area. Additionally, staff scheduled one-on-one meetings with interested parties who were unable to attend the scheduled public meetings, and presented to the Greeley Downtown Development Authority Board, Greeley Downtown Business Association and Weld County Staff. This feedback was extremely helpful and helped create a more detailed parking plan (Parking Changes Overview) which was also presented to Council on October 9, 2018 and is attached.

Again, in an effort to garner public feedback, staff took the same approach as outlined above to garner public input on this more detailed plan. Staff also

presented these proposed changes to the Weld County commissioners to gain their feedback. Understandably, we were not able to make everyone happy; however, for the most part, the feedback regarding the changes outlined was positive. One exception, which staff discussed with Council on October 9th, was the transition of customer parking in the lot to the south of 9th Street between 9th Avenue and 8th Avenue (Lot F) to primarily permit. As outlined within the notes for the October 9th Worksession, Council was in consensus to move forward with the parking changes as presented with the possibility of different options to compromise with those business owners who have expressed concern. As such, staff did make the requested adjustments to this lot and compromised by leaving one row of customer parking on the north side of the lot.

Overview of Code Changes to Facilitate Presented Improvements to Parking:

Below is an overview of the changes broken out by Exhibit.

Exhibit A – Chapter 1.34 of the Greeley Municipal Code shall be enacted to provide the City Manager, through Administrative Rule, the ability to designate those employees who can issue parking citations. In short, this will facilitate the ability for Public Works Parking Services to issue and manage parking citations. Furthermore, outlines the below:

- Requirements for information included on the citation;
- Citation payment and appeal process;
- Defined process for collections of unpaid citations, including outlined immobilization;
- Clarification of who is ultimately responsible for citation.

Nothing within this section limits the Greeley Police Department's ability to enforce parking citations.

Exhibit B – Chapter 2.09 of the Greeley Municipal code shall be amended to facilitate the updated appeal process. As presented at the October, 9th, 2018 Worksession, currently all appeals are filtered through Municipal Court and hence requiring significant work by the City Attorney's office. As outlined within Exhibit A of the proposed code changes, as well as within the amendment of Chapter 2.09, appeals will first reviewed by a Parking Services staff member. If it is found that the citation was not established or in error, the citation will be dismissed; however, if it is found that the citation was established, the paker would be able to make a second appeal to the Parking Referee (Municipal Court Judge). The selected software will track and manage the entire process to ensure we comply with all records retention policies.

Exhibit C – Section 10.28.051 of the Greeley Municipal Code shall be amended to include any removal or attempted removal of an immobilization device, before payment for outstanding parking tickets is made, would result in a misdemeanor offense.

Exhibit D – Sections 11.01.103 and 11.01.110 shall be amended to clarify that Municipal Court will continue to have jurisdiction over violations involving traffic regulations, while outlining the Parking Referee shall have jurisdiction over those

violations set forth within Chapter 2 (Exhibit G).

Exhibit E – Part 12 of Title 11, Chapter 1 shall be amended by moving parking related language from the Traffic code to Chapter 2 as outlined in Exhibit G.

Exhibit F – Part 18 of Title 11 shall be amended by the addition of a new Section 11.01.1809, and renumbering and amendment of Section 11.01.1810. 11.01.1809 sets forth code for the retrieval of impounded vehicles and trailers after public tow, while 11.01.1810 updates code to current operating practices for private tow.

Exhibit G – Title 11, Chapter 2 shall be enacted and in short encompasses much of the parking code that was outlined within 11.01.103 and 11.01.110 (Exhibit D). It is important to notate though, that this was not simply a cut and paste process. Staff reviewed and made adjustments to not only clarify currently unclear code, address ongoing issues (abandoned vehicles) but also updated to facilitate the plan presented to Council on October 9th, 2018.

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:	

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:

The City Attorney's Office, in conjunction with the Greeley Police Department, Community Development Department's Code Compliance and the Municipal Judge, assisted in the drafting of all language and all are in full support of the Code revision.

Applicable Council Priority and Goal:

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

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 final reading for March 19, 2019.

Attachments:

Ordinance
Parking Changes Overview
Greeley Parking Management Report

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2019

AN ORDINANCE OF THE GREELEY MUNICIPAL CODE ENACTING CHAPTER 1.34; AMENDING CHAPTER 2.09; ENACTING SECTION 10.28.051; AND AMENDING TITLE 11 ALL RELATED TO PARKING WITHIN THE CITY OF GREELEY

WHEREAS, the City of Greeley (“City”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, the City has taken steps to streamline and improve the process for violations occurring from traffic infractions as it relates to parking; and

WHEREAS, the recommended amendments and additions to the Greeley Municipal Code would clarify and improve this process significantly; and

WHEREAS, after review of these recommended changes, Council believes that it is in the best interests of the citizens of the City of Greeley that this ordinance be adopted.

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

Section 1. Chapter 1.34 of the Greeley Municipal Code shall be enacted as set forth on Exhibit A attached hereto and incorporated herein by this reference.

Section 2. Chapter 2.09 of the Greeley Municipal Code shall be amended as shown on Exhibit B attached hereto and incorporated herein by this reference.

Section 3. Section 10.28.051 of the Greeley Municipal Code shall be enacted as set forth on Exhibit C attached hereto and incorporated herein by this reference.

Section 4. Sections 11.01.103, and 11.01.110 shall be amended as shown on Exhibit D attached hereto and incorporated herein by this reference.

Section 5. Part 12 of Title 11, Chapter 1 shall be amended as shown on Exhibit E attached hereto and incorporated herein by this reference.

Section 6. Part 18 of Title 11 shall be amended by the addition of a new Section 11.01.1809, and renumbering and amendment of Section 11.01.1810 as shown on Exhibit F attached hereto and incorporated herein by this reference.

Section 7. Title 11, Chapter 2 shall be enacted as shown on Exhibit G attached hereto and incorporated herein by this reference.

Section 8. This Ordinance shall become effective five days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____, 2019.

ATTEST:

CITY OF GREELEY, COLORADO

City Clerk

Mayor

1.34- Parking Infraction Sanctions

1.34.010 - Enforcement and Sanctions.

(1) The City Manager shall by Administrative Rule designate those employees who are authorized to issue Citations for parking infractions pursuant to this Code. These employees shall be designated as Parking Enforcement Officers. All employees of the Greeley Police Department are designated Parking Enforcement Officers.

(2) Any person who violates any ordinance designated as a parking infraction shall be penalized by a fine of not more than five hundred dollars (\$500.00) per violation and shall be required to pay all assessed costs and fees.

(3) The City Manager shall by Administrative Rule designate those employees who shall specify by suitable schedules, the fees, costs and fees for violations of Title 11, Chapter 2, including any costs and fees for failing to respond in a timely manner. The designee may adopt schedules or procedures which authorize a reduction in fines for violations of Title 11, Chapter 2.

1.34.020 - Definitions

Motor vehicle or vehicle means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For purposes of this Chapter, the terms *motor vehicle* and *vehicle* shall include a trailer.

Trailer means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public roadways.

1.34.030 - Notice and Procedure for Parking Violations

(1) If any motor vehicle is found parked, standing, or stopped in violation of the parking ordinances or rules promulgated by the city, the vehicle may be affixed with a penalty assessment citation ("Citation").

(a) The citing Parking Enforcement Officer shall note the vehicle license plate number and any other information concerning the motor vehicle that will identify it and, if the driver is not present, shall conspicuously affix the Citation to the motor vehicle.

(b) The Citation shall include information about the particular parking, standing or stopping violation that has occurred at that time and place, set forth the amount of the penalty assessment, state the procedure for payment of the penalty assessment, the method by which the alleged violation may be protested, and notice of procedures to collect delinquent assessments.

(2) Any person charged with a parking infraction for which a Citation may be issued and for which payment of a fine may be made to the Parking Services Office shall have the option of paying such fine within the date, time and at a place specified in the Citation.

(a) Payment of a Citation by the person to whom the Citation is served shall constitute an acknowledgment by such person of his or her violation of the Code as stated in such Citation.

(b) Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the City, upon accepting the prescribed fine, shall upon request issue a receipt acknowledging payment thereof. Checks tendered and accepted, and on which payment is received, shall be deemed sufficient receipt.

(c) Parking Citations may be paid or appealed electronically, via mail or in person at the location identified on the Citation.

(3) If the driver or owner of a motor vehicle charged with a violation of any parking, standing or stopping provision of this Code fails to respond to a Citation affixed to the vehicle, the City shall send, at the cost of the owner, another notice 30 days from the infraction date by mail to the registered owner of the vehicle to which the original notice was affixed, warning him or her that payment of the Citation is past due and, in addition, in the event such notice is disregarded for a period of thirty (30) days from the date of mailing, the vehicle is subject to immobilization and the procedures described in this Chapter.

(4) The Parking Services Office shall adopt procedures for the collection of delinquent parking violations, which may include the engaging of collection services. The owner shall additionally pay any associated collection costs, fees and/or commissions for these collection services.

(5) Any person cited for a violation of a parking infraction who believes that such Citation has been issued in error shall have the right to contest the validity of the Citation.

(a) The first appeal of a Citation must occur within 15 days of the Citation to the Parking Services Office. Where the Parking Services Office finds that the violation has not been established, the Citation shall be dismissed. Where the Parking Services Office finds that the violation has been established, the Parking Services Office shall uphold the Citation and order the registered owner of the vehicle to pay the applicable fines, penalty and costs within seven days of the date of the decision of the Parking Services Office.

(b) The decision of the Parking Services Office may be appealed to the Parking Referee within seven days of Parking Services decision to uphold the Citation. Where it has been established that a violation was committed by a preponderance of the evidence, the Parking Referee shall uphold the Citation and order the registered owner of the vehicle to pay the applicable fines, penalties and costs as ordered by Parking Referee within forty-five (45) days. Such costs may include administrative costs as determined by the City Manager. A copy of such order shall be issued to the registered owner of the vehicle.

1.34.040 - Responsibilities of person who receives Citation; liability of vehicle owner.

- (a) Person receiving Citation. Any person who receives a Citation shall respond to such Citation within the date, time and at a place specified in the Citation by either paying the fine set forth in the Citation or exercising the dispute options set forth in the Citation.
- (b) Vehicle owner. If the owner of a vehicle subject to a Citation has not responded to the Citation within the date, time and at a place specified in the Citation, the owner shall be subject to the fines and fees established in accordance with this Code.
- (c) Owner liable. The registered owner of a vehicle at the time the violation occurred shall be liable for all unpaid fines and fees.

1.34.050 - Immobilization Authority

- (1) Pursuant to Section 11.01.1801 of this Code, the City has the authority to arrange for the removal, towing and storage of motor vehicles illegally parked or abandoned.
- (2) When a driver, owner or person in charge of a vehicle has failed to respond to a Citation issued pursuant to this Code, and has also failed to respond to an additional notice sent to the registered owner, Parking Enforcement Officers are authorized to immobilize such vehicle for a period of seventy-two (72) hours by installing on, or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle.
- (3) Following immobilization of the vehicle, the Parking Enforcement Officer shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the Parking Services Office, advising the owner, driver or person in charge of such vehicle, that such vehicle has been immobilized by the city for violation of one or more of the provisions of this Code, and that release from such immobilization may be obtained in a designated manner; that unless arrangements are made for the release of such vehicle within seventy-two (72) hours the vehicle will be impounded at the direction of the Parking Enforcement Officer, and that removing or attempting to remove the device before a release is obtained is unlawful.
- (4) If the vehicle has remained immobilized for a period of seventy-two (72) hours and release has not been obtained, the Parking Enforcement Officer shall have the vehicle impounded pursuant to the provisions outlined in this Code.
- (5) Parking restrictions that are otherwise applicable shall not apply while a vehicle is immobilized.

Chapter 2.09 Administrative Hearing Officer and Parking Referee

2.09.010 – Administrative Hearing Officers and Parking Referees.

(a) The City Manager is authorized and empowered to appoint one (1) or more Administrative Hearing Officers to hear certain municipal ordinance violations designated as code infractions and to act as an Administrative Hearing Officer in any other situation as provided for in this Code and as directed by the City Manager. The Administrative Hearing Officer shall be an attorney licensed to practice law in the State of Colorado.

(b) The City Manager is authorized and empowered to appoint one (1) or more Parking Referees to hear certain municipal ordinance violations designated as parking infractions. The Parking Referee shall be an attorney licensed to practice law in the State of Colorado.

(c) Administrative support shall be provided to the Administrative Hearing Officer and the Parking Referee by the appropriate City personnel as determined by the City Manager.

10.28.051- Interference with a parking immobilization device

It shall be unlawful for any person to remove or attempt to remove any immobilization device before a release is obtained as provided in 1.34.050 or to move any such vehicle before the immobilization device is released by the City after payment of the appropriate fines and costs. Violation of this Section shall punishable as a misdemeanor offense.

Title 11- Vehicles and Traffic
Part 1- Traffic Regulation- Generally

11.01.103 - Applicability.

This Chapter applies to every street, alley, sidewalk area, driveway, park and every other public way, public place or public parking area, either within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. The provisions of Sections ~~11.01.1208~~, 11.01.1401, 11.01.1402, 11.01.1409, 11.01.1413, ~~and 11.01.1609~~ and 11.02.170 of this ~~Chapter Title~~, respectively concerning ~~handicapped parking violation,~~ reckless driving, careless driving, no insurance, eluding an officer and accident investigation, and Parking privileges for persons with disabilities apply not only to public places and ways but also throughout the City.

11.01.110 - Provisions uniform throughout City.

- (1) The provisions of this Chapter shall be applicable and uniform throughout the City.
- (2) The City shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in Titles 42 and 43, C.R.S., as amended from time to time.
- (3) The City may enact, adopt or enforce traffic regulations which cover the same subject matter as the various sections of this Chapter or state law and such additional regulations as are included in Title 42, C.R.S., as amended from time to time.
- (4) The Municipal Court shall have jurisdiction over violations of traffic regulations enacted or adopted by City Council, except that the Parking Referee shall have jurisdiction over those violations set forth in Chapter 2 of this Title.

Part 12 – Traffic Infractions related to Parking

11.01.1200 - Violation.

Unless otherwise designated, violations of this Chapter shall be designated ~~parking~~ traffic infractions and shall be punishable as set forth in Chapter 1.32.

11.01.1201 - Starting parked vehicle.

~~(a) No person shall start a vehicle which vehicle that is stopped, standing or parked unless and until such movement can be made with reasonable safety. (b) A violation of this Section is a traffic infraction and shall be punishable under Chapter 1.32 of this Code.~~

~~11.01.1202 – Parking or abandonment of vehicles.~~

~~No person shall stop, park or leave standing any vehicle, either attended or unattended, outside of a business or a residential district upon the paved or improved and main traveled part of the highway. Nothing contained in this Section shall apply to the driver of any vehicle which is disabled while on the paved or improved and main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to the emergency lighting requirements set forth in Section 11.01.230. (b) A violation of this Section is a traffic infraction and shall be punishable under Chapter 1.32 of this Code.~~

11.01.1203 - Reserved.

~~11.01.1204 – Stopping, standing or parking prohibited in specified places.~~

~~(1) Except as otherwise provided in Subsection (4) of this Section, no person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:~~

- ~~(a) On a sidewalk;~~
- ~~(b) Within an intersection;~~
- ~~(c) On a crosswalk;~~
- ~~(d) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;~~
- ~~(e) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;~~
- ~~(f) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;~~

- ~~(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;~~
- ~~(h) On any railroad tracks;~~
- ~~(i) On any controlled access highway;~~
- ~~(j) In the area between roadways of a divided highway, including crossovers;~~
- ~~(k) At any other place where official signs prohibit stopping;~~
- ~~(l) Along any officially designated and posted snow removal route during a snow emergency;~~
- ~~(m) In any alleyway, except as necessary during the expeditious loading and unloading of merchandise and;~~
- ~~(n) On any parkway.~~

~~(2) Except as otherwise provided in Subsection (4) of this Section, in addition to the restrictions specified in Subsection (1) of this Section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:~~

- ~~(a) Within five (5) feet of a public or private driveway;~~
- ~~(b) Within fifteen (15) feet of a fire hydrant;~~
- ~~(c) Within twenty (20) feet of a crosswalk at an intersection;~~
- ~~(d) Within thirty (30) feet upon the approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of a roadway;~~
- ~~(e) Within twenty (20) feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy five (75) feet of said entrance when properly signposted;~~
- ~~(f) At any other place where official signs prohibit standing.~~
- ~~(g) Within a marked fire lane.~~

~~(3) In addition to the restrictions specified in Subsections (1) and (2) of this Section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, when and where any of the following conditions exist:~~

- ~~(a) Within fifty (50) feet of the nearest rail of a railroad crossing;~~
- ~~(b) At any place where official signs prohibit parking.~~

~~(4)~~

~~(a) Paragraph (a) of Subsection (1) of this Section shall not prohibit persons from parking bicycles on sidewalks in accordance with the provisions of Paragraphs 11.01.1412(11)(a) and (11)(b).~~

~~(b) Paragraph (f) of Subsection (1) of this Section shall not prohibit persons from parking two (2) or more bicycles abreast in accordance with the provisions of Paragraph 11.01.1412(11)(d).~~

~~(c) Paragraphs (a), (c) and (d) of Subsection (2) of this Section shall not apply to bicycles parked on sidewalks in accordance with Paragraphs 11.01.1412(11)(a) and (11)(b).~~

~~(5) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such distance as is unlawful.~~

~~11.01.1205 – Parking at curb or edge of roadway.~~

~~(1) Except as otherwise provided in this Section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right hand wheels parallel to and within twelve (12) inches of the right hand curb or as close as practicable to the right edge of the right hand shoulder.~~

~~(2) Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right hand wheels within twelve (12) inches of the right hand curb or as close as practicable to the right edge of the right hand shoulder or with its left hand wheels within twelve (12) inches of the left hand curb or as close as practicable to the left edge of the left hand shoulder.~~

~~(3) Local authorities may by ordinance permit angle parking on any roadway; except that angle parking shall not be permitted on any state highway unless the Department of Transportation has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.~~

11.01.1206 - Unattended motor vehicle.

(1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon, and, when standing upon any grade, said person shall turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

(2) The use or operation of a remote starter system and adequate security measures is sufficient to comply with Subsection (1) of this Section.

(3) As used in this Section:

(a) Adequate security measures includes, but is not limited to: (I) Using a vehicle that requires a key to put the vehicle into gear and move the vehicle; (II) Keeping a keyless start fob out of proximity of the vehicle; or (III) Employing steering wheel security devices.

(b) Remote starter system means a device installed in a motor vehicle that allows the engine of the vehicle to be started by remote or radio control.

(4) No person shall allow an unattended motor vehicle to remain idling for more than twenty (20) minutes from the time the motor was started, by remote starter or other means.

~~(a) As used in this Subsection (4), the term unattended shall mean that the vehicle has not moved from its original position and has not been occupied by a person possessing a valid driver's license.~~

11.01.1207 - Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic; nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

~~11.01.1208 - Parking privileges for persons with disabilities.~~

~~(1) As used in this Section, a *handicapped person* means a person so severely handicapped that he or she is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the Director of the Division of Rehabilitation or a physician licensed to practice medicine in this State that such impairment limits substantially his or her ability to move from place to place.~~

~~(2) Any vehicle operator using handicapped parking facilities shall ensure that the vehicle is identified by a handicapped license plate, handicapped placard, temporary distinguishing handicapped license permit or temporary identifying handicapped placard issued by the Motor Vehicle Division of the Colorado Department of Revenue or the temporary handicapped insignia issued by the City.~~

~~(3) In order to obtain a handicapped plate, placard, temporary license permit or temporary placard, the handicapped person must comply with the requirements of the Colorado statutes and the regulations of the Colorado Department of Revenue pertaining to handicapped parking.~~

~~(4) As an alternative to a state designation, a handicapped person may obtain a temporary handicapped insignia from the City. The person must present evidence that he or she is temporarily unable to move from place to place without the aid of a mechanical device or is a person who has a physical impairment that substantially limits his or her ability to move from place to place. Evidence of such impairment shall include verification by a physician licensed to practice medicine in this State that the person seeking the insignia is a temporarily handicapped person.~~

~~(5) The handicapped insignia issued by the Police Department shall be valid for ninety (90) days from the date of issue. The City handicapped insignia shall be valid only within the City.~~

~~(6) It shall be the duty of the Traffic Superintendent to provide for adequate handicapped parking zones on public property as authorized by law. Handicapped parking zones on private property that are available for public use shall be posted with a sign meeting the requirements of sign R7-8 as provided for in Section 2B-31 of the United States Department~~

~~of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices.~~

- ~~(7) A person operating a vehicle identified as a handicapped vehicle as required by this Chapter may park in a handicapped zone on public property or private property that is available for public use. The handicapped license plate, placard, temporary license permit or temporary placard issued by this State or handicapped insignia issued by the City shall be displayed on the vehicle at the designated location on the vehicle while parked in such handicapped zone.~~
- ~~(8) The City placard shall be displayed on the left inside dashboard so that the expiration date is visible from the outside.~~
- ~~(9) It is unlawful for any person, other than a handicapped person, to park in a handicapped zone either on public property or private property available for public use, unless such person is parking the vehicle for the benefit of a handicapped person, and then only if a handicapped license plate or handicapped placard is prominently displayed.~~
- ~~(10) It is unlawful for any person who is not a handicapped person or who does not transport handicapped persons to display a handicapped license plate, placard, temporary handicapped license permit or placard.~~
- ~~(11) The City may revoke any City handicapped insignia being misused after notifying the person in writing of the revocation and reasons for the revocation.~~

~~11.01.1209 – Owner liability for parking violations.~~

~~In addition to any other liability provided for in this Chapter, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle can furnish sufficient evidence that the vehicle was, at the time of the parking violation, in the care, custody or control of another person. To avoid liability for payment the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecutorial division of the appropriate jurisdiction the name and address of the person or company who leased, rented or otherwise had the care, custody or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this Section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody or control of the motor vehicle. The notice shall inform the operator that the operator name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.~~

11.01.1211 - Limitations on backing.

- (1) (a) The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other traffic. (b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

11.01.1212— Angle parking.

On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings, nor shall any person back a vehicle into any angle parking space on streets which have been approved and signed or marked for angle parking.

11.01.1213— Parking certain vehicles prohibited in specified areas; exceptions.

(1) ~~Parking oversized vehicles on public right of way.~~ No person shall stop, park or leave standing any vehicle with six thousand (6,000) pounds or more in weight, whether such vehicle be attended or unattended, in public rights of way in any area of the City zoned R-L, R-M, R-H, RMH or RE, for more than forty-eight (48) hours. A vehicle owner of any six thousand pound or greater weight vehicle shall not park said vehicle on the street in front of the owner's residence or within one hundred (100) feet of his or her residence, if the vehicle can legally be parked on the owner's property instead. No person shall park or leave standing any vehicle exceeding six (6) feet in height in public rights of way in such a manner that any part of the vehicle which exceeds forty-two (42) inches in height shall be:

(a) Within thirty (30) feet of an intersection or a crosswalk; or (b) Within five (5) feet of a public or private driveway.

(2) ~~Parking oversized vehicles on private property.~~ No person shall park or leave standing any vehicle exceeding six (6) feet in height on private property in such a manner that any part of that vehicle which exceeds forty-two (42) inches in height shall be: (a) Within five (5) feet of the flow line of public rights of way; or (b) Within eighteen (18) inches of the edge of any attached or detached sidewalk in a public right of way.

(3) ~~Obstructing traffic control devices with oversized vehicles.~~ No person shall park or leave standing a vehicle in public rights of way in such a manner that any part of the vehicle which exceeds six (6) feet in height shall be within thirty (30) feet of any official traffic control device.

(4) ~~Detached trailers, pickup campers and boats.~~ For purposes of this Section, trailer means any wheeled vehicle without motive power and designed to be drawn by a motor vehicle. A pickup camper means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.

a) ~~No trailer shall be detached from a towing vehicle and left standing in any public right of way.~~ (b) ~~No pickup camper shall be unloaded from a pickup truck and left standing in any public right of way.~~ (c) ~~No boat, whether standing on a trailer or standing by itself, shall be left standing on any public right of way unless attached physically to a motor vehicle.~~

(5) ~~Oversized commercial vehicles.~~ For purposes of this Section, oversized commercial vehicle means any vehicle registered, licensed or used for commercial purposes or displaying advertisements for commercial enterprise and exceeding twenty (20) feet in length or trailers exceeding fifteen (15) feet or eight (8) feet or more in height, or eight thousand (8,000) pounds or more in weight. Oversized commercial vehicles are prohibited from parking in any area in the City zoned R-L, R-M, R-E, R-MH or R-H, either on the street, traveled roadway or public right of way, with the following exceptions:

(a) ~~Loading or unloading moving vans or similar type vehicles used for moving personal goods, for a period not to exceed twenty-four (24) hours. Pods or similar temporary storage enclosures shall be regulated the same as oversized commercial vehicles and shall not exceed a period of forty-eight (48) hours;~~

(b) Temporary parking for purposes of pick-up or delivery, for a period not to exceed thirty (30) minutes.;

(c) Construction equipment or machinery employed in any authorized construction project, for a period not to exceed the completion of such construction or construction project and must comply with all regulatory parking requirements

(6) Prohibited uses. No person shall use any motor vehicle, bus, trailer, coach, mobile home, self-propelled motor home or recreational equipment for living, sleeping, housekeeping or preparation of food while parked on any public right of way within the City.

(7) Measurements. Measurements made in the enforcement of this Section shall be made as follows: (a) The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle, including loads or any projections attached thereto, with the exception of radio antennae, exhaust pipes and vents. (b) The length of vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto.

(8) Penalties for repeated violations of Section 11.01.1213(5). (a) Any person found guilty after trial or plea of a violation of Section 11.01.1213(5) of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00), plus any additional penalties authorized pursuant to Chapter 1.32 of this Code. (b) Any person found guilty after trial or plea of a violation of Section 11.01.1213(5) of this Chapter when the date of the offense is within one (1) year of the date of a prior violation of this Chapter shall be fined not less than one hundred dollars (\$100.00), plus any additional penalties authorized pursuant to Chapter 1.32 of this Code. (c) Any person found guilty after trial or plea of a violation of Section 11.01.1213(5) of this Chapter for a third or subsequent time when the date of the offense is within one (1) year of the date of a prior violation of this Chapter shall be fined not less than one hundred fifty dollars (\$150.00), plus any additional penalties authorized pursuant to Chapter 1.32 of this Code.

11.01.1214— Authority to store vehicles; impoundment of vehicle parked in snow removal route.

(1) Authority to store vehicles. Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right of way within the City in such a manner as to constitute a hazard or obstruction to traffic or to roadway maintenance, or left unattended upon any portion of a street or highway right of way within the City for a period of twenty-four (24) hours or more and presumed to be abandoned under the conditions prescribed by Section 10.28.010 of this Code, such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the City.

(2) In the event of abandonment of a vehicle on property within the City other than public rights-of-way, the owner of such property may, after a period of twenty-four (24) hours following the property owner's or agent's placement of notice of removal on the vehicle, cause the abandoned vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the City.

(3) If any vehicle is left on private property with the prior consent of the owner of the private property or other person in possession thereof, and following the property owner's or possessor's or agent's compliance with the notice requirements of Section 11.01.1219 of this Chapter, and if the vehicle owner fails to remove the vehicle following such notice, the owner or possessor of

the private property or owner's or possessor's agent may cause the removal and placement of the vehicle as described in Subsection (2) hereinabove.

(4) During a snow emergency the Director of Public Works, or the Director's designees, may direct that any vehicle illegally parked upon a properly signed and posted snow removal route may be towed to either the nearest legal parking area or be impounded in the same manner as prescribed for an abandoned vehicle in this Chapter.

11.01.1215—Parking by permit only; time limitations.

(1) On any street or at any place within the City when appropriate signs are posted giving notice of parking by permit only as authorized, no person shall stop, stand or park a vehicle in any manner unless such vehicle shall visibly display a valid permit for such parking.

(2) Permits for parking in permit parking areas shall be issued by the Director of Finance. The Director shall adopt procedures for the issuance of such permits, the duration of the permits and required fees. The Director shall also determine the location on the vehicle where permits shall be displayed.

(3) On any street or at any place within the City when appropriate signs are posted giving notice of parking time limitations, no person shall stop, stand or park a vehicle in any manner in excess of the posted time limitation.

(4) In accordance with the provisions of this Chapter, parking shall be restricted in the following areas:

(a) The Cranford Neighborhood area to be approximately bordered by 20th Street on the south, 14th Avenue on the west, Cranford Street on the north and 11th Avenue on the east.

(b) Northern Colorado Medical Center area to be bordered by 15th Street on the south, 22nd Avenue on the west, 14th Street on the north and 16th Avenue Court on the east.

(c) The 1000 block of 23rd Street Road bordered by 11th Avenue on the west, 10th Avenue on the east, 24th Street on the south and 23rd Street on the north.

(d) The area of Reservoir Road bordered by 1619 and 1615 on the west, 1611 and 1607 on the north and 1605 on the east.

(e) The area of 15th Avenue from 20th Street to Glenmere Road.

(f) The area of Glenmere Road from 14th Avenue to Elbow Lane.

(g) These zones and boundaries are approximate and in no way shall limit the ability of the City to impose parking restrictions in accordance with this Chapter in any nearby area or other location throughout the City.

11.01.1216—Parking of compact cars only; tow away zone on certain streets.

(1) On any street or at any place within the City when appropriate signs are posted giving notice of parking of compact cars only as authorized, no person shall stop, stand or park a vehicle in any manner unless such vehicle is a compact car, and such vehicle is wholly contained, including bumpers and any type of attached projection, within the pavement markings.

(2) For purposes of this Section only, compact car is defined as any vehicle no longer than sixteen (16) feet, such measurement to be made parallel to the long axis of the vehicle and including any projections permanently or temporarily attached thereto.

(3) The Traffic Superintendent, or his or her designee, shall cause visible markings to be placed on the pavement, such markings to establish side and end markings for compact only parking spaces.

~~(4) — Compact car only parking areas shall be established by the Traffic Superintendent or his or her designee after consultation with the Chief of the Fire Department. Such parking shall be established to maintain necessary fire emergency lanes. The Traffic Superintendent or his or her designee shall cause such lanes to be clearly marked as fire lanes; tow away zones.~~

~~(5) — Any vehicle parked, stopped or standing in violation of Subsection (1) of this Section may be towed away.~~

~~11.01.1217 — Parking in attended lots.~~

~~(1) — On any street or in any area owned by the City which is controlled by an attendant, when appropriate signs are posted as authorized giving notice of parking time limitations and parking fees, it is unlawful for any person to stand, stop or park a vehicle in violation of the time limitations or to fail to stop at the attendant booth when the attendant is present, or to leave the area without paying the required fees.~~

~~(2) — Time limitations shall be established by the Director of Public Works or his or her designee. Parking fees shall be established by the Director of Finance. A schedule of time limitations and fees shall be available for public inspection at the Department of Finance during regular business hours. Procedures for the collection and disbursement of said fees shall be established by the Director of Finance.~~

~~(3) — In accord with Section 29-1-203, C.R.S., as amended from time to time, the City may enter agreements with other government agencies that own parking lots available for public use, authorizing attendant controlled, fee required parking to be enforced by police officers or other employees of the Police Department under the provisions of this Section. Said agreements shall require the posting of appropriate signs and provide for the payment of expenses and accounting of all fees collected.~~

~~11.01.1218 — Unlawful to leave vehicle on private property.~~

~~(1) It is unlawful for any person to park or leave any vehicle, whether occupied or not, on any private property in the City, including but not limited to private driveways and parking lots, without the prior consent of the owner or the person in possession of the private property.~~

~~(2) Whenever it comes to the attention of a private property owner or person in lawful possession of private property in the City that a violation of Subsection (1) above has occurred, such property owner or person in lawful possession of the property may thereupon cause the obstructing vehicle to be towed to an impound lot without prior notice to the vehicle owner.~~

~~(3) Nothing in this Chapter or elsewhere in this Code is intended to prohibit the towing of a vehicle from private property upon request and authorization of the private property owner or person in lawful possession of the private property.~~

~~11.01.1219 — Failure to remove vehicle after notice; violation.~~

~~If any vehicle is left on private property with the prior consent of the owner of the private property or other person in possession thereof, and if such owner or other person in possession thereafter mails or posts the written notice described in this Section, it is a violation of this Section if the vehicle owner fails to remove the vehicle immediately after forty-eight (48) hours from the giving of the notice. The notice provided for in this Section shall be directed to the vehicle owner at the address given by him or her to the property owner or other person in possession of the property, and the notice shall be sufficient if it sets forth a request for the vehicle to be immediately removed from the property. The notice has been given, for purposes of~~

this Section, when it is mailed by certified mail, postage prepaid, to such address; if the vehicle owner did not communicate his or her address to the property owner or other person in possession of the property, the notice has been given when it is posted conspicuously in or upon the vehicle.

11.01.1220 – Leaving vehicle unattended unlawful.

- (1) It is unlawful for any person to leave any vehicle which he or she owns or controls unattended within any portion of a street or highway right of way within the City for a period of twenty four (24) hours or more.
- (2) The permissible time for leaving a vehicle unattended within a street or highway right of way shall be extended with respect to a disabled motor vehicle if, within a twenty-four hour period, the owner or operator of the vehicle places a written notice conspicuously on or within the vehicle indicating his or her intention to remove the vehicle from that location and if the vehicle, in fact, is removed from that location to some location not within a street or highway right of way within twenty four (24) hours after the placing of the notice.
- (3) *Disabled motor vehicle*, for the purposes of this Section, means any motor vehicle which is stopped or parked, either attended or unattended, upon a public right of way and which, due to any mechanical failure or any inoperability because of a collision, a fire or any other such damage, is temporarily inoperable under its own power.
- (4) Nothing in this Section shall limit the authority of a police officer to move a damaged vehicle.

11.01.1221 – Parking violation notice, assessment and procedure.

- (1) — (a) — Whenever any motor vehicle is found parked or stopped in violation of the provisions of Part 12 of this Chapter, the officer or other City employee assigned to the duties of parking enforcement who observes such vehicle shall record its registration number and any other information displayed on the vehicle which may identify its driver and owner and shall conspicuously affix to such vehicle or deliver to the driver, if the driver is present, a parking violation notice.
- (b) — The notice shall include information that a particular parking or stopping violation has occurred at that time and place, set forth the amount of assessments, state the procedure for payment of the assessment, the method by which the alleged violation may be protested, and notice of procedures to collect delinquent assessments.
- (2) — In any case where a parking violation notice is issued, the owner or driver shall have thirty (30) calendar days in which to pay the penalty assessment amount or appear before the Municipal Court, 919 7th Street, Greeley, any Monday at 1:30 p.m., and Tuesday through Thursday at 8:30 a.m., except court holidays, to protest the alleged violation.
- (3) — Parking violation assessments may be paid by depositing a correct amount in United States currency and mailing payment to the Municipal Court, by electronic remittance as provided by the Clerk of the Municipal Court or by bringing the payment personally to Municipal Court.

11.01.1222 – Delinquent parking violations.

- (1) — (a) — In any case where a parking violation notice is unpaid or the alleged violation has not been successfully protested within thirty (30) calendar days of issuance, the Municipal Court

Clerk shall immediately declare it to be delinquent and the amount due shall then be the amount established by judicial order for delinquent assessments.

(b) — The owner or driver shall have thirty (30) calendar days in which to pay the delinquent penalty assessment amount or appear before the Municipal Court, 919 7th Street, Greeley, any Monday through Thursday at 8:30 a.m., except court holidays, to protest the alleged violation. In cases where a person makes payment of the original parking citation, after the thirty-day time limit, the amount paid will be considered as a partial payment.

(2) — In any case where a delinquent parking violation notice assessment is unpaid or the alleged charge has not been successfully protested within thirty (30) calendar days of the declaration of delinquency, the Clerk of the Municipal Court shall pursue collection of the amount due from the owner of the motor vehicle.

(3) — The Clerk of the Municipal Court shall adopt procedures for the collection of such delinquent parking violations which may include the engaging of collection services. The owner or driver shall additionally pay any associated collection costs, fees and/or commissions for these collection services.

11.01.1230 - Authority to impound vehicles.

(1) The City shall have the authority to impound vehicles as provided in Part 18, of this Title. In addition to circumstances set forth in Part 18 of this Title, the City may impound any vehicle and order the vehicle towed to an impound lot or the item, article or object removed when:

(a) Whenever an agent of the City finds any vehicle is found parked upon any public street or public right-of-way in violation of the parking restrictions or prohibitions contained on any official sign or signs; or

(b) when any vehicle obstructs or interferes with the free flow of traffic, street maintenance, or access of emergency vehicles or equipment; or

(c) when any item, article, object or vehicle which causes or tends to obstruct the free movement of pedestrians or other traffic upon a sidewalk; or

(d) when a motor vehicle is determined to be abandoned as that term is defined in Section 11.02.010,; the agent may order the vehicle towed to an impound lot or the item, article or object removed.

(2) — Whenever an agent of the City finds any vehicle parked upon any public street or public right-of-way that has ten (10) or more delinquent parking violations, the agent may order the vehicle towed to an impound lot.

(32) Nothing in this Section shall prohibit the towing of a vehicle to the an impound lot pursuant to another Section of this Code.

11.01.1240— Retrieval of impounded vehicles.

(1) — Upon presenting appropriate proof of identification and ownership of a vehicle which has been impounded under the provisions of this Title in an impoundment lot and upon payment of the appropriate towing, storage and impoundment fees, parking assessments and delinquent parking assessments, the registered owner of an impounded vehicle may retrieve his or her vehicle.

(2) — The City shall designate hours when payment of towing, storage and impoundment fees may be accepted and vehicles may be retrieved from impoundment lots.

~~(3) — Such payment or towing, impoundment, and storage fees shall not relieve the owner of the impounded vehicle from any responsibility or liability to comply with the terms of any notice or citation issued for illegally parking the vehicle.~~

~~(4) — Disposal of abandoned vehicles. Vehicles towed from streets or highways and other property within the City and impounded as provided in this Title shall be disposed of in accordance with the procedures of the City.~~

Part 18 - Towing and Storage

11.01.1809 - Retrieval of impounded vehicles and trailers after Public Tow.

- (1) For purposes of this Section, the terms *motor vehicle* and *vehicle* shall include trailers.
- (2) Upon presenting appropriate proof of identification and ownership of a vehicle which has been impounded by the City under the provisions of this Code in an impoundment lot, and upon payment of the appropriate towing, storage and impoundment fees, parking assessments and delinquent parking assessments, the registered owner of an impounded vehicle may retrieve his or her vehicle.
- (3) The City shall designate hours when payment of towing, storage and impoundment fees may be accepted and vehicles may be retrieved from impoundment lots.
- (4) Payment of towing, impoundment, storage fees and other related fees shall not relieve the owner of the impounded vehicle from any responsibility or liability to comply with the terms of any notice or citation issued for violation of this Code.

11.01.~~1809~~1810 - Abandonment of motor vehicles and trailers; private tow.

- (1) For purposes of this Section, the terms *motor vehicle* and *vehicle* shall include trailers.
- (2) No person shall abandon any motor vehicle upon private property ~~other than his or her own, as specifically set forth in violation of~~ Section 10.28.010 of this Code. Any owner or lessee of such private property, or his or her authorized agent, may have an abandoned motor vehicle removed from his or her property by having it towed and stored by a towing operator, subject to compliance with the terms of Sections 11.01.1219 and 11.01.1801 of this Part 18-Traffic Code.
- (23) Any towing operator having in his or her possession any abandoned motor vehicle from a private tow shall immediately notify the Police Department as to the name of the operator and the location of the storage lot where the vehicle is located and a description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state and expiration date of the license plate and the vehicle identification number. Upon such notification the Police Department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, the Police Department shall ascertain and notify its rightful owner and cause termination of any abandonment proceedings. The Police Department shall have the right to recover from the owner its reasonable costs therefor.
- (34) Any towing operator shall, as soon as possible but in no event later than seventy-two (72) hours after receipt of determination that such motor vehicle has not been reported stolen, report

the same to the Department of Revenue as required by Title 42, Article 4, C.R.S., as amended from time to time. The towing operator shall further comply with all notice requirements of Title 42, Article 4, C.R.S., as amended ~~from time to time, which is adopted hereby and incorporated by reference.~~

(45) The City shall ~~make available and~~ provide notification stickers to private property owners, ~~which stickers shall be available to such owners,~~ upon request and free of charge, for placement on apparently abandoned vehicles. The notification stickers shall be similar to those used by the Police Department for vehicles abandoned on public rights-of-way, notifying a vehicle owner of abandoned status, except that the private property notice shall include an affidavit for signature by the person placing the notice. No vehicle shall be towed from private property unless the notification form has been completed in full by the person placing the notice at least 24 hours prior to removal. Additionally, the City shall ~~make available and provide to private property owners, upon request, blank towing sheets to be used for any apparently abandoned vehicle to be towed, in the event the posting of a notification sticker did not cause the vehicle's removal by the owner within twenty four (24) hours of the notice. The tow sheet provided shall show the telephone numbers of the City authorized tow services, identify the vehicle to be removed, provide for signature by the property owner or agent authorizing removal and asserting that person's authority as property owner or agent, while accepting full responsibility for the removal of the vehicle, including costs of towing incurred by the towing operator in excess of funds recovered from delivery to storage or from sale. The completed tow sheet, signed by the property owner or agent, shall be given to the towing service at the time of removal of the abandoned vehicle. The towing service shall cause delivery of a copy of the completed tow sheet to the Police Department within twenty four (24) hours of receipt thereof.~~

(5) Nothing in this Section is intended to disallow towing of vehicles as otherwise provided in this Section and Chapter from a location on City property or municipally owned or controlled property.

Chapter 2- Parking Infractions

11.02.010- Definitions.

Abandoned vehicle means:

I. Any vehicle left unattended on private property for a period of twenty-four (24) hours or longer without the consent of the owner or lessee of such property or owner's or lessee's legally authorized agent;

II. Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the City for a period of seventy-two (72) hours or longer;

III. Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the City that is not registered or does not have a license plate with a current registration sticker attached thereto in violation of Sections 42-3-121 and 42-3-114, C.R.S., except as provided for in Section 42-3-103, C.R.S.;

IV. Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the City that is in a disabled or inoperable condition. A vehicle shall be deemed to be in a disabled or inoperable condition if it is junked; wrecked; wholly or partially dismantled; missing essential parts; unable to perform the functions or purposes for which it was originally manufactured; or which, due to any mechanical failure or any damage, is inoperable under its own power; or

V. A motor vehicle fitted with an immobilization device that is on public property for a period of seventy-two (72) hours or longer.

Designee means the employee or employees designated by the City Manager through Administrative Rule.

Motor vehicle or vehicle means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power.

Parking Enforcement Officers means any city employee who has been authorized by the City Manager to enforce any of the parking violations set forth in this Code. All employees of the Greeley Police Department are designated Parking Enforcement Officers.

Pickup Camper means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.

Trailer means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

11.02.020- Violations.

Unless otherwise specified, all violations of this Chapter shall be designated parking infractions and shall be punished pursuant to Chapter 1.34 of this Code. Those violations designated as traffic infractions shall be punished pursuant to Chapter 1.32 of this Code.

11.02.040- Stopping, standing or parking prohibited in specified places.

(1) Except as otherwise provided in Subsection (4) of this Section, no person shall stop, stand or park a vehicle or trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (a) On a sidewalk;
- (b) Within an intersection;
- (c) On a crosswalk;
- (d) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (e) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (f) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (g) Upon any bridge or other elevated structure or within a tunnel;
- (h) On any railroad tracks;
- (i) On any controlled-access highway;
- (j) In the area between roadways of a divided highway, including crossovers;
- (k) At any other place where official signs or markings prohibit or limit standing or parking;
- (l) Along any officially designated and posted snow removal route during a snow emergency;
- (m) In any alleyway, except as necessary during the expeditious loading and unloading of merchandise and freight;
- (n) On any parkway;
- (o) Along any roadway signed for roadway improvements on an identified date such that it states no parking on a specified date or time
- (p) On any public right of way with a vehicle or trailer with expired, missing or fictitious plates.

(2) Except as otherwise provided in Subsection (4) of this Section, in addition to the restrictions specified in Subsection (1) of this Section, no person shall stand or park a vehicle or trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (a) Within five (5) feet of a public or private driveway;
- (b) Within five (5) feet from the curb line directly in front of a fire hydrant;

- (c) Within twenty (20) feet of a crosswalk at an intersection;
- (d) Within thirty (30) feet upon the approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of a roadway, measured from the curb line directly in front of the beacon, signal or sign;
- (e) Within twenty (20) feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of said entrance when properly signposted;
- (f) At any other place where official signs or markings prohibit standing or parking.
- (g) Within a marked fire lane.

(3) In addition to the restrictions specified in Subsections (1) and (2) of this Section, no person shall park a vehicle or trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, when and where any of the following conditions exist:

- (a) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (b) At any place where official signs and or markings prohibit parking.

11.02.050 - Parking in excess of seventy-two hours.

- (1) It shall be unlawful for any owner or operator of a vehicle to leave that vehicle parked in the same place on a public street or on public property continuously for a period in excess of seventy-two (72) hours where no other time limitation has been specified.
- (2) A vehicle shall be considered in violation of this subsection if it has been determined by Parking Enforcement that the vehicle has not moved or cannot be moved upon its own power.

11.02.060 - Parking at curb or edge of roadway.

- (1) Except as otherwise provided in this Section, every vehicle or trailer stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
- (2) Except as otherwise provided by local ordinance, every vehicle or trailer stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
- (3) Local authorities may by ordinance permit angle parking on any roadway; except that angle parking shall not be permitted on any state highway unless the Department of Transportation has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

11.02.070 - Parking in alleys.

(1) No person shall park a vehicle or trailer within an alley except during the necessary and expeditious loading and unloading of merchandise or freight.

(2) No person shall stop, stand or park a vehicle or trailer within an alley in such position as to block the driveway or entrance to any abutting property.

(3) No person shall park a vehicle or trailer within an alley where signs or markings prohibit such parking

11.02.080 - Angle parking.

On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings, nor shall any person back a vehicle into any angle parking space on streets which have been approved and signed or marked for angle parking.

11.02.090 - Parking certain vehicles prohibited in specified areas; exceptions.

(1) Parking oversized vehicles on public right-of-way. No person shall stop, park or leave standing any vehicle with six thousand (6,000) pounds or more in weight, whether such vehicle be attended or unattended, in public rights-of-way in any area of the City zoned R-L, R-M, R-H, RMH or RE, for more than forty-eight (48) hours. A vehicle owner of any six-thousand-pound or greater weight vehicle shall not park said vehicle on the street in front of the owner's residence or within one hundred (100) feet of his or her residence, if the vehicle can legally be parked on the owner's property instead. No person shall park or leave standing any vehicle exceeding six (6) feet in height in a public right-of-way in such a manner that any part of the vehicle that exceeds forty-two (42) inches in height shall be:

(a) Within thirty (30) feet of an intersection or a crosswalk; or

(b) Within five (5) feet of a public or private driveway.

(2) Parking oversized vehicles on private property. No person shall park or leave standing any vehicle exceeding six (6) feet in height on private property in such a manner that any part of that vehicle which exceeds forty-two (42) inches in height shall be:

(a) Within five (5) feet of the flow line of public rights-of-way; or

(b) Within twelve (12) inches of the edge of any attached or detached sidewalk in a public right-of-way.

(3) Obstructing traffic control devices with oversized vehicles. No person shall park or leave standing a vehicle in a public right-of-way in such a manner that any part of the vehicle that exceeds six (6) feet in height shall be within thirty (30) feet of any official traffic control device.

(4) Detached trailers, pickup campers and boats.

(a) No trailer shall be detached from a towing vehicle and left standing in any public right-of-way unless the owner has obtained an appropriate permit for building or construction, or as authorized by subsection (5)(c).

(b) No pickup camper shall be unloaded from a pickup truck and left standing in any public right-of-way.

(c) No boat, whether standing on a trailer or standing by itself, shall be left standing on any public right-of-way unless attached physically to a motor vehicle.

(5) Oversized commercial vehicles. For purposes of this Section, oversized commercial vehicle means any vehicle registered, licensed or used for commercial purposes or displaying advertisements for commercial enterprise and exceeding twenty (20) feet in length or trailers exceeding fifteen (15) feet or eight (8) feet or more in height, or eight thousand (8,000) pounds or more in weight. Oversized commercial vehicles are prohibited from parking in any area in the City zoned R-L, R-M, R-E, R-MH or R-H, either on the street, traveled roadway or public right-of-way, with the following exceptions:

(a) Loading or unloading moving vans or similar-type vehicles used for moving personal goods, for a period not to exceed twenty-four (24) hours. Pods or similar temporary storage enclosures shall be regulated the same as oversized commercial vehicles and shall not exceed a period of forty-eight (48) hours;

(b) Temporary parking for purposes of pick-up or delivery, for a period not to exceed thirty (30) minutes;

(c) Construction equipment or machinery employed in any authorized construction project, for a period not to exceed the completion of such construction or construction project and must comply with all regulatory parking requirements, and obtain all required permits.

(6) Prohibited uses. No person shall use any motor vehicle, bus, trailer, coach, mobile home, self-propelled motor home or recreational equipment for living, sleeping, housekeeping or preparation of food while parked on any public right-of-way or on publicly owned property within the City except in accordance with Title 6 of this Code.

(7) Measurements. Measurements made in the enforcement of this Section shall be made as follows:

(a) The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle, including loads or any projections attached thereto, with the exception of radio antennae, exhaust pipes and vents.

(b) The length of vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto.

11.02.110 - Parking of compact cars only; tow away zone on certain streets.

(1) On any street or at any place within the City on public rights-of-way or on public property when appropriate signs are posted giving notice of parking of compact cars only as authorized, no person shall stop, stand or park a vehicle in any manner unless such vehicle is a compact car, and such vehicle is wholly contained, including bumpers and any type of attached projection, within the pavement markings.

(2) For purposes of this Section only, compact car is defined as any vehicle no longer than sixteen (16) feet, such measurement to be made parallel to the long axis of the vehicle and including any projections permanently or temporarily attached thereto.

(3) The Traffic Engineer, or his or her designee, shall cause visible markings to be placed on the pavement, such markings to establish side and end markings for compact only parking spaces.

(4) Compact-car-only parking areas shall be established by the Traffic Engineer or his or her designee after consultation with the Chief of the Fire Department. Such parking shall be established to maintain necessary fire emergency lanes. The Traffic Engineer or his or her designee shall cause such lanes to be clearly marked as fire lanes; tow-away zones.

(5) Any vehicle parked, stopped or standing in violation of Subsection (1) of this Section may be towed away.

11.02.120 - Parking Restrictions.

(1) The Designee may designate certain areas that are subject to parking restrictions based upon factors to include, but not be limited to:

- (a) proximity to special generators; availability of both on- and off-street parking;
- (b) vehicular and parking capacity, including the width, grade and curve of the area's streets;
- (c) existing traffic control measures;
- (d) traffic volume; and
- (e) utility and emergency service access.

(2) The Designee shall establish the boundaries of each area that is subject to parking restrictions and each area shall be identified through appropriate postings and signage.

(3) Parking restrictions may include:

- (a) Areas where parking is authorized by permit only pursuant to 11.02.140;
- (b) Areas where parking is limited by posting of appropriate signage; and
- (c) Restricted Parking Zones as authorized in 11.02.070.

11.02.130 - Overtime parking violations generally.

(1) Where any section of this chapter, or any sign posted pursuant to the provisions of this chapter, prohibits parking in excess of any stated period of time in any given parking space or other designated area, a vehicle shall be considered in violation of that restriction if it does not comply with instructions outlined on the signage.

(2) This section shall not apply if a payment has been made for overtime parking in a Restricted Parking Zone as authorized in Section 11.02.150.

11.02.140 - Parking by permit only; time limitations.

(1) On any street or at any place within the City when appropriate signs are posted giving notice of parking by permit only as authorized, no person shall stop, stand or park a vehicle in any manner unless such vehicle shall have a valid permit for such parking.

(2) Permits for parking in permit parking areas shall be issued by the Designee. The Designee shall adopt procedures for the issuance of such permits, the duration of the permits and required fees. The Designee shall also determine the location of permitted areas.

(3) Residential permit areas will be designated by the Designee based on occupancy criteria and in accordance with guidelines established by the Parking Services Office.

(4) The City may enter into agreements with governmental and non-governmental entities that own parking lots available for public use, authorizing parking to be enforced by Parking Enforcement Officers. Said agreements shall require the posting of appropriate signs.

11.02.150 - Restricted Parking Zones.

(1) The Designee may establish Restricted Parking Zones within the City. Restricted Parking Zones shall contain posted time limits that may include other restrictions for parking in the street that apply to all vehicles.

(2) No person shall stop, stand or park a vehicle in any manner in excess of the posted time limitation in any Restricted Parking Zone except as set forth in paragraph (3) herein.

(3) Overtime parking within a Restricted Parking Zones is authorized only if payment is made to the City for such additional time.

(a) Such payment may be made through parking payment devices, through electronic means, or in any other manner deemed appropriate by the Designee.

(b) Each Restricted Parking Zone sign shall display the days and hours when the requirement to make payment shall apply.

11.02.160 - Rate setting for parking payment devices and permits.

The Designee shall determine parking rates to be charged at parking payment devices for parking in city right-of-way and other city-controlled parking areas. Rates may vary according to location, time of day, maximum parking time allowed, the capabilities of available parking payment devices, and any other factors the Designee determines are pertinent.

11.02.170 - Parking privileges for persons with disabilities.

(1) As used in this Section:

(a) License plate or placard means a license plate or placard issued pursuant to State law.

(b) Person with a disability has the meaning provided for such term pursuant to State law.

(2) A vehicle with a license plate or a placard obtained pursuant to Section 42-3-204, C.R.S., or as otherwise authorized by Subsection (4) of this Section may be parked in public parking areas along public streets but are held to the same time limitations as all others.

(3) Reserved Parking Spaces.

(a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities, whether on public property or private property available for public use. A placard or license plate obtained pursuant to Section 42-3-204, C.R.S., or as otherwise authorized by Subsection (4) of this Section shall be clearly displayed at all times on the vehicle while parked in such space.

(b) The owner of private property available for public use may post signs or markings identifying parking spaces reserved for use by persons with disabilities. Such posting shall be a waiver of any objection the owner may assert concerning enforcement of this Section by Parking Enforcement Officers or peace officers of any political subdivision of this State, and such officers are hereby authorized and empowered to so enforce this Section, provisions of law to the contrary notwithstanding.

(c) Each parking space reserved for use by persons with disabilities, whether on public property or private property, shall be marked with an official upright sign or official markings on the pavement, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

(4) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state that are also valid pursuant to 23 CFR part 1235.

(5) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign or pavement markings as being reserved for use by persons with disabilities unless:

(a) Such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities; and

(b) A license plate or placard obtained pursuant to Section 42-3-204, C.R.S., or as otherwise authorized by Subsection (4) of this Section is displayed in such vehicle.

(6) Any person who is not a person with a disability and who exercises the privilege defined in Subsection (2) of this Section or who violates the provisions of Subsection (5) or Subsection (9) of this Section commits a traffic offense.

(7) Any person who is not a person with a disability and who uses a license plate or placard issued to a person with a disability pursuant to Section 42-3-204, C.R.S., in order to receive the benefits or privileges available to a person with a disability under this Section, commits a traffic offense.

(8) Any law enforcement officer, public safety technician or authorized parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

(9) It is unlawful for any person to park a vehicle so as to block reasonable access to curb ramps or passenger loading zones, as identified 28 CFR part 36 (Appendix A), that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.

(10) It shall be the duty of the Traffic Engineer to provide for adequate handicapped parking zones on public property as authorized by law. Handicapped parking zones on private property that are available for public use shall be posted with a sign meeting the requirements of sign R7-8 as provided for in Section 2B-31 of the United States Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices.

11.02.180 - Abandoned and Unattended vehicles unlawful.

(1) It is unlawful for any person to abandon any vehicle upon public property or upon private property other than his or her own.

(2) It is unlawful for any person to leave any vehicle which he or she owns or controls unattended within any portion of a street or highway right-of-way within the City for a period of seventy-two (72) hours or more.

(3) Nothing in this Chapter shall limit the authority of a Parking Enforcement Officer to move or impound a vehicle as authorized in this Title.

11.02.190 - Authority to impound vehicles.

(1) Any vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within the City in such a manner as to constitute a hazard or obstruction to traffic or to roadway maintenance shall be impounded as authorized in Part 18 of this Title.

(2) Any abandoned vehicle shall be impounded as authorized in Part 18 of this Title.

(3) During a snow emergency or roadway improvement project, the Director of Public Works, or his or her designee, may direct that any vehicle illegally parked upon a properly signed and posted snow removal route or within a roadway improvement project area, may be towed to either the nearest legal parking area or be impounded in the same manner as prescribed for an abandoned vehicle in Part 18 of this Title.

Management



Parking By The Numbers - Utilize a tiered parking management approach to ensure the industry standard of 15% availability is maintained per block.

Tiered Parking Management - Utilizing data collected by the License Plate Recognition (LPR), enact a tiered approach to ensure target availability is maintained.

Level 1 - No Parking Restrictions

Level 2 - Two Hour Parking Limits with option to pay-to-stay.

Level 3 - Two Hour Parking Limits with Zone Restrictions and pay to-stay-option.

Level 4 - Two Hour Parking Limits with Zone Restrictions and no option to pay-to-stay.

Level 5 - Paid Parking.

Scheduled Changes - Significant parking adjustments will occur annually on January 1st and will involve significant communication.

Parking Demand Management - Promote use of transit to those who live or work downtown through implementation of incentive program to ride, rather than drive, by end of 2020.

Permit Area Changes - Transition as much of permit parking to parking lots as possible and utilize zone parking vs. permits for specific lots. Refer to map on other side of this document.

Improved Parking Experience



Continue To Offer 2 Hour Free Parking - Although there may be a time where paid parking is needed, based off availability, at this time continuing to offering 2 hour free parking is important to our downtown.

Provide Options Through Technology- Those visiting downtown that may need to park beyond two hours, can now pay to stay. For \$2 an hour, with a max of \$10 a day, visitors can utilize their smart phone to extend their stay. For those without a smart phone, a call-in number will be available.

Customer Parking - To improve the customer service experience, transition as much of the current on-street permit parking to customer parking. This will allow customers to park on the streets they are already traveling.

Signage Changes - Standardize and simplify all signage. Transition evening hour restrictions from 6 PM to 5 PM.

Enforcement & Accountability



Incentives to Pay Early - Above ticket prices are increased by \$15 if not paid within 15 days. This practice and the pricing above is in line with others in Northern Colorado.

Rolling Calendar - Above tiered ticket pricing outlined above is reset annually on January 1.

Payment Accountability - In an effort to ensure payment of outstanding parking tickets, booting will occur if unpaid status exceeds 60 days.

1st Ticket Offences- Warnings outlined above will not apply to handicapped, fire lane and fire hydrant violations.

Permit Adjustments

Although it will cause some people, sometimes, to walk a bit further, the transitioning of specific lots to areas will improve the efficiencies of our lots greatly (i.e. sick, vacation, etc.).

Furthermore, as requested through the public input sessions, staff has worked when possible to utilize lots primarily for permitting purposes. This helps improve on-street availability for those visiting.



Downtown Permit Parking Map
Date: 10/02/2018
By: City of Greeley, Parking Services

Area 1 Area 2 Area 3 Area 4 Area 5

Area 1 00

Area 1 will not see an increase in permitted spaces but allows flexibility and improves efficiency by using all lots as one.

Area 2 20

Area 2 will see an increase in permitted spaces by transitioning many of the current improperly utilized 3 hour parking to permit.

Area 3 32

Area 3 also sees an increase in permitted spaces through the utilization of several underutilized lots. This adjustment also frees up more on-street parking for visitors.

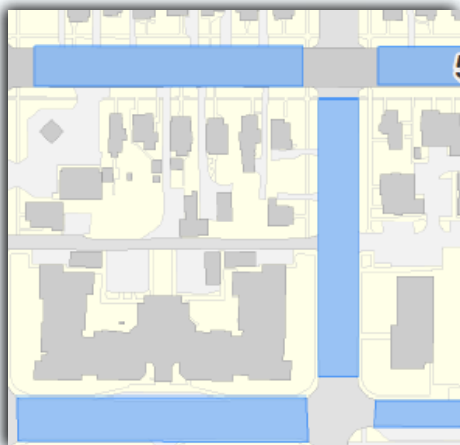
Area 4 05

Area 4 is the only area that sees a decrease; however, this adjustment will not be detrimental to parking as availability is very high.

Area 5 00

Area 5 will combine several lots which are utilized primarily by employees and Active Adult members. The UCCC lot will also allow 2 Hour parking.

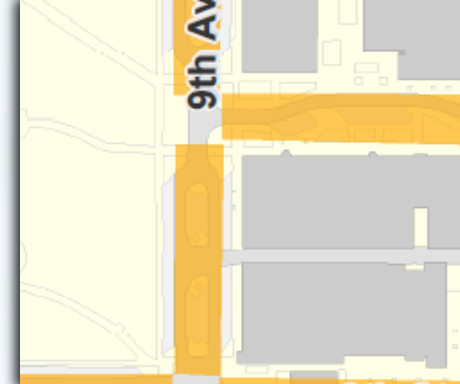
On Street Adjustments



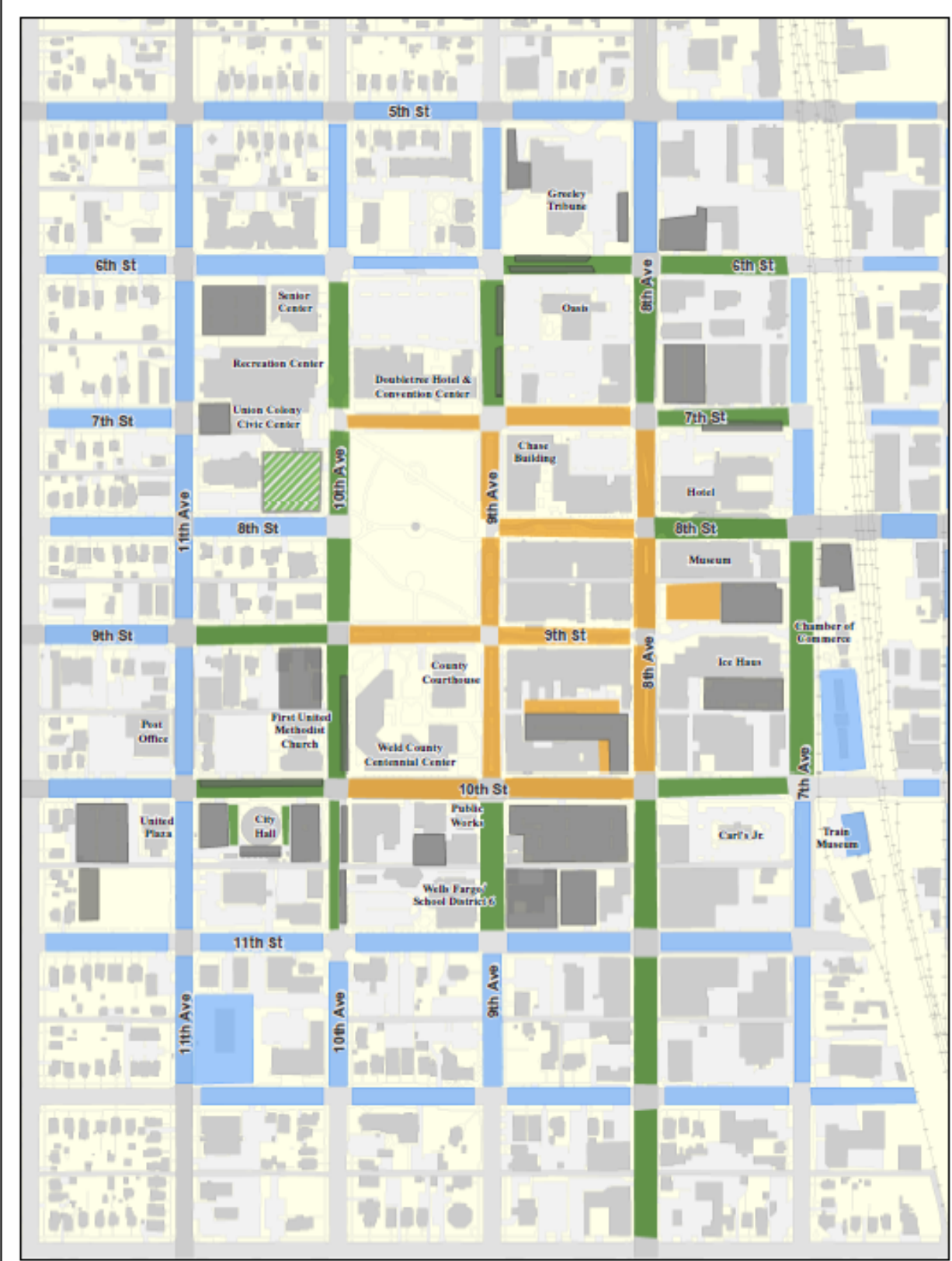
Utilizing projected availability and the outlined tiered parking management, the areas highlighted in blue will not have any parking restrictions.



The areas highlighted in green would be restricted by two hours and operate much like our current parking restrictions by allowing those who park to move within the block.



Due to low availability in these identified areas, parking will be restricted by the two block zone (TBZ) rule. In other words, if you park in the TBZ from 9 AM to 10:30 AM, you will not be able to re-park within two blocks of your original parking space until 1:00 PM. Your options to avoid a ticket are to park outside the TBZ, park two or more blocks away within the TBZ or pay to stay.



Downtown Public Parking Map
Date: 10/02/2018
By: City of Greeley, Parking Services

Permitted Area-Public Parking after 5 p.m. 2 Hour or Permit Two Block Walk/ Orange Zone Free Parking- No Time Limit 2 Hour Parking



Through the use of technology, those who would like to stay longer than 2 hours, can pay to stay for \$2 an hour with a max of \$10. Pricing is subject to change based off parking availability and demand.



Parking Management Report

May 2018



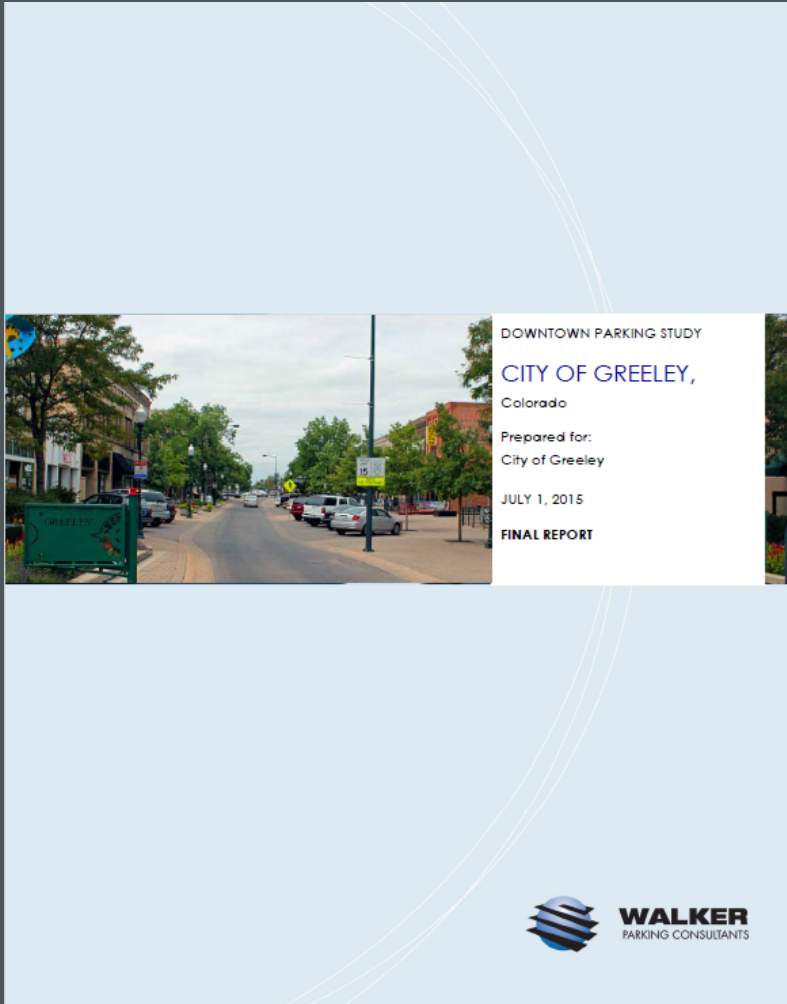
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Preface

Need to finalize

References



Participating Organizations



Current Parking Overview

Silos / Parking Stalls

The different aspects and responsibilities related to parking in Greeley are the responsibility of several different departments throughout the city. This structure unfortunately creates a situation where no one person or department is truly managing parking.

Parking as a Part of Our Transportation Network

Much like our road system, parking is a part of our transportation system; however, at this time we do not yet view and manage parking as an important piece of our transportation network. In addition, multimodal transportation options are also not considered as a part of the parking solution.



Current Parking - Enforcement

PARKING VIOLATION

Date	Time
License Plate	Make of Auto
Offense(s):	



Parking Enforcement

- Parking enforcement is currently managed by the Greeley Police Department and two parking enforcement officers.
- Two officers utilize one vehicle and travel together throughout the city to enforce parking.
- Responsibilities include the enforcement of time, permit and handicapped parking.

Municipal Court Process



- 1 FTE primarily dedicated to parking.
- Appeal process is manual and time intensive for City Attorney Office.
- Current enforcement policies limit ability to manage repeat offenders.

Repeat Offenders



- No ability to identify and/or enforce repeat offenders in the field.
- Top 20 repeat offenders have over \$26,000 in outstanding parking tickets.
- Parking fines are minimal, do not escalate with habitual offenders, and therefore do not discourage further parking violations.

Out of State Plates



- Over \$168,000 in uncollected fines from out of state violations over the past five years.

Tire Chalking Enforcement

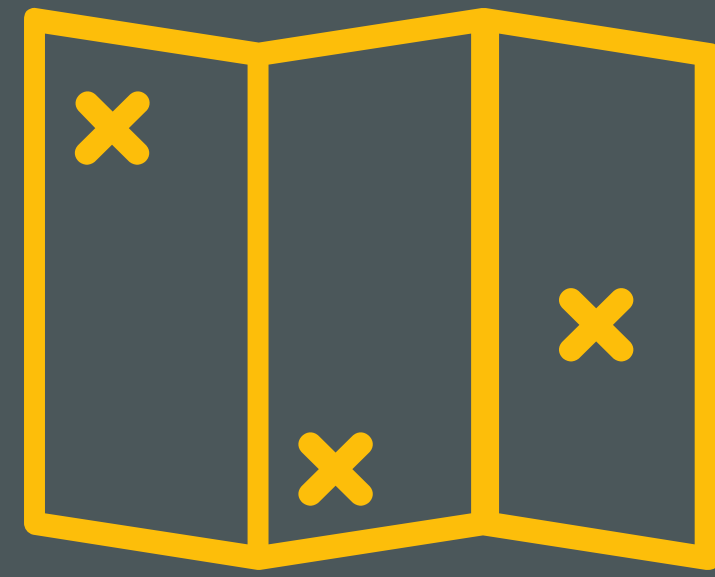


- Inability to enforce parking during weather events (i.e. rain, snow) and when roads are wet.
- Inability to identify and communicate other issues to police (i.e. stolen cars, outstanding warrants on owner of vehicle).
- Easily altered by vehicle owner (i.e. removal of chalk, moving car forward or backward a foot, moving the car to the next stall)

Current Parking - Parking Permits



Parking Permit Areas



There are several parking permit areas that the City manages:

- 445 parking stalls in multiple lots and areas in the downtown area.
- On street parking in the Cranford Neighborhood (west of UNC Central Campus).
- On street parking on 23rd St Rd (between 11th and 10th Ave by UNC).
- On street parking for the neighborhood north of NCMC

Permit Revenue



- 2018 Parking Permit Revenue is currently budgeted at \$63,500.
- Funds are currently used for parking lot maintenance.
- Permit costs were evaluated in 2017 to align with other cities in Northern Colorado.



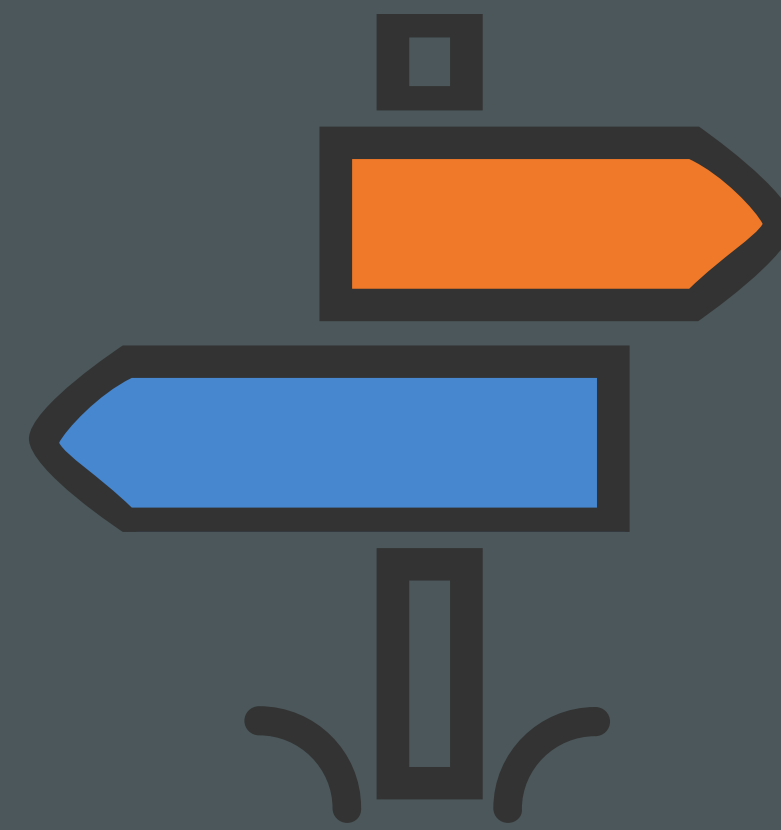
Permitting Process



- Current process is manual and dependent upon a significant amount staff time to enter all 445 downtown permitted parking stalls into our financial system.
- Hang tags with color coded stickers are utilized to ensure compliance with lot parking stalls. Permit holders must visit City Hall for their permit or receive the permit through the mail.



Current Parking - Signage, Options and Analysis



Signage

- Parking signage is currently managed by the Transportation Services Division.
- Limited communication between enforcement, issuers of permits and those who manage signs. hence causing issues and complaints due to discrepancies.



Transit Options

Currently, as parking is not viewed as a part of our transportation network, transit and/or carpooling is not utilized or promoted as a part of our parking solution.



Biking Options

Much like transit, biking or other multimodal options are not being leveraged as part of the solution to better manage parking in Greeley.



Parking Management

The different aspects of parking (permitting, enforcement, etc.) are currently being handled by different departments throughout the city. Unfortunately, this leaves no one group managing parking as a whole.

Proposed Parking Plan



1) Consolidate parking from multiple tasks managed by many to a resource managed by a new division within Public Works. This reorganization would be funded through the reallocation of revenues currently utilized by several city departments.

2) Begin to administer our parking as a resource and as part of our transportation network by identifying and implement parking management methods that are aligned with community goals and industry best practices.

3) Ensure municipal code aligns with community goals and identified parking objectives.



Although certain blocks downtown have less than 15% parking availability (industry benchmark for low availability), the average availability for downtown Greeley is 54%. This means that those needing parking in the downtown area can typically find it within a block or two of their destination.

Utilize technology like License Plate Recognition (LPR) to improve efficiencies, accountability and management.



Leverage data gathered with LPR system to better manage parking supply.



Proposed Parking Plan (cont.)

Purchase & Implement Parking Management Software with Licence Plate Recognition



Ability to enforce regardless of what the weather is outside.



Ability to scan and read 3,000 to 4,000 license plates in a single day by one person.



Increase in efficiencies and accountability (i.e. 25% decrease in scofflaw).



Communicates other law enforcement items to the Police (i.e. stolen car).



Parking permits can be purchased online or sold in groups and managed by property managers.



Elimination of hang tags for permitting purposes.



As permits are based off license plates, all permits can be purchased and managed online.



Use software's existing module to collect on all tickets, regardless of the state.



Utilize data collected through software & LPR to improve management of our parking resource.



Other Enforcement Opportunities



Provide a second vehicle for two parking enforcement employees to increase efficiencies and coverage.

Institute tiered enforcement to deter repeat offenders and non-payment.



Proposed Parking Plan (cont.)

Permitting Process



With the purchase of parking management software and LPR, the new permitting process will be based off license plates rather than a hangtag.



The use of hang tags for permit identification will be a thing of the past. Customers and property managers will have the ability to purchase and manage their permits online based off a plate number.



Promotion of the customer facing online parking management portal will decrease staff time and improve customer service. Permits can be purchased for a lot or for a specific time period.



Utilization of Greeley Evans Transit (GET) customer service staff to answer questions regarding parking will support parking 6 days a week vs 5 days.



Promotion and funding of specialized GET Employer Bus Pass to downtown employers would be an alternative to purchasing a parking pass. Free Parking would be provided at the GET Regional Transportation Center.

Municipal Code



To properly manage our parking, several changes will need to be made to our municipal code. Below are a few of the necessary changes.



Create parking zones in high demand areas to prevent the two-hour shuffle (i.e. employee coming out every two hours and moving car across the street to avoid getting a ticket).



Develop and implement a tiered enforcement system to address unpaid parking tickets (i.e. after three unpaid parking tickets a vehicle will get towed or booted).

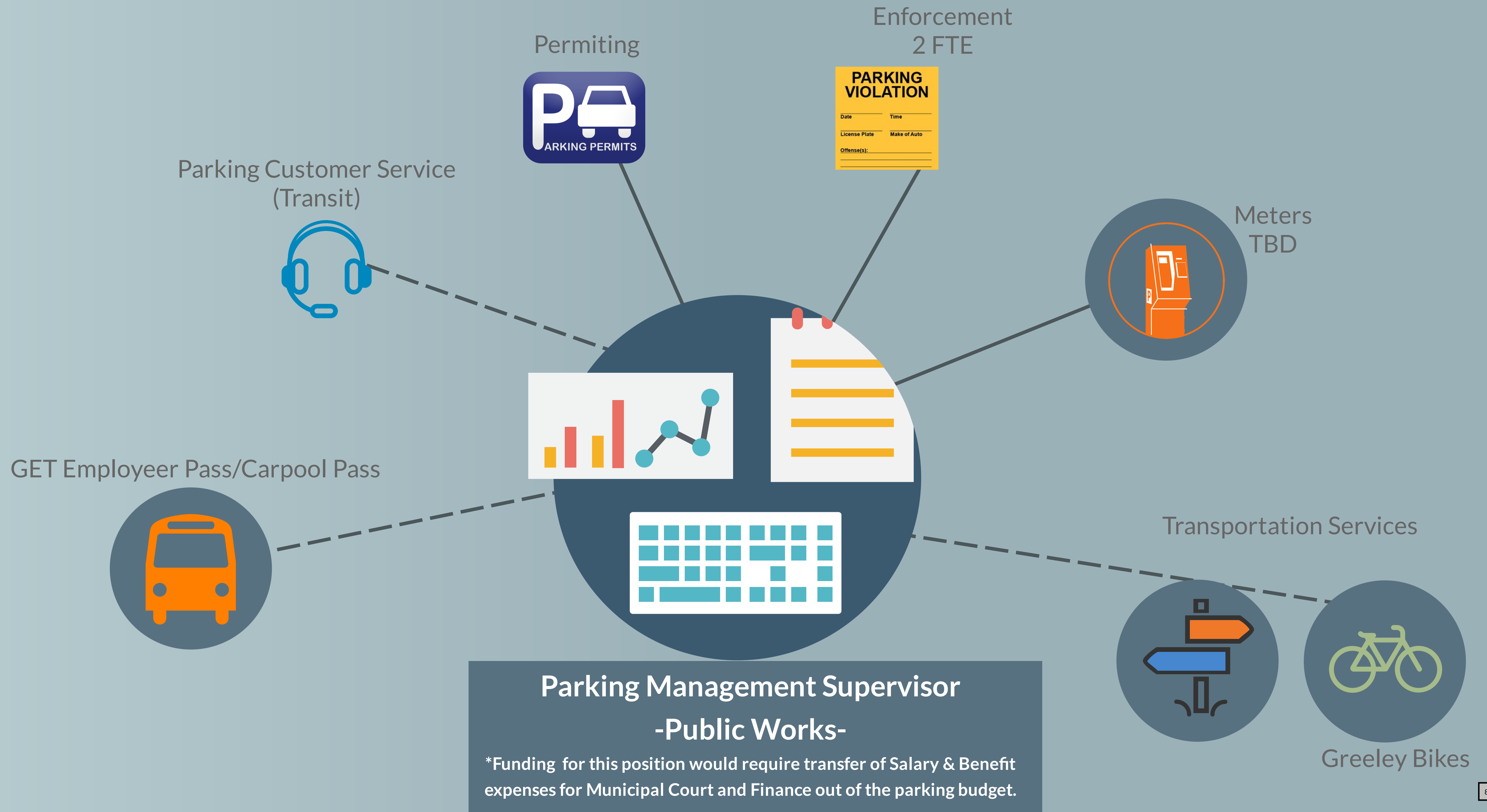


Transition appeal process from one managed by Municipal Court to one managed by an identified Parking Referee.



Develop plans and policies to implement paid parking in blocks with low available spaces (<15%) as a way to promote turnover. Prices would not be fixed but variable based on availability. All parking meter proceeds after expenses would be placed into a Parking Benefit Area that would be reinvested into said areas infrastructure (i.e. sidewalks, lighting, etc.).

Proposed Parking Organizational Structure



Proposed Parking Objectives & Tasks

Objective 1.1 Purchase and implement Parking Management Software with License Plate Recognition

Baseline: Approximately 1-2 violation sweeps a day by two officers.

Goal: 6-8 sweeps per day per officer.

Desired Trend: 

Op/Admin	Capital	Other		Near	Mid	Long	Ongoing
 			Purchase parking management software along with license plate recognition (LPR) equipment. Software and LPR equipment will not only improve efficiencies and data for performance measures but also significantly improve customer service for citizens and visitors.	☒	☐	☐	☐
			Utilize this report, continued staff input, Parking Management software tools and input from the community and businesses to streamline existing processes, improve accountability, enhance customer service and strategically enhance the management of parking.	☒	☐	☐	☐

Objective 1.2 Consolidate all current aspects of parking and parking management activities under Public Works.

Baseline: Need to establish customer service goal.

Goal: TBD

Desired Trend: 

Op/Admin	Capital	Other		Near	Mid	Long	Ongoing
			Transition the permit process from a Finance activity to an activity managed by the new Parking Management Supervisor and supported by Transit Customer Service staff. This adjustment will better align parking as a function of our transportation network and improve customer service due to hours of service and coverage.	☒	☐	☐	☐
			Transition the enforcement and associated staff, along with abandoned vehicle enforcement to Public Works to better align activities with parking management industry best practices.	☒	☐	☐	☐
			Work with IT to consolidate and update parking website for improved customer service. Include portion regarding FAQ, future portal for permitting, enforcement, etc.	☒	☐	☐	☐
			Develop policies and procedures needed to safely allow for enforcement activities to occur in two separate vehicles to improve coverage and enforcement.	☒	☐	☐	☐
			Transition the parking appeal process, currently handled within Municipal Court, to a process managed by the new Public Works Parking Management Supervisor. This process would mirror processes already in place in other communities and would be streamlined through the use of the software..	☒	☐	☐	☐



Traffic Congestion

Up to 30% of traffic congestion in downtown areas can be attributed to people searching for a parking space.

Improved parking management will reduce congestion in the downtown area. Improved parking space turnover will improve availability of spaces for those who visit and shop in the downtown area.

Proposed Parking Objectives & Tasks (cont.)

Objective 1.3 Utilize data now available through Parking Management Software and industry best practices to improve management of our parking resource.

Baseline: While the downtown area is averaging 48% availability, there are certain blocks that are at 0% availability.

Goal: >15% availability in all lots and on all blocks.

Desired Trend: 

Op/Admin	Capital	Other		Near	Mid	Long	Ongoing
		 	A significant amount of car shuffling occurs (cars moving to another space within the same block) every two hours to avoid a parking ticket. Utilize the LPR software to create zones that require movement to an area beyond those blocks/lots experiencing lower than 15% availability.	☐	☒	☐	☐
		 	Create an tiered enforcement approach to not only improve customer service (i.e. warning ticket with information about parking policies) but also improve accountability (i.e. after three unpaid parking tickets your vehicle is booted or towed).	☐	☒	☐	☐
		 	Review and adjust the enforcement fines to ensure they not only are comparable to surrounding communities but also help attain our goal of availability of 15%.	☐	☒	☐	☐
			Identify opportunities to incentivize and promote usage of off and on street parking with high availability. Work to incentivize use of alternative modes through pricing and ease of use (i.e. use of GET Park-n-Ride, carpool permit).	☐	☒	☐	☐
			Work with staff, other interest groups (i.e. DDA, leasing companies) and comparable permit prices from surrounding cities to utilize demand pricing to help manage availability.	☐	☒	☐	☐
		 	To better manage on and off street parking availability, create policies and procedures that allow for paid parking to promote space turnover. Prices would adjust based off supply and demand rather than a set price. Revenue gathered through paid parking would go to a defined Parking Benefit Area (PBA) and revenues, less expenses (i.e. staff time, equipment, etc.), could be invested into infrastructure (i.e. sidewalks, lighting, etc.) within the PBA. The PBA would be made up of businesses and residents from the defined area.	☐	☒	☐	☐



Key:

 Municipal Code Change

 Staff Time

Near

☐

6 Months - Year

Mid

☐

1 - 3 Years

Long

☐

4 Plus Years

Ongoing

☐

Ongoing

Op/Admin = Operations/Planning

\$0 - \$25,000 

\$25,001 - \$50,000  

\$50,001 - \$200,000   

\$200,001    

Proposed Parking Objectives & Tasks (cont.)

Objective 1.4 Utilize Parking Management Software and industry best practices to improve customer service for those with permits, those visiting as well as those who need to pay or dispute a ticket.

Baseline: Need to establish customer service goal.

Goal: TBD

Desired Trend:



Op/Admin	Capital	Other		Near	Mid	Long	Ongoing
			Transition use of hangtags and stickers for permit parking to online portal that facilitates permitting through license plates. This adjustment will not only significantly improve internal efficiencies but also have a positive impact on those who live and work in Greeley (i.e. eliminate mailing permits or customer having to pick up at City Hall).	☐	☒	☐	☐
			As we enforce parking in Weld County owned lots, work closely with commissioners and staff to transition their parking permit process from hangtags to license plate based.	☒	☐	☐	☐
			Utilize Parking Management software to facilitate parking waivers.	☒	☐	☐	☐
			Create a monthly parking availability map, from parking management software, to demonstrate availability and objective data regarding parking availability in Greeley.	☐	☐	☐	☒
			Utilize Parking Management software and LPR to facilitate paid parking permits for other other types of permites (i.e. contractors permit, full day permit, etc.).	☒	☐	☐	☐

Objective 1.5 Ensure parking availability is maintained through the use of technology and capital projects.

Baseline: 48% availability in downtown area.

Goal: >15% availability in all lots and on all blocks.

Desired Trend:



Op/Admin	Capital	Other		Near	Mid	Long	Ongoing
			Work closely with developers, special interest groups (DDA) and local businesses to plan for and build a parking garage/garages based off goals outlined within this document.	☐	☐	☒	☐
			Monitor industry trends and technology to not only improve how we manage our technology but also how we deliver great customer service to those with parking needs.	☐	☐	☐	☒

Key:

Municipal Code Change

Staff Time

☐Near6 Months - Year

☐Mid1 - 3 Years

☐Long4 Plus Years

☐OngoingOngoing

Op/Admin = Operations/Planning

\$0 - \$25,000

\$25,001 - \$50,000

\$50,001 - \$200,000

\$200,001



Council Agenda Summary

March 5, 2019

Agenda Item Number 12

Title

Pulled Consent Agenda Items

Council Agenda Summary

March 5, 2019

Agenda Item Number 13

Key Staff Contact: Brian Sullivan, Interim Information Technology Director, 970-350-9310

Title:

Public hearing and final reading of an Ordinance to facilitate installation of City-owned fiber optic conduit during excavation projects within the City's rights of way

Summary:

As a follow-up to the Council Worksession recommendations presented on January 22, 2019, we propose this Fiber Conduit Colocation Ordinance. The ordinance adds Chapter 14.80 to the Greeley Municipal Code regarding excavation in the public right of way. This Ordinance was introduced at the February 19, 2019, Council 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?	None
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?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	This ordinance makes it less expensive for the City to install fiber optic conduit should it choose to do so. It does not obligate the City to spend money.

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:

To compete in today's economy, communities across the State have become increasingly dependent on internet access – and especially high-capacity (broadband) access. Businesses – whether a ‘brick and mortar’ business or an at home business – require large amounts of data communications. Further, residences have multiple devices that need the significant capacity for video and other users.

The availability of broadband has also become a necessity for quality of life and desirability of a community, providing residents access to things like online education and distance learning opportunities, telemedicine, and entertainment. In the 21st-century economy, it is critical everyone have broadband access. In fact, it is beginning to be a dialogue that broadband access is as important as our roads and utilities to be economically competitive (Colorado Municipal League).

The history of broadband for the City of Greeley is as follows:

2016: The City began the initiative to examine Broadband generally.

2017: The City initiated (1) a feasibility study with NEO Connect to look broadly at the issues and options related to Broadband, (2) a ballot initiative in which the voters opted out of the prohibitions of SB152 which prohibited most uses of municipal funds for infrastructure to improve local broadband service or from providing those services should the City desire to do so at some point.

2018: Completed the feasibility study and identified next steps.

In May 2018 City staff and a consultant provided the Council with a strategic direction concerning broadband. As the consultant stated:

Municipalities are taking a more active role in ensuring their communities have reliable, abundant and affordable broadband services for their citizens. Additionally, smart city applications are requiring local governments to plan for robust infrastructure to support these emerging technologies.

The study had many components, including a survey of providers and “download” speeds, discussion of the future options (4G and 5G cellular wireless, as examples), price comparisons, existing infrastructure assets, a survey of providers, best practices analysis, and recommendations.

From this report, the Council appropriated an additional \$250,000 to continue to study and analyze the next steps for the City of Greeley to ensure Greeley remains a technologically competitive City in northern Colorado.

This ordinance is designed to satisfy a key recommendation from the 2018 study:

Municipal Facilitation through Broadband Friendly Policies:

Fiber Conduit Colocate Ordinance:

We have written for your consideration an ordinance to address some issues.

This ordinance states:

- When a company is trenching or boring in the City right-of-ways, the company must provide a shadow conduit at the City's request and incremental cost, and
- Those constructing public streets, public improvements and alleys, including the City and Developers must provide and install such conduit and appurtenances as necessary to accommodate future broadband needs within public right of way.

This ordinance achieves several outcomes:

- Avoids unnecessary excavation in the City's rights of way
- Creates broadband infrastructure to ensure that the City remains competitive
- Enables technology to improve traffic safety and congestion
- Helps ensure all areas of the City will have the ability to deploy broadband fiber.

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) 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:

Fiber Conduit Colocation Ordinance
PowerPoint

CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2019

**AN ORDINANCE ADDING CHAPTER 14.80 OF THE GREELEY MUNICIPAL
CODE REGARDING EXCAVATION IN THE PUBLIC RIGHT OF WAY**

WHEREAS, the City of Greeley (“City”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, the City owns and maintains a system of streets and Rights of Way for the promotion of public health, safety, welfare and convenience; and

WHEREAS, the City is aware that the demand for technological infrastructure in the future will likely require the installation of additional facilities in, under and upon City-owned streets and Rights of Way; and

WHEREAS, contractors excavating or otherwise working within the City Rights of Way pursuant to a lawfully issued permit are required to perform construction or maintenance operations within the parameters of the Greeley’s Municipal Code; and

WHEREAS, demand for access to broadband services is growing, and in order to fill such demand, more broadband network infrastructure is needed; and

WHEREAS, the City Council has considered the above, finds adoption of this Ordinance is necessary to protect the health, safety and welfare of the City.

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

Section 1. Chapter 14.80 of the Greeley Municipal Code shall be adopted as set forth on Exhibit A attached hereto and incorporated herein by this reference.

Section 2. This Ordinance shall become effective five days following its final publication, as provided by the Greeley Municipal Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____, 2019.

ATTEST:

CITY OF GREELEY, COLORADO

City Clerk

Mayor

CHAPTER 14.80
EXCAVATION IN THE PUBLIC RIGHT OF WAY

14.80.010 LEGISLATIVE DECLARATION.

A. Purpose: to provide principles and procedures for the coordination of construction excavation within any public Rights of Way, and to protect the integrity of the Rights of Way and road system.

B. Objectives. Public and private uses of Rights of Way for location of Facilities employed in the provision of public services should, in the interests of the general welfare, be accommodated; however, the City must ensure that the primary purpose of the Rights of Way, namely the safe and efficient passage of pedestrian and vehicular traffic, is maintained to the greatest extent possible. In addition, the value of other public and private installations, Facilities and properties should be protected, competing uses must be reconciled, and the public safety preserved. The use of the Rights of Way corridors for location of Facilities is secondary to these public objectives. This ordinance is intended to assist in striking a balance between the public need for efficient, safe transportation routes and the use of Rights of Way for location of facilities by public and private entities. It thus has several objectives:

1. To insure that the public health, safety and welfare is maintained and that public inconvenience is minimized.
2. To facilitate work within the Rights of Way through the standardization of regulations and permitting.
3. To conserve and fairly apportion the limited physical capacity of the public Rights of Way held in public trust by the City.
4. To promote cooperation among the Applicants and Permittees (as defined herein) and the City in the occupation of the public Rights of Way, and work therein, in order to (i) eliminate duplication that is wasteful, unnecessary or unsightly, (ii) lower the Permittee's and the City's costs of providing services to the public, and (iii) minimize Rights of Way excavations.

14.80.020. DEFINITIONS

For the purpose of this Chapter, the following words shall have the following meanings:

A. “*Applicant*” means an owner or duly authorized agent of such owner, who has submitted an application for a Permit to Excavate in the Rights of Way.

B. “*City*” means the City of Greeley, Colorado.

C. “*Conduit*” means a single enclosed raceway for cables, fiber optics or other wires, or a pipe or canal used to convey fluids or gases.

D. “*Department*” means the Department of Public Works.

E. “*Developer*” means the person, partnership, corporation, or other legal entity who is improving property within the City and who is legally responsible to the City for the construction of improvements within a subdivision or as a condition of a building permit or other land use or development authorization.

F. “*Director*” means the Director of Public Works of the City or his/her authorized representative.

G. “*Facility*” or “*Facilities*” means, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, fixtures and appurtenances and other like equipment used in connection with transmitting, receiving, distributing, offering, and providing broadband, utility and other services.

H. “*Landscaping*” means materials, including without limitation, grass, ground cover, shrubs, vines, hedges, or trees and non-living natural materials commonly used in landscape development, as well as attendant irrigation systems.

I. “*Major Work*” means any reasonably foreseeable Excavation that will affect the Rights of Way for more than five (5) consecutive calendar days.

J. “*Owner*” means any Person, including the City, who owns any Facilities that are or are proposed to be installed or maintained in the Rights of Way.

K. “*Permit*” means any authorization for use of the Rights of Way granted in accordance with the terms of this ordinance, and other applicable laws and policies of the City.

L. “*Permittee*” means the holder of a valid Permit issued pursuant to this Chapter and other applicable provisions of applicable law for Excavation in the Rights of Way, including but not limited to the City of Greeley for its own capital projects.

M. “*Person*” means any person, firm, partnership, special, metropolitan, or general district, association, corporation, company, or organization of any kind.

N. “*Rights of Way*” means any public street, road, way, place, alley, sidewalk or easement, that is owned, held or otherwise dedicated to the City for public use.

14.80.030. POLICE POWERS

A Permittee's rights hereunder are subject to the police powers of the City, which include the power to adopt and enforce ordinances, including amendments to this ordinance, and regulations necessary to the safety, health, and welfare of the public. A Permittee shall comply with all applicable ordinances and regulations enacted, or hereafter enacted, by the City or any other legally constituted governmental unit having lawful jurisdiction over the subject matter

hereof. The City reserves the right to exercise its police powers, notwithstanding anything in this ordinance or any Permit to the contrary. Any conflict between the provisions of the ordinance or a Permit and any other present or future lawful exercise of the City's police powers shall be resolved in favor of the latter.

14.80.040. COLOCATION OF THE CITY'S FIBER CONDUIT

A. Intent. To permit the City to collocate conduit for fiber whenever an entity is proposing construction activities that involve directional boring or open trenching within public Rights of Way.

B. Requirements. To collocate and install City owned fiber conduit simultaneously with a Permit holder's construction activity at the City's request:

1. Right of Way Permits. All permittees proposing construction activities that involve directional boring or open trenching within public Rights of Way that extend more than five-hundred (500) feet in length are required to co-locate and install City owned conduit simultaneously with the Permit holder's construction activity at the City's request, unless such co-location requirement is not allowed by any other state or federal law, rule, or regulation. The City may, upon initial review of the permit application, determine that the permittee's proposed construction activity does not demonstrate a need for collocation of City infrastructure.

2. Colocation of Conduit. For any construction activity that requires a collocation of City conduit, the City shall, as a condition of the issuance of the permit or the continued validity of a permit, direct the permittee to install City owned conduit with tracer wire and associated infrastructure, as identified by the City, concurrent with the installation of the permittee's infrastructure following the City's review and approval of all estimated costs associated with the collocation of the City conduit. The permittee shall install the City conduit with tracer wire adjacent to the permittee's infrastructure and within the same bore or trench alignment. The City will bear all construction installation cost associated with the collocation, including the City conduit, pull boxes, and all other materials and infrastructure to be installed, including the incremental labor and equipment cost incurred by the permittee (or its contractor or subcontractor) that are reasonably and directly attributable to the required collocation of City conduit, material and infrastructure. The City shall not pay for design or potholing cost.

3. Documentation. When a collocation of City conduit is required, the permittee may be required to submit signed as-built documentation of the City's conduit to the City if physical verification of the City conduit is not possible.

4. Fees. The City designated representative may incrementally waive Rights of Way permit fees set forth for any construction activities associated with the collocation project.

14.80.060. CONSTRUCTION OF NEW STREETS

A. Intent. This is intended to require those constructing public streets, public improvements, and alleys, including the City and Developers, to provide and install such conduit and appurtenances to accommodate future broadband needs within the Rights of Way without further excavation.

B. Requirements. Whenever any new public street or alley is constructed, whether by the City as a public works project or by a Developer or other private party in conjunction with development, the following shall be required:

1. In all new local streets and alleys serving or abutting residential development, a minimum of two 2" conduit with pull box every 600 (six hundred) feet or less (and at every 90 degree turn) shall be installed by the party constructing the street or alley.

2. In all new collector or arterial streets serving or abutting residential development, and in all new streets and alleys serving or abutting nonresidential development, a minimum of four 2" conduit with pull box every 600 (six hundred) feet or less (and at every 90 degree turn) shall be installed by the party constructing the street or alley; provided however that at the discretion of the Director, the number and size of the conduit and spacing of pull box may be modified to address the reasonably known plans and/or demand for broadband capacity in these locations.

3. In addition to installing conduit, the party constructing the street or alley will be required to install such vaults and other appurtenances as may be necessary to accommodate installation and connection of broadband Facilities within the conduit.

4. All construction and installation shall be accomplished according to construction standards adopted by the City. The construction standards shall be adopted with due consideration given to existing and anticipated technologies and consistent with industry standards.

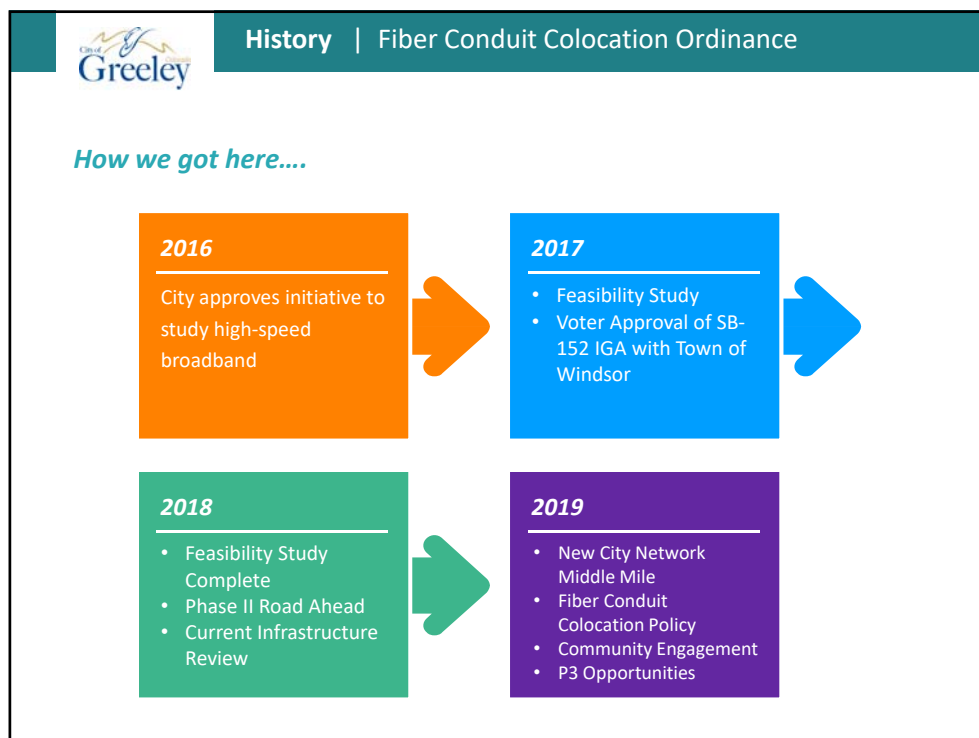
5. All Facilities installed by Developers or other private parties pursuant to this section shall be conveyed and dedicated to the City with the dedication and conveyance of the public street and/or Rights of Way.

6. All installation costs shall be the responsibility of the party constructing the public street.

C. Use by Broadband Service Providers and Network Owners. Whenever conduit installed or to be installed under this section is available or will become available within a newly constructed public streets or Rights of Way upon dedication, all broadband service providers or network owners thereafter locating Facilities within such street, alley or Rights of Way shall be required to locate their communications lines within such conduit unless it can be demonstrated to the reasonable satisfaction of the City that such location is not technologically feasible or reasonably practicable. Conduit capacity shall be allocated to broadband service providers or

network owners on a first-come, first-served basis; provided, that the City may reserve capacity within such conduits for its own use; and provided further, that the Director may adopt additional rules for conduit allocation in order to ensure that all broadband service providers and network owners have reasonable access to the Rights of Way and that no barriers to entry or competition result from the allocation of conduit space.

D. Fees. The City reserves the right to charge reasonable fees for the use of conduit installed pursuant to this section, to the extent consistent with and as limited by federal and state laws. Any such fees shall be established by resolution or ordinance.





Why | Fiber Conduit Colocation Ordinance

Create Standard Process for Increased City Broadband Presence

Why Adopt the Ordinance

FACT 1

Supports Future Network Needs
Regardless of Broadband business model recommendations

FACT 2

Increases Ability to Support the Community

- Future City business
- Anchor institutions
- Quality of life for citizens

FACT 3

Cost / Time Savings

- Needed infrastructure
- Reduce wear on City assets
- Reduction in disruptions

FACT 4

Economic Competitiveness

- Support exiting businesses
- Support local providers
- Support new technologies



Collaboration | Fiber Conduit Colocation Ordinance

Stakeholders

Network Owner

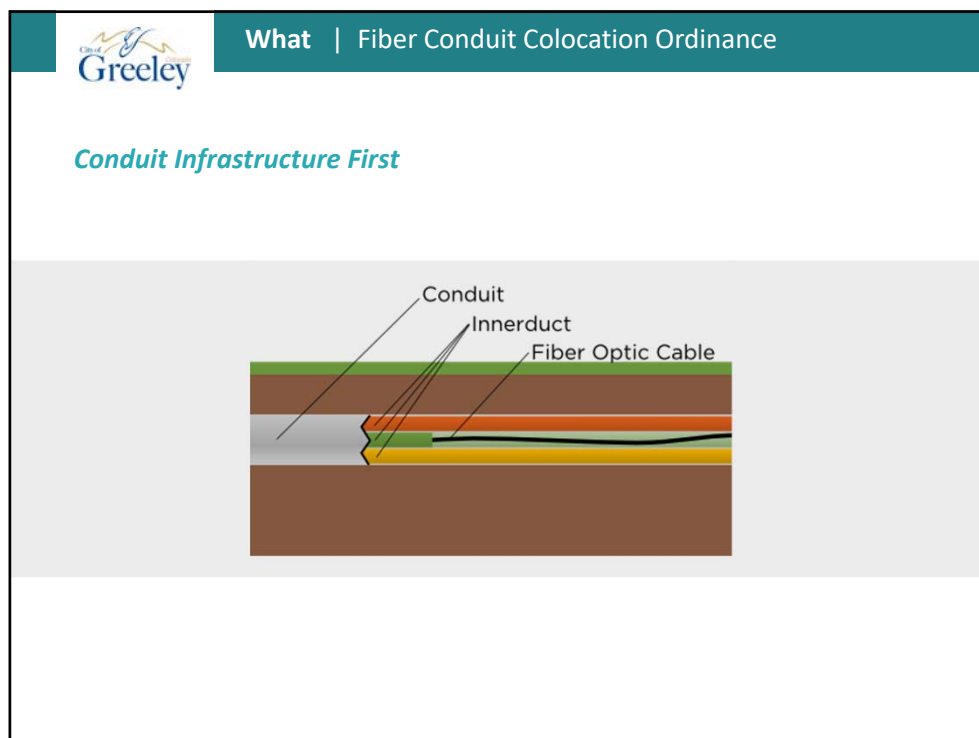
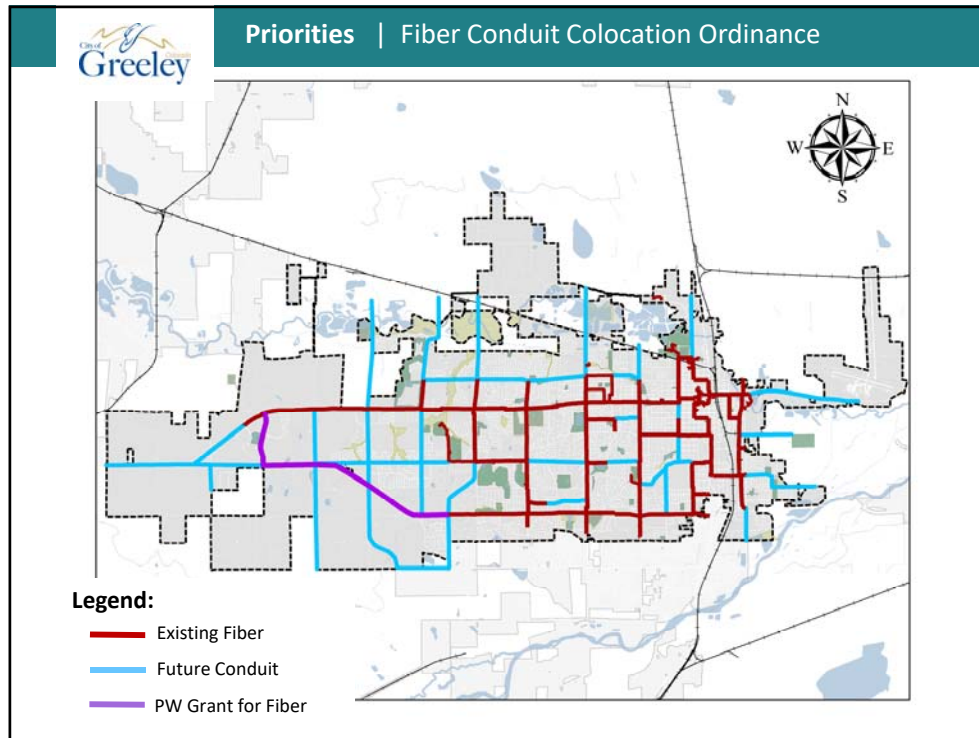
- Information Technology (IT) Department

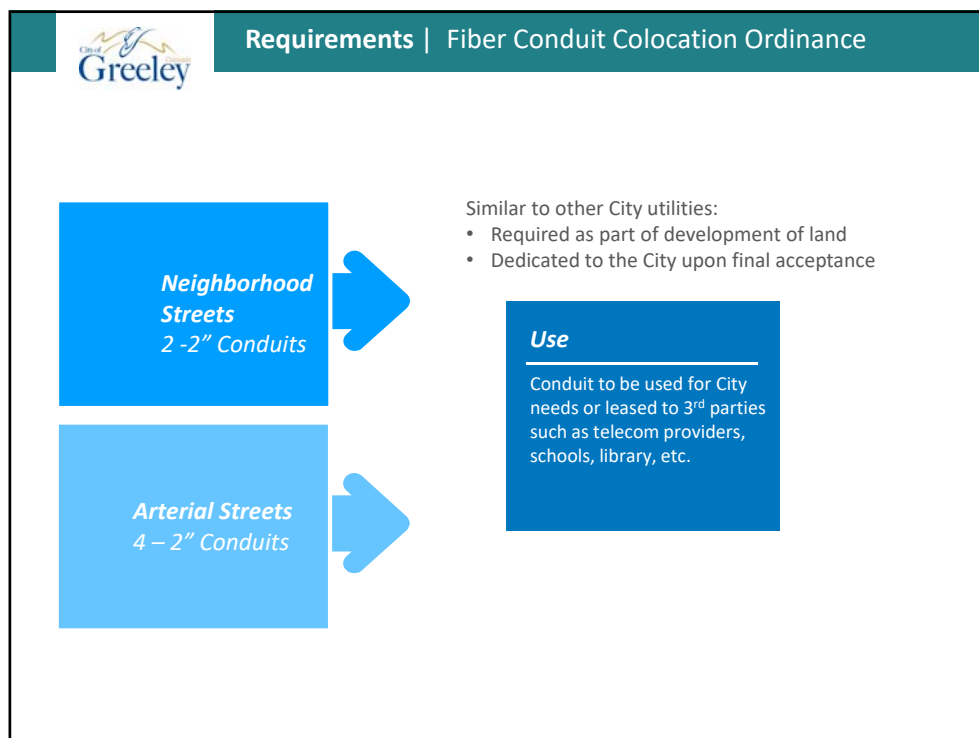
Internal Departments

- Public Works Department
- Community Development
- Water & Sewer Department
- City Attorney's Office

Community

- Private Sector
- Contractors
- Construction
- Builders







Impact | Fiber Conduit Colocation Ordinance

Impact on Development – Marginal Costs

	Pre Development 800 D.U.	Post Development 800 D.U.
400 homes plus another 400 apartments		
•23,000 linear feet of residential roads		
•2-2" conduits - .80 per foot	\$ 18,400	\$ 18,400
\$8 per linear foot – Labor		\$ 184,000
•\$950 per pull box	\$ 36,000	\$ 36,000
	\$ 54,400	\$ 238,400
COST Per Dwelling Unit	\$ 68	\$ 298

Example: Trails at Sheep Draw Subdivision



Investment | Fiber Conduit Colocation Ordinance

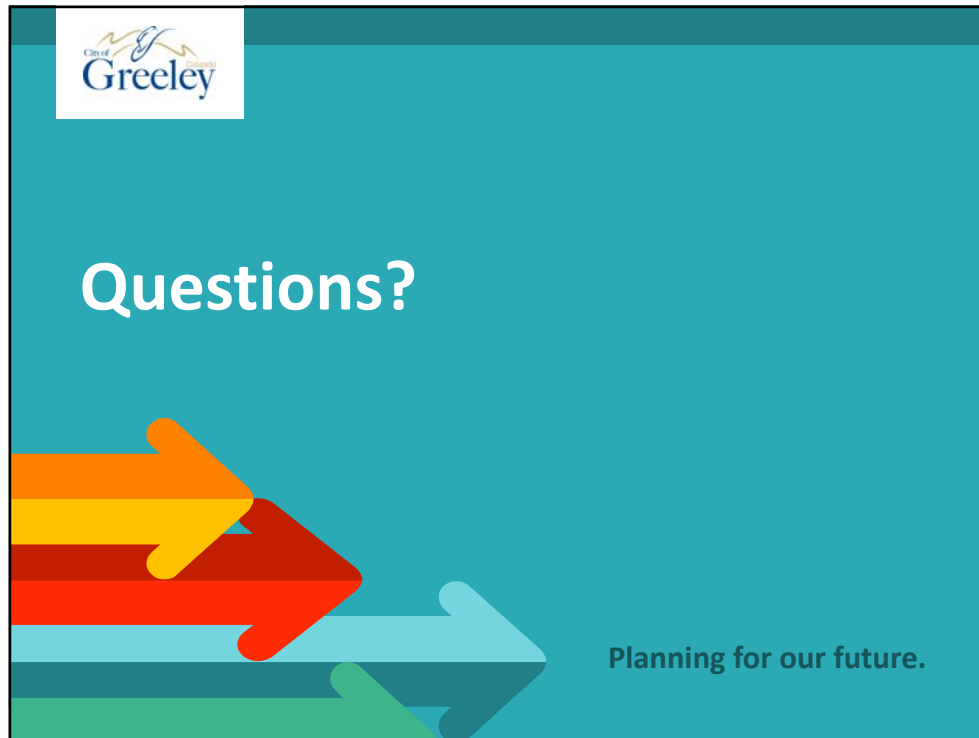
Funding: Supplemental Appropriation in March

Fiber Conduit Colocation Ordinance

\$500,000 will be requested to fund Conduit Colocation Ordinance 2019 & 2020

Network Expansion

\$500,000 will be requested to fund Fiber installation based on priorities in 2019 & 2020



Council Agenda Summary

March 5, 2019

Agenda Item Number 14

Key Staff Contact: Joel Hemesath, Public Works Director, 970-350-9795

Title:

Public hearing and final reading of an Ordinance authorizing the acquisition of interests in real property located in the City of Greeley for road improvements by purchase or exercise of power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colorado Revised Statute § 38-1-101, et seq. (65th Avenue and Highway 34 Frontage Road Project)

Summary:

This ordinance authorizes the acquisition of property interests by purchase or by exercise of power of eminent domain, if deemed necessary, required to construct the 65th Avenue and Highway 34 Frontage Road Project.

The 2018-2022 City of Greeley Capital Improvement Plan identifies the necessity for improvements of 65th Avenue and the Highway 34 Frontage Road to relieve congestion and address safety concerns due to the close location of the frontage road to the signal at the 65th Avenue and Highway 34 Bypass. Key elements of the project include widening 65th Avenue, installation of southbound turn lanes, and the closure of the frontage road east of the intersection. This project will also construct a detention pond at the southeast corner of the project to address drainage issues that occur during storm events.

The 2035 City of Greeley Comprehensive Transportation Plan identifies the 65th Avenue and Highway 34 intersection as a future highway interchange location. The timeline for the interchange improvements is not known at this time. The current project will construct interim improvements to address immediate and anticipated traffic congestion and safety needs until such time as the ultimate interchange improvements are constructed.

The Project will require the acquisition of tracts of fee simple right of way and temporary construction easements along 65th Avenue. City staff have begun discussions with owners within the project area. As the Project progresses, staff will continue to work with owners to meet the goals of the project, address site considerations, and acquire the property interests necessary for the project. Staff fully intends to negotiate in good faith and follow a uniform acquisition process for all affected owners; however, if an agreement cannot be reached, and in order to meet the schedule and budget requirements of the project, the City may consider the use of eminent domain.

This Ordinance was introduced at the February 19, 2019, Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	Unknown, to be negotiated.
What is the annual impact?	None
What fund of the City will provide Funding?	312 - Transportation Development
What is the source of revenue within the fund?	Development Fees
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 Colorado Constitution and the Greeley Municipal Code authorize the City to acquire interests in real property for public purposes, including by eminent domain when deemed necessary.

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

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None

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.

Safety – Traffic Safety

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:

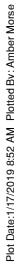
A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Conceptual Plan Drawing – 65th Avenue and Highway 34 Frontage Road Project
Ordinance

Exhibit A to Ordinance – Property Ownership Map

Plot Date: 1/17/2019 8:52 AM Plotted By: Amber Morse
Date Created: 1/17/2019 11:05:06 AM
US34CAD/EXHIBIT ROW EXHIBIT 2019-01-14 ROW EXHIBIT DWG



JIM ELLS
REC. NO. 3490068



PUBLIC WORKS
Engineering Division
1001 9th Avenue
Greeley, CO 80631
Phone: 970.377.3602

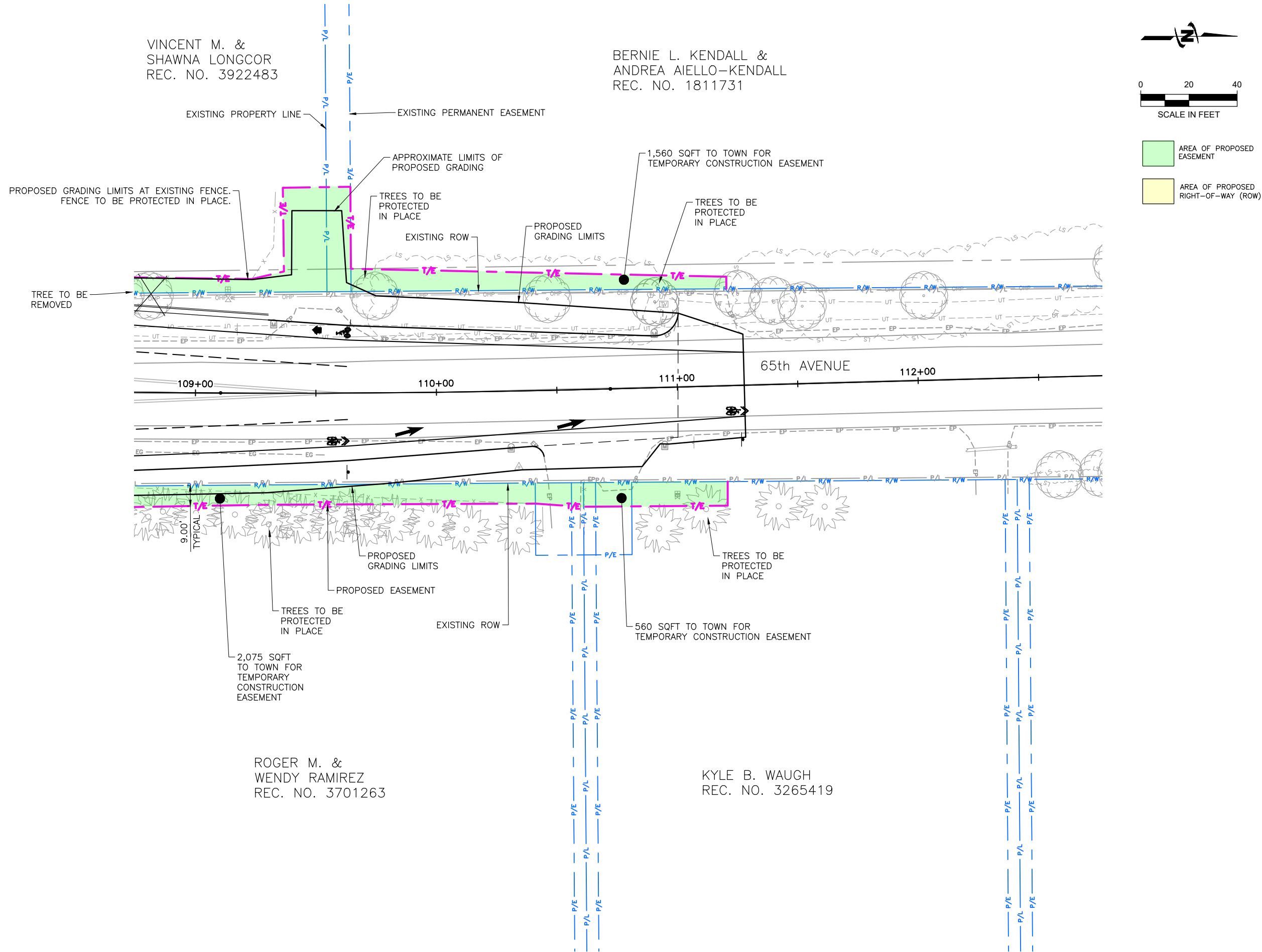
[illegible]

PROPOSED RIGHT OF WAY EXHIBIT

100
2

OF 2

Plot Date: 1/17/2019 8:52 AM Plotted By: Amber Morse
Date Created: 1/17/2019 MICHELLE PUBLIC PROJECTS JUB GREELEY 09-17-2008 65TH AVE US345 CAD EXHIBIT ROW EXHIBIT 2019-01-14 ROW EXHIBIT.DWG



PRELIMINARY PLANS - NOT FOR CONSTRUCTION

JUB
J-U-B ENGINEERS, INC.
4745 Boardwalk Drive
Building D, Suite 200
Fort Collins, CO 80525
Phone: 970.377.3602
Fax: 970.377.3935
www.jub.com

CITY OF GREELEY
PUBLIC WORKS
Engineering Division
1001 9th Avenue
Greeley, CO 80631
Phone: 970.377.3602

REUSE OF DRAWINGS			
THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN ARE THE PROPERTY OF JUB ENGINEERS, INC. AND ARE NOT TO BE USED IN WHOLE OR PART FOR ANY OTHER PROJECT WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF JUB ENGINEERS, INC.			
NO.	REVISION	DESCRIPTION	DATE

65TH AVENUE INTERSECTION IMPROVEMENTS
CITY OF GREELEY

PROPOSED RIGHT OF WAY EXHIBIT

FILE : 2019-01-14 ROW-EXHIBIT
JUB PROJ. # :
DRAWN BY: BK
DESIGN BY: BK
CHECKED BY: AM
AT FULL SIZE, IF NOT ONE INCH SCALE ACCORDINGLY
LAST UPDATED: 1/17/2019
DRAWING NUMBER:
ROW 2
SHEET 2 OF 2
106

THE CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

AN ORDINANCE AUTHORIZING THE CITY OF GREELEY TO ACQUIRE INTERESTS IN REAL PROPERTY LOCATED IN GREELEY, COLORADO FOR ROAD IMPROVEMENTS AND ASSOCIATED FACILITIES BY PURCHASE OR EXERCISE OF THE POWER OF EMINENT DOMAIN, PURSUANT TO SECTION 7 OF ARTICLE XVI, SECTION 15 OF ARTICLE II, AND SECTIONS 1 AND 6 OF ARTICLE XX OF THE COLORADO CONSTITUTION AND COLORADO REVISED STATUTES § 38-1-101, ET SEQ. (65TH AVENUE AND HIGHWAY 34 FRONTAGE ROAD PROJECT)

WHEREAS, the City of Greeley (“City”) is a Colorado home-rule municipality authorized by Article II, Section 15, and Article XX, Sections 1 and 6 of the Colorado Constitution, as affirmed by the City’s Charter, Sections 1-3, to exercise the power of eminent domain to acquire real property to construct, operate and maintain transportation systems and other public works and everything required to do so, with the payment of just compensation; and,

WHEREAS, Article 15 of Title 31, and Article I of Title 38, Colorado Revised Statutes, provide statutory authority and procedures for the exercise of the power of eminent domain by the City; and

WHEREAS, the City has determined that the public infrastructure improvements to 65th Avenue and the Highway 34 Frontage Road by the City are needed for improved traffic flow and safety of the intersection; and

WHEREAS, in order to complete the project the City must acquire additional real property;

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

Section 1. The City Council hereby finds and determines that it is in the interest of the health, safety and welfare of the public, serves a public purpose, and is necessary, to acquire, through the exercise of the power of eminent domain, the property generally described on Exhibit A attached hereto and incorporated by reference herein, for improvements to 65th Avenue and Highway 34 (“Property”), for improved traffic flow and safety of the intersection.

Section 2. Should City staff be unsuccessful in negotiating a mutual agreement for the purchase of the Property, the City Council hereby directs City staff to begin acquisition by eminent domain, including, but not limited to, obtaining immediate possession of the Property, pursuant to the above-named statutes.

Section 3. The City Council hereby ratifies any previous actions by City staff in providing notice of the City's intent to acquire the Property and extending an offer to purchase the Property.

Nothing contained in this ordinance shall be construed as precluding or preventing continued good faith negotiations by City staff in an effort to purchase the Property.

Section 4. This ordinance shall take effect five (5) days after its final publication as provided by the City's Charter, Section 3-16.

PASSED AND ADOPTED, SIGNED AND APPROVED this _____ day of _____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

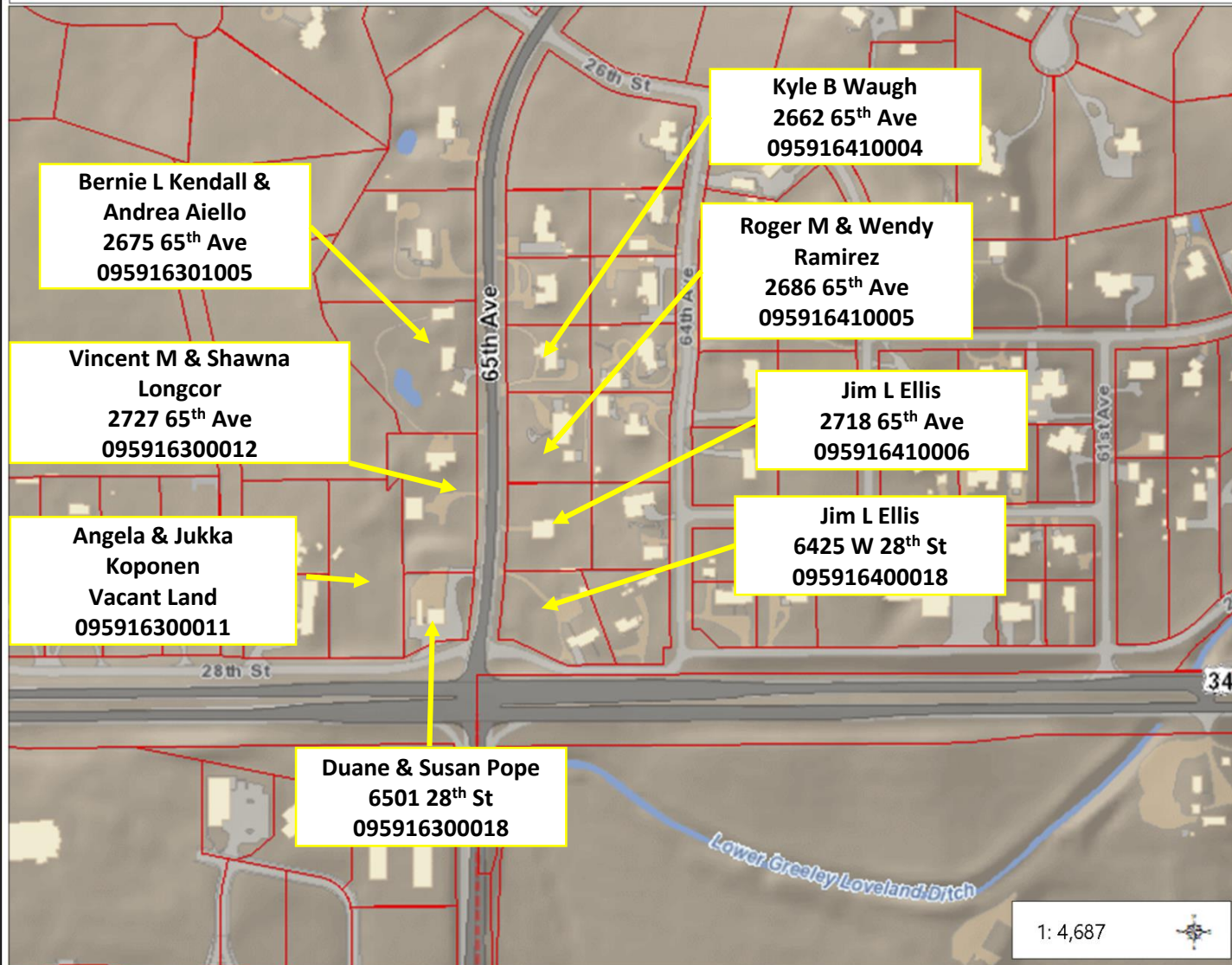
Mayor

Attachment: Exhibit A – Property Ownership Map



CITY OF GREELEY ORIGIN

65th Ave & Hwy 34 Project Area



NAD_1983_HARN_StatePlane_Colorado_North_FIPS_0501_Feet
© City of Greeley GIS 1/15/2019

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION OR SURVEY PURPOSES

Council Agenda Summary

March 5, 2019

Agenda Item Number 15

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Public hearing and final reading of an ordinance vacating a right-of-way located south of the intersection of 30th Street and 43rd Avenue and approving of a subdivision replat for Gateway Estates 2nd Filing, 1st Replat

Summary:

The City of Greeley's Stormwater Division received multiple complaints and photographic evidence of stormwater runoff and flooding occurring in Gateway Estates 2nd and 3rd Filing. The predominant flow path was a section of stubbed out roadway, 43rd Avenue. Stormwater was flowing south down 43rd Avenue from 30th Street to a high retaining wall between the 2nd and 3rd filings. Runoff then fell into the backyard of 4301 30th Street Rd. flooding the property during heavy rain events.

As a result, the Stormwater Division designed and constructed curb and gutter along 30th Street across the 43rd Avenue stub out to fill and raise elevations such that flow was diverted down 30th Street to the west and east, preventing runoff from continuing to the south. Curb, gutter, sidewalk, roadway, and major earthwork activities began in 2014, with substantial completion of construction activities in 2016, with the intent of vacating the unused portion of 43rd Avenue.

The requested right-of-way vacation is a stub out of 43rd Avenue in Gateway Estates 2nd filing, which was platted in 1998, with the intent to connect to a future 3rd filing. The third filing, which was later platted in 2002, was built with elevations more than ten feet lower than the 2nd filing, resulting in the reserved 43rd Avenue right-of-way being unusable and infeasible to connect a roadway to in the 3rd filing. The 43rd Avenue stub out remained and was maintained by the City until 2016.

The parcel south of the stubbed out 43rd Avenue in the 3rd filing (4301 30th Street Rd.) was initially platted as Outlot C. However, given that the roadway stub out was unusable as a roadway connection, it was replated in 2005 into a residential lot. A single family residence now exists on the above mentioned lot at 4301 30th Street Rd.

Utilities in the stubbed out roadway were removed when the 3rd filing was constructed in 2002/2003; however, the 15 foot utility and drainage easements remained on either side of the right-of-way through 4300 30th Street (Fuller property) and 4210 30th Street (Griffis property). As the easements are no longer needed, Atmos Energy, Comcast Cable, CenturyLink, Xcel Energy, and the City of Greeley's Stormwater Division have all agreed to vacate the easements.

The resident at 4300 30th Street, Dick Fuller, previously had access to a side loaded

garage via the stubbed out portion of 43rd Avenue. As such, the Stormwater Division project included the construction of a new curb cut and driveway to maintain access to the Fuller garage. Due to topography, Mr. Fuller required a retaining wall at the curve of his driveway, which is currently in the right-of-way. Mr. Fuller has paid for a consultant to design his retaining wall and would pay a contractor to complete his driveway. A building permit has been granted for this work within the right-of-way; however, the perpetual use of this land requires the vacation of the right-of-way to be vacated and the responsibility of maintenance thereof to be transferred to the adjacent property owners.

The vacated right-of-way was intended to be landscaped at the conclusion of the project. The City's previous Project Manager on this project verbally negotiated a landscaping scheme with both adjacent property owners to provide restoration that ensured the property owners were willing to accept the additional property. However, without a ROW vacation or replat, the new property line was not defined, and a landscape plan could not be finalized. With the approval of the right-of-way vacation the agreed upon landscaping would be installed this spring (2019).

Planning Commission is unanimously recommending approval of the request.

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.

Applicable Council Priority and Goal:

Consistency with Comprehensive Plan and Development Code standards.

Decision Options:

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

Council's Recommended Action:

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

Attachments:

Ordinance

Planning Commission Summary (staff report) dated February 12, 2019

Planning Commission Minutes dated February 12, 2019

PowerPoint

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2019

CASE NO. SUB2018-0025

AN ORDINANCE VACATING A RIGHT-OF-WAY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND 43RD AVENUE AND APPROVING OF A SUBDIVISION REPLAT FOR GATEWAY ESTATES 2ND FILING, 1ST REPLAT

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

Section 1. The following described street rights-of-way, as described as follows, and located in the City of Greeley is hereby vacated:

See Exhibit A, attached

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

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _____ day of _____, 2019.

ATTEST:

CITY OF GREELEY, COLORADO

City Clerk

Mayor

Exhibit A

A vacation of 43rd Avenue south of 30th Street located in Gateway Estates 2nd Filing in Section 23, 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:

Beginning at the Southwest corner of Lot 1 Block 2 of said Gateway Estates 2nd Filing said point furthermore being the POINT OF BEGINNING, thence N $84^{\circ}53'48''$ W (said bearing being the Basis of Bearing for this description and all other bearings contained herein being relative thereto), a distance of 60.08' along the Southerly line of said Gateway Estates 2nd Filing to the Southeast corner of lot 14 of Block 1 of said Gateway Estates 2nd Filing; thence along the easterly line of said lot 14 and a curve having a radius of 280.00', a delta of $05^{\circ}58'25''$, a chord bearing of N $05^{\circ}38'50''$ E, a chord distance of 29.18', an arc distance of 29.19' to a point on said east line of said Lot 14; thence continue on said east line N $08^{\circ}38'01''$ E, a distance of 81.64' to a point of curve having a radius of 10.00', a delta of $89^{\circ}58'58''$, a chord bearing of N $36^{\circ}21'59''$ W, a chord distance of 14.14', an arc distance of 15.70' to a point on the Northerly line of said lot 14 and a point on the Southerly line of 30th Street; thence S $81^{\circ}21'59''$ E along the said Southerly line of 30th Street, a distance of 80.00' to a point on the Northerly line of said lot 1, Block 2, thence along a curve with a radius of 10.00', a delta angle of $89^{\circ}58'58''$, a chord bearing of S $53^{\circ}38'01''$ W, and a chord distance of 14.14, an arc distance of 15.70' to a point on the West line of said lot 1 and the East R.O.W. line of said 43rd Avenue; thence along said East line of 43rd Avenue and West line of lot 1 S $08^{\circ}38'01''$ W, a distance of 81.64'; thence along a curve with a radius of 220.00', a delta angle of $06^{\circ}38'23''$, a chord bearing of S $05^{\circ}18'50''$ W, a chord distance of 25.48', an arc distance of 25.49' to the POINT OF BEGINNING, said parcel of vacated street right-of way containing 7182 Sq. Ft. or 0.165 acres more or less.

PLANNING COMMISSION SUMMARY

ITEM: Gateway Estates 2nd Filing, 1st Replat. A minor subdivision to vacate a portion of 43rd Avenue

FILE NUMBER: SUB2018-0025

PROJECT: Gateway Estates 2nd Filing, 1st Replat

LOCATION: South of the intersection of 30th Street and 43rd Avenue

APPLICANT: City of Greeley Stormwater Division on behalf of Richard Fuller and Wendy Griffis

CASE PLANNER: Rachel Prelog, Planner II

PLANNING COMMISSION HEARING DATE: February 12, 2019

PLANNING COMMISSION FUNCTION:

Review the proposal for compliance with the applicable provisions of the Subdivision Regulations, Development Code, and Comprehensive Plan of the City of Greeley and either approve, approve with conditions, or deny the request.

EXECUTIVE SUMMARY

The City of Greeley is considering a request on behalf of Richard Fuller and Wendy Griffis for an approval of a minor subdivision of Lot 14, Block 1 and Lot 1, Block 2, Gateway Estates 2nd Filing, with the intent to vacate a portion of 43rd Avenue right-of-way and to convey said right-of-way to the adjacent property owners east and west of the subject right-of-way (*see Attachment A – Vicinity Map and Attachment B – Gateway Estates 2nd Filing, 1st Replat*).

A. REQUEST

The City of Greeley is requesting approval of a minor subdivision on behalf of Richard Fuller and Wendy Griffis to vacate 0.165 acres or 7,182 square feet of 43rd Avenue (*see Attachment A – Vicinity Map and Attachment B – Gateway Estates 2nd Filing, 1st Replat*).

B. STAFF RECOMMENDATION

Approval

C. LOCATION

Current Zoning:

R-L (Residential Low Density)

Abutting Zoning/Land Use:

North: R-E (Residential Estate)/ Single family residential

South: R-L (Residential Low Density)/ Single family residential

East: R-L (Residential Low Density)/ Single family residential

West: R-L (Residential Low Density)/ Single family residential

Site Characteristics:

The subject sites are developed residential lots and right-of-way within the Gateway Estates 2nd Filing. There is a ten foot grade differential between filings 2 and 3, which required the construction of retaining walls along the north side of properties within filing 3 when it was constructed. In general, 30th Street (within the Gateway Subdivision) gradually slopes from the west to the east. However, 30th Street directly north of the subject site sits at a higher elevation than the stubbed portion of 43rd Avenue heading south. As such, during heavy rain events water is funneled down 43rd Avenue towards Gateway Estates Filing 3.

D. BACKGROUND

The City of Greeley's Stormwater Division received multiple complaints and photographic evidence of stormwater runoff and flooding occurring in Gateway Estates 2nd and 3rd Filing. The predominant flow path was a section of stubbed out roadway, 43rd Avenue. Stormwater was flowing south down 43rd Avenue from 30th Street to a high retaining wall between the 2nd and 3rd filings. Runoff then fell into the backyard of 4301 30th Street Rd. flooding the property during heavy rain events

As a result, the Stormwater Division designed and constructed curb and gutter along 30th Street across the 43rd Avenue stub out to fill and raise elevations such that flow was diverted down 30th Street to the west and east, preventing runoff from continuing to the south (*see Attachment C – Site Photos*). Curb, gutter, sidewalk, roadway, and major earthwork activities began in 2014, with substantial completion of construction activities in 2016, with the intent of vacating the unused portion of 43rd Avenue.

The requested right-of-way vacation is a stub out of 43rd Avenue in Gateway Estates 2nd filing, which was platted in 1998, with the intent to connect to a future 3rd filing. The third filing, which was later platted in 2002, was built with elevations more than ten feet lower than the 2nd

filing, resulting in the reserved 43rd Avenue right-of-way being unusable and infeasible to connect a roadway to in the 3rd filing. The 43rd Avenue stub out remained and was maintained by the City until 2016.

The parcel south of the stubbed out 43rd Avenue in the 3rd filing (4301 30th Street Rd.) was initially platted as Outlot C. However, given that the roadway stub out was unusable as a roadway connection, it was replated in 2005 into a residential lot. A single family residence now exists on the above mentioned lot at 4301 30th Street Rd.

Utilities in the stubbed out roadway were removed when the 3rd filing was constructed in 2002/2003; however, the 15 foot utility and drainage easements remained on either side of the right-of-way through 4300 30th Street (Fuller property) and 4210 30th Street (Griffis property). As the easements are no longer needed, Atmos Energy, Comcast Cable, CenturyLink, Xcel Energy, and the City of Greeley's Stormwater Division have all agreed to vacate the easements (*see Attachment D – Consent to Vacate Forms*).

The resident at 4300 30th Street, Dick Fuller, previously had access to a side loaded garage via the stubbed out portion of 43rd Avenue. As such, the Stormwater Division project included the construction of a new curb cut and driveway to maintain access to the Fuller garage (*see Attachment C – Site Photos*). Due to topography, Mr. Fuller required a retaining wall at the curve of his driveway, which is currently in the right-of-way. Mr. Fuller has paid for a consultant to design his retaining wall and would pay a contractor to complete his driveway. A building permit has been granted for this work within the right-of-way, however, the perpetual use of this land requires the vacation of the right-of-way to be vacated and the responsibility of maintenance thereof to be transferred to the adjacent property owners.

The vacated right-of-way was intended to be landscaped at the conclusion of the project. The City's previous Project Manager on this project verbally negotiated a landscaping scheme with both adjacent property owners to provide restoration that ensured the property owners were willing to accept the additional property. However, without a ROW vacation or replat, the new property line was not defined, and a landscape plan could not be finalized. With the approval of the right-of-way vacation the agreed upon landscaping would be installed this spring (2019).

E. APPROVAL CRITERIA

DEVELOPMENT CODE COMPLIANCE

Vacation of Right-of-Way: Vacation of right-of-way requests possess characteristics which require a public hearing to determine if the proposed vacation has the potential to adversely affect other land uses, transportation systems, public facilities, or the like in the surrounding neighborhood. The Planning Commission may recommend conditions of approval necessary to eliminate or mitigate, to an acceptable level, any potentially adverse effects of the proposal.

The City's Subdivision Regulations, Section 18.04.810(d) of the Development Code, requires that the following criterion is used to evaluate a right-of-way vacation request:

- 1. The right-of-way vacation request is not detrimental to the public health, safety, or welfare and any request for vacation does not deprive any parcel of adequate access to a public road or street right-of-way.**

Staff Comment: The requested replat is in response to stormwater drainage problems which occurred within the Gateway Estates Filings 2 and 3. The City of Greeley's Stormwater Division received repeated complaints about storm water from 30th Street flowing down 43rd Avenue, topping the retaining wall between Gateway Estates 2nd and 3rd Filings and flooding the back yard of 4301 30th Street Rd.

In 2016, the Stormwater Division constructed curb and gutter along 30th Street across what was the stubbed out portion of 43rd Avenue, to direct water down the gutter and prevent flows from reaching properties to the south.

The only property with direct access from the stub out of 43rd Avenue was the Fuller property located at 4300 30th Street, which used the roadway to access their side loaded garage and driveway. With the construction of curb and gutter, the Stormwater Division constructed a new curb cut and driveway onto 30th Street to provide access to the Fuller's side loaded garage (*see Attachment C – Site Photos*).

Due to significant grade changes between Gateway Estates Filings 2 and 3, 43rd Avenue was not able to connect through as originally envisioned. As such, Outlot C, which was intended for

the continuation of 43rd Avenue was replatted into a residential lot, further eliminating a future roadway connection.

The request complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject properties are Lot 14, Block 1 and Lot 1, Block 2 of Gateway Estates 2nd Filing, platted 1998.

2. HAZARDS

Flooding due to stormwater runoff is still a concern in the area. Additional measures are being explored by the property owners.

3. WILDLIFE

There are no known wildlife impacts that would occur as a result of this subdivision.

4. FLOODPLAIN

The site is not located within the 100-year floodplain or floodway according to current adopted Federal Emergency Management Administration (FEMA) flood maps.

5. DRAINAGE AND EROSION

Curb and gutter constructed along 30th Street, across the 43rd Avenue stubbed roadway has helped direct flows downstream preventing, funneling of water south into Gateway Estates Filing 3. However, a retaining wall is still required to prevent some flooding at the corner of the driveway at 4300 30th Street. The owner, Richard Fuller, has contracted the design of the retaining wall and received permits to construct within city right-of-way.

G. PUBLIC NOTICE AND COMMENT

Notification is not required for a minor subdivision, since there is no hearing associated with the application. Because the subject request involves the vacation of improved right-of-way it is being processed similar to a Right-of-Way Vacation/Dedication.

H. PLANNING COMMISSION RECOMMENDED MOTION

Based on the application received and the preceding analysis, the Planning Commission finds that the request for an approval of a minor subdivision for Lot 14, Block 1 and Lot 1, Block 2, Gateway Estates 2nd Filing replat Gateway Estates 2nd Filing is in compliance with the provisions of the Subdivision Regulations and Development Code criteria outlined in Section 18.04.500, Easement Dedication, Vacation, and Recordation outlines in Section 18.04.700, and

Right-of-Way Dedication and Vacation criteria outlined in Section 18.04.800 and, therefore, approve the requested minor subdivision as presented.

ATTACHMENTS

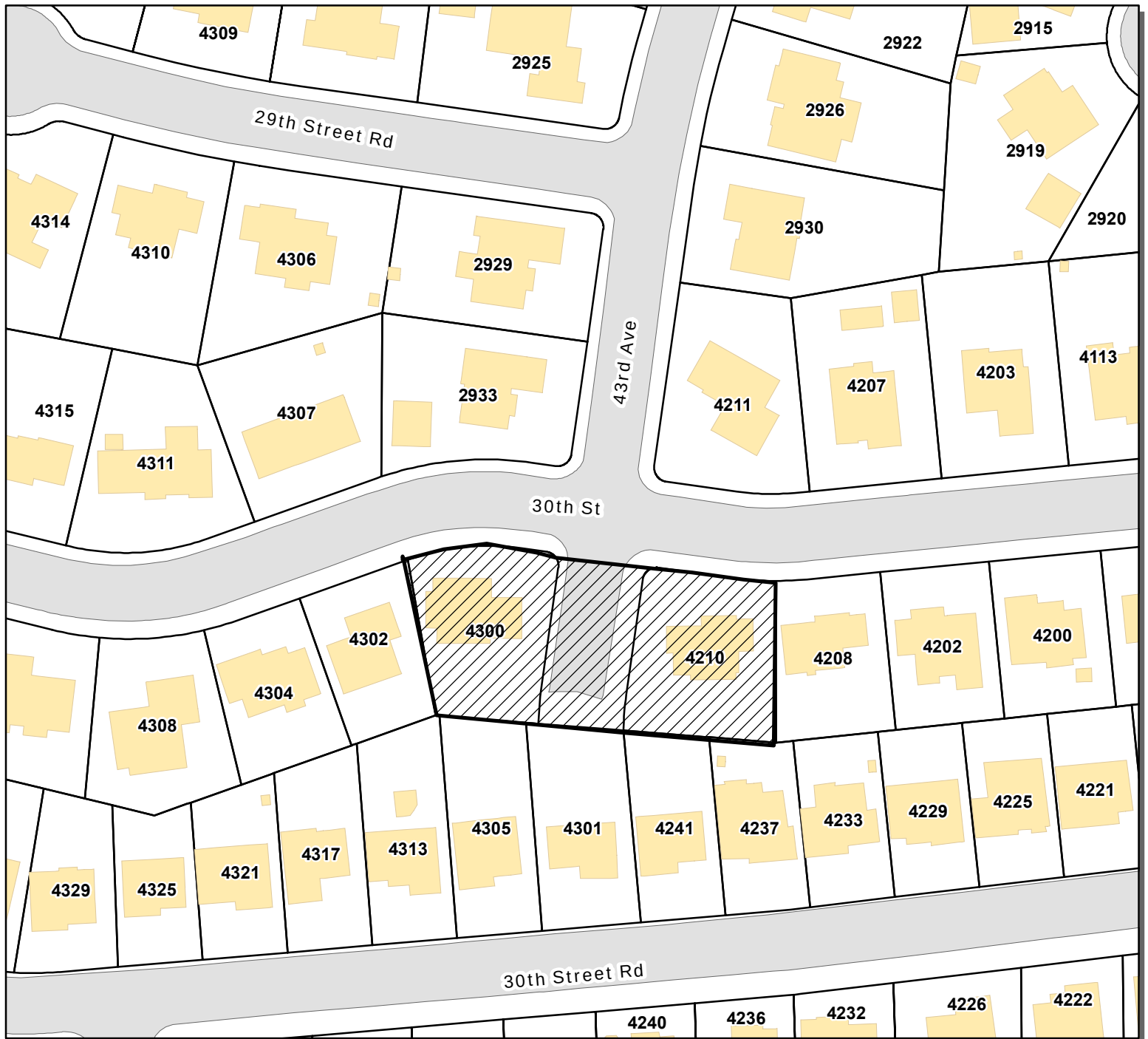
Attachment A –Vicinity Map

Attachment B – Gateway Estates 2nd Filing, 1st Replat

Attachment C – Site Photos

Attachment D – Consent to Vacate Forms

Attachment A – Vicinity Map



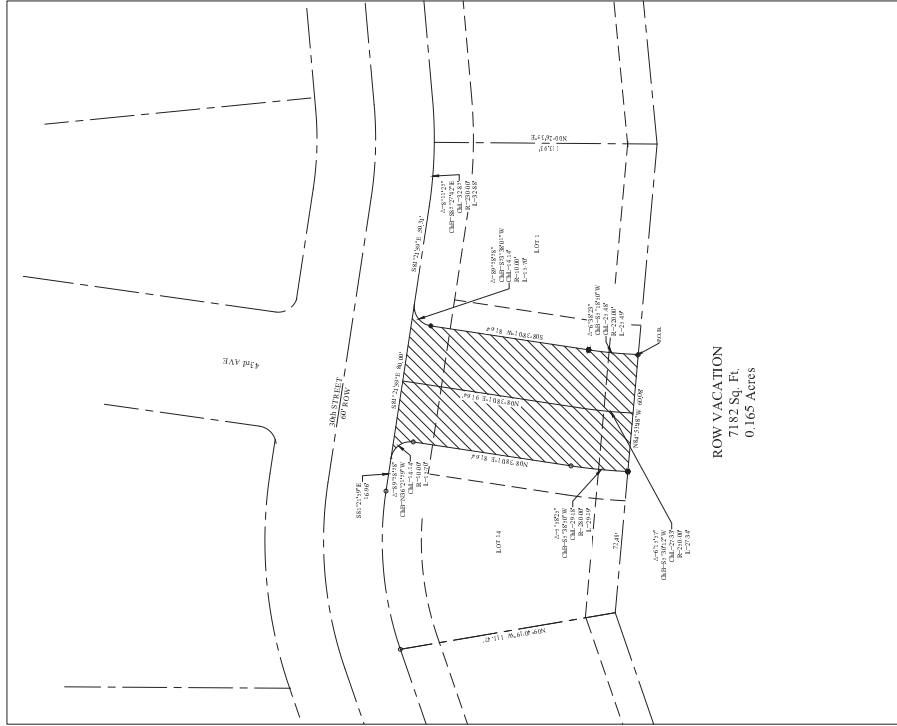
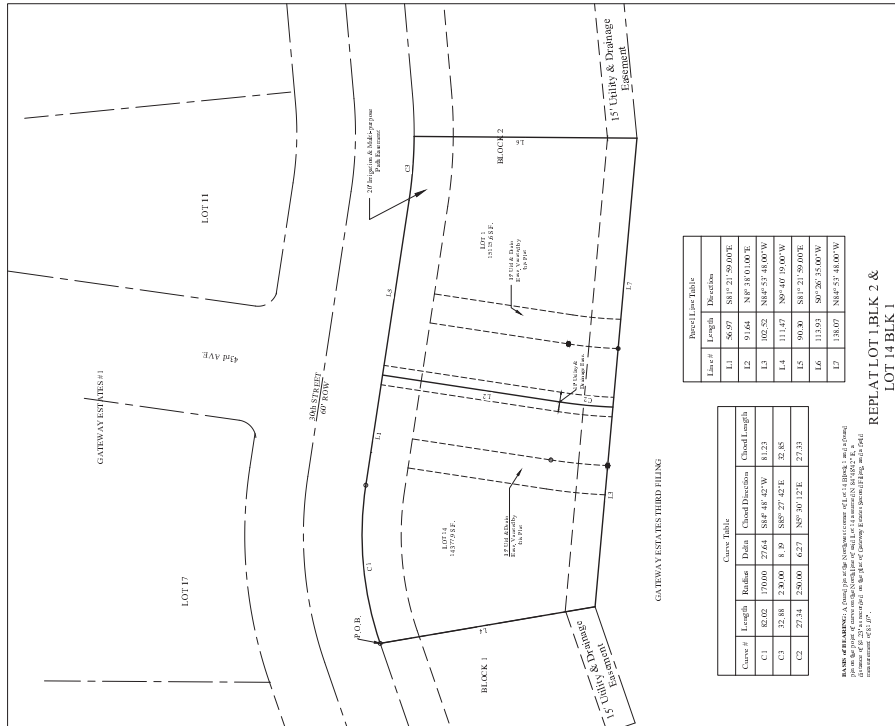
Legend

-  Building
-  Arterial Streets
-  Local Streets

SUB2018-0025
Gateway Estates 2nd Filing, 1st Replat

0 0.035 0.07 Miles

GATEWAY ESTATES 2nd FILING 1st REPLAT
BEING THE VACATION OF 43rd AVENUE & THE REPLAT OF
LOT 14 BLOCK 1 & LOT 1 OF BLOCK 2;
GREELEY, COLORADO IN SECTION 23, TOWNSHIP 3 NORTH, RANGE
66 WEST of the 6th P.M.



VACATION 43rd AVENUE &
RE-PLAT LOT 1 BLOCK 2 & LOT 14 BLOCK 1

PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING
1001 NINTH AVENUE
GREELEY, COLORADO 80631



Drawing Date:	
Drawing File Name:	
File Path:	
Revised By:	
Unit Leader:	
Checked By:	

Sheet Revisions	Sheet	Revisions	Init.	Comments
Jan 1, 2019				

WELD COUNTY	COLORADO
SECTION	23
TOWNSHIP	3N
RANGE	66W

SHEETS	1
	2

Site Photos



BEFORE

View from the northeast looking southwest at the 43rd Avenue stub out



AFTER

View from the northeast looking southwest at the 43rd Avenue stub out



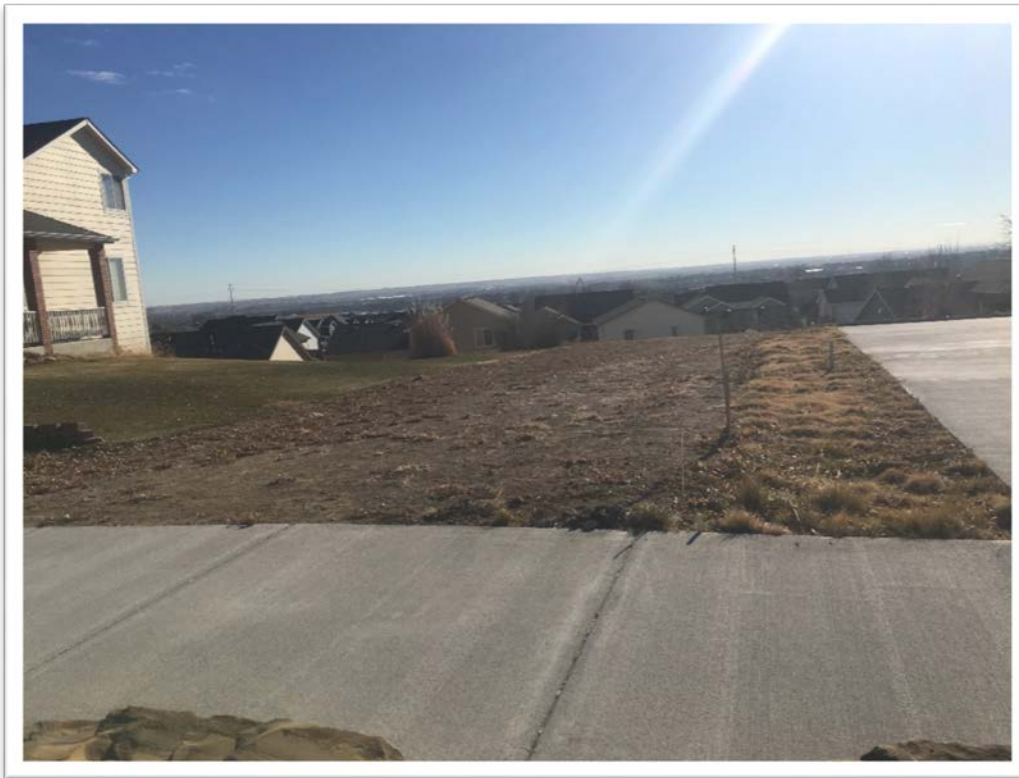
BEFORE

View from the north looking south at the 43rd Avenue stub out



AFTER

View from the north looking south at the 43rd Avenue stub out



AFTER

View from the north looking south at the 43rd Avenue stub out



BEFORE

View from the northwest looking southeast at the 43rd Avenue stub out



AFTER

View from the east looking at the Fuller property



**UTILITY COMPANY CONSENT OF
VACATION**

VACATION OF: ☐ Public Right-of-Way ☒ Utility Easement

DATE: 10/19/2018

APPLICANT: City of Greeley Stormwater Management, Andrew T. Fisher, P.E.

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

Gateway Estates, Second Filing, Block 1, Lot 14. See attached for detailed legal description.

This is to certify that the following departments and/or utility companies have reviewed and approved this application for the vacation of dedicated easement.

City of Greeley Public Works Department

City of Greeley Water & Sewer Department

Nathan Singh
City of Greeley Stormwater Management

6/11/18 SPS-11-8-18 SEE ATTACHED EXHIBIT WITH SAME SIGNATURE.
Atmos Energy

Xcel Energy

Comcast Cable

CenturyLink



**UTILITY COMPANY CONSENT OF
VACATION**

VACATION OF: ☐ Public Right-of-Way ☒ Utility Easement

DATE: 10/19/2018

APPLICANT: City of Greeley Stormwater Management, Andrew T. Fisher, P.E.

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

Gateway Estates, Second Filing, Block 1, Lot 14. See attached for detailed legal description.

This is to certify that the following departments and/or utility companies have reviewed and approved this application for the vacation of dedicated easement.

City of Greeley Public Works Department

City of Greeley Water & Sewer Department

Matthew Sipe

City of Greeley Stormwater Management

Atmos Energy

Robert Wagner

Xcel Energy

Comcast Cable

CenturyLink



**UTILITY COMPANY CONSENT OF
VACATION**

VACATION OF: ☐ Public Right-of-Way ☒ Utility Easement

DATE: 10/19/2018

APPLICANT: City of Greeley Stormwater Management, Andrew T. Fisher, P.E.

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

Gateway Estates, Second Filling, Block 1, Lot 14. See attached for detailed legal description.

This is to certify that the following departments and/or utility companies have reviewed and approved this application for the vacation of dedicated easement.

City of Greeley Public Works Department

City of Greeley Water & Sewer Department

Walter S. City

City of Greeley Stormwater Management

Atmos Energy

Xcel Energy

R. P. City

Comcast Cable

CenturyLink



**UTILITY COMPANY CONSENT OF
VACATION**

VACATION OF: ☐ Public Right-of-Way ☒ Utility Easement

DATE: 10/19/2018

APPLICANT: City of Greeley Stormwater Management, Andrew T. Fisher, P.E.

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

Gateway Estates, Second Filing, Block 1, Lot 14. See attached for detailed legal description.

This is to certify that the following departments and/or utility companies have reviewed and approved this application for the vacation of dedicated easement.

City of Greeley Public Works Department

City of Greeley Water & Sewer Department

Walter Sity

City of Greeley Stormwater Management

Atmos Energy

Xcel Energy

Comcast Cable

[Signature]

CenturyLink

LEGAL DESCRIPTION

Vacation of Easement

A fifteen foot (15') wide easement located along and parallel to the Easterly line of Lot 14, Block 1 of Gateway Estates Second Filing located in the City of Greeley, Weld County, Colorado more particularly described as follows:

Beginning at the Southeast corner of said Lot 14; thence along the Southerly Line of said Lot 14 N 87°53'48" W, a distance of 15.01'; thence along the arc of a curve with a radius of 295.00', a delta of 5°58'25", a chord distance of 30.74', a chord bearing of N 5°58'25" E, an arc distance of 30.76'; thence N 08°38'01" E, a distance of 71.63' to the Southerly line of a 20 foot (20') irrigation and multi-purpose path easement; thence along said Southerly easement S 81°22'06" E, a distance of 15.00' to a point on said Easterly line of said Lot 14; thence along said Easterly line of said Lot 14 S 08°38'01" W, a distance of 71.63' to a point of curve with a radius of 280', a delta of 5°58'25", a chord bearing of S 5°38'50" W, a chord distance of 29.18' and an arc distance of 29.19' to the Point of Beginning. Said easement containing 1519 Square Feet. More or Less.

LEGAL DESCRIPTION

A vacation of 43rd Avenue south of 30th Street located in Gateway Estates 2nd Filing in Section 23, 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:

[illegible]

CERTIFICATE OF APPROVAL OF THE CITY ENGINEER

Approved this day _____ of _____ 20____ A.D.

CERTIFICATE OF APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR

Received This ____ day of _____, 20____ A.D.

Community Development Director

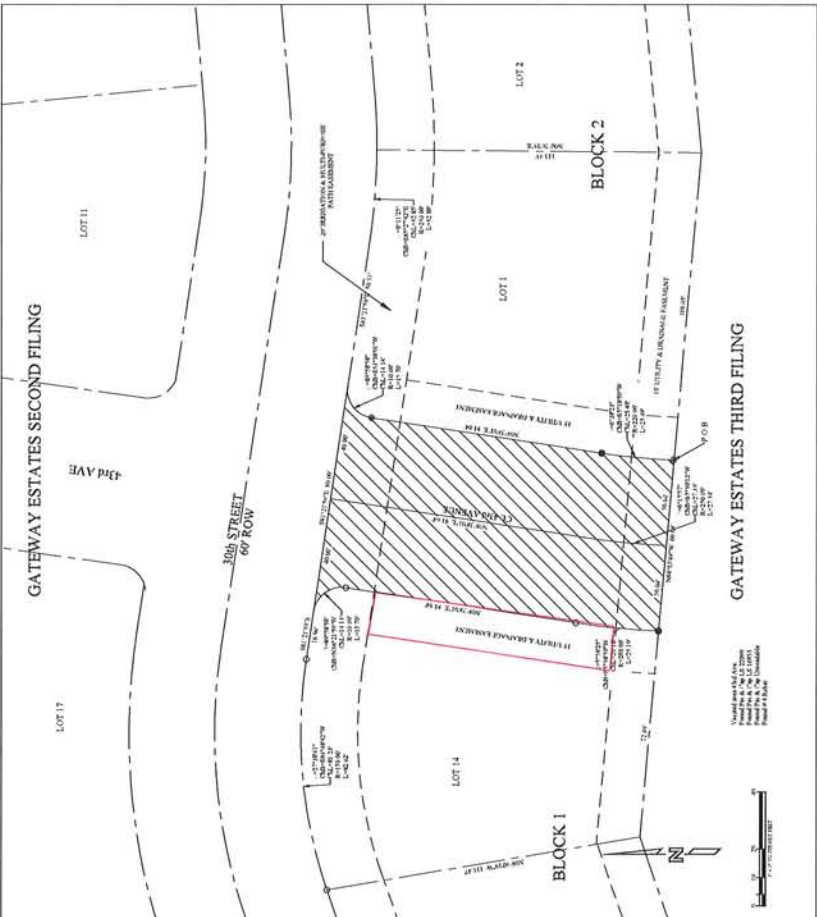
CURRICULUM'S STATEMENT

This map is not intended to be a monometrical land survey, its sole purpose is as a graphic representation from existing documents of record and field measurements to aid in the visualization of the written property description as shown herein and that the same is true and correct to the best of my knowledge, information and belief.

Robert F. Murchard, P.L.S.
Colorado PLS No. 13225
for and on behalf of the City of Greeley

NOTES

- The 1st Under A Chances Lament along the river for loss of 1, 1 and 14 shall remain in place as shown on the Outcrop Exhibit Second filing.



CONCLUSIONS

- | | |
|---|-----------------------------|
|  | FND REBAR & CAP L.S. #2098 |
|  | FND REBAR & CAP UNRELIABLE |
|  | FND REBAR NO CAP |
|  | VACATED STREET RIGHT-OF-WAY |

SPS Atmos Energy Corp.
11-8-18

81-8-11

PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING
1001 NINTH AVENUE
GREELEY, COLORADO 80631



Greeley
Print the Change Up.

VACATION 43rd AVENUE
SOUTH OF 30th STREET

Date:		Sheet Revisions		WELD COUNTY COLORADO		SHEET'S 1
		Comments	init.			
				SECTION	23	1
				TOWNSHIP	5N	
				RANGE	66W	



**UTILITY COMPANY CONSENT OF
VACATION**

VACATION OF: ☐ Public Right-of-Way ☒ Utility Easement

DATE: 10/19/2018

APPLICANT: City of Greeley Stormwater Management, Andrew T. Fisher, P.E.

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

Gateway Estates, Second Filing, Block 2, Lot 1. See attached for detailed legal description.

This is to certify that the following departments and/or utility companies have reviewed and approved this application for the vacation of dedicated easement.

City of Greeley Public Works Department

City of Greeley Water & Sewer Department

Xunta Sig
City of Greeley Stormwater Management

[Signature] SPS. 11-8-18 SEE ATTACHED EXHIBIT W/ SAME SIGNATURE.
Atmos Energy

Xcel Energy

Comcast Cable

CenturyLink



**UTILITY COMPANY CONSENT OF
VACATION**

VACATION OF: ☐ Public Right-of-Way ☒ Utility Easement

DATE: 10/19/2018

APPLICANT: City of Greeley Stormwater Management, Andrew T. Fisher, P.E.

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Gateway Estates, Second Filing, Block 2, Lot 1. See attached for detailed legal description.

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City of Greeley Public Works Department

City of Greeley Water & Sewer Department

Andrew T. Fisher

City of Greeley Stormwater Management

Atmos Energy

Robert K. Hunsinger

Xcel Energy

Comcast Cable

CenturyLink



**UTILITY COMPANY CONSENT OF
VACATION**

VACATION OF: ☐ Public Right-of-Way ☒ Utility Easement

DATE: 10/19/2018

APPLICANT: City of Greeley Stormwater Management, Andrew T. Fisher, P.E.

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

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This is to certify that the following departments and/or utility companies have reviewed and approved this application for the vacation of dedicated easement.

City of Greeley Public Works Department

City of Greeley Water & Sewer Department

Andrew T. Fisher

City of Greeley Stormwater Management

Atmos Energy

Xcel Energy

[Signature]

Comcast Cable

CenturyLink



UTILITY COMPANY CONSENT OF
VACATION

VACATION OF: ☐ Public Right-of-Way ☒ Utility Easement

DATE: 10/19/2018

APPLICANT: City of Greeley Stormwater Management, Andrew T. Fisher, P.E.

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

Gateway Estates, Second Filing, Block 2, Lot 1. See attached for detailed legal description.

This is to certify that the following departments and/or utility companies have reviewed and approved this application for the vacation of dedicated easement.

City of Greeley Public Works Department

City of Greeley Water & Sewer Department

North City

City of Greeley Stormwater Management

Atmos Energy

Xcel Energy

Comcast Cable

CenturyLink

CenturyLink

LEGAL DESCRIPTION
Vacation of Easement

A fifteen-foot (15') wide easement located along and parallel to the Easterly line of Lot 1, Block 2 of Gateway Estates Second Filing located in the City of Greeley, Weld County, Colorado more particularly described as follows:

Beginning at the Southwest corner of said Lot 1; thence along the arc of a curve having a radius of 220.00', a delta of 6°38'23", a chord bearing of N 05°18'50" E, a chord distance of 25.48', an arc distance of 25.19'; thence continue along the Westerly line of said Lot 1 N 08°38'01" E a distance of 71.64' to a point on the Southerly line of a twenty foot (20') irrigation and multi-purpose path easement; thence along said 20' easement S 81°22'06" E, a distance of 15'; thence S 08°38'01" W, a distance of 71.64' to a point of curve; thence along the arc of said curve having a radius of 205.00', a delta of 6°52'03", a chord bearing of S 05°12'00" W, a chord distance of 25.56' , and an arc distance of 24.57' to a point of the Southerly line of said Lot 1; thence along said Southerly line of Lot 1 N 84°53'48" W, a distance of 15.02' to the Point of Beginning. Said easement containing 1450 Square Feet. More or Less.



PLANNING COMMISSION Proceedings

February 12, 2019

**City Center South
Council Chambers Room
1001 11th Avenue
1:15 p.m.**

I. Call to Order

Chair Rarick called the meeting to order at 1:15 p.m. Commissioners Schulte, Andersen, Yeater, Briscoe and Modlin were present. (Commissioner Hice-Idler was absent.)

II. Approval of minutes for meeting held on January 22, 2019

Commissioner Andersen moved to approve minutes of the meeting held on January 22, 2019. Commissioner Briscoe seconded the motion. The motion carried 6-0. (Commissioner Hice-Idler was absent.)

Mr. Mueller addressed the Commission and noted that USR 2018-0015 SRC Ridge 33-17 Use by Special Review would be continued.

III. A public hearing to consider a request for a Use by Special Review for 32 horizontal oil and gas wells, with associated equipment on one centralized pad site, and one production facility on a 41.55 acre parcel zoned H-A (Holding Agriculture), with 10.93 acres proposed for drilling and extraction operations

Project Name: SRC Ridge 33-17 Use by Special Review
Case No: USR20180015
Applicant: Corey Sheahen on behalf of SRC Energy Inc.
Location: South of US Highway 34, east of 83rd Avenue, North of 28th Street
Presenter: Marian Duran, Planner II

Ms. Duran addressed the Commission and requested permission to continue this item to February 26, 2019.

Commissioner Yeater moved to continue the item to February 26, 2019. Commissioner Schulte seconded the motion. The motion carried 6-0. (Commissioner Hice-Idler was absent.)

IV. Election of Chair

Commissioner Briscoe moved to nominate Justin Yeater to serve as Chair of the Planning Commission. Commissioner Schulte seconded the motion. The motion carried 6-0. (Commissioner Hice-Idler was absent.)

V. Election of Vice Chair

Commissioner Modlin moved to nominate Erik Briscoe to serve as Vice Chair of the Planning Commission. Commissioner Yeater seconded the motion. The motion carried 6-0. (Commissioner Hice-Idler was absent.)

VI. A public hearing to consider approval of a subdivision replat on behalf of Richard Fuller and Wendy Griffis to vacate 0.165 acres of land along 43rd Avenue, located south of the intersection of 30th Street and 43rd Avenue

Project Name: Gateway Estates 2nd Filing, 1st Replat
Case No.: SUB2018-0025
Applicant: Richard Fuller and Wendy Griffis, on behalf of City of Greeley
Stormwater Division
Location: South of the intersection of 30th Street and 43rd Avenue
Presenter: Rachel Prelog, Planner II

Ms. Prelog addressed the Commission and noted that the correct applicant is the Stormwater Division on behalf of the property owners. She entered the staff report into the record. Ms. Prelog presented a map showing the location of the property and presented a brief history of the area and surroundings. Ms. Prelog also presented background information about floods that occurred in the area.

Ms. Prelog described the type of curb cutting used to help prevent this type of issue and stated that the landscaping was not done efficiently. She stated that the request to vacate a portion of the roadway would coincide with finishing the landscaping that was once 43rd Avenue. Ms. Prelog stated that each property owner would have equal parts of the property and the landscaping would be finished. Ms. Prelog summarized the right-of-way criteria and reported that staff found no issues and recommended approval.

Chair Yeater had a question about the height difference between the crown in the middle of the road and the new increase in the landscaping. Ms. Prelog stated that the six-inch curb was completed in 2016 and had addressed the flooding concerns. Chair Yeater asked about the expectation of the right-of-way and the homeowners taking possession of the retaining wall. Ms. Prelog could not comment on the homeowners' expectations. Chair Yeater expressed his concern about the grading and asked about the city's responsibility for the landscaping.

The applicant did not address the Commission.

Chair Yeater opened the public hearing at 1:26 p.m. There being no comment, the public hearing was closed at 1:26 p.m.

Commissioner Andersen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the request for an approval of a minor subdivision for Lot 14, Block 1 and Lot 1, Block 2, Gateway Estates 2nd Filing replat Gateway Estates 2nd Filing is in compliance with the provisions of the Subdivision Regulations and Development Code criteria outlined in Section 18.04.500, Easement Dedication, Vacation, and Recordation outlined in Section 18.04.700, and Right-of-Way Dedication and Vacation criteria outlined in Section 18.04.800; and, therefore, approve the requested minor subdivision as presented. Commissioner Rarick seconded the motion. The motion carried 6-0. (Commissioner Hice-Idler was absent.)

VII. A public hearing to consider adoption *City of Greeley Strategic Housing Plan*

Presenter: Rachel Prelog, Planner II

Ms. Prelog addressed the Commission and entered the staff report into the record. She explained the origin of the plan beginning from the *Imagine Greeley* Comprehensive Plan. Ms. Prelog described how the different plans are broken down to help better understand the strategies implemented. She pointed out the example of the Transportation Master Plan and how it was broken down into the Transit Master Plan.

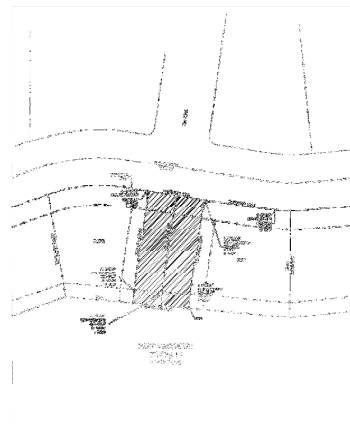
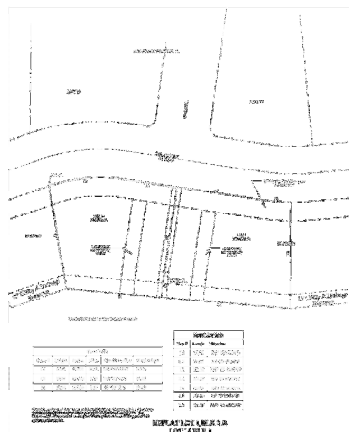
Ms. Prelog stated that the Comprehensive Plan called for the creation of a strategic housing plan with the idea that this would be a plan under the overarching document of the *Imagine Greeley* Comprehensive Plan. She added that it would produce other plans such as the sub area plans and neighborhood plans. Ms. Prelog noted that the *Imagine Greeley* Comprehensive Plan had two main goals for housing. The first was to improve access to housing for all income levels, ages and physical abilities, and the second was to encourage broad diversity of housing options. Ms. Prelog presented several graphs showing projected growth and development. She also presented a map showing the job growth and the demand for better housing in Greeley. She talked about the increases and decreases of housing and its comparisons. Ms. Prelog briefly explained the imbalance between housing demands and jobs created.

Chair Yeater expressed his concerns about this topic and asked Ms. Prelog what the ideal balance would be. Ms. Prelog responded that it would be a 1 to 1 and she had no ideal number. She added that her research only goes back 2011. Commissioner Rarick asked about the decrease in the number of yearly job increases. Ms. Prelog referenced the chart and stated that the big decreases in yearly new jobs were involved with oil and gas. Commissioner Schulte noted that most homes are two income households. Chair Yeater asked how many builders build more than 25 houses in one year. Ms. Prelog stated that there were two builders. Chair Yeater asked how many multi-family homes were developed in 2018. Ms. Prelog clarified that there were 208 homes built. Commissioner Briscoe asked for a breakdown of the average home price. Ms. Prelog shared a personal comparison about her household income and the affect it had when purchasing a home.

GATEWAY ESTATES 2ND FILING, 1ST REPLAT

GREELEY CITY COUNCIL

MARCH 5, 2019



REQUEST

- Minor Subdivision
- Vacate portion of 43rd Avenue



LOCATION

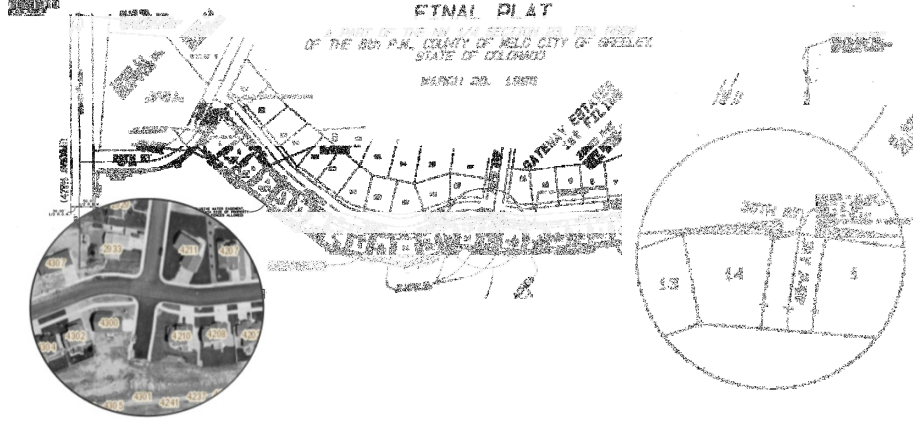
- Gateway Estates 2nd Filing
- South of Hwy 34, east of 47th Avenue



LOCATION

- 4300 30th Street (Lot 14, Block 1)
- 4210 30th Street (Lot 1, Block 2)
- Portion of 43rd Avenue

GATEWAY ESTATES SECOND FILING

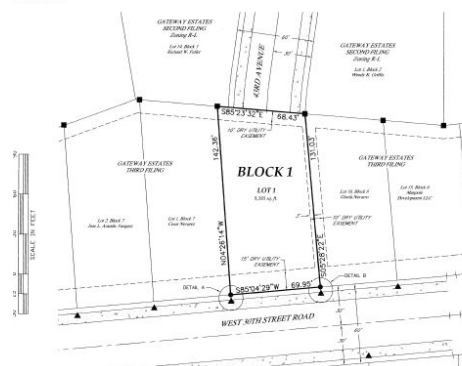


HISTORY

- 1998, 43rd Avenue dedicated
- Roadway stubbed out and built

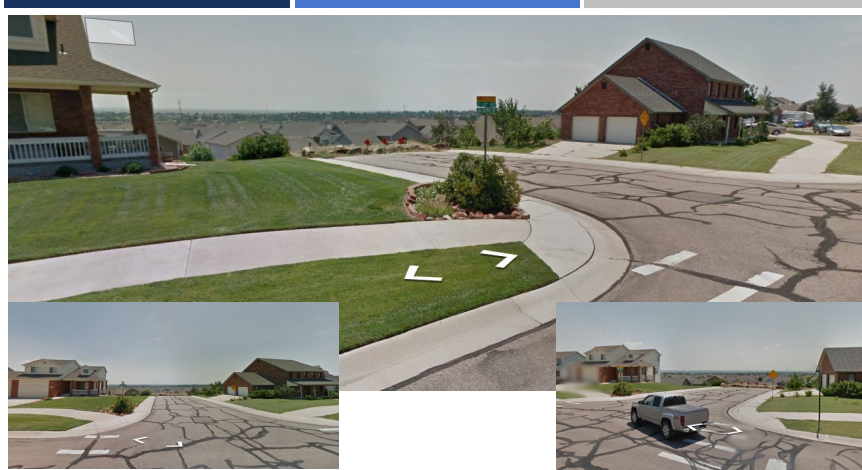


Range 66 West Of The 6th P.M.,
Colorado



HISTORY

- 2002-Filing 3 plated
- 2005-Outlot C replated into a lot



HISTORY

- 2014- Stormwater Division began construction of curb and gutter



HISTORY

- 2016-substantial completion
- Landscaping of vacated ROW this spring

APPROVAL CRITERIA

- Right-of-way vacation is not detrimental to public health, safety, and welfare; and
- Vacation does not deprive any parcel of adequate access to a public road.

RECOMMENDATION

- Planning Commission: Approval

Council Agenda Summary

March 5, 2019

Agenda Item Number 16

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 Worksession Schedule regarding any upcoming meetings or events.

Attachments

Council Meeting/Worksession Schedule
Council Meetings/Other Events Calendar

City Council Meeting Schedule

<u>Date</u>	<u>Description</u>	<u>Staff Contact</u>	
March 12, 2019 Worksession Meeting	Planning Commission Interviews	Betsy Holder	tbd
	End of Year Financial Report	Renee Wheeler	0.50
	Multi-Family and Commercial Raw Water Requirements	Sean Chambers	0.50
	Atmos Pipe Improvement Program Overview	Joel Hemesath	0.50
March 19, 2019 Council Meeting	Volunteer Week Proclamation	Betsy Holder	Recognitions
	Resolution - Gray & Black Market Marijuana Grant	Mark Jones	Consent
	Approval of Report of Impediments to Fair Housing	Becky Safarik	Consent
	Approval of Consolidated Annual Performance & Evaluation Report (CAPER)	Becky Safarik	Consent
	Ordinance - Intro - Second Additional Appropriation	Renee Wheeler	Consent
	Ordinance - Intro - Historic Preservation Code Repeal/Replace	Brad Mueller	Consent
	Ordinance - Intro - Salary Increase for City Manager	Sharon McCabe	Consent
	Ordinance - Intro - Salary Increase for City Attorney	Sharon McCabe	Consent
	Ordinance - Intro - Salary Increase for Municipal Judge	Sharon McCabe	Consent
	Ordinance - Final - Parking Code Changes	Joel Hemesath	Regular
	Board & Commission Appointments	Betsy Holder	Regular
	ACE/Workforce Development Presentation	Ben Snow	0.50
March 26, 2019 Worksession	Kersey, Evans, Greeley IGA	Brad Mueller	0.50
	WPFC Master Plan	Sean Chambers	0.75
	Monthly Financial Report	Renee Wheeler	0.50
April 2, 2019 Council Meeting	Holocaust Memorial Observances (leave as first proclamation)	Betsy Holder	Recognitions
	National Youth Service Day Proclamation	Betsy Holder	Recognitions
	Mayor's Water Challenge Proclamation	Betsy Holder	Recognitions
	Ordinance - Final - Salary Increase for City Manager	Sharon McCabe	Regular
	Ordinance - Final - Salary Increase for City Attorney	Sharon McCabe	Regular
	Ordinance - Final - Salary Increase for Municipal Judge	Sharon McCabe	Regular
	Ordinance - Final - Second Additional Appropriation	Renee Wheeler	Regular
	Ordinance - Final - Historic Preservation Code Repeal/Replace	Brad Mueller	Regular
April 9, 2019 Worksession Meeting	Priorities for 2020-2024 Consolidated Plan for CDBG & HOME Funds	Becky Safarik	0.50
	Building Code Updates	Brad Mueller	0.75
	Emerald Ash Borer Presentation/Update	Andy McRoberts	0.75
April 16, 2019 Council Meeting	Arbor Day Proclamation	Betsy Holder	Recognitions
	Approval of Priorities for 2020-24 Consolidated Plan for CDBG & HOME Funds	Becky Safarik	Consent
	Resolution - Kersey, Evans, Greeley IGA	Brad Mueller	Consent
	Board & Commission Appointments	Betsy Holder	Regular
April 23, 2019 Worksession Meeting			
	Monthly Financial Report	Renee Wheeler	0.50
May 7, 2019 Council Meeting	National Tourism Week Proclamation	Betsy Holder	Recognitions
	Ordinance - Intro - Building Code Updates	Brad Mueller	Consent
May 14, 2019 Worksession Meeting			
May 21, 2019 Council Meeting	Ordinance - Intro - Building Code Updates	Brad Mueller	Regular
	Board & Commission Appointments	Betsy Holder	Regular
May 28, 2019 Worksession Meeting			
	Monthly Financial Report	Renee Wheeler	0.50
June 4, 2019 Council Meeting			
June 11, 2019 Worksession Meeting			

March 4, 2019 - March 10, 2019

March 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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31						

April 2019						
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21	22	23	24	25	26	27
28	29	30				

Monday, March 4

Tuesday, March 5

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue) 🕒

Wednesday, March 6

Thursday, March 7

7:00am - Poudre River Trail (Hall) 🕒

3:30pm - IG Adv. Board (Smail) 🕒

6:00pm - MPO (Gates/Casseday) 🕒

Friday, March 8

Saturday, March 9

Sunday, March 10

March 11, 2019 - March 17, 2019

March 2019						
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31						

April 2019						
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Monday, March 11

Tuesday, March 12

5:00pm - 6:00pm City Council Worksession (1001 11th Avenue) 

Wednesday, March 13

Thursday, March 14

5:00pm - 6:00pm Ribbon Cutting and Grand Opening (Planet Fitness - 2640 11th Avenue (Old Conditioning Spa location)) - Council Master Calendar

Friday, March 15

Saturday, March 16

10:00am - 11:00am City Chat with Councilmember Suniga (TBD) 

Sunday, March 17

March 18, 2019 - March 24, 2019

March 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Monday, March 18

Tuesday, March 19

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue)

Wednesday, March 20

7:30am - 8:30am Visit Greeley (Fitzsimmons)

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

Thursday, March 21

7:30am - 8:30am DDA

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

4:00pm - 7:00pm CML Open House honoring Sam Mamet, retiring
CML Executive Director (TBD) - Council Master Calendar

Friday, March 22

Saturday, March 23

6:00pm - 9:00pm Longs Peak Council - Boy Scouts of America
Reception and Dinner (919 7th Street, DoubleTree Hotel at Lincoln
Park) - Council Master Calendar

Sunday, March 24

March 25, 2019 - March 31, 2019

March 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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3	4	5	6	7	8	9
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2019						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Monday, March 25

11:30am - 12:30pm Greeley Chamber of Commerce (Gates) 

6:00pm - 7:00pm Youth Commission (Smail) 

Tuesday, March 26

5:00pm - 6:00pm City Council Worksession (1001 11th Avenue) 

Wednesday, March 27

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

Thursday, March 28

2:00pm - 3:00pm Government Agencies Meeting Hosted by the City of Greeley (Council's Chambers, City Center South Campus, 1001 11th Avenue) - Council Master Calendar

Friday, March 29

Saturday, March 30

Sunday, March 31

April 1, 2019 - April 7, 2019

April 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2019						
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, April 1

Tuesday, April 2

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue) 

Wednesday, April 3

Thursday, April 4

7:00am - Poudre River Trail (Hall) 

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

6:00pm - MPO (Gates/Casseday) 

Friday, April 5

Saturday, April 6

Sunday, April 7

Council Agenda Summary

March 5, 2019

Agenda Item Number 17

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 at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances

Council's Recommended Action

A motion to approve the above authorizations.

Council Agenda Summary

March 5, 2019

Agenda Item Number 18

Title

Adjournment