



Remote Meeting Instructions for the April 7, 2020, City Council Meeting:

In order to comply with all health orders and guidelines, and the Governor's March 25, 2020, Stay-at-Home Order intended to stop the spread of the COVID-19 (Coronavirus), **no physical location, including the City Council Chambers, will be set up for viewing or participating in this Council Meeting.**

The **only** way to view this Council Briefing is to follow the instructions below to watch the YouTube live stream.

- From your laptop or computer, click the following link or enter it manually into your Web Browser: (www.youtube.com/CityofGreeley)
- Clicking the link above will take you to the City of Greeley's YouTube Channel.
- Once there, you will be able to view the briefing!

Citizen Input and public comment for items appearing on the agenda as public hearings can be submitted to the City Clerk's Office via email at cityclerks@greeleygov.com. All comments will be read into the record at the appropriate points during the meeting in real time. Comments can be submitted up to and throughout the meeting. Written comments are also welcome and should be addressed to the Greeley City Clerk's Office, 1000 10th Street, Greeley, CO, and must be received no later than Tuesday, April 7, 2020.

Please contact the City Clerk's Office with any questions you might have at 970-350-9740. Thank you!



Mayor

John Gates

Councilmembers

Tommy Butler
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Kristin Zasada
At-Large

Ed Clark
At-Large

**A City Achieving
Community Excellence**

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

City Council Agenda

April 07, 2020 at 6:00 PM

This meeting will be conducted remotely. See instructions on previous page for link to view the YouTube livestream.

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. Initiatives from Mayor and Councilmembers

Consent Agenda

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

Council 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.

9. Acceptance of the Report of the March 10, 2020, City Council Worksession
10. Approval of the City Council Proceedings of March 17, 2020
11. Approval of the Special City Council Proceedings of March 31, 2020
12. Consideration of a resolution authorizing the City to enter into an Intergovernmental Agreement with the Colorado Department of Transportation for cost reimbursements for pipeline relocations near the Prospect Road interchange on Interstate 25 in Ft. Collins
13. Consideration of a resolution amending the Capital Funding and Pledge Agreement by and among the City of Greeley, Greeley Downtown Development Authority, and Lincoln Park Hotel, LLC

14. 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. (35th Avenue, 4th Street to F Street Road Improvement Project)
15. Consideration to approve a change order in the amount of \$81,900 to the contract with Northstar Concrete for the 2019 Concrete Infrastructure Improvement Project and bringing the revised contract amount from \$680,224.50 to \$762,124.50
16. Consideration of the City of Greeley's Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2019 for Submission to the U. S. Department of Housing and Urban Development

End of Consent Agenda

17. Pulled Consent Agenda Items
18. Public hearing and final reading of an ordinance authorizing a salary increase for the City Manager
19. Public hearing and final reading of an ordinance authorizing a salary increase for the City Attorney
20. Public hearing and final reading of an ordinance authorizing a salary increase for the Municipal Judge
21. Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2020 and for funds held in reserve for encumbrances at December 31, 2019
22. City Council 2040 Vision, Priorities, and Staff Strategic Work Plan
23. COVID-19 Update
24. Consideration of a resolution approving a Redevelopment Agreement between 1108 8th Avenue, LLC and the City of Greeley
25. Scheduling of Meetings, Other Events
26. Consideration of an Executive Session to determine positions, develop strategy and instruct negotiators regarding collective bargaining with the Greeley Police Officers Association and Greeley Fire Fighters Union Local 888
27. 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
28. Adjournment

Council Agenda Summary

April 7, 2020

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

April 7, 2020

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

April 7, 2020

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

Council Agenda Summary

April 7, 2020

Agenda Item Number 4

Title

Recognitions and Proclamations

Summary

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

Mayor Gates will present two proclamations; one recognizing **National Volunteer Week** which celebrates volunteers throughout the City and offers thanks to all of our citizen volunteers for their dedication and service to the City of Greeley and its residents and one recognizing **National Library Week** which encourages residents to visit their local library and explore and engage with local librarians.

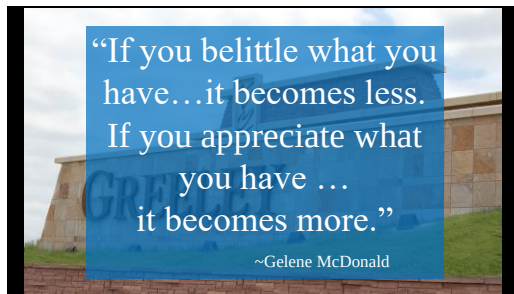
Attachments

April 7, 2020 What's Great about Greeley Report
National Volunteer Week Proclamation
National Library Week

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



According to U.S. Census data, the Greeley metropolitan statistical area ranked as the No. 3 fastest-growing nationwide from July 2018 to July 2019, and the No. 6 fastest-growing MSA in the country in the nine years from the 2010 census to the 2019 estimate.

Slide 4





National Volunteer Week

WHEREAS, during National Volunteer Week, we recognize the millions of Americans who strengthen, enrich, and improve our communities through their tireless and selfless commitment to serving others; and,

WHEREAS, those who dedicate their time, talent, and resources to positively influence the lives of others continue a legacy and tradition of service that began with the founding of our country and remains firmly enshrined in our national character today; and,

WHEREAS, the Greeley residents serve their community and fellow citizens by taking actions as volunteers that improves our quality of life through a variety of avenues; and,

WHEREAS, during this week, all over the nation, service projects will be performed and volunteers will be recognized for their commitment to service; and

WHEREAS, in 2019, volunteers devoted approximately 56,695 hours of their time to the City of Greeley, which represents \$1.52 million in the value of services received; and

WHEREAS, individuals and groups play an important role by building a successful, strong and vibrant community and playing a critical role in the life and well-being of residents.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim the week of April 13th - 17th, 2020, as National Volunteer Week and urge all residents of Greeley to observe this week by volunteering in service projects throughout our City and join with us during this week to recognize and thank all of our citizen volunteers for their dedication and service to the City of Greeley and its residents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 7th day of April, 2020.

John Gates
Mayor



National Library Week

WHEREAS, our nation's libraries support free and open access to literacy programs, books, computers, and other resources to help children and adults learn to find, evaluate, and use information they need for jobs, health, housing, education, and other needs; and

WHEREAS, 86% of Colorado Libraries offer access to online homework assistance to help learners bridge the learning gap and reach their school and career goals; and

WHEREAS, Greeley's public, academic, school, and special libraries fulfill the critical role of providing tools to build a literate community for young children, their caregivers, parents and educators; and

WHEREAS, Greeley's libraries offer general internet use training, as well as technical training to help people apply for jobs, gain essential technology skills, and obtain crucial education and life-changing opportunities as part of the 21st century workforce; and

WHEREAS, Greeley's public libraries are often the only free source of Internet access in their communities, providing a vital link for residents to technology, information, and facts about the world in which we live; and

WHEREAS, libraries provide a space for civic engagement and empowers their communities to make informed decisions by providing free access to information which promotes the free exchange of information and ideas for all; and

WHEREAS, these roles fulfilled by Greeley libraries support these cornerstones of democracy.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim April 19 – 25, 2020, as ***National Library Week***. Because of you, libraries create strong communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 7th day of April, 2020.

John Gates
Mayor

Council Agenda Summary

April 7, 2020

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 and will be asked to state their name and city of residence for the official record.

Council Agenda Summary

April 7, 2020

Agenda Item Number 6

Title

Approval of the Agenda

Council Agenda Summary

April 7, 2020

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.

Council Agenda Summary

April 7, 2020

Agenda Item Number 8

Title

Initiatives from Mayor and Councilmembers

Summary

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

Initiatives will generally fall into three categories:

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

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

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council

Status Report of Council Initiatives

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:
None pending.			

Consent Agenda

April 7, 2020

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

Once the Clerk has read each Consent Agenda item into the record, along with Council's recommended action, Council or staff may request the item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

The Consent Agenda includes Items No. 9 through 16 and their recommended actions.

Council's Recommended Action

To approve Items No. ____ through ____ or

To approve Items No. ____ through ____ with the exceptions of No.(s) ____

Council Agenda Summary

April 7, 2020

Agenda Item Number 9

Key Staff Contact: Cheryl Aragon, Interim City Clerk, 970-350-9743

Title:

Acceptance of the Report of the March 10, 2020, City Council Worksession

Summary:

A City Council Worksession was held on March 10, 2020, 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:

March 10, 2020 Report

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
 March 10, 2020

1. CALL TO ORDER

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.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

Jessica Diagana, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Tommy Butler, Ed Clark, Michael Fitzsimmons, Dale Hall, and Kristin Zasada.

Councilmember Brett Payton arrived at 5:18 p.m.

4. REPORTS FROM MAYOR AND COUNCILMEMBERS

Councilmember Clark inquired about the Police Pension Board and how often they meet. Staff indicated they would research and provide that information to him.

5. DISCUSSION REGARDING POTENTIAL TAX RENEWAL BALLOT ISSUES FOR NOVEMBER 2020

Paul Fetherston, Assistant City Manager reviewed the 2019 – 2024 election timeline, purpose of the Food Tax and Keep Greeley moving Tax, and the 2020 – 2022 Tax renewal timeline.

Will Jones, Deputy Public Works Director, provided an overview of the Food Tax, 3% Food Tax authorization history, Food Tax purposes including park maintenance, traffic signal maintenance, street maintenance, 2014 – 2018 Food Tax highlights, Food Tax program 2020 – 2024, growing deficit for maintaining assets, Food Tax annual gap, and impacts upon renewal of the Food Tax.

Mr. Jones went on to review the overview and purpose of the Keep Greeley Moving Tax noting that, in three years, residents authorized \$41.1 million for concrete repairs, patching, crack seal, seal coat, and overlay and road expansions. He noted that the purpose for the tax is street maintenance and reviewed the Pavement Quality Index from 2016 – 2019 noting it has raised from 61 to 65. He also spoke of current deficiencies for roads and concrete work totaling \$74 million in addition to the growth deficit for maintaining assets, Keep Greeley Moving annual gap, and impacts upon renewal of the Keep Greeley Moving Tax.

Councilmember Zasada inquired as to why road maintenance costs keep rising, and Mr. Jones reported that this is the trend across the country as there is an increase in costs for labor and materials.

Councilmember Fitzsimmons spoke of new subdivisions and inquired about who pays for roads associated with this type of development. Mr. Jones reported that the transportation impact fee that is applied to residential units takes care of arterial roads in these new neighborhoods.

Councilmember Clark expressed his support for a sunset for the extension of each tax measure as it can be helpful in determining what has been accomplished.

Mayor Gates also expressed his support of the sunset for the extension of each tax measure noting that the City Council vows transparency in terms of how the money is being spent and that the promises that were made to the public were kept.

Citizen Budget Advisory Committee (CBAC) Chair, Trent Howell, reviewed the CBAC timeline and review of the taxes and presented the decision matrix to the Council for consideration related to rate, term of the tax, ballot timing compared to sunset date, purpose and that the CBAC will provide oversight should these taxes be renewed.

There was consensus amongst Council to move forward with the steps to place the Food Tax and Keep Greeley Moving taxes on the 2020 ballot.

There was also consensus amongst Council that there will no longer be an automatic transfer related to the current Capital Plan for Keep Greeley Moving.

6. BROADBAND TASK FORCE RECOMMENDATION REGARDING CITY OF GREELEY BROADBAND SERVICE OPTION

Brian Sullivan spoke of the City of Greeley's broadband initiative timeline, 2018 feasibility study, the road ahead and recommendations for Council.

Councilmember Hall expressed concerns as he is trying to understand what problem is trying to be solved with the implementation of a city-run broadband service.

Lori Sherwood, Vantage Point Solutions, spoke of the Broadband Task Force including the mission, timeline, models evaluated by the taskforce, market survey key findings, overview of models, municipal network options, operational and financial overview of the various options, comparison to other communities, and financing options.

Brett Naber, Broadband Task Force Chair, spoke of the taskforce's work and their ultimate recommendation to Council.

A lengthy discussion ensued in which Council expressed several concerns including: infrastructure, partnering with a third party, permits and staffing for a utility such as this, and market drivers. Council also expressed concerns that there were no firm monetary numbers presented to give them an idea of how much implementing and maintaining a broadband service would cost.

Councilmember Butler expressed his support to explore what a city-run broadband utility would cost and that he would like to see a request for proposal done to see what this would cost, in which there was no consensus from Council.

It was the consensus of Council to move forward with the option that was proposed to begin working with current broadband providers to create a better, more cost-effective broadband option.

It was also the consensus of Council to have the Broadband Task Force shift to an advisory committee to Council to aid in providing community insight.

7. SCHEDULING OF MEETINGS, OTHER EVENTS

Roy Otto, City Manager, spoke of the upcoming lunch with Governor Polis that Council will be attending.

8. ADJOURNMENT

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 6:57 p.m.

Jessica Diagana, Assistant City Clerk

Council Agenda Summary

April 7, 2020

Agenda Item Number 10

Key Staff Contact: Cheryl Aragon, Interim City Clerk, 350-9743

Title:

Approval of the City Council Proceedings of March 17, 2020

Summary:

A meeting of the City Council was held on March 17, 2020, 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:

March 17, 2020 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
 March 17, 2020

1. Call to Order

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

2. Pledge of Allegiance

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

3. Roll Call

Cheryl Aragon, Interim City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Tommy Butler, Ed Clark, Michael Fitzsimmons, Dale Hall, Brett Payton and Kristin Zasada.

4. Recognitions and Proclamations

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

Mayor Gates presented a Proclamation recognizing the City of Greeley's 150th Anniversary and a Proclamation recognizing April 11, 2020, as Parkinson's Disease Awareness Day.

5. Citizen Input

There was no citizen input offered via email to the City Clerk's Office.

6. Approval of Agenda

The agenda was approved upon noting additional documentation for Item Nos. 4 and 17.

7. Reports from Mayor and Councilmembers

There were no reports offered.

8. Initiatives from Mayor and Councilmembers

There were no initiatives offered from Councilmembers.

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

9. Acceptance of the Report of the February 25, 2020, City Council Worksession

The Council action recommended was to accept the Report.

10. Approval of the City Council Proceedings of March 3, 2020

The Council action recommended was to approve the Proceedings.

11. Introduction and first reading of an ordinance authorizing a salary increase for the City Manager

This item was pulled from the Consent Agenda.

12. Introduction and first reading of an ordinance authorizing a salary increase for the City Attorney

This item was pulled from the Consent Agenda.

13. Introduction and first reading of an ordinance authorizing a salary increase for the Municipal Judge

This item was pulled from the Consent Agenda.

14. Introduction and first reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2020 and for funds held in reserve for encumbrances at December 31, 2019

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for April 7, 2020.

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

Councilmember Clark moved, seconded by Councilmember Fitzsimmons to approve the items on the Consent Agenda and their recommended actions with the exception of Item Nos. 11, 12, and 13. The motion carried: 7-0

15. Pulled consent agenda items

Councilmember Butler moved to table Item Nos. 11, 12, and 13 for 30 days to better assess the City's COVID-19 response. The motion died for the lack of a second.

11. Introduction and first reading of an ordinance authorizing a salary increase for the City Manager

Councilmember Zasada moved, seconded by Councilmember Clark to introduce the ordinance and schedule it for public hearing and final reading for April 7, 2020. The motion carried: 6-1 (Butler opposed)

12. Introduction and first reading of an ordinance authorizing a salary increase for the City Attorney

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to introduce the ordinance and schedule it for public hearing and final reading for April 7, 2020. The motion carried: 6-1 (Butler opposed)

13. Introduction and first reading of an ordinance authorizing a salary increase for the Municipal Judge

Councilmember Clark moved, seconded by Councilmember Hall to introduce the ordinance and schedule it for public hearing and final reading for April 7, 2020. The motion carried: 6-1 (Butler opposed)

16. Public hearing and final reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from C-D (Conservation District) and I-L (Industrial Low Intensity) to I-L for 80 acres of property located at 525 N. 14th Avenue, and known as the Island Grove Rezone, and public hearing and final reading of an ordinance changing the official zoning map to reflect the same

Brad Mueller, Community Development Director, reported that the applicant, the City of Greeley, is requesting a rezone of 80 acres of land from Conservation District (C-D) and Industrial Low Intensity to Industrial Low Intensity. The original C-D zoning was established based on the defined area of the floodway at the time. The limits of the floodway have since changed, so the original premise of the zoning no longer applies. The current C-D zoning limits almost all land uses and development, including expansion of Island Grove facilities, so rezoning the property to a zone district that supports development is in the public interest.

He stated that the Planning Commission considered this request on February 25, 2020, and unanimously recommended approval to City Council.

Mayor Gates opened the public hearing at 6:52 p.m., and no comments were offered via email to the City Clerk's Office.

Councilmember Fitzsimmons moved, seconded by Councilmember Zasada to find that, based on the application received and the preceding analysis, the proposed rezone from C-D (Conservation District) and I-L (Industrial Low Intensity) to I-L meets Development Code Section 18.30.050(c)(3) a, b, d, e, f and g; and, therefore, approve the rezone.

Mayor Gates stated that Chad Sanger and Justin Watada, passed along through the Mayor, that they are excited about this and the collaboration on this.

A vote on the motion was taken and it carried: 7-0

Councilmember Fitzsimmons moved, seconded by Councilmember Zasada to adopt the ordinance and publish it by reference to title only.

A vote on the motion was taken and it carried: 7-0 (**Ordinance No. 5, 2020**)

17. COVID-19 Update

Dan Frazen, Emergency Manager, provided a brief presentation regarding COVID-19 and response efforts on the part of the City and collaboration with other agencies.

Doug Marek, City Attorney, referenced various handouts for Council's consideration, the first being a Resolution distributed to Council that would extend the original Emergency Disaster Declaration through April 21, 2020.

Councilmember Hall moved, seconded by Councilmember Payton to adopt the resolution, and the motion carried: 7-0 (**Resolution No. 11, 2020**)

Councilmember Payton moved, seconded by Councilmember Hall to cancel the March 24, 2020, Worksession in light of the City's response to COVID-19. The motion carried: 7-

Councilmember Butler moved, seconded by Councilmember Payton to adopt a Resolution amending Council's Policies and Protocol to allow for remote Council Meetings and Worksessions in light of the current COVID-19 situation. The motion carried: 7-0 (**Resolution No. 12, 2020**)

In response to a question from Councilmember Butler, Police Chief Mark Jones stated that officers will be asked to use common sense when it comes to encountering people with expired drivers' licenses since the Department of Motor Vehicles is closed. He added that he would talk more about this with the Deputy Chiefs.

Councilmember Butler also inquired about the ability for the City to halt evictions, and Mr. Marek advised that actions for eviction are filed in the State court system so the City does not have the authority to halt them. He added that he would look at measures that could be taken and report back.

Councilmember Butler also stated that he had been in conversation with the Downtown Development Authority, and there are several things they are wanting to discuss in terms of Downtown businesses, such as sales tax payment relief.

Mayor Gates offered Godspeed to all first responders quarantined and noted that the Emergency Operations Center is doing great work. He stated that Staff is much appreciated, and he asked that everyone work together to get through this challenging time.

18. 2019 End of Year Financial Report

Robert Miller, Budget Manager, reported that this is the 2019 End of Year Financial Report that provides the revenue and expenditure information for each major fund. The summary included many of the trends and other highlights that have been discussed throughout the year and during the 2020 budget process.

He went on to highlight key areas of the report including General fund carry over which is driven by higher collections of sales tax, use tax, oil royalties, severance and mineral taxes, permits and licenses, and interest earnings.

He went on to summarize various components of new construction including new residential construction permits and the adjustments to the anticipated amount of development impact fees that

were received in 2019 as a lower fee is applied to multifamily units. This shift in permits has been identified for future resource projections.

Mr. Miller concluded by stating that overall, fund balances are at or above anticipated levels as was presented during 2019 and that available fund balances will be allocated through additional appropriations and the 2021-2022 budget process. He added that the City currently has sufficient reserves to meet reserve requirements and has the ability to adjust for unforeseen circumstances or events.

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

Citizen Budget Advisory Committee – John Shull

Citizen Transportation Advisory Board – Lavonna Longwell, Steve Teets, and Directed staff to recruit for additional applicants)

Museum Board – Directed staff to recruit for additional applicants

Union Colony Civic Center Advisory Board – Perry Bell, Craig Montgomery, and Mark Pugatch

20. Scheduling of meetings, other events

There were no additional meetings or events scheduled.

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

Councilmember Clark moved, seconded by Councilmember Payton to approve the above authorizations, and the motion carried: 7-0

22. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:51 p.m.

John Gates, Mayor

Cheryl Aragon, Interim City Clerk

Council Agenda Summary

April 7, 2020

Agenda Item Number 11

Key Staff Contact: Cheryl Aragon, Interim City Clerk, 350-9743

Title:

Approval of the Special City Council Proceedings of March 31, 2020

Summary:

A Special meeting of the City Council was held virtually on March 31, 2020.

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 Special City Council proceedings as presented.

Attachments:

March 31, 2020 Special Proceedings

City of Greeley, Colorado
SPECIAL CITY COUNCIL PROCEEDINGS
 March 31, 2020

1. Call to Order

Mayor John Gates called the meeting to order at 6:00 p.m. This was a remote meeting conducted via Zoom Meetings and live streamed to the public via YouTube.

2. Pledge of Allegiance

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

3. Roll Call

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Tommy Butler, Ed Clark, Michael Fitzsimmons, Dale Hall, Brett Payton and Kristin Zasada.

4. COVID-19 (Coronavirus) Pandemic Update

Dan Frazen, Greeley's Emergency Manager, briefly described the current situation of the COVID-19 (Coronavirus) outbreak. He continued by explaining that the City is currently working on a Personal Protective Equipment (PPE) master plan, and he described what the City and the Emergency Operations Center (EOC) are doing to respond to the COVID-19 outbreak.

Mr. Frazen continued by discussing topics related to the homeless shelter/cold weather shelter operations. He explained that the City has provided the Island Grove Exhibition Building to act as the homeless shelter until April 18th, adding that it is being staffed by the Catholic Charities and United Way. He concluded by noting that there are roughly 65-80 guests a night, they are providing their own security, social distancing has been a bit of a challenge, and there is currently a need for volunteers and food donations.

In response to a questions from Councilmember Zasada, Mr. Frazen explained that when the contract expires on April 18th the shelter will move back to its original facility in Evans.

Roy Otto, City Manager, highlighted issues with the current wording of the City's Code as it relates to the enforcement of Emergency Ordinances. He then introduced Doug Marek, City Attorney, to discuss potential options.

Mr. Marek highlighted the three options before Council as it relates to changing the Code for enforcement of Emergency Orders along with their consequences and actions necessary. The following are the three options:

1. Change nothing with regard to the current enforcement of Emergency Orders
2. Enact an Ordinance
3. Enact an Emergency Ordinance

Councilmember Payton expressed his concern about any potential changes and added that he would need much more information about why it was necessary before considering it.

Councilmember Hall noted that he was not persuaded as to why the City needs to change anything at this point.

Councilmembers Fitzsimmons and Clark noted their agreement with Councilmembers Payton and Hall.

Mayor Gates expressed that he also favors changing nothing at this time noting that Consensus was therefore reached for staff to move forward with Option 1 as presented by Mr. Marek – no changes to the current enforcement of Emergency Orders.

Mr. Marek clarified that staff did not have a particular recommendation but just wanted to update Council on potential options for the future. He continued by discussing the enforcement of the stay-at-home order; briefly highlighted the parts of the order itself; and explained that the Police Department can enforce the order and must observe the violation before it can be enforced. He concluded by noting that the Police Department is not currently actively looking for violations.

Benjamin Snow, Economic Health and Housing Director, discussed community recovery strategies related to the COVID-19 outbreak. He provided an overview of the economic impacts of COVID-19, legislation passed by Congress to help, and lessons learned from the last recession. He continued by explaining the Coronavirus Aid, Relief, and Recovery (CARES) Act recently passed by Congress to help the economy and explained specifically where the money from that will be going. He then provided an overview of what the State and City are doing. Mr. Snow explained that the City has teamed up with local partners; conducted a survey of affected local businesses noting that the City will remain in touch with businesses and partners; and highlighted the result of the local business survey. He concluded by highlighting proposals for ways the City could provide relief until the CARES Act can be implemented. They include: centralized resources lines/helplines, repurposing redevelopment funds, creating a Greeley Business Recovery Fund, and partnering with local partners like the Chamber of Commerce and Downtown Development Authority (DDA).

In response to a questions from Councilmember Hall, Mr. Snow explained that he cannot quantify the need at this time. He added that the City has begun asking what concerns local businesses have, but the City does not yet know what/how much the needs are.

Councilmember Clark thanked staff for a job well done, and he added that he liked the idea of there being a Committee to determine the approval of relief applications suggesting that a member of Council serve on that committee.

In response to questions from Councilmember Payton, Mr. Snow explained that the City has spoken to local partners as it relates to fund matching for these relief efforts noting that no specific numbers have been agreed to yet. Mr. Snow added that the City has not spoken with partners outside of Greeley yet.

Councilmember Clark added to this by suggesting a potential regional approach to relief instead of just a City approach.

Councilmember Butler expressed that he fully supports the proposed plans.

In response to a question from Councilmember Zasada relating to the potential recovery funds being limited to payroll at longstanding businesses, Mr. Snow explained that the restrictions are currently just conceptual. He added that the idea behind the restrictions is to help build in some resilience and to help

businesses that, without COVID-19, would have been completely fine. He also reiterated that the City's relief efforts are meant to be bridge funds until the CARES Act can be fully implemented.

Councilmember Fitzsimmons expressed his support for the proposed plans.

Councilmember Payton inquired whether any City staff would be provided to support businesses going through the application process. Becky Safarik, Assistant City Manager, explained that there are staff members that have experience with this sort of work, but added that the Committee would do most of the work on the front end with the City taking over after an application was approved.

Councilmember Hall expressed his concerns about planning to repurpose funds when the City does not yet know what the need truly is. He also expressed his preference that the City add business rent assistance and that the City's assistance only be bridge funds until the CARES Act is fully implemented.

In response to a question from Mayor Gates, Ms. Safarik confirmed that the funds that have been targeted for use in the City's relief package could be converted to the City's General Fund if not used for relief purposes.

There was consensus from Council for staff to continue with their efforts in creating relief plans for local businesses in response to COVID-19.

Sharon McCabe, Human Resources Director, provided an overview of the Families First Coronavirus Response Act (FFCRA) and its impacts; described Emergency Paid Leave and Emergency FMLA provided for in this Act; and discussed the temporary layoff of employees in seasonal and temporary positions.

In response to a question from Mayor Gates, Ms. McCabe explained that in order for an employee to receive the Emergency Paid Leave or Emergency FMLA benefits their absence must be directly related to COVID-19.

Ms. Safarik discussed an amendment to the development agreement with the Downtown DoubleTree Hotel. She explained that the hotel ownership contacted the City asking that their required payments for this year be delayed. The City is recommending that this year's payment be broken up over the rest of the life of the repayment schedule. This action will be brought to Council at the April 7, 2020, meeting. The DDA will also be required to approve this action.

Mr. Otto briefly discussed the issues related to opening the City's municipal golf courses during the Governor's stay-at-home order.

Andy McRoberts, Culture, Parks and Recreation Director, described what other municipalities along the Front Range are doing with their golf course operations.

In response to a question from Councilmember Clark, Mr. McRoberts explained the pro-shops are not currently set up to accept online payments so they would need to be staffed.

Councilmember Zasada inquired whether it would be possible for golfers to pay with a credit card number over the phone. Mr. McRoberts explained that he would have to look into new protocols for that adding that they may not be able to do it immediately.

In response to a question from Councilmember Butler, Mr. McRoberts explained that there are some golf maintenance workers that have been temporarily laid off, but most golf course employees are contractual employees and not City employees.

Councilmembers Hall, Payton, Zasada, Fitzsimmons, and Clark all expressed that they are in favor to re-opening the City's municipal golf courses with the social distancing provisions that were in place before the stay-at-home order was enacted.

Councilmember Butler expressed his deep concerns about re-opening the City's municipal golf courses and explained why he does not support the action noting that there are other, more important things to be considering at this time besides golf.

Mayor Gates expressed his support of re-opening the golf courses with the social distancing provisions that are already in place adding that he likes the idea of going to credit card only payments.

Consensus was reached by Council to re-open the City's municipal golf courses with the parameters/restriction that were in place before the Governor's stay-at-home order was enacted with the addition of no longer accepting cash payments at courses. Council also requested that staff report back to Council as soon as possible with an update on how the courses are getting back up and running.

Mayor Gates thanked all City staff for everything they are doing to keep the City running during this difficult time.

5. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:36 p.m.

John Gates, Mayor

Jerry Harvey, Assistant City Clerk

Council Agenda Summary

April 7, 2020

Agenda Item Number 12

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Consideration of a resolution authorizing the City to enter into an Intergovernmental Agreement with the Colorado Department of Transportation for cost reimbursements for pipeline relocations near the Prospect Road interchange on Interstate 25 in Ft. Collins

Summary:

The Colorado Department of Transportation (CDOT) is implementing a project to make certain improvements to Interstate 25. This project will impact certain sections of Greeley's two existing 30" water pipelines to the extent that relocation will be required.

CDOT has agreed to pay for the costs for engineering design, construction work, and construction inspection. These costs will be reimbursed to the City through the attached intergovernmental agreement, known here as a Standard Utility Agreement (SUA). Construction is slated to begin immediately. Adequate funding is available in the Water New Construction fund for this project. The project estimated cost of \$4,749,043.26 will be reimbursed by CDOT.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$4,749,043.26
What is the annual impact?	None
What fund of the City will provide Funding?	405-Water New Construction
What is the source of revenue within the fund?	Plant Investment Fees, Bonds
Is there grant funding for this item?	Yes-Full Reimbursement by CDOT
If yes, does this grant require a match?	No
Is this grant onetime or ongoing?	One time
Additional Comments:	

Legal Issues:

None.

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.

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

Decision Options:

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

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution
Intergovernmental Agreement
PowerPoint Presentation

CITY OF GREELEY, COLORADO
RESOLUTION NO. _____, 2020

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR COST REIMBURSEMENTS FOR PIPELINE RELOCATIONS NEAR THE PROSPECT ROAD INTERCHANGE ON INTERSTATE 25 IN FT. COLLINS

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

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

WHEREAS, the City of Greeley (“City”) and the Colorado Department of Transportation (“CDOT”) desire to enter into an agreement to make improvements to the State Highway System (“Highway Improvements”); and

WHEREAS, it is necessary for CDOT to make certain Highway Improvements to Interstate 25 near the interchange with Prospect Road; and

WHEREAS, due to the needed Highway Improvements, the City will be required to relocate portions of two 30” waterlines throughout the project limits; and

WHEREAS, it is in the best interest of the citizens of the City of Greeley for Council to enter into an agreement for the reimbursement of funds expended by the City for said relocation.

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

Section 1. The City Council hereby authorizes the City to enter into an Intergovernmental Agreement entitled “Colorado Department of Transportation Standard Utility Agreement,” a copy of which is attached hereto and incorporated herein as Exhibit A.

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

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

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF _____, 2020.

THE CITY OF GREELEY, COLORADO

Attest:

By: _____
Mayor

By: _____
City Clerk

STATE OF COLORADO

STANDARD UTILITY AGREEMENT (“SUA”)

COVER PAGE

State Agency Department of Transportation	Contract Number 20-HA4-ZK-03015
Utility Owner City of Greeley	Contract Performance Beginning Date The Effective Date (Controller signature date; noted herein)
Contract Maximum Amount \$4,749,043.26	Initial Contract Expiration Date June 30, 2022
This Agreement is for: ☐ Engineering Design ☒ Construction Work ☒ Construction Inspection	
Project # IM 0253-255 & FBR 0253-261 Subaccount/WBS # 21506 & 22248 Location: I-25 Express Lanes; Segment 7&8 SC #700105430 & 700105432	
Contract Purpose The Owner shall relocate the 30” Waterlines (1 & 3) in order to eliminate a construction conflict with the proposed roadway construction that will be impacted by the project bounds of the I-25 Express Lanes Project (Segments 7 & 8), located at Prospect Rd. and I-25.	
Exhibits and Order of Precedence The following Exhibits and attachments are included with this Contract: 1. Exhibit A – Relocation Details (Agreement Details and Task Overview) and Owner’s Cost Estimate 2. Exhibit B – Owner’s Preliminary Plans 3. Exhibit C – Sample Option Letter 4. Exhibit D – Utility Relocation Agreement (18-HA4-XE-00015) In the event of a conflict or inconsistency between this Contract and any Exhibit or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority: 1. Title 23, Code of Federal Regulations, Part 645; 2. Colorado Special Provisions in §22 of the main body of this Contract and Mutual Governmental Immunity §22;. 3. Exhibit D, Utility Relocation Agreement, Effective January 4, 2018 4. 2 CCR 601-18 (“Highway Utility Accommodation Code) to the extent not preempted by the URA; 5. The provisions of the other sections of the main body of this Contract; 6. Exhibit A, Relocation Details and Owner’s Cost Estimate; 7. Exhibit B, Owner’s Preliminary Plans; 8. Exhibit C, Executed Option Letter(s).	
Principal Representatives For the State: David Torrez, Regional Utility Engineer Region 4, Utility Program 10601 10th St. Greeley, CO 80634 Phone: 970.350.2111 Email: david.torrez@state.co.us For Utility Owner: Dan Moore, Project Manager City of Greeley 1100 10th St. Greeley, CO 80631 Phone: 970.350.9814 Email: dan.moore@greeleygov.com	

SIGNATURE PAGE

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

Each person signing this Contract represents and warrants that the signer is duly authorized to execute this Contract and to bind the Party authorizing such signature.

City of Greeley, Colorado: APPROVED AS TO SUBSTANCE: By: _____ Name: <u>Roy Otto</u> Title: <u>City Manager</u> APPROVED AS TO LEGAL FORM: By: _____ Name: <u>Douglas Marek</u> Title: <u>City Attorney</u> APPROVED AS TO AVAILABILITY OF FUNDS: By: _____ Name: <u>Renee Wheeler</u> Title: <u>Director of Finance</u>	STATE OF COLORADO Jared S. Polis, Governor Department of Transportation Shoshona M. Lew, Executive Director _____ By: Stephen Harelson, P.E., Chief Engineer Date: _____
In accordance with §24-30-202, C.R.S., this Contract is not valid until signed and dated below by the State Controller or an authorized delegate. STATE CONTROLLER Robert Jaros, CPA, MBA, JD By: _____ Department of Transportation Effective Date: _____	

THIS “AGREEMENT” or “Contract” is between the State of Colorado acting by and through Colorado Department of Transportation (“State” or “CDOT”) and City of Greeley (“Owner”).

RECITALS:

1. It is necessary for CDOT to reimburse Owner for an early relocation within the State Highway System (the “Highway Improvements”) which are located within Weld County, on Interstate Highway 25 at Prospect Rd.
2. This Agreement shall supplement the previously executed Utility Relocation Agreement (“URA”), number 18-HA4-XE-00015, 351001420, and supplement the Work Order process defined therein to outline the obligations between CDOT and the Owner defining the obligations to relocate, adjust, or install utility facilities (“the Work”), which is generally described as follows:

The Owner shall relocate the 30” Waterline (1 & 3) in order to eliminate a construction conflict with the proposed roadway construction that will be impacted by the project bounds of the I-25 Express Lanes Project (Segments 7 & 8), located at Prospect Rd. and I-25.

3. Authority exists in law and funds have been budgeted, appropriated, and otherwise made available by CDOT for the Work.
4. All citations to rules, codes, documents, and laws refer to the most recent versions.
5. The Owner’s Preliminary Plans (see Exhibit B) outline the Work. The Owner shall prepare detailed plans in conformance with Part 645, Subpart A of Title 23, Code of Federal Regulations (23 CFR 645A).
6. CDOT is authorized to pay the Owner for the performance of the Work pursuant to Sections 43-1-225, CRS or 43-1-208, CRS.
7. CDOT and the Owner must comply with 23 CFR 645 and 2 CCR 601-18 (“Highway Utility Accommodation Code); to obtain federal participation in the costs of the Work, to the extent not preempted by the URA and provisions contained therein.
8. CDOT and the Owner desire to complete the Work as soon as possible.

NOW THEREFORE, THE PARTIES AGREE:

1. **Intentionally Omitted.**
2. **Effective Date; Notice of Non-liability; Notice to Proceed.** This Agreement shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (the “Effective Date”). The State shall not be liable to pay or reimburse Owner for any performance hereunder, including but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date. CDOT will issue a written notice to proceed (“Notice to Proceed”) authorizing the Owner to proceed with the Work on or after the Effective Date. The Owner shall not begin performance of the Work until receipt of the written Notice to Proceed from CDOT. Upon receipt of written Notice to Proceed, the Owner shall diligently perform the Work without interfering with the Highway Improvements or causing avoidable delay. The Owner shall perform the Work in accordance with all terms and conditions of this Agreement.
3. **Timeframe for Completion of Work.** The Owner shall coordinate the Work with the Highway Improvements’ construction, as directed by CDOT, and shall complete the Work no later than June 30, 2022. Any changes to the Timeframe shall be formalized in a bilaterally executed Amendment to this Agreement.
4. **Reimbursement.** In accordance with Exhibit D.
5. **Determination of Work Costs.** In accordance with Exhibit D.
6. **Work Costs In Excess of Original Estimate.** If during the performance of the Work, the Owner discovers that estimated Work Costs (see Exhibit A) are undervalued, the Owner must obtain an Option Letter (see Exhibit C) or other amendment to this Agreement. CDOT will not pay for Work or Work Costs incurred prior to that Work or Work Cost being authorized on a fully executed document, such as this Agreement, an Option Letter, or other amendment to this Agreement. The Owner must itemize all Work Cost increases on the final billing.
7. **Timeframe for Submission of Billings.** In accordance with Exhibit D.

8. **Separate Invoice for Easements.** In accordance with Exhibit D.
9. **Salvage Value of Materials Removed.** In accordance with Exhibit D.
10. **Recording Costs.** In accordance with Exhibit D.
11. **Records Retention.** In accordance with Exhibit D.
12. **Audit, Inspection of Records, and Monitoring.** In accordance with Exhibit D.
13. **Term of Agreement.** In accordance with Exhibit D.
14. **Early Termination in the Public Interest.** In accordance with Exhibit D.
15. **Early Termination for Cause.** In accordance with Exhibit D.
16. **Intentionally Omitted.**
17. **Option Letter.** CDOT may increase or decrease payment for Work Costs pursuant to this Agreement by using an Option Letter for this Agreement substantially similar to Exhibit C. Any other modifications not within the terms of this Paragraph must be executed by formal amendment to the Agreement.
18. **Federal/State Requirements.** In accordance with Exhibit D.
19. **Legal Authority.** In accordance with Exhibit D.
20. **Counterparts.** This Contract may be executed in multiple, identical, original counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.
21. **Mutual Governmental Immunity.** Liability for claims for injuries to persons or property arising from the negligence of the State and Owner, their respective departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, et seq. C.R.S. No term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.
22. **Special Provisions (effective. 11/1/2018).** These Special Provisions apply to all contracts except where noted in italics.

A. STATUTORY APPROVAL. §24-30-202(1), C.R.S.

This Contract shall not be valid until it has been approved by the Colorado State Controller or designee. If this Contract is for a Major Information Technology Project, as defined in §24-37.5-102(2.6), then this Contract shall not be valid until it has been approved by the State's Chief Information Officer or designee.

B. FUND AVAILABILITY. §24-30-202(5.5), C.R.S.

Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

C. GOVERNMENTAL IMMUNITY.

Liability for claims for injuries to persons or property arising from the negligence of the State, its departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the

State's risk management statutes, §§24-30-1501, et seq. C.R.S. No term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

D. INDEPENDENT CONTRACTOR

Contractor shall perform its duties hereunder as an independent contractor and not as an employee. Neither Contractor nor any agent or employee of Contractor shall be deemed to be an agent or employee of the State. Contractor shall not have authorization, express or implied, to bind the State to any agreement, liability or understanding, except as expressly set forth herein. **Contractor and its employees and agents are not entitled to unemployment insurance or workers compensation benefits through the State and the State shall not pay for or otherwise provide such coverage for Contractor or any of its agents or employees. Contractor shall pay when due all applicable employment taxes and income taxes and local head taxes incurred pursuant to this Contract. Contractor shall (i) provide and keep in force workers' compensation and unemployment compensation insurance in the amounts required by law, (ii) provide proof thereof when requested by the State, and (iii) be solely responsible for its acts and those of its employees and agents.**

E. COMPLIANCE WITH LAW.

Contractor shall comply with all applicable federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. CHOICE OF LAW, JURISDICTION, AND VENUE.

Colorado law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Contract. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. All suits or actions related to this Contract shall be filed and proceedings held in the State of Colorado and exclusive venue shall be in the City and County of Denver.

G. PROHIBITED TERMS.

Any term included in this Contract that requires the State to indemnify or hold Contractor harmless; requires the State to agree to binding arbitration; limits Contractor's liability for damages resulting from death, bodily injury, or damage to tangible property; or that conflicts with this provision in any way shall be void ab initio. Nothing in this Contract shall be construed as a waiver of any provision of §24-106-109 C.R.S.

H. SOFTWARE PIRACY PROHIBITION.

State or other public funds payable under this Contract shall not be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Contractor hereby certifies and warrants that, during the term of this Contract and any extensions, Contractor has and shall maintain in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Contractor is in violation of this provision, the State may exercise any remedy available at law or in equity or under this Contract, including, without limitation, immediate termination of this Contract and any remedy consistent with federal copyright laws or applicable licensing restrictions.

I. EMPLOYEE FINANCIAL INTEREST/CONFLICT OF INTEREST. §§24-18-201 and 24-50-507, C.R.S.

The signatories aver that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in this Contract. Contractor has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of Contractor's services and Contractor shall not employ any person having such known interests.

J. VENDOR OFFSET AND ERRONEOUS PAYMENTS. §§24-30-202(1) and 24-30-202.4, C.R.S.

[Not applicable to intergovernmental agreements] Subject to §24-30-202.4(3.5), C.R.S., the State Controller may withhold payment under the State's vendor offset intercept system for debts owed to State agencies for: **(i)** unpaid child support debts or child support arrearages; **(ii)** unpaid balances of tax, accrued interest, or other charges specified in §§39-21-101, *et seq.*, C.R.S.; **(iii)** unpaid loans due to the Student Loan Division of the Department of Higher Education; **(iv)** amounts required to be paid to the Unemployment Compensation Fund; and **(v)** other unpaid debts owing to the State as a result of final agency determination or judicial action. The State may also recover, at the State's discretion, payments made to Contractor in error for any reason, including, but not limited to, overpayments or improper payments, and unexpended or excess funds received by Contractor by deduction from subsequent payments under this Contract, deduction from any payment due under any other contracts, grants or agreements between the State and Contractor, or by any other appropriate method for collecting debts owed to the State.

K. PUBLIC CONTRACTS FOR SERVICES. §§8-17.5-101, *et seq.*, C.R.S.

[Not applicable to agreements relating to the offer, issuance, or sale of securities, investment advisory services or fund management services, sponsored projects, intergovernmental agreements, or information technology services or products and services] Contractor certifies, warrants, and agrees that it does not knowingly employ or contract with an illegal alien who will perform work under this Contract and will confirm the employment eligibility of all employees who are newly hired for employment in the United States to perform work under this Contract, through participation in the E-Verify Program or the State verification program established pursuant to §8-17.5-102(5)(c), C.R.S., Contractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract or enter into a contract with a Subcontractor that fails to certify to Contractor that the Subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract. Contractor **(i)** shall not use E-Verify Program or the program procedures of the Colorado Department of Labor and Employment ("Department Program") to undertake pre-employment screening of job applicants while this Contract is being performed, **(ii)** shall notify the Subcontractor and the contracting State agency or institution of higher education within 3 days if Contractor has actual knowledge that a Subcontractor is employing or contracting with an illegal alien for work under this Contract, **(iii)** shall terminate the subcontract if a Subcontractor does not stop employing or contracting with the illegal alien within 3 days of receiving the notice, and **(iv)** shall comply with reasonable requests made in the course of an investigation, undertaken pursuant to §8-17.5-102(5), C.R.S., by the Colorado Department of Labor and Employment. If Contractor participates in the Department program, Contractor shall deliver to the contracting State agency, Institution of Higher Education or political subdivision, a written, notarized affirmation, affirming that Contractor has examined the legal work status of such employee, and shall comply with all of the other requirements of the Department program. If Contractor fails to comply with any requirement of this provision or §§8-17.5-101, *et seq.*, C.R.S., the contracting State agency, institution of higher education or political subdivision may terminate this Contract for breach and, if so terminated, Contractor shall be liable for damages.

L. PUBLIC CONTRACTS WITH NATURAL PERSONS. §§24-76.5-101, *et seq.*, C.R.S.

Contractor, if a natural person eighteen (18) years of age or older, hereby swears and affirms under penalty of perjury that Contractor **(i)** is a citizen or otherwise lawfully present in the United States pursuant to federal law, **(ii)** shall comply with the provisions of §§24-76.5-101, *et seq.*, C.R.S., and **(iii)** has produced one form of identification required by §24-76.5-103, C.R.S. prior to the Effective Date of this Contract.

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Exhibit A: Relocation Details and Owner's Estimate

I: Utility Agreement Details:

n/a	If an option in this chart is not applicable, mark "n/a" in the left column.		
This Agreement provides for reimbursement of the following costs:			
Cost Type	Work to be performed by:	Or: (Check both (owner & consultant), if applicable)	
☐ Preliminary Engineering	☐ Owner	☐ Consultant	
☒ Construction Traffic	☐ Owner	☒ Sub-Contractor (i.e. contractor working on behalf of Utility Owner)	
☒ Construction Engineering/Inspection	☒ Owner	☐ Consultant	
Existing utilities in conflict with highway construction are: ☐ on an existing right of way ☐ on right of way CDOT will acquire or has since acquired			
Adjusted and/or relocated utilities will be located: ☐ within CDOT right of way ☐ within an easement of the Owner			
Proof of real property interest or eligibility for reimbursement is: ☐ Recorded title in County: book: page:			
☐ Affidavit (attached) Form #:			
☐ Local Ordinance #:			
☐ Easement (copies attached, include in Exhibit A)			
☒ Governmental subdivision (§43-1-225, C.R.S.)			
A consultant was retained through: ☐ Competitive negotiation (attach certification of consultant) ☐ Existing ongoing written Agreement (attach certification of consultant)			
A construction Sub-Contractor was or will be selected through: ☐ Competitive bidding ☐ existing ongoing written Agreement			
List any low-cost, incidental work (e.g. tree-trimming, x-ray weld inspection, etc.) to be reimbursed under this Agreement which will be awarded without competitive bidding (or check not applicable box): ☒ Not applicable			
If CDOT and the Owner are each responsible for a share of the total relocation costs, the estimate and subsequent billings will be based on (and option documented in Estimate): ☐ Actual costs attributable to CDOT ☐ Total work adjusted to CDOT's pro-rata share			
The work will involve: ☐ Replacement of a building, pumping station, substation, or any other similar unit (include credit for expired service life in Estimate).			
☐ Betterment of a facility, other than one required by current industry codes or standards (include credit for betterment in Estimate).			
☐ Recovery of materials for later reuse by Owner (include credit in Estimate for salvage exceeding \$5,000 at current stock prices).			

II. Utility Task Overview and Details of Work Reimbursable by the Agreement (include any easements, if applicable)

City of Greeley shall relocate 30 inch Waterline (1 and 3) at Prospect Rd. These Waterlines are located at Prospect Rd. and I-25 and included within CDOT's Phase 7 & 8 of the North 25 Project. City of Greeley has hired a sub-contractor to complete the waterline relocation on its behalf, detailed in Part III of this Exhibit A, Owner Estimate.

Connell Resources, Inc.

7785 Highland Meadows Pkwy, #100

Fort Collins, CO 80528

Phone: (970) 223-3151

Fax: (970) 223-3191

Estimator: Roland Tremble

Exhibit A, Part III: Owner Estimate



BUDGET FOR COST

Date: 12/6/2019

Submitted To: City Of Greeley	Budget Title: Greeley Relocation Of Waterlines 1 And 3 At Prospect Road
Address: 1000 10th Street Greeley, CO 80631 UNITED STATES	Budget Number: Revision 1.2
Contact: Dan Moore	Project Location: Prospect And I-25
Phone: 970-350-9826	Project City, State: Fort Collins, CO
Fax:	Engineer/Architect:

We have prepared for your information the following items for budget evaluation purposes for the referenced project. This budget includes conceptual quantities, resource costs, scope-of-work and schedules and therefore may not completely represent all items of work or cost ultimately necessary for completion of the project. This budget was prepared using reasonable skill and judgment, but is not an offer to perform the Work described.

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
A. General Conditions					
A-1	Mobilization / Demobilization: Includes Potholing, Staging Yard, Trailer, And Removal, Project Management And Onsite Management	1.00	LS	\$182,452.16	\$182,452.16
A-2	Permit Fees / Other Reimbursible Allowances Includes Survey And Compaction Testing For Construction	0.00	LS	\$1,000.00	\$0.00
A-3	Traffic Control For Frontage Road Only (excludes Mainline Highway Work)	1.00	LS	\$8,445.00	\$8,445.00
Total Price for above A. General Conditions Items:					\$190,897.16
B. Earthwork					
B-1	Erosion And Sediment Controls	1.00	LS	\$26,738.62	\$26,738.62
B-2	Clearing And Grubbing	1.00	LS	\$5,631.89	\$5,631.89
B-3	Topsoil Stripping And Storing	1.00	LS	\$17,234.40	\$17,234.40
Total Price for above B. Earthwork Items:					\$49,604.91
C. Demolition					
C-1	Demolition, Including Underground Pipe And Valve Removal	1.00	LS	\$10,143.92	\$10,143.92
C-2	Underground Pipe Abandonment In Place, Filled With Flashfill	3,955.00	LF	\$26.53	\$104,926.15
Total Price for above C. Demolition Items:					\$115,070.07
D. Dewatering					
D-1	Dewatering, Includes Deep Wells And Stabilization Gravel	1.00	LS	\$311,159.38	\$311,159.38
Total Price for above D. Dewatering Items:					\$311,159.38
E. Tunnel Set Up					
E-1	Tunnel Launch And Recieving Pits	1.00	LS	\$163,333.00	\$163,333.00
E-2	Cost For Monitoring And Engineering For Tunnel (utility Crossings Only, Excludes Highway Monitoring)	1.00	LS	\$42,259.53	\$42,259.53
Total Price for above E. Tunnel Set Up Items:					\$205,592.53
F. Waterline					
F-01	30" Diameter Steel Pipe Installed In Trenches (Leave Excess Material Onsite)	3,761.00	LF	\$299.25	\$1,125,479.25
F-02	30" Diameter Steel Pipe, Installed In Tunnel	350.00	LF	\$3,796.00	\$1,328,600.00
F-03	30" Steel Waterline Connection To 30" Ductile Iron Pipe	3.00	EACH	\$18,393.01	\$55,179.03
F-04	30" Steel Waterline Connection To 27" Ductile Iron Pipe	1.00	EACH	\$37,620.75	\$37,620.75
F-05	30" Diameter Steel Bends 10 Degree Or Smaller, Material Only	4.00	EACH	\$1,950.00	\$7,800.00
F-06	30" Steel Bends Larger Than 10 Degree, Material Only	14.00	EACH	\$3,771.43	\$52,800.02
F-07	Combination Air Vac Relief Valves And Vaults Including Appurtenances	6.00	EACH	\$17,117.98	\$102,707.88

Exhibit A, Part III: Owner Estimate

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
F-08	Blowoff Valves And Vaults Including Appurtenances	2.00	EACH	\$20,335.12	\$40,670.24
F-09	30" Gate Valves, Installed	3.00	EACH	\$52,637.98	\$157,913.94
F-10	24" Crossover Gate Valve Assembly Installed	1.00	LS	\$64,887.12	\$64,887.12
F-11	Cathodic Protection	1.00	LS	\$60,215.61	\$60,215.61
F-12	Pipeline Flushing And Pressure Testing	1.00	LS	\$24,287.03	\$24,287.03
F-13	Pipeline Disinfection	4,110.00	LF	\$6.22	\$25,564.20
Total Price for above F. Waterline Items:					\$3,083,725.07
G. Surface Replacement					
G-1	Asphalt Replacement	105.00	TON	\$176.23	\$18,504.15
G-2	Surface Restoration And Revegetation	1.00	LS	\$19,883.78	\$19,883.78
G-3	Fencing Replacement (Allowance)	1.00	LS	\$10,000.00	\$10,000.00
Total Price for above G. Surface Replacement Items:					\$48,387.93
Z. CMAR Contingency, Markup, Bond					
Z-01	Contract Contingency (0%) Applied To Total Cost Of Work	1.00	LS	\$0.00	\$0.00
Z-02	Contract Markup (17%) Applied To Cost + Contingency	1.00	LS	\$680,754.30	\$680,754.30
Z-03	Bond (1%) Applied To Cost + Contingency + Markup	1.00	LS	\$46,851.91	\$46,851.91
Total Price for above Z. CMAR Contingency, Markup, Bond Items:					\$727,606.21
Total Bid Price:					\$4,732,043.26

- Notes:**
- Pricing is based upon plans entitled "Greeley partial relocation of waterlines 1 and 3 North interstate 25 & Prospect road" dated July 2019, as prepared by AECOM, and Specifications dated July 13, 2019, as prepared by AECOM
 - The following are excluded from this proposal: Engineering; Drainage facility certification; Warrantee period in excess of Two years; Street cleaning for work performed by others; Maintenance of erosion control devices after final seeding; quality acceptance testing; prairie dog removal, relocation, or extermination; landscaping; more than 10 weekly monitoring trips for settlement monitoring.
 - Material prices for pipeline Items are guaranteed for a period of 30 days from the date shown on the top of this quote. After 30 days the material prices may change the unit prices quoted.
 - All work is contingent on the availability of construction water, access to the work, a mutually agreeable schedule, and a completed work order based on the current Greeley CMAR agreement.
 - Please provide a minimum of 4 weeks advanced notification of work requests to allow for scheduling the work. No work will be completed without a signed Contract Agreement
 - Frost removal or winter protection is not included. If requested, it will be billed either on a time and material basis or a lump sum amount that is mutually agreed upon.
 - Asphalt cement suppliers are adjusting pricing monthly. Asphalt cement prices are subject to adjustment.
 - Environmental site assessment / mitigation of hazardous or contaminated materials is excluded. Treatment or testing for contaminated groundwater is specifically excluded.

Total Bid Estimate **\$4,732,043.26**

Greeley Inspection and Oversight
Inspection Estimate: 120 hours at \$75/hour \$9,000
Project Oversight Estimate: 80 hours at \$100/hour \$8,000
Estimate and Oversight Sub-Total **\$17,000**

Grand Total SUA Estimate \$4,749,043.26

Exhibit B: Preliminary Plans

AECOM

PROJECT

Greeley Waterline
Replacement
North Interstate 25 &
Prospect Road

CLIENT



City of Greeley
Water and Sewer Department
1001 9th Ave.
Greeley, CO 80631

CONSULTANT

AECOM
6200 S Quebec St.
Greenwood Village, CO 80111
T 1-303-740-2600 F 1-303-694-3926
www.aecom.com

REGISTRATION

ISSUE/REVISION

I/R	DATE	DESCRIPTION
C	JULY 2019	100% ISSUE FOR BID, REVISION
B	MAY 2019	100% ISSUE FOR BID, REVISION
A	OCT. 2018	100% ISSUE FOR BID
I/R	DATE	DESCRIPTION

PROJECT NUMBER

60555613

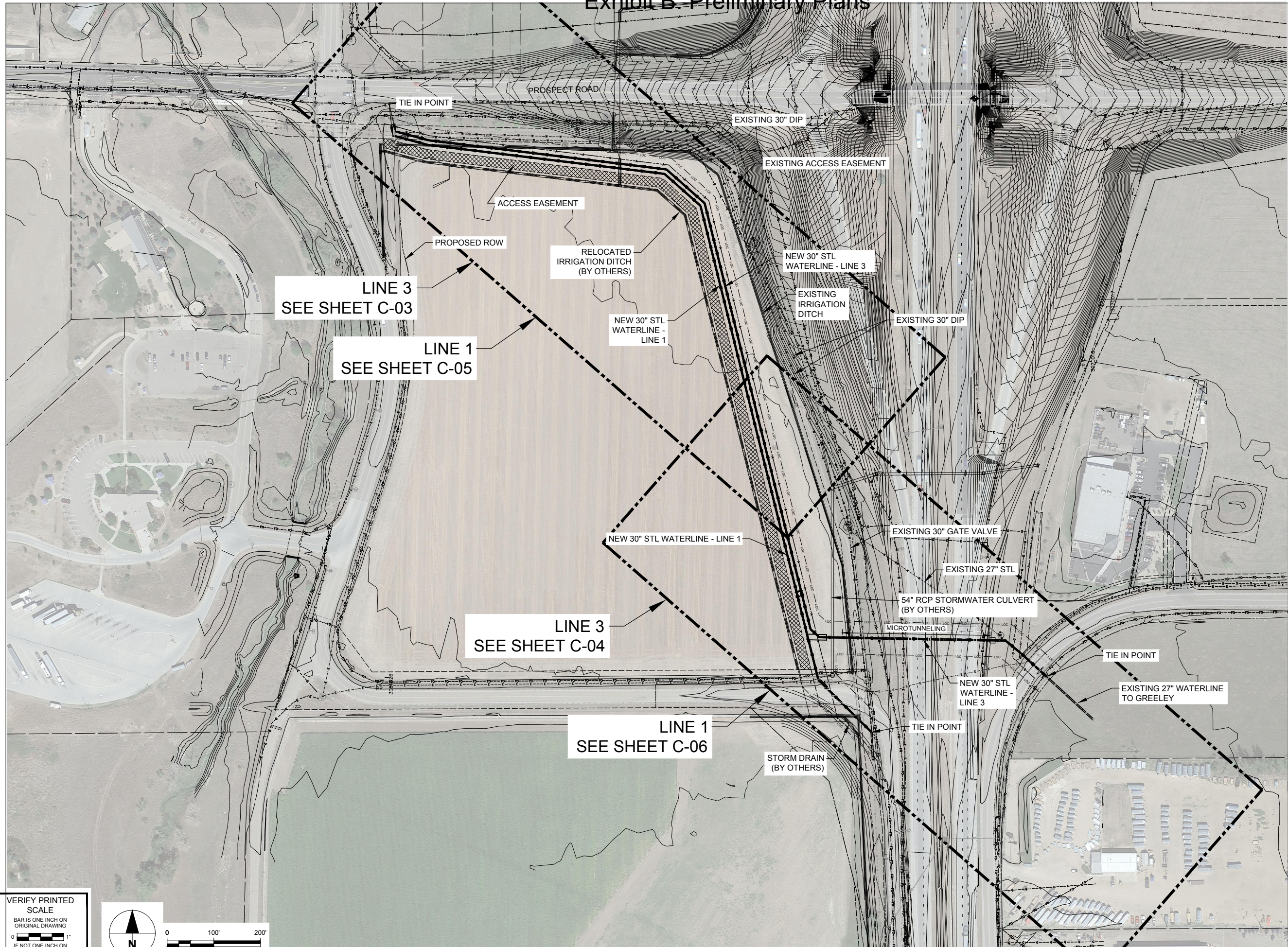
SHEET TITLE

KEY MAP

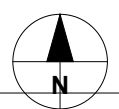
SHEET NUMBER

C-02

46



VERIFY PRINTED
SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON
THIS SHEET ADJUST
SCALE ACCORDINGLY



0 100' 200'
1" = 100'

Exhibit C: Sample Option Letter

PO #:
 Routing #:

SAMPLE OPTION LETTER

NOTE: This option is limited to the specific Agreement scenario listed below AND cannot be used in place of exercising a formal amendment.

FY:	Old Routing #	Old PO#
Option Letter No. 1	New Routing #	New PO# (if applicable)

A. FUNDING LEVEL UPDATE: Revised OWNER'S COST ESTIMATE (see Exhibit A-1) is attached.

B. REQUIRED PROVISIONS: In accordance with Paragraph 17 of the original Agreement between the State of Colorado, acting by and through the Colorado Department of Transportation ("CDOT") and _____ (the "Owner"), dated _____ ("Agreement"), CDOT hereby exercises its option to increase/decrease Work Costs (as defined in Paragraph 5 of the Agreement) based on changes in the Work as specified on the attached revised Owner's Cost Estimate on Exhibit A-1. Exhibit C to the Agreement is hereby deleted in its entirety and Exhibit A-1 is hereby incorporated by reference into the Agreement.

The amount of Work Costs is increased by \$ _____ to a new Agreement value of \$ _____ as consideration for Work ordered under the Agreement. Paragraph 5 Determination of Work Costs in the Agreement is hereby modified accordingly. The total Agreement value including all previous amendments, option letters, etc is \$ _____.

The Effective date of this Option Letter is upon approval of CDOT Controller or delegate, whichever is later.

STATE OF COLORADO

Jared S. Polis, Governor

By: _____
 for the Executive Director
 Colorado Department of Transportation

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

§24-30-202, C.R.S. requires the State Controller to approve all State Contracts. This Contract is not valid until signed and dated below by the State Controller or delegate. The Owner is not authorized to begin performance until such time. If the Owner begins performing prior thereto, the State of Colorado is not obligated to pay the Owner for such performance or for any goods and/or services provided hereunder.

STATE CONTROLLER

Robert Jaros, CPA, MBA, JD

By: _____
 Colorado Department of Transportation

Date: _____

Exhibit D: Utility Relocation Agreement, Effective January 4, 2018

CMS No.: Routing #18-HA4-XE-00015
OLA #351001420

CDOT NORTH I-25 EXPRESS LANES JOHNSTOWN TO FORT COLLINS PROJECT UTILITY RELOCATION AGREEMENT

This UTILITY RELOCATION AGREEMENT ("URA") is made and entered into, effective as of the date of CDOT's signature, by and between the Colorado Department of Transportation, a division of the State of Colorado created pursuant to the Transportation Act, C.R.S. § 43-1-101, *et seq.*, ("Department" or "CDOT" or "State") and the City of Greeley, a municipal corporation ("Owner"). CDOT and Owner may hereinafter be referred to collectively as "Parties" or individually as "Party."

RECITALS

WHEREAS, CDOT is authorized under C.R.S. § 43-1-101, *et seq.* to plan, develop, construct, coordinate, and promote an integrated transportation system in cooperation with the federal, regional, local and other state agencies; and

WHEREAS, CDOT is undertaking the design, and construction, of the project identified as the North I-25 Express Lanes Johnstown to Fort Collins Project (the "Project"), in cooperation with the Design Build Contractor and CDOT, which Project will require certain utility relocation work; and

WHEREAS, in order to provide a saving of time, cost and administrative burden; improve quality expectations with respect to the schedule and budget of for the Project, and reduce the risks associated with the Project, including duplication of expenses and improved coordination of efforts of the various entities involved on the Project, CDOT will undertake all utility relocation work for the Project and

WHEREAS, C.R.S. § 43-1-1411 authorizes CDOT to enter into project specific utility relocations agreements on design-build projects; and

WHEREAS, increased coordination between Parties and prompt performance of such utility relocation work within an adopted plan schedule is in the public interest and will reduce delays and costs of construction for all Parties; and

WHEREAS, to accomplish that purpose, Parties now desire to enter into this URA, which is one of the utility relocation agreements which provides for the scheduling and timely performance of the Project construction and utility relocation work necessitated by construction of the Project; and

WHEREAS, CDOT and CDOT staff are authorized to act on behalf CDOT in all manners relating to this URA, including, but not limited to negotiating the cost of utility relocations, negotiating terms of Work Orders, accepting utility work if applicable and negotiating disputes and claims; and

WHEREAS, this URA does not commit any present funding by any Party and is subject to future budgeting, authorization and appropriation processes, as applicable, and is to be implemented through a work-order process.

NOW THEREFORE, the Parties hereto agree as follows:

Exhibit D: Utility Relocation Agreement, Effective January 4, 2018

AGREEMENTS

1) **DEFINITIONS.** Unless the context otherwise requires, initially capitalized terms shall have the meanings prescribed to them:

Abandonment means (i) the relinquishment by Owner of all right, title, claim and possession of a Utility and (ii) the Utility Work, as governed by Owner, CDOT, and industry procedures that is necessary to retire a Utility from service but not physically remove the Utility from its installed location. Owner may not Abandon Utilities within Project ROW or other CDOT property without CDOT's consent or within Public Lands without landowner's consent, as evidenced by CDOT's signature on the Work Order or written agreement of public landowner.

Betterment means the upgrading (e.g., increase in capacity) of a Utility that is not attributable to construction of a Project and is made solely for the benefit of and at the election of Owner (not including a technological improvement which is able to achieve such upgrade at costs equal to or less than the costs of a "like-for-like" replacement or Relocation). The use of new materials or compliance with Owner's Relocation Standards in the performance of Relocation is not considered a Betterment.

Buy America Act or *Buy America* refers to the requirements mandated by Buy America Act, 23 U.S.C. § 313 (FHWA statutory provisions) Buy America Regulations, 23 CFR § 635.410 (FHWA regulatory provisions), and FHWA memoranda interpreting Buy America or Buy America Requirements.

Constructing Party means the Party designated on the Work Order as being responsible for construction of a Relocation.

Contractor(s) means the contractors, consultants, and subcontractors, whether hired by CDOT, Design Build Contractor, or Owner, undertaking the design or construction of a Relocation.

Cost of Relocation means the entire amount to be paid for Utility Work that is properly attributable to the Relocation after deducting from that amount the cost of any Incidental Utility Work, Betterments, Excluded Environmental Work, Depreciation Value, and/or Salvage Value, as applicable.

Depreciation Value means the amount of credit to a Project required for the accrued depreciation of a Utility based upon the ratio between the period of actual length of service and total life expectancy applied to the original cost. For the purposes of Depreciation Value, "Utility" shall not be construed to include a segment of Owner's service, distribution and/or transmission lines.

Design Build Contractor means the organization(s) or consortium(s) contracted by either directly or through CDOT, to design/build the Project, and their contractors, successors, and assigns.

Designing Party means the Party designated on the Work Order as being responsible for design of Relocation.

Discovery means physical discovery of an undocumented utility communicated by CDOT or their contractors, agents, or employees verbally or in writing to the Owner's designated project representative or, if no representative has been designated, to the chief engineer or equivalent. Any verbal communication of a Discovery shall be followed by written notice.

Documentary Evidence means all documentation, including without limitation, photographs, maps, or Owner's records, showing installation, maintenance or operation of facilities by Owner or their predecessors in interest that is provided by Owner to support Owner claims of rights by prescription, adverse possession or other legal theory established by use.

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Environmental Laws means all federal, state, county, municipal, local and other statutes, laws, ordinances, and regulations that relate to or deal with human health and the environment, as may be amended from time to time, and which govern handling of materials necessary for or generated by Utility Work and/or mandate removal of materials as a result of conditions discovered at the Utility site.

Environmental Work means tasks, duties and obligations necessary to comply with Environmental Laws.

Excluded Environmental Work has the meaning prescribed to it in Article 7(d)(iii).

Force Majeure means fire; explosion; action of the elements; strike; interruption of transportation; rationing; shortage of labor, equipment or materials; court action; illegality; unusually severe weather; act of God; act of war; terrorism; or any other event or cause that is beyond the reasonable control of the Party performing Utility Work on a Relocation (including the failure of the other Party (including their Contractors), a relevant permitting authority, or any other third-party contractor, to perform any task as the result of such a *Force Majeure* event, which task is prerequisite to the Party claiming *Force Majeure* timely performing under this URA) to the extent that the event or cause could not have been mitigated or prevented by that Party acting reasonably.

Hazardous Materials means petroleum products and fractions thereof, asbestos, asbestos-containing materials, polychlorinated biphenyls, medical waste, radioactive materials, solid waste, and all other dangerous, toxic or hazardous pollutants, contaminants, chemicals, substances and wastes listed or identified in, or regulated by all applicable Environmental Laws, and any excavated soil, debris, or groundwater that is contaminated with such materials.

Incidental Utility Work means tasks performed by any Party that (i) are duplicative of Utility Work undertaken by the Designing or Constructing Party's Contractors (such as design review where the Designing Party's Contractor has created the design), including without limitation, each of the items referenced in (ii); or (ii) are staff or consultant time expended on: exchange and review of documentation with respect to identifying Utilities or unidentified utilities; meetings, whether internal or with the other Party or other affected utility owners, jurisdictions, federal and state agencies, organizations or special districts or other affected third parties; procurement of and coordination with Contractors; coordination and interfacing of Owner's Relocation schedule with the Project design and construction schedules; cooperation with one another's staff or Contractors or with other Project stakeholders (including other affected utility owners, jurisdictions, federal and state agencies, organizations or special districts); preparation, negotiation and execution of Work Orders and Work Order exhibits; review of legal descriptions; review and acceptance of Relocation Plans; and construction inspection and acceptance. No Party shall be reimbursed for costs incurred or time expended in performing Incidental Utility Work.

Permission means any permission, including without limitation, temporary construction permissions, construction permits, regulatory permission, and/or local agency utility permit that may be necessary to construct, operate, and maintain Owner's utility facilities, including any appurtenances thereto, in any particular location.

Project means the North I-25 North Express Lanes Johnstown to Fort Collins Project between SH-402 and SH-14. The Project is deemed to include, without limitation, the highway construction, Intelligent Transportation System (ITS) facilities, bridges, interchanges, drainage and permanent water quality features, and certain system-wide improvements necessary for operation of the Project.

Project Commencement means the commencement of work on the Project by the Design Build Contractor.

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Project Plans means the detailed maps, drawings, plans, and profiles of the Project.

Project Right-of-Way or *Project ROW* means real property (which term is inclusive of all estates and interests in real property, including Public Lands but exclusive of temporary construction Permissions) owned or controlled by CDOT or owned and controlled by the City of Ft. Collins, City of Loveland, Larimer County, Town of Johnstown, Town of Timnath and the Town of Windsor that is necessary for operation of the Project after such Project has been constructed.

Project Site means the land, spaces and surfaces, including the Project ROW, that are owned or controlled by CDOT or owned and controlled as Public Lands, and any temporary construction easements, licenses, permits, or similar land rights, held by CDOT or CDOT Contractors or held as Public Lands, that are necessary for construction of the Project.

Protection in Place or *Protect in Place* means activity necessary to ensure the safe operation and structural integrity of a Utility that will not be removed or transferred to another location, including without limitation, modification of location (such as lowering the Utility); construction staking of the Utility location during Project or Project-related construction; adjustment of Relocation Plans to avoid exposing a Utility to construction equipment; installing steel plating or concrete slabs; encasement of the Utility; temporarily de-energizing power lines; or installing physical barriers.

Public Lands means, solely for purposes of this URA, real property dedicated to or created as public right-of-way.

Relocate or *Relocation* means the adjustment of a Utility that is necessary for the continuous operation of Utility service, Project economy, sequencing of Project construction, or to bring the Utility into compatibility with the implementation of a Project, including without limitation: Protection in Place or Protect in Place, Removal and reinstallation, including necessary temporary facilities; transfer or modification of location; acquiring necessary right-of-way at a new location; moving, rearranging, or changing the type of Utility (exclusive of Betterments); Abandonment; Protection-In-Place; and construction of a replacement utility that is functionally equivalent.

Relocation Plans means the preliminary and final Utility Relocation design plans and construction documents. Relocation Plans shall comply with the Relocation Standards and with the terms of this URA.

Relocation Standards means the written standards, procedures, and criteria utilized by Owner and CDOT, as set forth in the project agreement Design Build Contractor. The Relocation Standards of each Party shall be utilized in determining whether a Utility is in conflict with the Project. The Relocation Standards in effect as of the execution date of the Work Order shall govern the Relocation covered by that Work Order and shall be either attached to the Work Order or incorporated therein by reference.

Removal means the removal of Utility materials, including the demolishing, dismantling, removing, transporting, or otherwise disposing of Utility materials and cleaning up to leave the Relocation site in a neat and presentable condition, all in accordance with federal, state, and local law.

Responsible Party means the Party responsible for the Cost of Relocation.

Salvage Value means the amount received from the sale of Utility material that has been removed or the amount at which the recovered material is charged to Owner's accounts if retained by Owner for use, in accordance with 23 C.F.R. § 645.

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Utility or Utilities means water and sanitary sewer piping and associated manholes, valves, meters and other underground facility or facilities, including necessary appurtenances, owned and/or operated by Owner that has been identified as potentially posing a conflict with the implementation of the Project and includes any such facility during and after Relocation.

Utility Permit means any license, permit, lease, easement, franchise or other use agreement issued by a party having jurisdiction over or ownership of the location in question and pursuant to which Owner operates their facilities in real property not owned in fee by Owner.

Utility Work means tasks, obligations and duties, exclusive of Incidental Utility Work and Excluded Environmental Work, required to either accomplish Relocation or confirm that no Relocation is required for a Utility, whether performed by CDOT or Owner, including:

- a) design of the Relocation, including the creation of Relocation Plans;
- b) should CDOT reimburse the utility owner for any portion of the construction the *Buy America Act* or *Buy America* must be followed for all acquired materials.
- c) construction of the Relocation, including labor, materials and equipment procurement, temporary Relocation, and Relocation of existing service lines connecting to any Utility, regardless of the ownership of such service lines or of the property served by such service lines; and
- d) activities undertaken to effectuate the Relocation, hereinafter collectively referred to as "Utility Coordination," including without limitation:
 - i) verification by survey, potholing or otherwise that a Utility is, or is not, in conflict with the Project;
 - ii) provision of survey coordinate data, field surveys, and construction staking in the field for the construction of a Relocation;
 - iii) acquisition of Permissions and property interests;
 - iv) public information;
 - v) traffic control;
 - vi) resurfacing and restriping of streets and reconstruction of curb and gutter and sidewalks as may be required by any relevant authority;
 - vii) development of and delivery to the non-Constructing Party of as-builts (or, in the alternative, drawings marked to show changes in the field) showing each Relocation; and
 - viii) activities performed to ensure and document that Utility Work is in accord with Relocation Plans, including, without limitation, materials handling; construction procedures; calibrations and maintenance of equipment; document control; production process control; and any sampling, testing, and inspection done for these purposes (collectively, "Quality Control").

Work Order means the document under which all Relocations shall be implemented and the Responsible Party designated, in accordance with Article 10.

- 2) LIST OF APPENDICES. The following appendices are attached hereto and incorporated herein by reference:

Appendix A

Form of No-Conflict Close-Out Form

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Appendix B	Form of Utility Work Order
Appendix C	Form of Design of Relocation Acceptance Letter (DRAL)
Appendix D	Form of Construction of Relocation Acceptance Letter (CRAL)
Appendix E	Buy America Certification

3) SCOPE OF AGREEMENT.

- a) This URA provides for the scheduling and timely performance of Relocations necessitated by implementation of the Project and prescribes the process for determining, among other things, the Party responsible for the Cost of Relocation.
- b) This URA does not commit funding by any Party nor bind any Party to responsibility for the cost or performance of any Relocation. Each Relocation for the Project will be implemented by a Work Order to be negotiated and agreed by the Parties and which shall serve as the documentation binding the Parties as to responsibility for Cost of Relocation and performance of Utility Work. Until a Work Order is executed by a Party, that Party is not bound with respect to any matters represented therein, including responsibility for cost or performance of any Utility Work.
- c) A Work Order, which shall be consistent with this URA, shall be issued for each Relocation and will identify, among other things, the Parties, the Project, the Utility (by Project-specific identification number and general description) and the Relocation schedule in accordance with Article 10.

4) FEDERAL/STATE/LOCAL REQUIREMENTS.

- a) Notwithstanding any provision of this URA that may be to the contrary, all Relocation Plans, Relocation Standards, Cost of Relocation estimates, and billings for Relocation for which CDOT is the Responsible Party shall comply with the requirements of 23 C.F.R. § 645, as may hereafter be amended, which is incorporated herein by this reference. This URA is subject to and the Parties agree to comply with C.R.S. §§ 43-1-1411-12.
- b) The Parties intend that this URA be interpreted in a manner consistent with the provisions of C.R.S. § 43-1-1411.
- c) The Parties shall at all times in the performance of Utility Work, Incidental Utility Work and Excluded Environmental Work strictly adhere to, and comply with, all other applicable federal and state and local laws and their implementing regulations as each currently exists and may hereafter be amended.
- d) Buy America will not apply to Utility Relocation(s) where the Owner must fund the entire cost of relocation or are not included in the scope of work and paid as part of a Federal-Aid Project. If Owner must comply with Buy America, then Owner shall ensure that their subcontractors comply with Buy America. Owner may be exempt from Buy America when steel and iron materials used in a project "does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater." 23 C.F.R. § 635.410(b)(4). CDOT may request a waiver of Buy America from the Federal Highway Administrator (23 C.F.R. 635.410(c)), however, CDOT is not

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

required to seek a waiver. Owner is not permitted to request a waiver from the Federal Highway Administrator, *see* 23 C.F.R. § 635.410(c), but Owner may request that CDOT seek a waiver from the Federal Highway Administrator pursuant to Article 18 of this URA. If CDOT elects to submit a waiver, then the Owner shall provide supporting materials related to submission and defense of the waiver as requested by CDOT and/or the Secretary of Transportation. Owner shall provide a Buy America certification of compliance upon request of CDOT and/or the Secretary of Transportation. The Buy America Certification of compliance is attached as Appendix E. The Buy America certification shall be submitted in accordance with Article 18 of this URA.

- e) The Parties shall require such compliance with all applicable laws, regulations and requirements in all Contractor agreements governing performance of Relocations under this URA.
- f) Each Party shall contractually require their Contractors to coordinate and cooperate with the other Parties and with other Contractors involved in Utility Work, Incidental Utility Work, and Excluded Environmental Work.

5) COORDINATION AND COOPERATION

- a) The Parties each agree to coordinate and cooperate with one another, the Design Build Contractor and with their other respective Contractors in order to ensure that Utility Work, Incidental Utility Work, and any Excluded Environmental Work are performed promptly, and in close coordination with the Project implementation.
- b) The Parties shall attempt to identify any Utilities that can reasonably be Relocated prior to Project Commencement; however, to the extent Owner facilities have not been identified, confirmed as conflicted, or Relocated prior to Project Commencement, the Parties will coordinate and cooperate with one another and with the Design Build Contractor to complete the Relocation of such utilities.
- c) CDOT may delegate certain of their rights and obligations hereunder, without limitation, to the Design Build Contractor, who shall be required to comply with the terms of this URA governing those rights and obligations delegated. Owner acknowledges that, except as specifically provided herein, CDOT can and will delegate to the Design Build Contractor any or all of CDOT's rights and obligations under this URA, including any Utility Work that Owner elects to have CDOT perform. Any such delegation shall not relieve CDOT of their duties under this URA or under statute.
- d) CDOT shall provide Owner with written notice of Project Commencement.

6) IDENTIFICATION OF UTILITIES.

- a) CDOT shall provide Owner with the Project Plans in electronic format at the conclusion of preliminary engineering, conclusion of final design, and at such other times that CDOT receives a formal design submittal from the Design Build Contractor. In addition, CDOT shall provide Owner, in hard-copy format, those portions of the Project Plans that show the location of Owner's Utilities. CDOT shall provide Owner with written notice of Owner's affected Utilities for the Project.
- b) CDOT, in coordination and cooperation with Owner, shall identify and track the Relocation status of Owner's Utilities on a Utility matrix ("Utility Matrix"). Utility Matrices shall be updated by CDOT as Utilities are identified and Relocated and will reflect changes, clarifications, corrections or developments with respect to each Utility's conflict status. Updated Owner-specific Utility Matrices will be provided to Owner upon request. CDOT and Owner shall meet regularly to verify whether, based upon then-current Project Plans, a Utility requires Relocation and to determine the possibility of Relocating any Utility prior to notice of Project Commencement. If

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

at any time a Utility Matrix provided to Owner fails to identify Owner utilities that Owner knows or should reasonably know may be in conflict with a Project, Owner shall notify CDOT of such unidentified Owner utility and provide all documentation with respect thereto, and the Owner utility will be added to the Utility Matrix.

- c) For any Discovery of utilities during construction that is not identified on documents provided to or in possession of CDOT, CDOT and the Owner shall confer within forty-eight hours of discovery to determine appropriate relocation procedures.
- d) Owner and CDOT will meet to confirm the conflict status of each of Owner's Utilities, which determination will be made by reference to the Relocation Standards. If a Utility is confirmed to be in conflict with the Project, CDOT and Owner shall coordinate to determine the nature of the Relocation required based upon the Relocation Standards, and CDOT shall update the Utility Matrix to reflect the recommended action and issue a Work Order. CDOT and Owner will work together to mitigate all impacts to the utility. If CDOT, the Design Build Contractor and Owner each agree that a Utility is not in conflict with the Project, the Design Build Contractor and Owner shall execute a document for each such Utility affirming that the Utility is not in conflict ("No Conflict Close-Out Form"), the form of which is attached as Appendix A.
- e) Populated Utility Matrices are informational documents utilized for CDOT's Utility tracking purposes only. Information contained in the Utility Matrix is non-binding until reflected on either an executed No-Conflict Close-Out Form or on an executed, mutually-agreed Work Order, which, in conjunction with the URA, serves as the binding documentation governing a Utility's Relocation status. All information contained in the Utility Matrix is subject to CDOT's receipt and review of documentation related to the Utilities. In addition, this URA is entered without prejudice to any aspect of any applicable environmental clearance process. All Project elements, including horizontal and vertical alignments, drainage, and right-of-way plans are subject to receipt of the environmental decision documents and any mitigation measures specified therein.

7) COST OF RELOCATION.

- a) Once a Utility is confirmed to be in conflict with the Project, the Parties shall, as soon as is reasonably possible and to the extent they have not already done so, exchange all documentation, including Utility Permits and/or Documentary Evidence, governing the location in question in order to determine the responsibility for the Cost of Relocation. If Owner submits Documentary Evidence to CDOT, CDOT shall have the right to utilize and have considered any additional documentation with respect to the claim that it obtains or has in their possession. The Parties shall mutually agree as to the nature of Owner's rights or, failing such agreement, shall treat the claim as a Dispute under Article 19.
- b) The Cost of Relocation shall be presumed to be borne by the Utility except in the following cases:
 - i) The Utility holds the fee, an easement, or other real property interest the damaging or taking of which is compensable in eminent domain or
 - ii) The facilities are owned by a governmental subdivision of the State of Colorado or an abutting landowner, as provided in §43-1-225, CRS or
 - iii) The facilities exist to serve a highway purpose or
 - iv) The provisions of §43-1-1411, CRS apply with respect to certain relocation costs associated with a Design-Build Contract
- c) Notwithstanding anything in this URA which may be interpreted to the contrary, if a Relocation of a Utility is required based upon information, surveys, plans or other information which is provided by a Party and the information is incorrect or revised causing additional Relocations of

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

the same Utility (or any part thereof), the Cost of Relocation for the second and each subsequent Relocation will be paid by the Party that provided the incorrect information or caused the revisions necessitating the subsequent Relocation.

d) Environmental Work.

- i) If Hazardous Materials contamination unrelated to Owner's utility facilities is discovered on the Project Site by the Constructing Party, the Constructing Party shall promptly notify the other Parties of such Hazardous Materials contamination and, if Owner is the Constructing Party, Owner shall cease all construction of Relocation at the location in question until such time as Environmental Work at that location has been completed. Owner shall not be responsible to conduct or pay the costs of Environmental Work, except as specifically prescribed in this Article 7(d).
- ii) The previous paragraph notwithstanding, the Responsible Party is responsible for the cost of, and the Constructing Party shall perform, any Environmental Work necessitated by the removal of intact Owner Utility materials that happen to contain or constitute Hazardous Materials.
- iii) In addition, to the extent that any Environmental Work is required to remediate Hazardous Materials contamination caused by (A) the construction, operation, or maintenance of Owner's Utility in its existing location and/or (B) negligent or willful acts or omissions of Owner or their Contractors in constructing the Relocation ("Excluded Environmental Work"), Owner shall be responsible for the costs of all such Excluded Environmental Work and may be required to undertake such Excluded Environmental Work.
- iv) CDOT shall extend the deadline for completion of Relocations affected by Hazardous Materials contamination while Environmental Work and/or any Excluded Environmental Work described in Article 7(d)(iii)(A) is undertaken. Owner shall make reasonable efforts to redistribute their Relocation crews to other Relocation sites while unable to perform at any contaminated location.

8) REAL PROPERTY INTERESTS.

a) Utilities Located By Utility Permit

Any Owner Utilities currently located or anticipated to be located in Project ROW or other CDOT property shall be permitted only by a CDOT Utility Permit or, if determined to be appropriate by CDOT, by permit from the local agency responsible for issuing Utility Permits, which Owner and CDOT shall have executed prior to commencement of construction of Relocation. If Owner currently holds an Utility Permit for Owner's facilities in Project ROW or other CDOT property, the terms and conditions of that Utility Permit, as may be amended by mutual agreement of the Parties, shall continue to govern Owner's facilities at that location, unless that Utility Permit is terminated. CDOT reserves the right to convert any such Utility Permit assigned to it in connection with the conveyance of Project ROW or CDOT property into a CDOT Utility Permit, provided that both CDOT and Owner shall enjoy substantially the same rights and obligations contained in the assigned Utility Permit.

b) Permission to Perform Utility Work

- i) Owner shall not install any new facilities in Project ROW or CDOT property without first obtaining a CDOT Utility Permit or, if determined to be appropriate by CDOT, by permit from the local agency responsible for issuing Utility Permits.
- ii) If Owner's Utilities are located in Project ROW or other CDOT property pursuant to an effective Utility Permit, Owner's Relocation and permission to enter upon the Project ROW or CDOT property to undertake Relocation shall be governed by, and in accordance with, the

Exhibit D: Utility Relocation Agreement, Effective January 4, 2018

terms of such Utility Permit. If the location of the Relocated Utility is materially changed, Owner's current Utility Permit shall be amended to reflect the revised location.

- iii) If Owner's Utilities are located in Project ROW or other CDOT property without an effective Utility Permit, Owner shall not commence construction of Relocation on Project ROW or other CDOT property without first obtaining a CDOT Utility Permit from CDOT or if determined to be appropriate by CDOT, by permit from the local agency responsible for issuing Utility Permits.
- iv) Notwithstanding (i) through (iii), above, CDOT's signature on a Work Order shall constitute permission for Owner and their employees, agents, and Contractors to enter upon Project ROW or other CDOT property for the sole purpose of performing activities necessary to design the Relocation, including without limitation, surveying and potholing, but excluding boring, sampling or other testing, all subject to each of the terms and conditions contained in this URA. Permission for Owner or its Contractors to traverse the property of any other property owners or interest-holders is the sole responsibility of Owner.

c) Property Acquisition and Reimbursement

- i) Where reasonably possible, Utilities located within Public Lands shall be Protected-in-Place. Where a Utility is located in Public Lands and must be Relocated out of Public Lands, the Parties shall initially attempt to Relocate into Public Lands. If the Parties cannot so Relocate, the Parties shall meet to determine a suitable Relocation location and a schedule and plan to acquire any property interests necessary for the Utility's Relocation. The Party responsible to acquire Utility property interests shall be identified on the Work Order. Regardless of who performs acquisition of replacement property, both Parties shall have the right to examine and approve the property acquisition transaction contemplated for the new Utility location in order to confirm that a 'like-for-like' replacement of property interests is to be acquired. All property acquisition costs are Utility Work Costs of Relocation and shall, therefore, be borne by the Responsible Party. Property interests necessary for any Relocation must be obtained prior to commencement of construction of Relocation.
- ii) If Owner's Utility occupies real property pursuant to fee interest held by Owner as evidenced by documentary proof provided to and approved by CDOT ("Owner Property") and CDOT requires Owner Property for Project ROW or Project construction, the Parties shall, whenever reasonably possible, attempt to Protect the Utility in Place so that it will not be in conflict with the Project. However, if the Parties cannot Protect the Utility in Place, replacement property interests shall be acquired in accordance with Article 8(c)(i) hereof. Once the Utility has been Relocated into a new location and is in service, Owner shall convey to CDOT the Owner Property that is required for the Project. CDOT shall either reimburse Owner for the Fair Market Value of the Owner Property conveyed to CDOT or shall pay the costs to acquire replacement property interests at least as equal to the interests in the prior location for Owner.
- iii) If Owner's Utility occupies real property pursuant to a permanent easement (including proven prescriptive rights) held by Owner as evidenced by documentary proof provided to and approved by CDOT ("Owner Easement") and CDOT requires the Owner Easement for Project ROW or Project construction, the Parties shall, whenever reasonably possible, attempt to Protect in Place so that the Utility will not be in conflict with the Project. However, if the Parties cannot Protect in Place, replacement property interests shall be acquired in accordance with Article 8(c)(i) hereof. Once the Utility has been Relocated into a new location and is in service, Owner shall deed, assign, vacate, abandon or release the Owner Easement, as applicable, and, CDOT shall pay the cost of the replacement property interests, provided that CDOT shall be entitled to offset the cost of replacement property interests or the Cost of Relocation by the amount that Owner receives as compensation from any source for the transfer of rights in the Owner Easement. If CDOT has paid the cost of acquisition of

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

replacement property interests and has paid the Cost of Relocation, Owner shall be required to pay to CDOT any compensation received from any source for the transfer of rights in the Owner Easement.

- iv) This URA is not intended to waive Owner's rights to be paid just compensation in the event that CDOT should require Owner Property or Owner Easement for the Project. If no agreement is reached with respect to any particular Owner Property or Owner Easement needed for the Project, CDOT may bring an action to condemn if permitted by, and in accordance with, applicable law, and Owner retains its rights to bring an action for inverse condemnation.
- v) If necessary, Work Orders shall be revised to reflect the impact of property acquisition to the construction completion date shown on the Work Order. All real property acquired for the Project by CDOT, including for Utility Relocations, must be and shall be acquired pursuant to the Uniform Acquisition and Relocation Act, 42 U.S.C. § 4601 and applicable right-of-way procedures in 23 C.F.R. § 710.203.

9) PERMISSIONS. Owner shall obtain all Permissions for which Owner is required to be the named permittee. The Constructing Party shall obtain all other Permissions. The Parties agree to cooperate with one another in obtaining any Permission and to exchange copies promptly after obtaining any Permission.

10) WORK ORDER PROCESS. Relocations required by a Project shall be undertaken pursuant to a Work Order ("Work Order"), the form of which is attached as Appendix B. Once a Utility is confirmed to require Relocation and the Parties have agreed upon the Work Order content, the Parties shall negotiate a Work Order. For Relocations to be undertaken prior to Project Commencement, the Work Order shall be executed first by Owner and then by CDOT, and shall not require the Design Build Contractor signature. For Work Orders commenced after Project Commencement, the Work Order shall be executed first by Owner, then by the Design Build Contractor and finally by CDOT. Work Orders shall not be binding upon any Party until executed by that Party.

- a) Work Order Content. Work Orders shall identify:
 - i) The existing and proposed location of the Utility; concise description of Owner's property interests or Utility Permits where currently located; the agreed Relocation and detailed scope of work; the Designing Party; the Constructing Party; the Responsible Party; whether reimbursement, if any, is to be made on a lump sum or actual cost basis; the negotiated lump-sum or actual not-to-exceed Cost of Relocation, inclusive of any estimated Depreciation Value and Salvage Value credits and less the cost of any Betterments and/or Excluded Environmental Work; an indication of whether replacement property interests are required for Relocation and the Party responsible for acquisition thereof; the estimated actual not-to-exceed cost, if any, to acquire replacement property interests; the schedule for commencement and completion of both design and construction of the Relocation; the most-current CDOT Project Plans at the Utility location; the Relocation Standards applicable to the Relocation (hard copy or reference); and any other terms and conditions applicable to the Relocation, such as approved service interruptions or negotiated Betterments and payment arrangements therefor, (collectively, "Work Order Content").
 - ii) The non-Designing Party shall be solely responsible to provide (hard-copy, electronically, or by reference) the Relocation Standards that it requires the Designing Party to apply to the Relocation covered in the Work Order.
 - iii) If Relocation Standards are not so provided, the Designing Party shall not be responsible for the cost of any corrective Utility Work.

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

- b) Service Continuity. There shall be no shutdowns or temporary diversions of Owner's Utilities unless agreed by Owner and evidenced in detail on the Work Order. Owner shall have sole responsibility to operate any valves and/or switches, as applicable, unless Owner requests otherwise in writing. Owner's Utilities shall otherwise remain fully operational during all phases of Project construction. Except where due to *Force Majeure*, and without waiving any claims under applicable law that the Constructing Party may have against the Designing Party, the Constructing Party shall be responsible for the actual documented costs and damages incurred by Owner arising out of any unapproved interruption in Owner's Utility service resulting from performance of Utility Work or Project construction.
- c) Work Order Preparation. To the extent such documentation has not previously been exchanged, CDOT and Owner shall coordinate the exchange of all information necessary for preparation of the Work Order and shall promptly meet to resolve through good faith negotiation any comments or disagreements with respect to Work Order Content. If the Parties cannot reach agreement on the Work Order Content, the Work Order shall be handled as a Dispute in accordance with Article 19. Once the Parties have reached agreement on the Work Order Content, the Work Order shall be prepared by CDOT for execution by Owner and if applicable, the Design Build Contractor. Work Orders may be delivered by e-mail, facsimile, hand delivery, or by certified or registered first class mail. Owner shall respond within 14 calendar days after receipt of the Work Order either by executing the Work Order or providing comments.
- d) Work Order Conclusive. Once a Work Order is fully executed, that Work Order shall be conclusive as to all matters represented therein. Any material change to the Work Order scope of work and any change that will result in an increase in the time necessary to complete a Relocation or an increase to the Cost of Relocation above the amount authorized on the Work Order must be shown on a revised duly executed Work Order. Executed Work Orders, as they may be revised from time to time, are incorporated into this URA by this reference.

11) DESIGN AND REVIEW OF RELOCATION PLANS.

- a) Completed Relocation Plans shall be submitted to the non-Designing Party for review, who shall review the Relocation Plans solely for conformance with the URA and with the Relocation Standards provided by the non-Designing Party. Approval or rejection of Relocation Plans shall be returned to the Designing Party by no later than 14 calendar days after their submission, unless a different time period is expressly provided in the respective Work Order. The non-Designing Party's approval of Relocation Plans shall be evidenced by an executed design of relocation acceptance letter ("DRAL"), the form of which is attached as Appendix C. All DRALs shall be prepared by CDOT for execution by the non-Designing Party. Rejection of Relocation Plans shall be made in writing and shall specify the grounds for rejection as well as suggestions for correcting non-conformance. The revised Relocation Plans shall be re-reviewed and either approved or rejected not later than 7 calendar days after re-submission to the non-Designing Party. Prior to Project Commencement, CDOT's Project design Contractor shall execute DRALs for CDOT. After Project Commencement, the Design Build Contractor shall execute DRALs for CDOT.
- b) Any material change to the DRAL scope of work and any change that will result in an increase in the time necessary to complete a Relocation or an increase to the Cost of Relocation above the amount authorized on the DRAL must be shown on a revised duly executed DRAL.

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

12) CONSTRUCTION OF RELOCATION: INSPECTIONS.

- a) After execution of the DRAL, the Constructing Party shall determine whether all Permissions have been obtained and, if necessary, take steps to obtain any Permission that has not been obtained. The Constructing Party shall provide notice to the other Party of their anticipated construction of Relocation commencement date.
- b) Completed construction of Relocation shall be inspected immediately following completion for conformance with the URA and Relocation Plans. The non-Constructing Party's approval of construction of Relocation shall be evidenced by an executed construction of relocation acceptance letter ("CRAL"), the form of which is attached as Appendix D. All CRALs shall be prepared by CDOT for execution by the non-Constructing Party. If the construction of Relocation is approved, CRALs shall be executed immediately after inspection. Rejection of construction of Relocation shall be made in writing within 24 hours of inspection and shall specify the grounds for rejection as well as suggestions for correcting non-conformance. The revised Relocation shall be re-inspected for conformance with corrective suggestions immediately following corrective work and either approved or rejected after re-inspection. Provided that the non-Constructing Party approves the re-inspected construction of Relocation, CRALs shall be executed upon completion of re-inspection. A non-Constructing Party's inspection, approval and acceptance of any construction of Relocation performed shall not be construed as a waiver of any claim that the non-Constructing Party may have under applicable law. CDOT approval of construction of Relocation performed by Owner shall be limited to Utility Work performed within Project ROW or CDOT property. After Project Commencement, the Design Build Contractor shall execute CRALs for CDOT.
- c) If Relocations and Relocation inspections are directly coordinated with Project construction or are undertaken on the Project Site and the potential for conflicting traffic control operations exists, CDOT shall perform the required traffic control, regardless of whether the Relocation is performed by or on behalf of CDOT or Owner. CDOT shall perform construction staking on the Project Site for all Relocations.
- d) The Constructing Party shall provide the non-Constructing Party as-built plans or drawings marked to show changes in the field not later than 90 calendar days after the execution of the respective CRAL.

13) APPROVALS AND ACCEPTANCES. Approvals and acceptances shall not be unreasonably withheld or delayed. If approval or acceptance is withheld, such withholding shall be in writing and shall state with specificity the reason for withholding such approval or acceptance. Every effort shall be made to identify with as much detail as possible what changes are required for approval and acceptance.

14) OWNERSHIP, OPERATION, AND MAINTENANCE OF UTILITIES.

- a) If Owner is the Constructing Party, ownership and all responsibilities for operations and maintenance of the Utility shall be Owner's. If CDOT is the Constructing Party, Owner shall assume ownership and all responsibilities for operation and maintenance of the Utility upon execution of the CRAL.
- b) If Owner Utilities remain located within Project ROW after all Utility Work has been completed, Owner's access for maintenance and servicing of the Utilities shall be allowed exclusively pursuant to and in accordance with the Utility Permit governing that location.

16) REIMBURSEMENT.

- a) The Responsible Party shall be identified on the Work Order. The Designing or Constructing Party (if not the same as the Responsible Party) may invoice the Responsible Party no more than

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

monthly. Invoices shall cover all Utility Work performed since the prior invoice submission. The previous sentence notwithstanding, any costs incurred to acquire replacement property interests for Owner's utilities under this URA must be invoiced separately and must have been acknowledged as a cost on the Work Order.

- b) The Responsible Party shall make payment within 60 days of receipt of invoice. If the Responsible Party disputes any portion of the invoice, it may withhold payment for the disputed portion while timely remitting payment on the undisputed portion. All invoices for Utility Work must be submitted not later than one year after execution of the corresponding CRAL for that Utility Work. All invoices submitted to CDOT for reimbursement shall be reviewed for compliance with the cost eligibility and reimbursement standards contained in 23 CFR §§ 645.101, *et seq.*
- c) The Responsible Party will ensure that it has budgeted, authorized, and appropriated funds for all Utility Work costs specified in a Work Order. Neither Party will authorize any Work Order or Work Order revision that will cause the lump-sum or estimated not-to-exceed actual cost shown to increase beyond the previously appropriated amounts, unless the Responsible Party appropriates additional funds. Execution of a Work Order or Work Order revision by the Responsible Party is a representation that it has sufficient funds available for the Utility Work identified in the Work Order.

17) DEADLINES AND DELAYS.

- a) Except where due to *Force Majeure*, if CDOT or the Design Build Contractor fails to meet a deadline established herein or in the applicable Work Order, CDOT shall reimburse Owner for the actual documented costs and damages arising out of any such delay. CDOT shall not be liable to Owner for any delay in, or failure of performance of, any covenant or promise contained in this URA, nor shall any delay or failure constitute default or give rise to any liability for damages if and only to the extent that such delay or failure is caused by *Force Majeure* and CDOT has provided Owner notice of such *Force Majeure*.
- b) Time is of the essence in the performance of all Utility Work specified in all Work Orders. Where Owner has elected to perform Utility Work, Owner shall be liable to CDOT, through their agreement with the Design Build Contractor, only for actual damages suffered by CDOT as a direct result of Owner's delay in the performance of any Utility Work or as a direct result of Owner's interference with the performance of the Project construction by other contractors, except to the extent where those damages were caused by CDOT or their employees, contractors or agents or *Force Majeure* and Owner has provided CDOT notice of such *Force Majeure*.
- c) In addition to, and without limiting any rights or remedies available under this URA or otherwise, if Owner has elected to perform the Utility Work described in a Work Order and Owner fails to complete that Utility Work on or before the deadline established in the applicable Work Order, or if CDOT reasonably determines that Owner will be unable to timely complete such Utility Work, CDOT shall, after providing Owner 14 days to cure or provide a plan to cure, issue a Dispute Notice in accordance with Article 19. If the Parties are unable to resolve the Dispute, CDOT or Owner shall proceed to court in accordance with C.R.S § 24-4-106. The venue for all disputes shall be in state District Court for the City and County of Denver, Colorado except, if applicable for condemnation or inverse condemnation claims, which will be filed in the State District Court for the County where the real property at issue is located. Owner shall be responsible for delay damages to CDOT in accordance with Article 17(b).
- d) In the event of a Dispute, the Parties agree that they will continue their respective performance as required hereunder, including paying invoices, and that such continuation of efforts and payment of invoices shall not be construed as a waiver of any legal right or power: (a) of any Party under

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

this URA, any Work Order, or any other agreement executed pursuant hereto; or (b) otherwise available pursuant to applicable law.

18) NOTICES: REPRESENTATIVES AND AUTHORITY.

- a) Notices. Any and all notices required to be given by CDOT or Owner pursuant to this URA must be provided in writing, deliverable by e-mail, facsimile, hand delivery, or by certified or registered first class mail, to the Party representatives identified herein. Notice shall not be deemed given if not provided in the manner prescribed in this Article 18. Once Owner receives notice of Project Commencement, all notices to CDOT shall be concurrently given to the Design Build Contractor identified therein.
- b) Party Representatives. For the purpose of this URA, the individuals identified below are hereby-designated representative of CDOT and Owner. Either Party may from time to time designate in writing new or substitute representatives.

FOR CDOT:

Tim Bilobran
CDOT Region 4 Utility Permit Manager
10601 West 10th Street
Greeley, CO 80634
Phone: (970) 350-2163
e-mail: timothy.bilobran@state.co.us

FOR OWNER:

Dan Moore
Water and Sewer Division Engineer
Greeley Water
1100 10th St, Suite 300
Greeley, CO. 80631
e-mail: Dan.Moore@greeleygov.com

- c) Authority. Party representatives shall each have the authority to negotiate, approve and execute Work Orders, DRALs, CRALs, Work Order revisions, and, where applicable, No-Conflict Close-Out Forms; review and approve or reject Relocation Plans; inspect and approve or reject construction of Relocation; review invoices for payment; and otherwise act for the Party represented. Either Party may limit the signature authority of their Party representative by submission to the other Party of written notice specifically identifying the extent of and limitations of the Party representative's authority.

19) DISPUTE RESOLUTION.

- a. Dispute Notice. In the event of any dispute, claim, or controversy arising out of or relating to this URA, any Work Order, or any Utility Work involving or otherwise relating to the Project or the Utility Work ("Dispute"), the complaining Party shall provide a notice of Dispute ("Dispute Notice") to the other Party except where the non-complaining Party waives the requirement to receive a Dispute Notice in writing. The Dispute Notice shall describe the facts surrounding the Dispute in sufficient detail to apprise the other Party of the nature of the complaint. The complaining Party may, but will not be required to, aggregate the Dispute with other Disputes into one Dispute Notice.

Exhibit D: Utility Relocation Agreement, Effective January 4, 2018

- b. Good Faith Negotiation. CDOT, for itself and on behalf of Design Build Contractor and Design Build Contractor's Contractors, and Owner shall attempt to settle all Disputes. To this effect, CDOT and Owner shall conduct at least one face-to-face meeting between the Party representatives identified herein to attempt to reach a solution satisfactory to both CDOT and Owner. Such meeting shall take place within 7 calendar days following delivery of a Dispute Notice. If that meeting does not resolve the Dispute, CDOT and Owner shall each designate an official, at a level no lower than CDOT Project manager and Owner's chief engineer, to resolve the Dispute.
- c. Legal Remedies. If CDOT and Owner fail to resolve a Dispute in accordance with Article 19, either Party may proceed to court in accordance with C.R.S § 24-4-106. The venue for all disputes shall be in state District Court for the City and County of Denver, Colorado except, if applicable for condemnation or inverse condemnation claims, which will be filed in the State District Court for the County where the real property at issue is located and may pursue any remedies that may be available to it at law or in equity.

20) DAMAGE TO PERSONS AND PROPERTY. Each Party shall be responsible for any damage, including environmental damage, to any persons and property, including Project ROW, other CDOT property, Owner Property, adjacent property, utilities, adjacent structures, and other third person real or personal property, that is caused by it or its Contractor's activities associated with the Project or any Relocation. The Parties shall require their Contractors, employees and agents to exercise due precaution and care to avoid causing such damage and the occurrence of any such damage shall immediately be repaired at the expense of the Party that caused the damage to the reasonable satisfaction of the party injured, unless otherwise agreed by the party injured. The Parties shall notify one another of any such damage and any claims filed against either Party arising out of such damage.

21) INSURANCE.

a) CDOT shall require the Design Build Contractor to obtain Commercial General Liability (Bodily Injury and Property Damage) insurance with limits of liability of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate; Workers Compensation and Automobile Liability insurance as required by statute; and an excess or Umbrella policy in the amount of \$10,000,000. CDOT shall also require the Design Build Contractor to obtain coverage for Builder's Risk, Pollution Liability, and Professional Liability coverage.

b) By Owner.

- i) Whenever Owner is the Constructing Party and it (or its Contractor) will be present on the Project Site, or on any CDOT property, and whether or not a Work Order has been executed, Owner shall maintain (and/or require any Contractors performing activities hereunder to maintain): (a) Commercial General Liability (Bodily Injury and Property Damage) insurance with limits of liability of not less than \$1,000,000 per occurrence and aggregate, including the following coverages : i) Contractual Liability to cover liability assumed under this URA; ii) Personal Injury with the "employee" and "contractual" exclusions deleted, and iii) Product and Completed Operations Liability Insurance; (b) automobile liability insurance covering owned, non-owned and hired automobiles in an amount not less than \$1,000,000; and (c) Workers' Compensation insurance as required by law. Owner shall cause CDOT, Design Build Contractor(after project commencement date), as well as their governing bodies, and respective officers, employees and authorized agents to be named as additional insured as respects their interest under this agreement on the above general liability insurance.
- ii) Whenever Owner is the Designing Party of a Relocation to be constructed in or on the Project Site, Owner shall also maintain (and/or cause any Contractors performing design of

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Relocation to maintain) professional liability coverage for design professionals with limits of liability not less than \$1,000,000 per occurrence and aggregate.

- iii) Where Owner or its Contractor is required to obtain insurance under (i) and (ii) of this provision, Owner shall cause a certificate (or certificates) evidencing the insurance required to be delivered to CDOT as a condition precedent to commencement of Utility Work by Owner and by each other party required to provide such insurance, and shall cause such insurance to be maintained in full force and effect until all such Utility Work is completed. Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered to CDOT in accordance with policy provisions. If requested by CDOT from time to time, Owner shall provide CDOT with verification by a properly qualified representative of the insurer that Owner's and/or their Contractors' insurance complies with this paragraph and shall cause all other parties required to provide insurance pursuant to this paragraph to do the same. All contracts shall be required to have commercial insurance from a provider with a Best's A- rating.
- iv) Without in any way limiting any applicable indemnification under Article 22, Owner shall have the right to comply with and satisfy any or all of its insurance obligations under this URA in lieu of actually obtaining the applicable insurance policy(ies) by notifying CDOT of Owner's election to be self-insured as to the applicable insurance coverage. The same coverages and limitations prescribed herein shall apply. If requested by CDOT at any time, Owner shall provide CDOT with a letter of such self-insurance in a form reasonably acceptable to CDOT.

22) INDEMNIFICATION.

Each Party shall require its Contractor(s) to defend, indemnify, save, and hold harmless the other Party, CDOT, as well as their directors, employees, Contractors, and agents against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees incurred as a result of any act or omission by the indemnifying Contractor, or their employees, agents, subcontractors, or assignees, and arising out of the terms of this URA or any Work Order executed pursuant hereto to the same extent and limits to which the indemnifying Contractor indemnifies the contracting Party. If Owner performs design or construction of Relocation with force account labor, Owner shall indemnify CDOT, as well as its directors, employees, Contractors and agents to the same extent that Owner's Contractors indemnify Owner, to the extent allowed by law.

23) TERMINATION.

- a) CDOT may terminate any Utility Work required by a Work Order at any time that it determines the purposes of the distribution of funds under that Work Order would no longer be served by completion of the Utility Work (a "Termination for Convenience"). CDOT shall effect such termination by giving written notice of termination to Owner at least 20 calendar days before the effective date of such termination. CDOT will reimburse Owner in accordance with the terms of the URA for Utility Work duly performed and reasonable costs duly incurred prior to the date of termination and for which CDOT is the Responsible Party.
- b) Subject to the preceding paragraph, all provisions of this URA that create rights or provide responsibilities for either Party after any termination of Utility Work shall survive such termination with respect to that Utility Work.
- c) All data, studies, surveys, maps, models, photographs and reports or other materials relating to Utilities or property rights or interests or rights of Owner that are provided to CDOT by Owner solely for work performed under this URA shall be returned to Owner.

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

24) SETTLEMENT OF CLAIMS. Neither Owner, nor CDOT shall be entitled to reimbursement for any Utility Work covered by this URA, including costs with respect to real property interests (either acquired or relinquished), except as set forth in the URA and in the Work Order. Consistent with applicable law, this URA, including all executed Work Orders, is intended as a full settlement of all claims regarding CDOT's, and Owner's responsibility for the Cost of Relocations. Except for obligations undertaken by CDOT, and Owner pursuant to this URA and consistent with applicable law, Owner, and CDOT each waives, releases, and forever discharges the other Party, its members, officers, directors, agents, employees, successors and assigns from any and all claims for reimbursement, whether known or unknown, which each Party ever had or now has, regarding liability for the cost of the Utility Work necessitated by the Project and identified in the Work Order. This paragraph is intended to address only the issue of responsibility for the Cost of Relocation and does not extend to any contractual or tort claims that might arise out of the performance of the Utility Work except as specifically provided herein.

25) NO LIENS. Each Party shall keep the Project Site and any other CDOT, or Owner property free from any statutory or common law lien arising out of any Utility Work performed by it, materials furnished to it, or obligations incurred by it, its agents, or Contractors.

26) RETENTION OF RECORDS.

a) Each Party shall keep and maintain all books, papers, records, accounting records, files, reports and other material relating to the Utility Work it performs (or has performed) pursuant to this URA, including detailed records to support all invoices submitted by each Party, for a period of six (6) years after final payment. Each Party and any other party or agency providing funding to CDOT (including its respective auditors) shall have access to and shall be entitled to audit all such records, or copies thereof, during normal business hours upon reasonable notice to the Party maintaining such records throughout the Term of this URA.

b) CDOT and Owner shall mutually agree upon any financial adjustments found necessary by any audit undertaken.

c) The Parties shall insert subparagraph (a) into any contracts entered for performance of Utility Work and shall also include in such contracts a clause requiring all Contractors to include subparagraph (a) in any subcontracts or purchase orders.

27) TERM. This URA is effective as of the date of CDOT's signature below and will continue to govern the Project until acceptance by CDOT and Owner of all Utility Work shown on the Work Order(s) for the Project, or until final payment owing from either Party for the Project has been made, whichever is later. Certain provisions that provide rights or create responsibilities for either Party after expiration or termination of any Utility Work, must, by their terms, survive.

28) APPROPRIATIONS. CDOT's obligations under this URA or any renewal shall extend only to monies appropriated for the purpose of this URA by CDOT and encumbered for the purposes of this URA. CDOT does not by this URA irrevocably pledge present cash reserves for payments in future fiscal years, and this URA is not intended to create a multiple-fiscal year direct or indirect debt or financial obligation of CDOT.

29) LEGAL AUTHORITY. Each Party warrants that it possesses the legal authority to enter into this URA and that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this URA and to be bound to its terms. The person(s) executing this URA on behalf of each Party warrant(s) that such person(s) have full authorization to execute this URA.

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

30) SEVERABILITY. If any provision or provisions of this URA shall be held to be invalid, illegal, unenforceable or in conflict with federal or Colorado state law, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby, unless the deletion of invalid, illegal or unenforceable provision or provisions would result in such a material change as to cause completion of the transactions contemplated herein to be unreasonable.

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Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

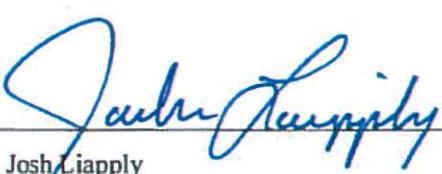
In witness whereof, Owner and CDOT have executed this URA.

FOR OWNER (The City of Greeley):

COLORADO DEPARTMENT OF TRANSPORTATION:

Approved as to substance:

By: 
Name: Roy Otto
City Manager
Date:

By: 
Josh Liapply
Chief Engineer
Date: 1/4/2018

Reviewed for availability of funds:

Approved as to legal form for CDOT:

By: 
Name: Victoria Runkle
Title: Director of Finance
Date:

By: 
Name: Gregg E. Carson, 25460
Title: Senior Assistant Attorney General
Date:

Approved as to legal form for Owner (if necessary):

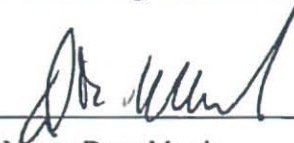
By: 
Name: Doug Marek
Title: City Attorney
Date:

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Appendices 7A-E

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Exhibit A Utility No-Conflict Closeout Form

This Utility No-Conflict Closeout Form ("No-Conflict Form") is executed by the Utility Owner and the CDOT Contractor in connection with the I-25 North Express Lanes Project Utility Relocation Agreement ("URA") entered into by the Utility Owner and CDOT. Unless the context clearly otherwise requires, initially capitalized terms shall have the meaning prescribed to them in the URA.

A fully-executed No-Conflict Form indicates the Parties' concurrence that, as of the Project plans current at the date of Utility Owner's execution hereof, no Relocation is required for Utility Owner's Utility referenced herein. Utility Owner and the CDOT Contractor acknowledge that future modifications to the Project may require Relocation of the referenced Utility in accordance with the URA. Two originals shall be executed and a copy shall be forwarded to CDOT by the CDOT Contractor.

Utility Owner	
Utility Identification No.:	
Location	
Comments (attach pages as necessary)	

FOR UTILITY OWNER

By: _____ Date: _____
 Name:
 Title:

FOR CDOT CONTRACTOR

By: _____ Date: _____
 Name:
 Title:

If this form is not signed by the Utility Owner, the Utility Owner shall state below its basis for disagreement with the No-Conflict designation for this Utility:

(Attach pages as necessary)

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Exhibit B Form of Utility Work Order

Utility Owner: _____			
Utility Identification No.: _____			
Work Order No.: _____		Work Order Revision No.: _____	
Work Breakdown Structure No.: _____			
<u>LOCATION:</u> _____			
<u>DESCRIPTION:</u> _____			
<u>OPERATING RIGHTS:</u> _____			
DESIGN			
	☐ No Design Required		
Performing Party	☐ Contractor	☐ Owner	
Responsible Party	☐ Contractor	☐ Owner	
Contractor pays Owner	Lump Sum: _____	Actual Cost Not to Exceed: _____	
Owner pays Contractor	Lump Sum: _____	Actual Cost Not to Exceed: _____	
Comments _____			
CONSTRUCTION			
	☐ No Construction Required		
Performing Party	☐ Contractor	☐ Owner	
Responsible Party	☐ Contractor	☐ Owner	
Contractor pays Owner	Lump Sum: _____	Actual Cost Not to Exceed: _____	
Owner pays Contractor	Lump Sum: _____	Actual Cost Not to Exceed: _____	
Comments _____			
CONSTRUCTION INSPECTION			
	☐ No Construction Inspection Required		
Performing Party	☐ Contractor	☐ Owner:	
Responsible Party	☐ Contractor	☐ Owner:	
Contractor pays Owner	Lump Sum: _____	Actual Cost Not to Exceed: _____	
Owner pays Contractor	Lump Sum: _____	Actual Cost Not to Exceed: _____	
Comments _____			
PROPERTY ACQUISITION			
	☐ No Property Acquisition Required		
Performing Party	☐ Contractor	☐ Owner:	
Responsible Party	☐ Contractor	☐ Owner:	
Contractor pays Owner	Lump Sum: _____	Actual Cost Not to Exceed: _____	
Owner pays Contractor	Lump Sum: _____	Actual Cost Not to Exceed: _____	
Comments _____			

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

<u>SCHEDULE (THIS WORK ORDER ONLY)</u>	
<u>Design</u>	<u>Construction</u>
Start Date: _____	Start Date: _____
Completion Date: _____	Completion Date: _____
Comments: _____	
<u>CHANGE ORDER</u>	
If this section is signed by the CDOT representative, then this Work Order will function as a Change Order.	
_____ CDOT Representative	_____ Date
<u>WORK ORDER TERMS AND CONDITIONS</u>	
SCOPE OF WORK ORDER. This Work Order is entered into by and among Utility Owner and CDOT, and, where applicable, the CDOT Contractor in order to implement in part the URA identified herein, as the same may be amended from time to time, and which is incorporated herein by this reference. All work undertaken pursuant to this Work Order shall be performed in accordance with the requirements of the URA, which shall govern to the extent of any conflict between its terms and the terms of this Work Order. Relocation Standards specifically identified in the URA are incorporated herein by this reference. Unless otherwise defined herein, all initially capitalized terms and conditions shall have the meaning prescribed to them in the URA. WORK ORDER ATTACHMENTS. This Work Order and any attachments hereto contain information specific to the Relocation to be performed hereunder. Attached and/or referenced Relocation Standards are incorporated herein by this reference and shall be considered a part of this Work Order. This Work Order governs only the Utility Work specifically identified herein and shall be conclusive as to all matters represented herein. ORDER OF EXECUTION. This Work Order shall be executed first by Utility Owner, then by the CDOT Contractor (if applicable) and finally by CDOT. IN WITNESS WHEREOF, CDOT, the Utility Owner, and where applicable, the CDOT Contractor have executed this Work Order, which shall be effective as of the date of the CDOT's signature.	
Utility Owner: By: _____ Print Name: _____ Title: _____ Date: _____ CDOT Contractor: By: _____ Print Name: _____ Title: _____ Date: _____ CDOT: By: _____ Print Name: _____ Title: _____ Date: _____	

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Utility Identification No.:													
SECTION A	SCOPE												
SECTION B	REQUIRED PERMITS												
	<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 60%; text-align: center; border-bottom: 1px solid black;">Permit Type</th> <th style="width: 40%; text-align: center; border-bottom: 1px solid black;">Permit Responsibility</th> </tr> <tr><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td></tr> <tr><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td></tr> <tr><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td></tr> <tr><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td></tr> <tr><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td></tr> </table>	Permit Type	Permit Responsibility										
Permit Type	Permit Responsibility												
SECTION C	LIST OF ATTACHMENTS												
	☐ Owner Design Sheet ☐ Project Design Sheet ☐ Cost Estimate ☐ Property Rights ☐ Other:												

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Exhibit C Form of Design of Relocation Acceptance Letter (DRAL)

This DESIGN OF RELOCATION ACCEPTANCE LETTER ("DRAL") is executed by the non-Designing Party in connection with the I-25 North Express Lanes Project Utility Relocation Agreement (URA), entered into by the Utility Owner and CDOT. Execution of this DRAL indicates the non-Designing Party's acceptance and approval of the design of the Relocation, as attached to this DRAL, performed and completed by the Designing Party. Unless otherwise defined herein, initially capitalized terms shall have the meaning prescribed to them in the URA. Two originals shall be executed and a copy shall be forwarded to CDOT by the CDOT Contractor.

Utility Owner: _____

Utility Identification No.: _____

Work Order No.: _____ Work Order Date: _____

Work Order Rev. No.: _____ Rev. Date: _____

Designing Party: _____

Now, therefore, the non-Designing Party executes this DRAL to indicate that it has reviewed the design of the Relocation completed by the Designing Party and has found the design of the Relocation to have been designed in accordance with the non-Designing Party's Relocation Standards duly provided to the Designing Party:

Non-Designing Party

By: _____

Name: _____

Title: _____

Date: _____

☐ The non-Designing Party declines execution of this DRAL at this time for the following reasons:

(attach pages as necessary)

☐ The Constructing Party may proceed with construction of the Relocation.

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Exhibit D Form of Construction of Relocation Acceptance Letter (CRAL)

This CONSTRUCTION OF RELOCATION ACCEPTANCE LETTER ("CRAL") is executed by the non-Constructing Party in connection with the I-25 North Express Lanes Project Utility Relocation Agreement (URA) entered into by the Utility Owner and CDOT. Execution of this CRAL indicates the non-Constructing Party's Inspection and acceptance of the construction of the Relocation performed and completed by the Constructing Party. Unless otherwise defined herein, initially capitalized terms shall have the meaning prescribed to them in the URA. Two originals shall be executed and a copy shall be forwarded to CDOT by the CDOT Contractor.

The construction of the Relocation inspected and accepted by execution hereof is described below:

Utility Owner: _____

Utility Identification No.: _____

Work Order No.: _____ Work Order Date: _____

WO Revision No.: _____ WO Revision Date: _____

Constructing Party: _____

Now, therefore, the non-Constructing Party executes this CRAL to indicate that it has inspected the construction of the Relocation completed by the Constructing Party and has found the construction of the Relocation has been performed in accordance with the Relocation Plans:

NON-CONSTRUCTING PARTY

By: _____

Name: _____

Title: _____

Date: _____

☐ The non-Constructing Party declines execution of this CRAL at this time for the following reasons:

(Attach pages as necessary)

Exhibit D: Utility Relcation Agreement, Effective January 4, 2018

Exhibit E Form of Buy America Certification

(To be signed by authorized signatory(ies) of Utility Owner

The undersigned certifies that only domestic steel and iron will be used for the construction portion of the Project.

To be considered domestic, all steel and iron used and all products manufactured from steel and iron must be produced in the United States and manufacturing processes, including application of a coating, for these materials must occur in the United States. Coating includes all processes, which protect or enhance the value of the material to which the coating is applied. This requirement does not preclude a minimal use of foreign steel and iron materials, provided the cost of such material does not exceed 0.1 percent of the total of the total contract cost or \$2,500, whichever is greater.

Signature: _____

Date: _____

Title: _____

Greeley-CDOT Special Use Agreement (SUA) for the Partial Relocation of the Bellvue Transmission Pipelines



April 7, 2020

CDOT Requests Special Use Agreement (SUA) with Greeley

Background

- **CDOT is enlarging the intersection at Prospect Street and I-25 near Fort Collins. Greeley has 2-27" Water Transmission Pipelines adjacent to the southwest corner of this intersection that would be impacted by this project.**

CDOT Requests Special Use Agreement (SUA) with Greeley

Issue

- **CDOT is requesting that Greeley relocate these pipelines to avoid conflict and will pay for the cost of relocation. The Special Use Agreement is the means to provide the reimbursement. Greeley has approved the design paid for by CDOT and CDOT has procured the new easements. Greeley and CDOT have agreed on a contractor to do this work. CDOT also agrees to pay for Greeley's administrative and inspection costs as part of this agreement.**

CDOT Requests Special Use Agreement (SUA) with Greeley

Staff Recommended Action:

- **The terms of the agreement have been negotiated over the past 10 months with many iterative drafts shared among the parties to refine the terms and legal protections.**
- **Staff is confident that this SUA will protect Greeley's financial interests, therefore staff recommends the following action;**
- **Recommend to City Council Approval of the Special Use Agreement (SUA) with CDOT**

CDOT Requests Special Use Agreement (SUA) with Greeley

QUESTIONS

Council Agenda Summary

April 7, 2020

Agenda Item Number 13

Key Staff Contact: Becky Safarik, Assistant City Manager, 970-350-9785

Title:

Consideration of a resolution amending the Capital Funding and Pledge Agreement by and among the City of Greeley, Greeley Downtown Development Authority, and Lincoln Park Hotel, LLC

Summary:

In April 2016, the City of Greeley, the Downtown Development Authority and Lincoln Park Hotel, LLC entered into a series of agreements to enable the construction of the Doubletree Hilton at Lincoln Park Hotel and Conference Center at 919 7th Street. The City Council approved those agreements in the form of Resolution No. 27, 2016.

One of those agreements, the Capital Funding and Pledge Agreement, described the financial advance that the City of Greeley provided for the portion of the project associated with the construction of the conference center, and the manner by which the hotel ownership would repay that loan. Six sources of reimbursement were included as reimbursement mechanisms: Property tax increments, Sales tax, Hotel lodger's tax, Public Improvement Fees, Payments in Lieu of Taxes, and Basic Rents. Based upon the hotel pro forma this combination of sources would fully repay the City's advance of funds with interest over the life of the Downtown Tax Increment District (2033).

The unprecedented impact of the pandemic Coronavirus has severely limited the hotel's operation, altering the expected income of the hotel and ability to meet the projected reimbursement schedule for 2020.

Similar to other impacted businesses attempting to weather the current economic storm, the hotel group has worked with its lenders and other financial partners to arrive at an interim financing plan. In that strategy, the Hotel has asked if the City would defer (not waive) the payment it was scheduled to receive from the annual Property Tax Increment. Under this scenario, the Hotel would still pay its property tax bill, but the City would allow the Hotel to retain its 2020 scheduled payment to the City of \$208,080. The deferred payment would be incorporated into a new schedule, amortized over the original repayment period.

Other expected repayment sources, such as sales and lodger's tax, will also fall short of anticipated schedules, but there was no requirement for the Hotel to compensate for a shortfall from those expected revenues. Depending upon how quickly the market can rebound from the virus-impacted slowdown, those sources of repayment will be restored, though it may take slightly longer than expected to meet repayment

projections from those sources. Of immediate importance is restructuring the financial debt to allow the hotel to operate as fully as possible.

Staff has reviewed the proposed replacement amortization schedule and finds it to be a reasonable adjustment to the original agreement and that it will not burden the City disproportionately from the losses expected from other businesses impacted by the Coronavirus. Accommodation of this request, in fact, may allow the hotel a measure of stability during these uncertain economic times. Staff has also conferred with the Downtown Development Authority on this matter, which is a party to the agreement, and the Executive Director has indicated that board's support for this amendment.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$208,080, deferred payment
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?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

The proposed amendment must be done by a written instrument signed by all parties to the agreement in the same manner as the original approval (i.e. Council resolution)

Other Issues and Considerations:

The Downtown Development Authority will also need to approve this amendment to the Agreement.

Applicable Council Priority and Goal:

Economic Health and Business Support; Infrastructure & Growth

Decision Options:

1. Approve the resolution as presented; or
2. Amend the resolution and approve as amended; or
3. Deny the resolution; or
4. Continue consideration of the resolution to a date certain.

Council's Recommended Action:

A motion to approve the Resolution.

Attachments:

Resolution

A – Appendix D Existing and Proposed Comparison

**CITY OF GREELEY, COLORADO
RESOLUTION _____, 2020**

A RESOLUTION APPROVING AN AMENDMENT TO THE CAPITAL FUNDING AND PLEDGE AGREEMENT BY AND AMONG THE CITY OF GREELEY, COLORADO, GREELEY DOWNTOWN DEVELOPMENT AUTHORITY, AND LINCOLN PARK HOTEL, LLC

WHEREAS, the City Council (the “Council”) of the City of Greeley, Colorado (the “City”) determined it was in the best interest of the city for certain real property located within its downtown area to be developed as a hotel/conference center (the “Development”); and,

WHEREAS, in support of the Development, the City approved Resolution 27, 2016 authorizing the City to enter into a series of agreements (collectively the “Redevelopment Documents”) that provided a variety of financial and development arrangements between the Parties; and,

WHEREAS, included in the Redevelopment Documents is the Capital Funding and Pledge Agreement (the “Capital Agreement”) made by and among the City, the Greeley Downtown Development Authority (the “DDA”), and Lincoln Park Hotel, LLC (the “Hotel”) (collectively, the “Parties”), which described the manner by which the City would be reimbursed from certain revenues generated by the Development as repayment for providing an advance of capital funds to finance the construction of the conference center portion of the Development; and

WHEREAS, the Capital Agreement included a schedule labeled as Appendix D (the “Schedule”) that defined a schedule of maximum property tax increments due to the City that would be made through the Hotel’s payment of property taxes to the City of Greeley and, if such property tax payments received were less than the schedule, the difference would then be paid by the Hotel to the City; and,

WHEREAS, circumstances beyond the control and expectations of the Parties in the form of a pandemic which has, in turn, resulted in severe nation-wide economic upheaval from restricted business access has negatively impacted the Hotel’s operational pro forma; and,

WHEREAS, making certain property tax increment payments to the City at this time poses a hardship on the Hotel; and,

WHEREAS, in order to help stabilize the operations of the Hotel during this period it is in the best interest of the Parties to the agreement to allow a one-year deferral of the 2020 property tax increment payments and allow that amount due to be repaid over a re-amortized period of the Agreement. All other payments due to the City in 2020 pursuant to the Capital Agreement, including but not limited to the Sales Tax, Hotel Lodger’s Tax, Public Improvement Fees, and Basic Rents shall be made as agreed upon by the Parties.

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

Section 1. The amendment to Appendix D of the Capital Funding and Pledge Agreement approved by Council by Resolution 27, 2016, attached hereto as Exhibit A, is hereby approved and the Council authorizes and directs an amended agreement to be executed according to the signature authority granted in Chapter 2 of the Greeley Municipal Code.

Section 2. All resolutions, motions, orders, bylaws, rules or regulations, or parts thereof, in conflict with this resolution are hereby repealed only to the extent of such inconsistency.

Section 3. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affected any of the remaining parts or provision of this resolution.

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

PASSED AND ADOPTED, SIGNED, APPROVED AND IN EFFECT THIS _____ day of April, 2020.

ATTEST:

GREELEY, COLORADO

City Clerk

By:

Mayor

Greeley Hotel
Tax Increment Schedule

<u>Existing Schedule</u>			<u>Proposed Schedule</u>		
Collection	Maximum		Collection	Maximum	
<u>Year</u>	<u>Receipts</u>	<u>Incr.</u>	<u>Year</u>	<u>Receipts</u>	<u>Incr.</u>
2017	\$0	-	2017	\$0	-
2018	\$200,000	-	2018	\$200,000	-
2019	\$204,000	2.00%	2019	\$204,000	2.00%
2020	\$208,080	2.00%	2020	Deferred	-
2021	\$212,242	2.00%	2021	\$212,242	3.50%
2022	\$216,486	2.00%	2022	\$219,670	3.50%
2023	\$222,981	3.00%	2023	\$227,908	3.75%
2024	\$229,670	3.00%	2024	\$236,455	3.75%
2025	\$236,561	3.00%	2025	\$245,322	3.75%
2026	\$243,657	3.00%	2026	\$254,521	3.75%
2027	\$250,967	3.00%	2027	\$264,708	4.00%
2028	\$258,496	3.00%	2028	\$275,303	4.00%
2029	\$266,251	3.00%	2029	\$286,321	4.00%
2030	\$274,239	3.00%	2030	\$297,781	4.00%
2031	\$282,466	3.00%	2031	\$310,597	4.30%
2032	\$290,940	3.00%	2032	\$323,965	4.30%
2033	\$299,668	3.00%	2033	\$337,909	4.30%
Total	\$3,896,703		Total	\$3,896,703	

APPENDIX D, AMENDED

SCHEDULE OF MAXIMUM PROPERTY
TAX INCREMENTS

<u>Collection Year</u>	<u>Maximum Receipts</u>
2017	\$0
2018	\$200,000
2019	\$204,000
2020	Deferred
2021	\$212,242
2022	\$219,670
2023	\$227,908
2024	\$236,455
2025	\$245,322
2026	\$254,521
2027	\$264,708
2028	\$275,303
2029	\$286,321
2030	\$297,781
2031	\$310,597
2032	\$323,965
2033	\$337,909
Total	\$3,896,703

Council Agenda Summary

April 7, 2020

Agenda Item Number 14

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

Title:

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. (35th Avenue, 4th Street to F Street Road Improvement 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 35th Avenue, 4th Street to F Street Road Improvement Project.

The 2019-2023 City of Greeley Capital Improvement Plan identifies the necessity for improvements of 35th Avenue between 4th Street to F Street Road to improve traffic flow and enhance bike and pedestrian safety. Key elements of the project include the addition of travel lanes and roundabouts, curb and gutter improvements, and detached sidewalks and bike lanes.

The Project will require the acquisition of tracts of fee simple right of way, permanent easements, and temporary construction easements along 35th 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 intend 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.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	To be negotiated
What is the annual impact?	None
What fund of the City will provide Funding?	312 - Transportation
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) 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 April 21, 2020.

Attachments:

Ordinance

Exhibit A to Ordinance – Property Ownership Map

Conceptual Plan Drawing – 35th Avenue, 4th Street to F Street Road Improvement Project

THE CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2020

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. (35th AVENUE, 4th STREET to F STREET ROAD IMPROVEMENT 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 35th Avenue, 4th Street to F Street 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 35th Avenue, 4th Street to F Street (“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 _____, 2020.

ATTEST:

THE CITY OF GREELEY, COLORADO

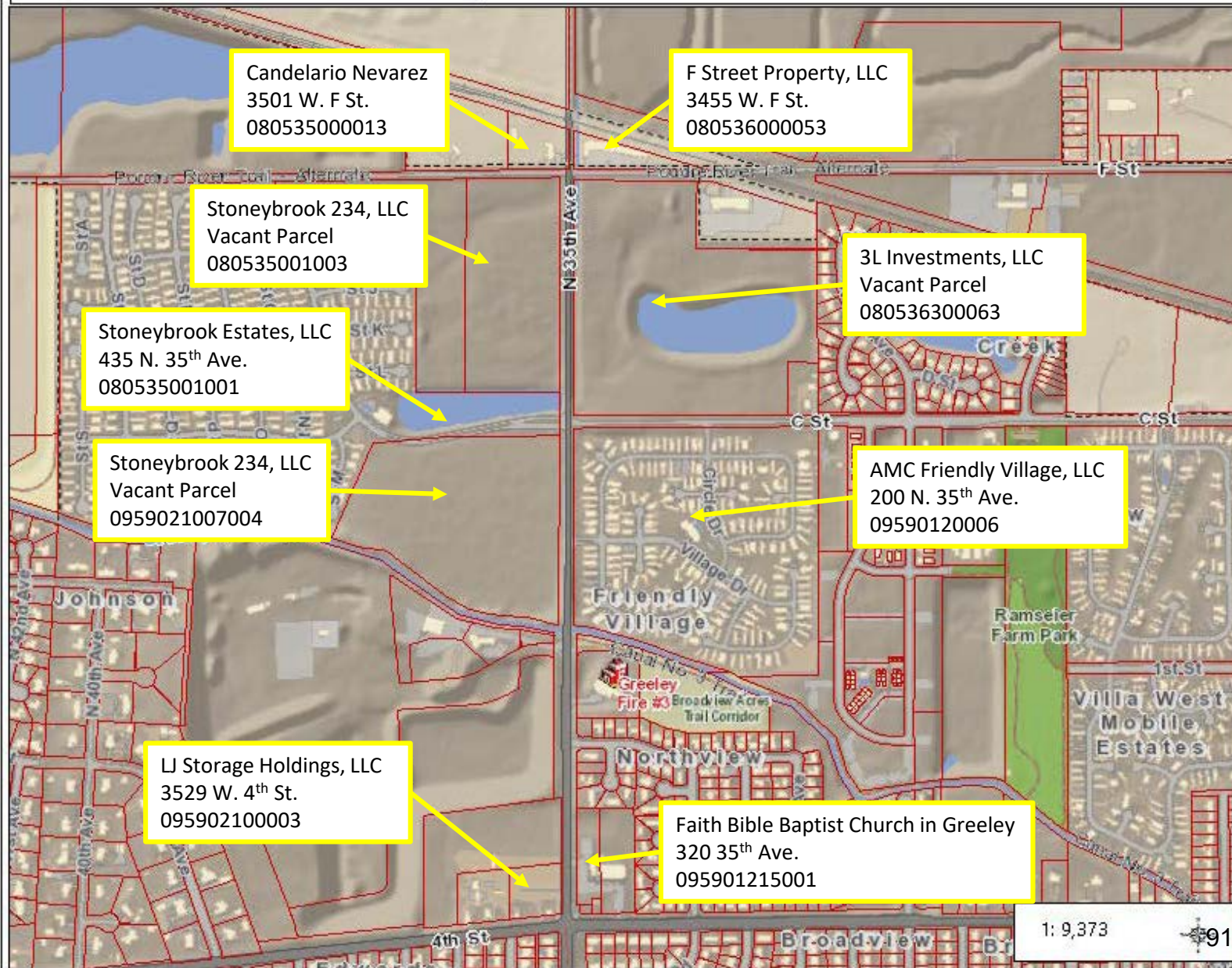
City Clerk

Mayor



CITY OF GREELEY ORIGIN

35th Avenue - 4th Street to F Street





GREELEY 35TH AVENUE
INTERIM LAYOUT
FEBRUARY 06, 2020

Council Agenda Summary

April 7, 2020

Agenda Item Number 15

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

Title:

Consideration to approve a change order in the amount of \$81,900 to the contract with Northstar Concrete for the 2019 Concrete Infrastructure Improvement Project and bringing the revised contract amount from \$680,224.50 to \$762,124.50

Summary:

Change Order #2 with Northstar Concrete involves additional concrete repairs required to remove and replace an estimated 2,869 linear feet of curb and gutter and approximately 1,861 square yards of concrete including sidewalks, access ramps, cross-pans, and alley aprons on 21st Avenue from 10th Street to 13th Street. Change Order #2 for \$81,900.00 will increase the contract total from \$680,224.50 to \$762,124.50 which is an increase of 12%, but 25.4% between change orders 1 and 2.

The original plan included asphalt paving in the parking area on the east side of Maplewood school. Timing of the project made asphalt costs higher than anticipated. Therefore a switch to concrete for the parking area was decided and will also allow for a longer lifespan to the parking area, but this work needs to be added to the concrete contract.

Change order #1 was for \$72,463.50 to add the additional storm drainage improvements to the storm drain inlets and mains and for the replacement of an outlet structure and inlet and landscaping change in scope.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$81,900
What is the annual impact?	N/A
What fund of the City will provide Funding?	Food Tax: \$40,000.00 Keep Greeley Moving:\$41,900.00
What is the source of revenue within the fund?	Food Tax Keep Greeley Moving (sales tax)
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	N/A
Additional Comments:	

Legal Issues:

Greeley Municipal Code 4.20.160 requires that change orders over 25% of the contract amount be referred to City Council for approval.

Other Issues and Considerations:

None

Applicable Council Priority and Goal:

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

Decision Options:

1. Approve change order as recommended,
2. Amend change order and approve as amended,
3. Deny change order, or
4. Continue item to a date specific.

Council's Recommended Action:

A motion to approve Change Order 2.

Attachments:

Change Order #2

Back up Detail for Change Order #2



CHANGE ORDER FORM

Project Information

Change Order #:	2	Date:	February 5, 2020
Project Name:	2019 Infrastructure Improvements Project		
Bid Number:	FA-19-08-071	Dept/Division:	PW-Engineering
Budget Unit #:	301 00 060 0852 0000 (CO: 304 00 060 0621 0929 & 321 00	PO #:	19001614
Project Manager:	Rick Dorsey	Title:	Concrete Maintenance Coordinator

Contractor/Consultant Information

Contractor/Consultant:	NorthStar Concrete	Phone /Extension:	970-203-0500
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The CONTRACTOR/CONSULTANT is hereby directed to perform the WORK described in the CONTRACT for design/construction as amended by this CHANGE ORDER.

See attached **2** sheets with full explanation for the change order.

Compensation to Contractor/Consultant

The original contract sum was:	\$607,761.00
The net change by previous change order was:	\$72,463.50
The contract sum prior to this change order was:	\$680,224.50
The contract sum will be: (See List) Increased	\$81,900.00
The new contract sum, including this change order is:	\$762,124.50
The contract time will be: (See List) Increased	20
The new date for project completion is:	February 9, 2020

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

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

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

Signatures for Council (Council minutes need to be attached)

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

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

Certification of Content by Contractor/Consultant

Representative of Contractor/Consultant	Title

Additional Approval:

Budget Supervisor CPC Finance

Council approval is required for change orders >\$100000. Council minutes need to be attached.

Approval Level is City Manager based on cumulative change orders totalling \$154,364 for a total of 25.4%.

CHANGE ORDER FORM



Project Information

Change Order #:	2
Project Name:	2019 Infrastructure Improvements Project
Date:	2/5/2020
Project Manager:	Rick Dorsey

Change Order Justification

Location	Maplewood Subdivision (21st Avenue)
Summary of Change Order	Cost for material change adds benefit to longevity of infrastructure for the parking area. Additional curb, gutter and sidewalk was needing replaced in conjunction with stormwater line replacement.
Why was this not in original contract?	The original plan included asphalt paving through the parking area of Maplewood school. Timing of the project made asphalt costs higher than anticipated. A relative cost of a far superior product will allow for added lifespan of the parking area. Additionally, other areas of concrete were needing to be replaced due to a stormwater pipe replacement near Luther Park in 21st Ave that originally wasn't part of the project.
Budget Impact/Funding	Additional work will be funded by the Street & Infrastructure Maintenance via BUN 304 00 060 0621 0929 Account 8202 in the amount:\$40,000.00. The Concrete Maintenance will fund \$41,900.00 out of BUN 321 00 060 0619 0900 account 8202 to fulfill the needs of the Change order.
Impact to project schedule	We will add 20 Days to the contract for a anticipated "Substantial Completion" date of March 31, 2020
Detailed Explanation	The original plan included asphalt paving through the parking area of Maplewood school. Timing of the project made asphalt costs higher than anticipated. The relative cost of a far superior product will allow for added lifespan of the parking area.

Section 00130 - Bid Schedule

2019 Infrastructure Improvements

Item #	Description	Unit	Qty	CO 1	CO 2	Unit Price	Total Cost	CO2 total
1	Mobilization	LS	1			\$ 40,000.00	\$ 40,000.00	\$ -
2	Traffic Control	LS	1			\$ 50,000.00	\$ 50,000.00	\$ -
3	Stormwater Management/Erosion Control	LS	1			\$ 10,000.00	\$ 10,000.00	\$ -
4	Remove Curb & Gutter (0 to 2' Pan)	LF	2869	21		\$ 12.00	\$ 34,680.00	\$ -
5	Remove Concrete Flatwork - Thickness Varies	SY	1577	21		\$ 27.00	\$ 43,146.00	\$ -
6	Concrete Sawcut Demo	LF	100			\$ 5.00	\$ 500.00	\$ -
7	New C&G 0-2' Pan (i.e. Vertical Curb and Gutter: Sim to S-16)	LF	2869	15		\$ 25.00	\$ 72,100.00	\$ -
8	New High Back Curb and Gutter (8" and above)	LF	0				\$ -	\$ -
9	24 Hour High Early Mix - Up Charge	CY	60			\$ 50.00	\$ 3,000.00	\$ -
10	New 4" Concrete	SY	1093	9	1011	\$ 54.00	\$ 59,508.00	\$ 54,600.00
11	New 6" Concrete	SY	453			\$ 72.00	\$ 32,616.00	\$ -
12	New 8" Concrete	SY	316			\$ 81.00	\$ 25,596.00	\$ -
13	Unclassified Excavation	CY	53			\$ 60.00	\$ 3,180.00	\$ -
14	Compacted Stabilization Subgrade Import (6" Base)	TON	45			\$ 35.00	\$ 1,575.00	\$ -
15	Major Re-landscaping (Sprinklers, etc.)	HR	75			\$ 100.00	\$ 7,500.00	\$ -
16	Adjust Meter Pit	EA	1			\$ 500.00	\$ 500.00	\$ -
17	Landscape Curb 0-6"	LF	626			\$ 20.00	\$ 12,520.00	\$ -
18	Landscape Curb 7-18"	LF	200			\$ 35.00	\$ 7,000.00	\$ -
19	Landscape Curb 19-48"	LF	0				\$ -	\$ -
20	ADA Detectable Warning plates/domes	SF	176			\$ 45.00	\$ 7,920.00	\$ -
21	Tree and Root Pruning	HR	30			\$ 50.00	\$ 1,500.00	\$ -
22	Colored Concrete (4 LB Max.) (Add On)	CY	10			\$ 150.00	\$ 1,500.00	\$ -
23	Stamped Concrete (Add On)	CY	10			\$ 350.00	\$ 3,500.00	\$ -
24	Portable Sanitary Station	LS	1			\$ 1,000.00	\$ 1,000.00	\$ -
25	4" PVC Installed Under Sidewalk	LF	110			\$ 15.00	\$ 1,650.00	\$ -
26	Remove Existing Asphalt, and Subgrade Preparation for Replacement	SY	350	8	1011	\$ 27.00	\$ 9,666.00	\$ 27,300.00
27	Clearing and Grubbing (Remove ~1200 SF Sod)	LS	1			\$ 2,500.00	\$ 2,500.00	\$ -
28	Remove Type 3 Inlet (H<5')	EA	2			\$ 2,000.00	\$ 4,000.00	\$ -
29	Remove/Abandon 12" Storm Line	LF	340	9		\$ 60.00	\$ 20,940.00	\$ -
30	Remove 12" PVC	LF	12			\$ 60.00	\$ 720.00	\$ -
31	Flashfill 12" Storm Line	LF	265			\$ 60.00	\$ 15,900.00	\$ -
32	Potholing	EA	10			\$ 450.00	\$ 4,500.00	\$ -
33	Install 4' MH (0-5')	EA	3			\$ 6,500.00	\$ 19,500.00	\$ -
34	Install Type 3 Inlet (H<5')	EA	4			\$ 4,500.00	\$ 18,000.00	\$ -
35	Install 12" PVC & One 45deg Elbow	LF	13			\$ 100.00	\$ 1,300.00	\$ -
36	Install 18" RCP	LF	448	4		\$ 160.00	\$ 72,320.00	\$ -
37	Install 18" FES	EA	1			\$ 2,500.00	\$ 2,500.00	\$ -
38	Install Forebay (Sheet 9 Detail)	LS	1			\$ 15,000.00	\$ 15,000.00	\$ -
								\$ -
39	Quality Control - Standard Proctor	EA	2			\$ 250.00	\$ 500.00	\$ -
40	Quality Control - Soils Compaction	EA	4			\$ 350.00	\$ 1,400.00	\$ -
41	Quality Control - Concrete Test & Break Results	EA	4			\$ 400.00	\$ 1,600.00	\$ -
CO#1								\$ -
42	Remove Sod	SF		6000		\$ 1.00	\$ 6,000.00	\$ -
43	Grading Allowance, 100 CY Removal	LS	1			\$ 5,000.00	\$ 5,000.00	\$ -
44	Remove Type C Inlet (H<3')	EA	2			\$ 1,250.00	\$ 2,500.00	\$ -
45	Remove Double Type 12 Inlet (H= 66")	EA	1			\$ 2,000.00	\$ 2,000.00	\$ -
46	Install Outlet Structure	EA	1			\$ 7,500.00	\$ 7,500.00	\$ -
47	Install 10' Type R Inlet (H = 8')/ includes excav./backfill/asphalt patch	EA	1			\$ 9,500.00	\$ 9,500.00	\$ -
48	Install Galvanized Steel Orifice Plate	EA	1			\$ 1,200.00	\$ 1,200.00	\$ -
49	Install 18F Snout	EA	1			\$ 1,200.00	\$ 1,200.00	\$ -
50	Install 30" RCP	LF	3			\$ 250.00	\$ 750.00	\$ -
51	Concrete Trickle Channel (4' Wide)	LF	165			\$ 40.00	\$ 6,600.00	\$ -
52	Install Sod	SF		5700		\$ 1.50	\$ 8,550.00	\$ -
53	Install 6" Steel Landscape Edging	LF		85		\$ 20.00	\$ 1,700.00	\$ -
54	Install Aluminum 2" Pipe Fence and Gates	LF		76		\$ 150.00	\$ 11,400.00	\$ -
55	Lower 2" Irrigation Main and Sleeve	LS	1			\$ 2,500.00	\$ 2,500.00	\$ -
56	Traffic Control	LS	1			\$ 3,000.00	\$ 3,000.00	\$ -
						Total Bid: \$ \$	680,237.00	\$ 81,900.00

Council Agenda Summary

April 7, 2020

Agenda Item Number 16

Key Staff Contact: Benjamin Snow, Economic Health & Housing Director, 970-350-9384

Title:

Consideration of the City of Greeley's Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2019 for Submission to the U. S. Department of Housing and Urban Development

Summary:

The City of Greeley annually receives two grants from the U. S. Department of Housing and Urban Development (HUD): The Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME) grant.

CDBG grants are awarded to entitlement communities (principal cities of a Metropolitan Statistical Area or with a population greater than 50,000) to carry out a wide range of community development activities directed toward revitalization of neighborhoods, economic development, improved facilities and services, and affordable housing within the community. Priority must be given to activities that benefit low-moderate-income persons (including neighborhoods). HOME grants may be used only to provide affordable housing for low- moderate-income persons.

HUD sets income levels annually, which are a percentage of the average median income (AMI). In 2019, the AMI for the Greeley MSA, which includes all of Weld County, was \$79,188 for a family of four. The majority of CDBG funds and all HOME funds must have beneficiaries earning 80% or less of the AMI, for a neighborhood or for individual households.

To receive the grants, the City must develop a Consolidated Plan every five years to identify the community's needs and set goals to meet those needs through the approval of an Annual Action Plan for each of the five years. The City completed its 2015-2019 Consolidated Plan on December 31, 2019. At the conclusion of each action year, the City must also prepare a Consolidated Annual Performance and Evaluation Report (CAPER) that describes for the public and HUD how federal assistance was used during that action year. The attached CAPER is for the fifth and final year of the current Consolidated Plan (2019). The City's 2019 grants were as follows: CDBG-\$824,255; HOME-\$390,658.

Additionally, the City received funds from revolving loan funds from the Housing Rehabilitation Program and program income from a closed program (Homes Again Purchase Program). These funds are payments on loans provided with grant funds. Other funds received were in the form of minor miscellaneous program income (for example, short term rental of property).

Reporting to HUD occurs online through the Integrated Disbursal and Information System (IDIS). Specific questions are completed for each step of the process: Consolidated Plan, Action Plan, and the CAPER. Each has specific questions to which the City must respond. Terminology may not be familiar to the general public; definitions or further explanation of any information in the CAPER is available from the Greeley Urban Renewal Authority. Information in forms other than written English may be provided upon request by contacting GURA.

HUD requires the City to submit an Annual Action Plan setting forth the intended uses of the CDBG and HOME funds for a one-year period. Annual Plans must support the priorities and goals established in a Five-Year Consolidated Plan (as noted above). The Council approved the 2019 Annual Action Plan through a public hearing process at its October 1, 2019 meeting.

Fiscal Impact:

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

Legal Issues:

None.

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

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) A motion to approve the recommendation of the Greeley Urban Renewal Authority Board and approve the reports; or
- 2) A motion to amend the reports and approve as amended; or
- 3) Continue consideration to a date certain. (Note: CAPER must be delivered to HUD by April 30, 2020.)

Council's Recommended Action:

A motion to accept the recommendation of the Greeley Urban Renewal Authority to approve the City of Greeley's Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2019 for submission to the U. S. Department of Housing and Urban Development.

Attachments:

City of Greeley 2019 Consolidated Annual Performance and Evaluation Report (CAPER)

2019 Consolidated Annual Performance and Evaluation Report

(CAPER)

5th Year of the 2015-2019 Consolidated Plan

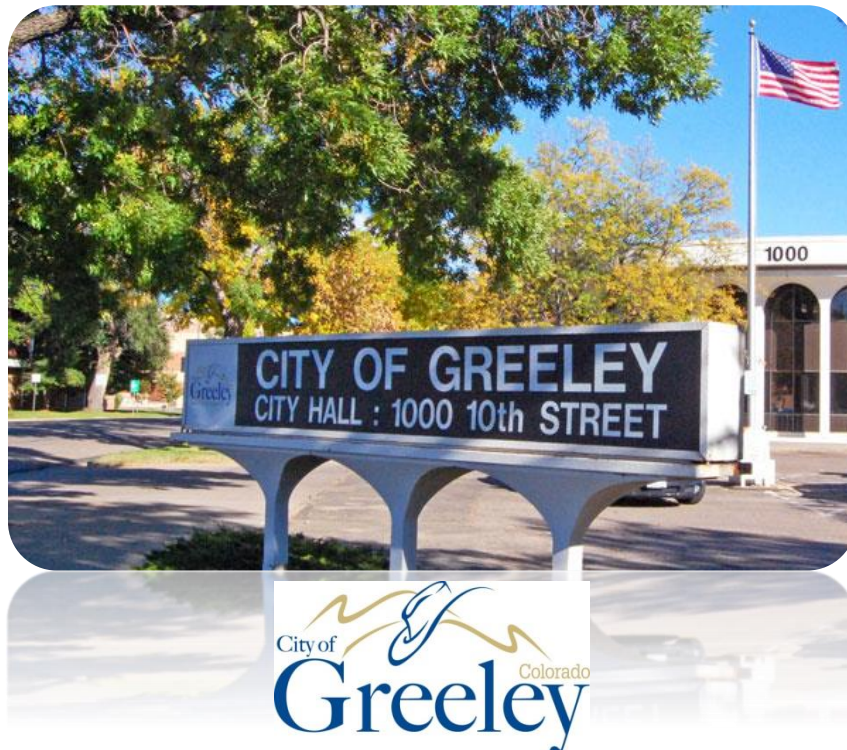


Table of Contents

Introduction.....	3
CR-05 - Goals and Outcomes	4
CR-10 - Racial and Ethnic composition of families assisted	10
CR-15 - Resources and Investments 91.520(a)	12
CR-20 - Affordable Housing 91.520(b)	17
CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)	19
CR-30 - Public Housing 91.220(h); 91.320(j)	23
CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j).....	23
CR-40 - Monitoring 91.220 and 91.230.....	28
CR-45 - CDBG 91.520(c)	29
CR-50 - HOME 91.520(d).....	30
Attachments.....	32-40

Introduction

The Consolidated Annual Performance and Evaluation Report (CAPER) is a step in the U. S. Department of Housing and Urban Development's Consolidated Plan process for use of the Community Development Block Grant and HOME Investment Partnership Program grant funds. The Consolidated Plan provides a framework for formulation of a Five-Year Strategic Plan for the City to assess affordable housing and community development needs and market conditions, identify activities to address the needs and conditions, and then target federal funds to the identified needs. Annual Action Plans then describe activities that will implement goals identified in the Strategic Plan. The CAPER is the annual report on accomplishments and progress made toward the most current year's Action Plan goals following completion of the City's program year. This CAPER is for 2019 and is the fifth and final report on the Consolidated Plan for 2015-2019.

Use of the grants is described briefly below:

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

The majority of the CDBG funds and all HOME funds must have beneficiaries that earn 80% or less of the Area Median Income (AMI) for the Greeley Metropolitan Statistical Area (MSA), which encompasses all of Weld County. The "beneficiary" may be a neighborhood, an individual, or a household. The AMI for the Greeley MSA, set annually by HUD, was \$79,188 for a family of four in 2019. By HUD definition, "moderate income" is between 51% and 80% of AMI; "low income" is 31%-50% of AMI; and "poverty level income" 30% or less of AMI.

Grant awards from HUD in 2019 were \$824,255 (CDBG) and \$390,658 (HOME). Both awards were decreases from the 2018 awards of \$860,683 (CDBG) and \$418,361 (HOME). There was also income generated through the Housing Rehabilitation Revolving Loan Program and program income from a closed revolving loan program.

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

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan.

91.520(a)

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

The activities noted below are those on which funds were drawn or which had significant progress in 2019. They are the last activities to implement the goals of the 2015-2019 Consolidated Plan.

Infrastructure

- **Redevelopment District Infrastructure Phases 2 and 3-Central Greeley** – Curbs, gutters, sidewalks, and ramps issues were addressed. Phase 2 (2018) was completed, and the city continued the multi-year activity with Phase 3 (2019), which will be completed in 2020. The targeted area for both years was between 23rd and 11th Avenues and 11th and 13th Streets. The 2019 activity specifically targeted 21st Avenue in front of Maplewood Elementary School and addressed drainage issues in addition to the other infrastructure noted.
- **Parkway Tree Planting** –Twenty-eight properties received one or more trees, with 48 trees planted during 2019.
- **Alley Reconstruction** – Twelve gravel alleys were reconstructed using asphalt millings. Reconstruction improves the appearance of the alleys (and thus the neighborhoods), reduces dust, and improves safety. Wear and tear on sidewalks should also be reduced with the absence of gravel.
- **Street Light Installation** – Thirty-two streetlights were installed in low-moderate-income neighborhoods for safety improvements.

Affordable Housing

- Four low-moderate-income households received a housing rehab loan; six low-very low-income households received a housing rehab grant.
- Four new construction, single-family houses in the Crestview Subdivision, with HOME assistance provided through Greeley-Weld Habitat for Humanity, sold to low-moderate-income buyers.
- Compromised flooring was replaced at the Twin Rivers, a multi-family housing development for persons with disabilities. Safety of the residents was of concern due to the flooring condition.

Property Conditions

- The annual clean-up weekend activity was held in April.

Public Services and Facilities that Addressed an Essential Need

- The **Greeley Transitional House (GTH) and Catholic Charities (Guadalupe Community Center)**, both of which service the homeless, continued to support staff who worked with homeless families (GTH) and single men and women (Guadalupe) on housing issues. The service also includes working with landlords and providing tenant education. The goal for all is self-sufficiency. Staff was also supported at the Cold Weather Shelter, and CDBG assisted Senior

Resource Services in providing free transportation for seniors.

- **North Colorado Health Alliance** and a number of community partners continued the Community Action Collaborative, a service that helps connect 9-1-1 callers with non-emergency issues to services and housing. Three hundred fifty-six unduplicated people were assisted.
- **Senior Resource Services** provided free transportation services to seniors.

Public Services and Facilities that Addressed a Non-Essential Need

- Final draws on the improvements to access for persons with disabilities and an extensive rehabilitation to the entryway were completed at the **Rodarte Center**, a public facility in a low-income neighborhood of northeast Greeley. The activity addressed safety concerns. The Rodarte Center provides (in part) after school and recreational opportunities for children and other residents.

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

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

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
HOME Program-homeownership	Affordable Housing	HOME: \$	Homeowner Housing Added	Household Housing Unit	15	20	100% +	5	4	80%
HOME Program-Rental housing	Affordable Housing	HOME: \$	Rental units constructed	Household Housing Unit	0	5	NA	0	0	NA
Homeownership-Reconstruction of housing-HAPP	Affordable Housing	CDBG: \$	Homeowner Housing Added	Household Housing Unit	2	0	0	0	0	NA
Homeownership-Reconstruction of housing-HAPP	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	2	3	100% +	1	0	0%
Non-profit public services		CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	75	380	100% +	20	478	100% +

Non-profit public services		CDBG: \$	Homeless Person Overnight Shelter	Persons Assisted	0	1,403	NA	0	373	NA
Property acquisition, demo, clearance, disposition	Non-Housing Community Development	CDBG: \$	Rental units constructed	Household Housing Unit	30	0	0.00%	2 properties or 12 people	0	0.00%
(No Action Plan Goal #) Public facilities	Dependent on the type of facility	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	60	7,660	100% +	0	0	NA
Public Facilities	Dependent on the type of facility	CDBG: \$	Homeless Person Overnight Shelter	Persons Assisted	0	74	100% +	30	0	0%

Public improvements	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	21,000	90,900	100% +	4,200	46,205	100% +
Public Service-Property Conditions	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	10,500	9,939	95%	2,100	3,299	100% +
SF, owner-occupied housing rehab emergency grants	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	40	23	58%	8	6	75%
Single-family, owner-occupied housing rehab loans	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	25	20	80%	5	4	80%

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

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

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

1. Public Improvements (CDBG)
 - a. Several activities addressed the public improvements priority. A 3rd phase of infrastructure improvements in the Redevelopment District was implemented in 2019 and the 2018 activity was completed. The 3rd phase placed a new storm sewer line, inlet, and one outlet into an area drainage pond; installed some new sidewalk on both sides of the 21st Avenue, which is across from Maplewood Elementary School. The phase was approximately 41% complete at year-end. In the same vicinity, alleys were reconstructed, taking them from gravel to re-purposed asphalt. Aside from the physical work done, teachers at the school made contact with city Public Works staff and asked them to speak to the students about city jobs involved in the work that may not need a college education. Public Works staff is also working with the school for potential student artwork to be installed after completion of the activity.
 - b. Tree planting in the parkways of the Redevelopment District also continued.
 - c. Streetlights were installed in a number of low-income neighborhoods within the District.
2. Creation and maintenance of affordable housing
 - a. Maintaining affordable housing was addressed with CDBG through the continuation of the Single-family Housing Rehabilitation programs (loans and grants) and with rehabilitation to a multi-family development of affordable housing.
 - b. Habitat for Humanity (HOME-homeownership) constructed and sold four houses to qualified buyers, addressing the need for additional units of affordable housing.
3. Property Acquisition
 - a. No properties were acquired.

Priorities that the City ranked medium (but which are part of the “low” priorities in IDIS) included the following:

1. Property conditions – 2019 Clean-up Weekend (CDBG) was held in April.
2. There were no 2019 activities for public facilities that addressed an essential need.
3. CDBG funds supported public service activities through the North Colorado Health Alliance, Greeley Transitional House (shelter and services for homeless families), Catholic Charities (shelter and service homeless persons), and Senior Resource Services (transportation for seniors). North Colorado Health Alliance provides services to persons calling 911 with non-emergency needs.

Low priorities (City ranking):

1. There were no public services or facilities that addressed a non-essential need assisted during 2019.

The City allocated a majority percentage (approximately 95%) of its 2019 grant for activities that included infrastructure improvements, affordable housing, and property acquisition, the highest priorities of the 2015-2019 Consolidated Plan.

Draws in 2019 included \$44,050.98 for 2018 expenses. Additionally, there will be final draws of 2019 expenses in 2020 in the amount of \$61,614.13 (subject to finalization of the City audit).

CR-10 - Racial and Ethnic composition of families assisted

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

91.520(a)

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

- Housing activities (rehab loans and grants)
- Public services (case manager support at two shelters, Community Action Collaborative; Senior Resource Services; Cold Weather Shelter)
- Multi-family rehab

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

Direct Benefit Activities	CDBG	HOME	HOME rental units monitored
White	758	3	15
Black or African American	23		4
Asian	8		
American Indian or American Native	30		
Native Hawaiian or Other Pacific Islander	4		
Other multi-race	47	1	
Total	870	4	19
Hispanic	230	3	10
Non-Hispanic	570	1	9

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

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

CDBG Indirect Benefit Activities	LM Universe	LM Area	% LMI	% Hispanic
Redevelopment District Infrastructure Ph 2-Central Greeley (2019 completion)	3,345	2,495	74.59%	38.79%
Redevelopment District Infrastructure Ph 3-Central Greeley (2019 start)	3,610	2,200	60.94%	38.78%
Alley reconstruction	6,070	4,045	66.64%	59.48%
Street light installation	21,005	14,780	70.36%	59.09%
Trees in Parkways	12,175	8,975	73.72%	37.22%
Clean-up Weekend	72,960	39,240	53.78%	39.40%

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

Narrative

Greeley tracks the benefit to persons identifying with the Hispanic ethnicity due to the large number of Hispanic persons in the city. As a recipient of the federal grants, the City is required to make reasonable efforts to provide language assistance to ensure meaningful access for Limited English Proficient (LEP) persons who want to access programs and activities. “Reasonable effort” includes conducting a Four-Factor Analysis to identify minorities with a high incidence of limited English proficiency and then development of a written Language Assistance Plan. The City’s Four Factor Analysis identified the Hispanic ethnicity as the only minority group with a large percentage of persons in Greeley. The Analysis data is supported by the Demographic and Housing Estimates in the U. S. Census Bureau’s 2013-2017 American Community Survey 5-year Estimates (ACS), which shows the White, Non-Hispanic population in Greeley at 55% and the Hispanic population at 39.4%. All other races in Greeley are represented by a percentage of less than 2% per race, according to the ACS data.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	Grant funds available at 1/1/19	295,272.56	44,050.98*
	Added 2019 grant	824,255.00	590,133.51
			61,614.13**
Program Income	Program income beginning balance	360,395.49	
	Added PI	99,401.66	308,450.43
Rehab RLF	Program income beginning balance	175,762.08	
	Added RLF	62,034.13	38,594.02
HOME	Grant funds available at 1/1/19	633,407.13	
	Added 2019 grant	390,658.00	83,646.47
Program Income	Program income beginning balance	306,198.30	
	Added PI	19,678.34	60,343.43

Table 3 - Resources Made Available

Narrative

Refer to table above. Expenses were balanced to IDIS Report PR05-Drawdown Report by Project and Activity for what were listed in that report as 2019 draws. Note the following:

- \$44,050.98(*) drawn in 2019 were for 2018 expenses
- \$590,133.51 were 2019 draws for 2019 expenses
- \$61,614.13(**) in 2019 expenses will be drawn with the first 2020 draw
- Total expended for 2019 activities = \$651,747.64

Resources available to the City during 2019 included unallocated grant funds from prior years, 2019 grant funds, CDBG program income (including funds originally receipted as Revolving Loan Funds, now a closed program), Revolving Loan Fund payments (housing rehab) and HOME program income. Because the City's fiscal year may not be completely closed out when the CAPER is due for submittal, there may be adjustments needed.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Redevelopment District- Comprehensive	85%	86%	Not included in the percentage within the Redevelopment District are public service activities that serve any low-income or homeless person in the community. If those activities were included, the percentage would obviously increase.

Table 4 – Identify the geographic distribution and location of investments

Narrative

There are 38 census tracts within Greeley boundaries. Eleven have a percentage of low-moderate-income residents that exceeds 51% (1, 2, 4.02, 5.01, 5.02, 7.01, 7.03, 8, 10.3, 10.4, 13), thirteen if CT 6 and 7.05 are counted (far NE corner; very few residents). Additionally, there are block groups with more than 51% of the residents earning low-moderate-incomes (if looked at alone and not as a part of the entire census tract): BG 3 in CT 10.05; BGs 1, 3, and 4 in CT 11; and BG 1 in CT 12.01. Greeley's low-moderate-income census tracts are east of 35th Avenue and are included in the Redevelopment District. There are no census tracts west of 35th Avenue in Greeley with a LMI percentage greater than 51%.

Leveraging

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

CDBG – Applications with a match from the agency requesting funds are viewed most favorably. Those matching dollars are generally from agency fund raising events and include private, corporate, and foundation donations. When available, the City matches its activities with Quality of Life funds or Sales Tax Dollars (local programs).

HOME – The increase to available HOME match during 2019 was from Habitat for Humanity, which provided match in a number of ways, including donated goods, private funds, donations from corporations and foundations, etc. At this time, volunteer hours are not counted as match, although they could be.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	\$4,860,615
2. Match contributed during current Federal fiscal year	698,660
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	\$5,559,275
4. Match liability for current Federal fiscal year	15,439
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	\$5,543,836

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year				
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Site Preparation, Construction Materials, Donated labor	Total Match
6 th Crestview	2/1/19	175,020	10,599	185,619
7 th Crestview	4/25/19	127,410	11,292	138,702
8 th Crestview	8/21/19	188,440	15,749	204,189
9 th Crestview	11/22/19	153,268	16,882	170,150
Total Match		644,138	54,522	698,660

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period \$	Amount received during reporting period \$	Total amount expended during reporting period \$	Amount expended for TBRA \$	Balance on hand at end of reporting period \$
\$306,198.30	\$19,678.34	\$60,343.43	\$0.00	\$265,533.21

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts – (based on properties closed in 2019 = 1318, 1322, 1326, 1330 29 th Street Road)						
Number	1	0	0	0	0	0
Dollar Amount	\$123,508.10	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
Contracts						
Number	1	0	0			
Dollar Amount	\$123,508.10	0	0			
Sub-Contracts						
Number	0	0	0			
Dollar Amount	0	0	0			

Table 8 - Minority Business and Women Business Enterprises

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition	
Parcels Acquired	0
Businesses Displaced	0
Nonprofit Organizations Displaced	0
Households Temporarily Relocated, not Displaced	1

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

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

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

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

	One-Year Goal	Actual
Number of homeless households to be provided affordable housing units	0	0
Number of non-homeless households to be provided affordable housing units	4 (2 Habitat; 2 HAPP)	4 (Habitat)
Number of special-needs households to be provided affordable housing units	0	0
Total	4	4

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through rental assistance	0	0
Number of households supported through the production of new units	4 (2 Habitat; 2 HAPP)	4 Habitat sold
Number of households supported through the rehab of existing units	13 (5 loans; 8 grants)	19 (4 loans, 6 grants; 9 ASI)
Number of households supported through the acquisition of existing units	0	0
Total	17	19

Table 12 – Number of Households Supported

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

The City's goal of adding two for-sale units funded with Homes Again Purchase Program Revolving Loan Funds was not met, as the program was cancelled. Habitat for Humanity sold four new-construction houses, however, which met the overall goal of four new units produced.

The Housing Rehab Program had nine applications in 2019; four of those were completed as a grant and two resulted in a loan. Two grants activities and two loan activities started in 2018 were also completed in 2019 and are counted in the above results. Three applicants cancelled prior to work beginning.

Discuss how these outcomes will impact future annual action plans.

The City supports the work of the Greeley-Weld Habitat for Humanity, as it produces units that can be truly affordable to the buyers. It is expected that HOME funds will continue to provide assistance to this homeowner buyer program.

The GURA Board of Commissioners cancelled the Homes Again Purchase Program due to overall market conditions and costs to continue the program. The revolving loan funds from this program have moved to program income and will be used to fund other eligible activities, most likely affordable housing programs.

The Housing Rehab Programs continue to be modestly utilized by low-moderate-income homeowners. The programs are under review due to (1) a lack of contractors interested in dealing with federal regulations, (2) a lack of applications, and (3) environmental concerns (such as lead paint, asbestos, radon, etc.). Costs to test for toxic substances often exceed the limits of the Rehab Programs and what low-moderate-income homeowners can afford, and do not allow for the requested work to be done. Staff expects to have conversations internally and with HUD on whether or not the Rehab Programs, particularly for larger activities done under the loan program, continue to be viable.

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

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	706	
Low-income	152	1
Moderate-income	7	3
Non-LMI	5	
Total	870	4

Table 13 – Number of Households Served

Narrative Information

Two activities account for the majority of the extremely-low-income households identified in Table 13: the Cold Weather Shelter (with 311 beneficiaries) and the Community Action Collaborative (with 320 beneficiaries). The Senior Resource Services activity that provides free transportation for seniors accounted for 122 of the low-income beneficiaries. Other activities with extremely-low-income clientele included the Greeley Transitional Housing public service activity for a housing case manager, the Guadalupe Community Center case manager support, Rehab Program grants, and residents at multi-family rehab activity development. All 2019 activities served LMI population residents.

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

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

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

- The annual Homeless Point-in-Time (PIT) Count surveyed sheltered and unsheltered people experiencing homelessness on January 29, 2019.
- The annual Weld Project Connect event provided more than 70 services onsite to persons in need, as well as free system-wide bus service in Greeley and Evans on the day of the event. Areas of service and outreach included health, community assistance, documentation and human services, wellness, education, and veterans.
- The Housing Navigation Center opened in April and provides a location that doubles as the Cold Weather Shelter. The location provides homeless persons with lockers, a place to receive mail, computer access, assessment through the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT), assistance with birth certificates and Colorado identification cards, etc. Assessment may also be done at the Greeley Transitional House and the Guadalupe Community Center. A variety of agencies also provides staff at the Housing Navigation Center on a part time basis. There is great network and collaboration among the agencies that serve the homeless population in Greeley.
- Another network is through Connections. What began as a way to assist persons exiting the corrections system is now a general community networking group that focuses on some of the most vulnerable populations, including the homeless.
- The North Colorado Health Alliance has a team of Care Managers with two designated specifically to reach out to the homeless relative to their healthcare needs. North Colorado Health Alliance also continued the Community Action Collaborative, a program that reroutes non-emergent 911 calls to the Collaborative that includes trained mental health professionals and City emergency responders. The Collaborative helps connect homeless persons to services, as opposed to the justice or medical systems.
- Catholic Charities and/or North Colorado Health Alliance do outreach and assessment of homeless to the extent feasible at the cold weather shelter. (Additional information on this shelter is provided below under "emergency shelter".)

Addressing the emergency shelter and transitional housing needs of homeless persons

Much more than emergency shelter is provided by the Greeley non-profits that operate the local shelters. Extended stay is offered at both the Guadalupe Community Center, the Greeley Transitional House (families experiencing homelessness), and A Woman's Place (homelessness due to domestic violence). All provide significant levels of services and educational opportunities that focus on self-sustainability.

Emergency Shelter

- The Guadalupe Community Center (Guadalupe) provided 16,598 nights of shelter during 2019. Guadalupe has 24 beds for men, six beds for women, and six separate rooms for families.
 - Single women receive emergency short-term overnight shelter and case management from April 16-October 31 at Guadalupe. In 2019, 95 single women received emergency shelter services.
 - At risk and homeless families are served on an emergency basis at Guadalupe year-round. These self-referrals, referrals from law enforcement services, and referrals from community partners receive very short-term emergency shelter, meals, necessities, and case management assessments and support.
 - A community team, the Emergency Family Coordination Team, made up of the Greeley Transitional House, A Women's Place, Weld Department of Human Services, Hope at Miracle House, Almost Home, Weld County School District Six, and Catholic Charities work with the case managers at the Guadalupe Community Center and the family to develop a housing plan and resolution of other emergency needs. In 2019, 98 families were served (including 223 children).
- The Greeley Transitional House provided emergency shelter (13,119 individual nights of shelter in 2019) and supportive services to 58 families (93 adults and 146 children). Supportive services included case management, housing navigation and stabilization, and management of rapid rehousing and transitional housing grants.
- A Woman's Place provided emergency shelter for victims/survivors of domestic violence. In 2019, 5,955 nights of shelter were provided to 394 victims, 183 of which were youth under 18 (46%). The average nights per stay was 15.
- The Cold Weather Shelter provided shelter to 235 people January-April 2019 (59 women, 176 men). The shelter re-opened in October 2019, and between opening and December 31, 2019, 311 unduplicated people received shelter (74 women, 237 men). Shelter information is available on the United Way 2-1-1 website in multiple languages. During November and December 2018, 289 unduplicated individuals were served (216 men and 73 women).

Transitional Housing

- The Greeley Transitional House provided three post-shelter housing programs for families. These programs include the Rural Rapid Re-housing program funded by the HUD Continuum of Care, the Camfield Corner Apartments (16 units of transitional housing) funded with the City's HOME grant, and a case-management-based program at scattered sites funded by Greeley Transitional House. Fifty-three families were served through these programs in 2019.
- The Guadalupe Community Center operated a Transitional Living Extended Stay Shelter program focused on moving the residents to sustainability through income and affordable housing as quickly as possible. The greatest barriers to these goals are the lack of affordable housing and livable wages and the difficulty for someone with a felony record to find housing. Shelter residents can continue to receive services as needed to deal with challenges that come up after transition from the shelter to housing.

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

While homelessness may be inevitable in some situations, the City and the Northern Colorado Continuum of Care strive for homelessness that is rare, brief, and non-recurring. In Greeley, it has been demonstrated that the best way to help the categories of people noted is through a good, consistent network system. GURA staff frequently receives email blasts from the Connections group previously referenced stating, “I have someone who is...” or “I have someone who needs”, and follows with specific requests to the large community of non-profit and governmental agencies that might be able to help.

Homeless individuals being discharged from North Colorado Medical Center with an acute/complex medical condition can stay at the Guadalupe Community Center for up to 60 days (four beds for men, two for women). Services are outlined in a treatment plan and ordered by a physician; coordination is with NCMC and a Guadalupe Care Coordinator. The intent is to avoid a return to the emergency room or hospital readmission, and ultimately a program outcome of housing. From July thru December 2019, 14 patients were served with 414 days of patient care.

Other services to help individuals and families avoid homelessness are highlighted below (not all-inclusive):

General Emergency Assistance

- The Homeless Prevention Program administered by Catholic Charities provided 435 households (700 adults; 714 children) with \$38,422 in rent assistance and \$153,791 in utility assistance, as well as assisting 409 households with diapers and 100+ persons with LEAP application assistance.
- In 2018, the Greeley Transitional House provided \$16,062 in homeless prevention services (rent assistance and case management) to keep 9 households (29 individuals) in their homes. This program is funded through the Colorado Department of Local Affairs’ state income tax check-off program.
- A number of churches and other charitable organizations provided emergency funds for rent and utility assistance.
- United Way of Weld County’s 2-1-1, a free, confidential, multilingual service, provided referral for non-emergency health and human services. In 2019, 7,995 requests for assistance were received, with the highest request being for utility assistance.

Assistance for Persons with a Criminal Record

- Jobs of Hope provided young men who were former gang members with training in life skills and job readiness and assisted in finding them employment upon completion of the Jobs of Hope Program. (More than 100 men have been placed in a job since the start of this non-profit.)

- The Guadalupe Community Center provided shelter and support services to those coming out of community correction system (no one on the Sexual Registry or who had committed a recent violent crime).

Assistance for Veterans

- Assistance in obtaining Veterans Administration (VA) benefits is available from the Weld County Veterans Service Office in Greeley. It also acts as a liaison between the VA and veteran with regard to preparation, presentation, and appeal of VA benefits. The service had no cost.
- The Guadalupe Shelter contracts with the VA to serve homeless veterans and help them with healing and self-sufficiency goals.
- The Northern Colorado Veteran Resource Center provided multiple services for veterans.

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

- United Way of Weld County continued to implement “Weld’s Way Home” – the local strategic plan to address and prevent homelessness. The plan is dedicated to implementing the “Housing First” model, and all activities that are developed under the Plan’s eight initiatives will have that model as the guiding principal.
- The City of Greeley provided \$200,000 for the lease of the building that housed the cold weather shelter. The shelter is in its third cold weather season (2019-2020).
- The cities within the Northern Colorado region of the Balance of State Continuum of Care (Greeley included), utilized coordinated entry to move homeless individuals, families, and youth out of homelessness and into permanent housing as rapidly and smoothly as possible. The coordinated entry system in Northern Colorado has primarily focused on housing veterans, chronically homeless individuals, and families. As of December 31, 2019, 476 veteran households had been assessed for housing with 362 permanently housed, 761 single adults had been assessed with 145 permanently housed, and 331 families had been assessed with 184 permanently housed.
- The coordinated entry system expanded in January 2019 and the process to serve unaccompanied youth was launched. As of December 31, 2019, 39 youth had been assessed and six housed.
- Weld County received \$30,000 in Emergency Solutions Grant (ESG) Rapid Re-housing funding to address the need to shorten or prevent homelessness for individuals and families through direct financial services for rent, security deposits, and utilities. The Greeley Transitional House administered the funds on behalf of the County.
- Case management is provided at all shelters in Greeley, with a focus on deterring homelessness or shortening the length of stay when possible. A continuing trend is for shelter residents to be employed, but not able to find affordable housing.

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

Actions taken to address the needs of public housing

During 2019, one single-family house was renovated (kitchen, bath, and flooring). Roofs were replaced on three multi-family buildings and on six single-family houses. Border fencing was replaced at a 42-unit housing complex.

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

The Housing Authority has a disabled public housing tenant who serves as a Commissioner on the Housing Authority Board. Residents are being recruited to serve on the Tenant Advisory Board. Meetings will be held monthly to discuss concerns residents may have in residences or complex common areas and to work on solutions. Although the average income in Public Housing is \$24,000 per year, there are three-five residents whose incomes would allow them to possibly pursue a home purchase. Management encouraged attendance at classes provided by the Colorado Housing and Finance Authority to provide knowledge on homeownership.

Actions taken to provide assistance to troubled PHAs

Not applicable. The Greeley PHA is not troubled.

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

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

The City's most impactful action to address negative effects of public policy serving as barriers to affordable housing was the adoption of the Strategic Housing Plan. It includes strategies and actions that involve public policies, such as

- Amend the development code to promote housing choice
- Develop financial strategies that minimize development costs
- Address the impact of raw water on housing affordability
- Facilitate development of manufactured communities

While it will take some time to implement the steps, the Plan provides a blueprint for ameliorating or removing some of the negative effects of public policy.

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

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

Building codes: The City adopted the 2015 International Residential Codes, to which all residential construction is subject. Building codes do not inhibit the provision and/or maintenance of affordable housing, but are necessary to providing housing standards for safety and habitability (which HUD also expects).

Growth limitations: There are no policies regarding growth limitations in Greeley. Growth is restricted by jurisdictional boundaries, which directs much of the growth west.

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

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

See information throughout the CAPER, such as support for the Guadalupe Community Center (homeless), Greeley Transitional House (homeless families), Community Action Collaborative (persons in need that call 911 with non-emergencies), Senior Resource Services (seniors needing transportation), and Habitat for Humanity (for-sale housing to low-income households).

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

The GURA staff started discussions with Weld County on they might work together to get new County grant fund into the county communities to reduce lead hazards. No other new actions were taken in 2019 to reduce lead-based paint hazards; however, the City continued to address lead paint hazard issues through the following:

- GURA policy requires that testing for lead-based paint be done by a certified lead-based paint inspector on any house constructed prior to 1978. This policy is applicable when the proposed rehab includes work that would disturb any existing painted surface, such as replacement of windows or doors or exterior painting.
- GURA policy also requires that all rehab work that disturbs a painted surface be performed by an Environmental Protection Agency (EPA) certified Renovation, Repair, and Painting (RRP) Program contractor who has been properly trained in setup, disposal, and clearance of affected areas. Safe handling of all lead-based paint is part of the rehab contract.
- The GURA Manager holds two lead-based paint certifications from the Colorado Department of Public Health and Environment, Air Pollution Control Division. The certifications are Lead-Based Paint Inspector and Lead-Based Paint Assessor. GURA's Manager attends lead-based paint training when available.
- Applicants for all housing rehab activities are provided information packets about the dangers of lead-based paint when applying for assistance. Both English and Spanish versions of the information are available.

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

Actions are not always specific to poverty-level families, but are meant to help anyone in need. There are CDBG and HOME activities noted throughout the CAPER that provide assistance to agencies working with people looking for help and/or to better their lives. Some of the agencies that might help reduce the number of poverty-level families are listed below. Additionally, the City added an Economic Health and Housing Department that will work to expand the business structure in Greeley and provide more housing opportunities.

- Women2Women provided emergency financial assistance to women by women.
- The Immigrant and Refugee Center of Northern Colorado assisted refugees and immigrants by (in part) teaching English, helping with job searches, and helping with navigation through a new culture.
- Sunrise Community Health provided health and dental care at seven locations in Greeley with payment based on the ability to pay.
- Connections for Independent Living provided assistance and advocacy for individuals with a disability needing to access services and programs. In addition to advocacy, a number of core services are offered: information and referral, peer support, independent living skills training, and assistance in finding and retaining employment.
- North Range Behavioral Health provided a comprehensive set of programs and services for persons with mental illness; addiction; in need of counseling, peer assistance, or crisis support; etc. North Range also provides a continuum of residential services, from staffed homes to supported housing and independent living. No one is denied treatment based on inability to pay.
- Weld Food Bank administered a number of programs to help alleviate hunger and poverty by providing food and food services to people in need.
- The Greeley Interfaith Association and many churches within the faith community provided assistance to those in need, including clothing and meals.

The 2008-2012 American Community Survey estimated that 15.7% of Greeley families lived in poverty [with higher numbers for families with children under 18 (26.0%) and families with children under age five (29.4%)]. Poverty percentages reduced in the 2013-2017 ACS (11.9% of all families; 17.3% of families with children under 18; 19.5% of families with children under age five).

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

A strong institutional structure is evident in Greeley in part through the number of agencies and representatives that participate in the Northern Colorado Continuum of Care and the Connections network; the collaboration among agencies providing shelter to working toward housing the homeless; the faith community which provide meals and clothing to those in need; and in the Community Action Collaborative, a partnership with the City and agencies serving those in need. The City does not feel there is need for immediate actions to further develop the local institutional structure.

Efforts to improve the regional (Weld and Larimer Counties) institutional structure specific to working on issues of homelessness came to fruition in early 2020 with HUD's announcement of the fourth Continuum of Care in the State: Northern Colorado Continuum of Care (NoCOCO). During the past several years, members of the northern Colorado region questioned the appropriateness for Northern Colorado to remain in the Balance of State Continuum of Care (56 counties considered rural Colorado). Current regional population and projected population growth, as well as the growing infrastructure for providing services and housing to households experiencing homelessness, contributed to Northern Colorado looking and functioning less similarly to other regions in the Balance of State. Agencies and municipalities of the NoCOCO look at having a separate Continuum of Care for Northern Colorado as a very positive move forward in addressing homelessness region-wide.

As noted elsewhere, the Housing Navigation Center opened to centralize efforts to get people into housing as quickly as possible and provide lockers, mailing address, computers, etc. to homeless persons. Additionally, the Coordinated Assessment and Housing Placement System (CAHPS) operates from United Way of Weld County. The Navigation Center facility also houses the cold weather shelter, which operates mid-November to mid-April. The City currently pays the lease for this facility.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Coordination between public and private housing and social services agencies has been detailed in a number of places in the CAPER. Rather than restating, please refer to areas with discussions on the Community Action Collaborative, the Connections network, Weld's Way Home, and the City's implementation of a Strategic Housing Plan. To the extent possible and appropriate, the City and the Greeley Housing Authority have staff that participate in many of the meetings/ groups and help with programs. Additionally, **Weld County United Way** heads the Emergency Food and Shelter Program committee.

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

With each of the impediments noted below, there were goals and actions. Please request the full Analysis of Impediments to Fair Housing for 2015-2019 for additional information on impediments identified in Greeley. Briefly, actions to address the impediments were as follows:

Impediment: Housing Discrimination

- The City has fair housing information and sample brochures available to CDBG and HOME subrecipients on request.
- An Analysis of Impediments to Fair Housing report in March 2019 that will serve as the guiding fair housing document for the 2020-2024 Consolidated Plan.

Impediment: Language and Culture

- The City adopted a “Limited English Four-Factor Analysis” and Americans with Disabilities Act/Section 504 Effective Communications Policies and Procedures that were effect in 2019.
- Ads associated with the Consolidated Plan process were published in English and Spanish.
- The City of Greeley subscribes to a language interpretation service for employee use when communicating with customers who speak a language other than English.

Impediment: Transportation

- The City gave United Way of Weld County 6,346 adult bus passes via a Memorandum of Understanding, each of which provided for unlimited rides in a 24-hour period, and 528 two-ride passes. Twenty-four-hour passes had a value of \$4.50; two-ride passes were each valued at \$3.00. Additionally, United Way was given 440 paratransit trip tickets. Non-profit agencies may request passes for their clientele from United Way.
- Greeley Evans Transit (GET) continued to offer a number of free/discount programs, including free rides to School District 6 students with identification (to school, activities, and back home), discounted fares for seniors and individuals with disabilities, and discount pass booklets further reduce costs for seniors and persons with disabilities.
- Habitat’s Crestview Subdivision is near a bus stop.

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

- The Single-family Housing Rehab grant program installed ramps for accessibility through the Retired Seniors Volunteer Program (RSVP), which provided labor to construct the ramps at a materials-only cost.
- The following provided support for families in transitional housing:
 - Sixteen townhouse-type units for families exiting the Greeley Transitional House shelter.
 - The City Council-approved 2019 grants to the Greeley Transitional House and Guadalupe Community Center for public services that support the homeless as they move toward finding permanent housing.
 - See Section CR-25 for additional information on transitional housing at the Guadalupe Community Center.
- Four Habitat for Humanity houses sold in 2019 in the Crestview Subdivision.

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

- Aggregate reports from the Housing and Mortgage Disclosure Act (HMDA) for the Greeley MSA were reviewed. The reports showed applications of people of the Hispanic ethnicity denied at the rate of 27.05% vs. non-Hispanic people denied at 17.21%. While the City has no control over loan originations and no information as to why loans were denied, the data will continue to be monitored.

CR-40 - Monitoring 91.220 and 91.230

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

The City developed a CDBG monitoring plan that includes several layers of activity review, as briefly described below. The monitoring plan is unchanged from last year. Upon request, the full monitoring plan is available.

- At receipt of applications, all proposed activities are reviewed to ensure they further the priorities of the Consolidated Plan, meet a National Objective, and are eligible CDBG activities. Submitting agencies are required to certify they are in compliance with federal requirements as part of the application. The City strives to ensure applicants are informed with respect to the federal obligations by offering two optional-but-encouraged technical assistance meetings to discuss federal obligations prior to the applicant accepting CDBG funds and also makes staff available for consultation upon an applicant's request.
- Throughout the activity, GURA staff maintains close contact with the subrecipients of CDBG funds. Staff is involved in procurement, bidding language (Section 3; Minority and Women Owned Business statements), and contracting (when applicable); meets individually with the awardees to review the City agreements; and makes great effort to notify agencies that staff is available for technical assistance upon request.
- There is also a limited desk review at the time draw requests are received: Draw requests and invoices are reviewed, beneficiaries are counted, and it is verified that the draw is consistent with the City's agreement.
- By policy, annual on-site monitoring is conducted on a minimum of 10% of the agencies that received funding during that fiscal year with the goal of on-site monitoring of no fewer than three subrecipients, subject to staff modification based on activities and subrecipients. The Guadalupe Community Center and Greeley Transitional House were monitored in 2019. Staff determined it was unnecessary to monitor the other subrecipients as they were experienced or had recent monitorings.

Minority-and Women-Owned Business Outreach

- (The information, with the exception of the date, in the following narrative is unchanged from the 2015 CAPER.) The City does not discriminate against minority or women-owned businesses during the bidding process and has awarded bids to a number of contracts to minority- and women-owned businesses over the years. During 2019, the City contracted with a women-owned business for environmental assessment and clean up. Greeley is not a large community and has a small pool of contractors willing to bid on work that involves Federal funds. No bidder is discouraged.

When advertising an Invitation to Bid, both the City and GURA include a statement encouraging minority- and women-owned businesses to apply. (They also include a Section 3 statement.) A

sample bid invitation by GURA follows: *“Bids are being solicited for (insert job) by Greeley Urban Renewal Authority (GURA). Bids will be accepted until (time) on (date). Bidders must meet qualifications set by GURA. Women- and minority-owned businesses are encouraged to participate. Section 3 requirements for opportunities for low- moderate-income residents and businesses may apply. For more information call (GURA office phone number).”*

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

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

The 2019 CAPER was available for public comment as follows:

- Meeting of the Citizens Committee for Community Development – March 3, 2020; four members attended.
- Public Comment period from March 5 – March 25, 2020.
- Available for review on City’s website.
- Non-profit agency partners with the City received notice of the availability of the CAPER and were encouraged to provide comments and share it with their clientele.
- The GURA Board of Commissioners public hearing to recommend that City Council accept the report – March 11, 2020. **There were XX members of the public at the meeting; no comments were offered.**
- The City Council accepted the report **with no further comment** on April 7, 2020.

CR-45 - CDBG 91.520(c)

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

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

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

No

CR-50 - HOME 91.520(d)

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

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

The City has 10 multi-family developments that include HOME units. City policy is a rental monitoring schedule that follows old HOME regulations (every year for projects with 26 or more units, every other year for projects with five to 25 units, and every three years for projects with one to four units). Monitoring is conducted annually in July/August; all developments due for monitoring (the four, noted All HOME units are monitored annually for rent compliance; the four below were scheduled for and had on-site monitoring. Other than minor maintenance issues, there were no other concerns.

- Chinook Wind
- Plaza del Milagro
- Plaza del Sol
- Stagecoach Gardens

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

Of the 19 HOME units monitored in 2019, four tenants were black and 15 were Caucasian. Ten identified as Hispanic. Additionally, eight units were leased by female head-of-households.

Other:

- Owners of the HOME units advertise with the Fair Housing symbol
- Resident Selection Criteria and/or leases include a non-discrimination statement
- The City received no complaints of discrimination in 2019

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

IDIS activity 305 received \$30,837.78 in HOME program income; IDIS activity 323 received \$29,505.65. The activities were new construction of for-sale housing. One sold to a family with income considered moderate (51-80%) and the other to a family with low income (31-50%). One family identified as multi-racial, the other as White/Hispanic. Both were female-head-of-household.

Describe other actions taken to foster and maintain affordable housing. 91.220(k)

Goals identified in the Analysis of Impediments to Fair Housing include

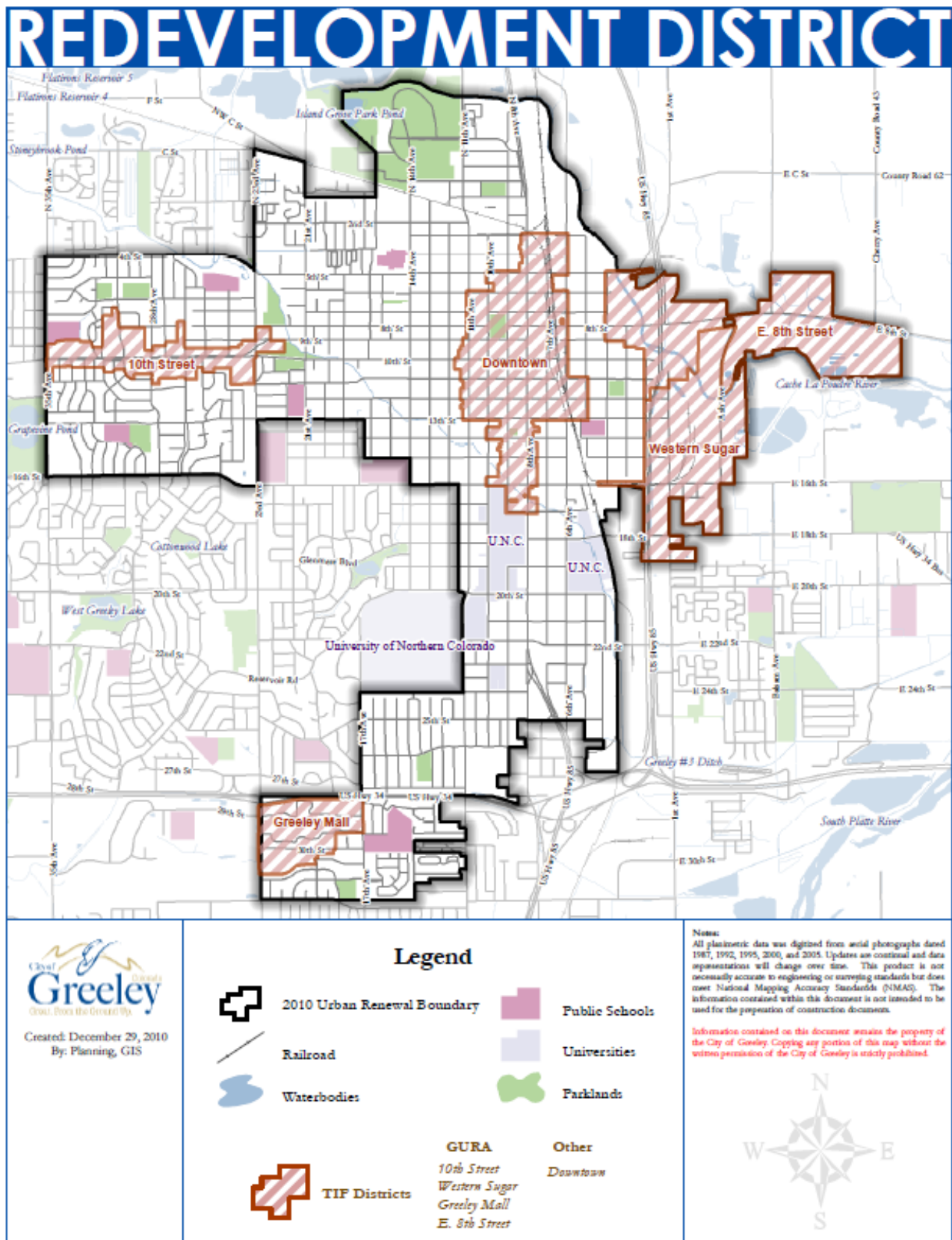
- Increasing awareness and understanding of fair housing and housing discrimination
- Improving access to services for person who have Limited English Proficiency
- Improving access to public transportation
- Increasing the supply of affordable and accessible housing
- Promoting homeownership opportunities in City programs and in support of Habitat for Humanity

Other actions with regard to addressing obstacles to meeting underserved needs, foster and maintain affordable housing, evaluate and reduce lead-based paint hazards, reduce the number of poverty-level families, develop institutional structure, and enhance coordination between public and private housing and social service agencies were discussed in CR-35. See responses in that Section.

Attachments

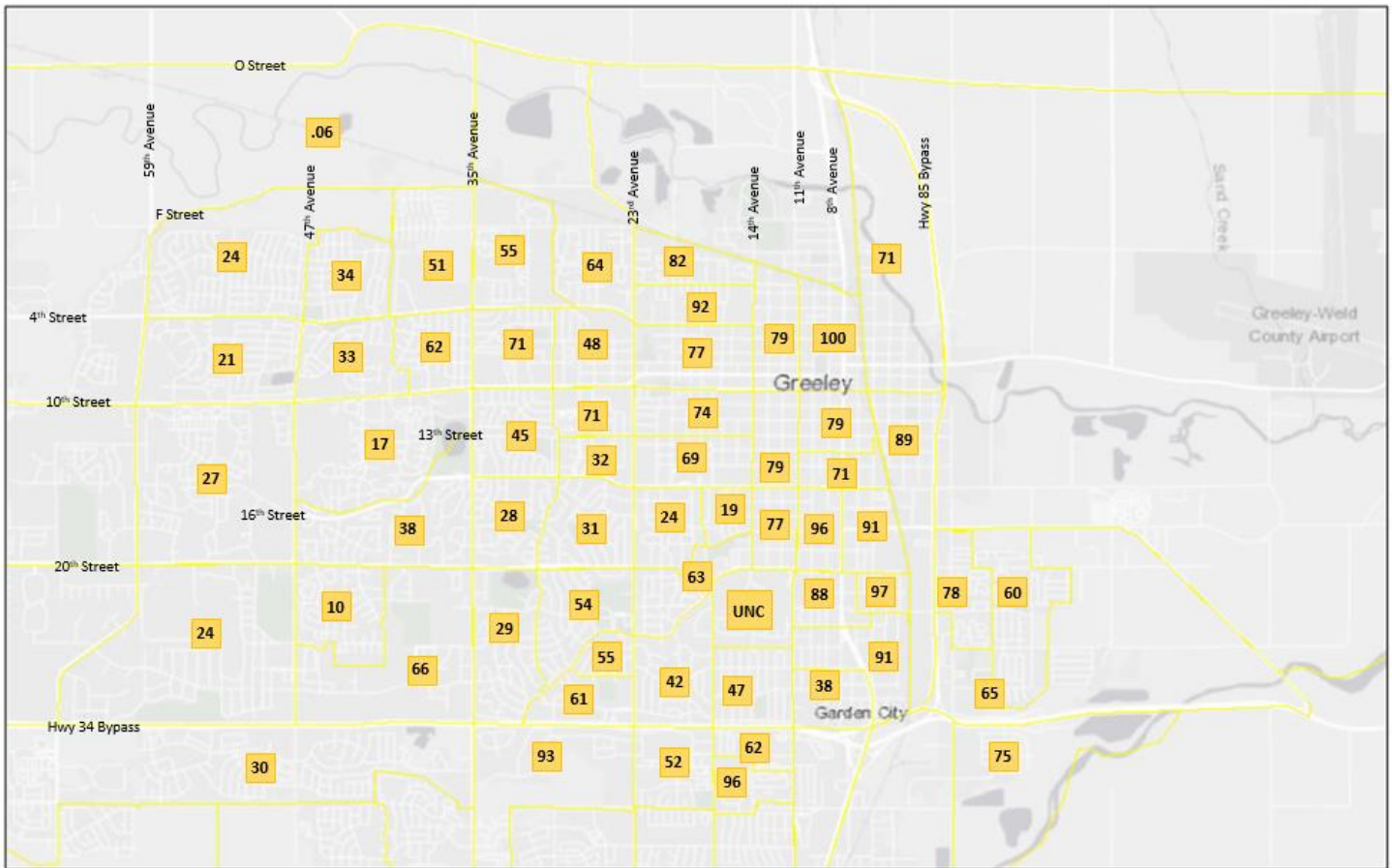
- [Map – Redevelopment District](#)
- [Map – Census Tracts with low-income percentages](#)
- [HOME Recapture Policy](#)
- [CAPER Ad – English](#)
- [CAPER Ad – Spanish](#)

Attachment 1 – Redevelopment District Map



Attachment 2 – Census Tract Map (With Percentage of Low- Moderate-Income Residents)

CPD's 2014 Updated LMISD



February 28, 2018

% of Block Group that is LMI

0 0.5 1 2 mi
0 0.5 1 2 km
1:72,224
Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

STANDARD OPERATING POLICIES & PROCEDURES



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

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

5/17/19 – These policies, as stated below, were Attachment 5 – HOME Affordability/Recapture Policy for Home-ownership for the 2019 Action Plan

These Policies and Procedures are to comply with the HOME regulations noted above and are for the Crestview Subdivision being developed by the Greeley Area Habitat for Humanity (the Developer).

POLICIES

I. Sales Price and Subsidy

- A. The Developer can submit a HOME application and request HOME funds on behalf of their buyers that is the lesser of
 - 1. The gap in buyer purchase financing
 - 2. The total of City fees for water and sewer taps plus building permit fees

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

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

II. Affordability

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

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

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

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

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

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

III. Policies to Retain Affordability

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

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

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

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

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

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

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

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

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

Misrepresentation or refinancing require repayment without a means to remedy.

4. **Remedy.** If the Developer and/or the City, through working with the homeowner, are not able to return the home to affordability compliance, the City will contact HUD with regard to the repayment

of HOME funds to determine how they should be handled. Additionally, the City will take the following steps:

- a. Per the terms of the Beneficiary Use Covenant/Homeowner Agreement, the City will pursue collection by whatever means are allowable under the law, the costs of which will be the responsibility of the homeowner(s).
 - If the homeowner is unable to repay the any or all of the HOME funds immediately, the City will allow for a the homeowner to enter into a loan agreement for repayment of the funds. In this case, the City will repay HOME from its General Fund and set up loan for repayment of the HOME investment with a term not to exceed the original term of the Beneficiary Use Covenant/Homeowner Agreement.
 - b. Per the terms of the Developer Agreement, secondary collection will be pursued by the City from the Developer in any amount uncollectable from the homeowner.
 - c. Right of Legal Remedy in Pursuing Satisfaction of Affordability Period. In the event the homeowner does not satisfy the full terms of affordability and make repayment of HOME funds, the City of Greeley reserves the right to pursue any remedy allowable under HUD regulations and the law for full payment by any legal means necessary. Payment of legal or any other fees will be the responsibility of the homeowner.
- B. **Recapture.** A homeowner cannot **sell** the home during the period of affordability without triggering requirements that some or all of the HOME investment be returned. The HOME regulations at 24 CFR 92.524-Qualification as affordable housing: Homeownership govern instances where a homeowner wants to sell the property during the period of affordability. By policy, the City has chosen the **recapture** of funds (24 CFR 92.524(a)(5)(ii)-Recapture) as the means it will use to enforce regulations in case of a sale. "Sale" includes voluntary or involuntary (foreclosure) sales. Voluntary sales include a short sale or deed-in-lieu of foreclosure.
- A short sale is a voluntary sale in a situation where the bank that holds the mortgage agrees to take less than the full payoff for the mortgage in full satisfaction of the mortgage. This is commonly sought by a homeowner who wants to sell but whose house is "upside down" or where the mortgage balance exceeds the fair market value of the property. The homeowner is voluntarily selling for less than the fair market due to the homeowner's current situation.
 - The City has further determined that foreclosed upon homeowners will follow the recapture provision outlined below. (The City will contact HUD in the case of foreclosure and any direction for HUD that deviates from this must be followed.)
1. **First Right of Refusal.** The Developer shall have a First Right of Refusal Clause in their legal documents (per the Developer Agreement). Should they Developer choose to exercise that Right, the following apply:
 - a. The Developer can resell the property to a new buyer who meets income and all other qualifications of the HOME Program.
 - b. The remaining time on the Beneficiary Use Covenant/Homeowner Agreement can be transferred to the new buyer, provided the new buyer agrees to accept that sale condition and they meet all HOME requirements.

2. HUD offers options to enforce the recapture provisions; the City has chosen to **recapture the full amount** [(see regulation 92.254(a)(4)(ii)(A)(1)], (option one in the cited regulation). “Full amount” is defined as the net proceeds of the sale (sales price minus non-HOME loans on the property and any closing costs associated with the sale). At no time will the City attempt to recapture more funds than are available from net proceeds. The net proceeds provision includes voluntary and involuntary (foreclosure) sales.

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

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

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

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

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

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

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

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

- e) Foreclosure.

- When the City and/or Developer are made aware of a pending foreclosure, they will to the greatest extent feasible provide the homeowner with resources, including counseling options, the Colorado Foreclosure Hotline information, and other guidance as is available.

- Recapture, in the case of foreclosure, is based on net proceeds alone. If there are no net proceeds, the affordability restriction is terminated and there is no further obligation to the homeowner or the City. (Subject to HUD approval, as noted above.)
- 3. Subject to HUD approval, the City will use any recaptured funds for other HOME-eligible activities.
- 4. The HOME Investment and recapture provisions will be secured through a Deed of Trust and Promissory Note. This is in addition to the Beneficiary Use Covenant/Homeowner Agreement that secures affordability and the repayment required if a homeowner is not in compliance with the affordability requirements.
 - a. If the homeowner resides in the property for the full affordability period and meets all of the terms of the Deed of Trust, Promissory Note, and Beneficiary Use Covenant/Homeowner Agreement, the City will release all documents at its expense at the expiration of the legal documents.

PROCEDURES

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

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

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

Council Agenda Summary

April 7, 2020

Agenda Item Number 17

Title

Pulled Consent Agenda Items

Council Agenda Summary

April 7, 2020

Agenda Item Number 18

Key Staff Contact: Sharon McCabe, Human Resources Director, 970-350-9714

Title:

Public hearing and final reading of an ordinance authorizing a salary increase for the City Manager

Summary:

As part of the 2020 budget process, City Council approved market and merit increases for general employees. A market pay analysis for positions reporting to City Council was conducted and the survey information was provided to Council at the time of the annual performance reviews.

	Annual Base Compensation
Greeley City Manager – Current	\$238,167
Average Colorado Surveyed Municipalities (as of 12-31-19)	\$245,827
Greeley City Manager – after merit increase	\$246,503

The annual review of the City Manager was conducted by City Council on February 4, 2020. A summary of Council performance review comments is attached. Based on this annual review, a merit increase of three and one-half percent (3.5%) retroactive to February 20, 2020 is being considered by Council.

Additionally, City Council desires to consider an increase in the deposit to the ICMA deferred compensation account (457) maintained by the Employee to 9.5%, an increase of 3.5%. Such deposits are to be made generally in equal amounts each pay period. This ordinance was introduced at the March 17, 2020 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	\$18,526
What fund of the City will provide Funding?	General
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	

Additional Comments:	
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Legal Issues:

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

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

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

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

Decision Options:

- 1) Adopt the 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

Summary of City Council Performance Review Comments

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____ 2020

AN ORDINANCE AUTHORIZING A SALARY INCREASE AND CHANGES TO CERTAIN BENEFITS FOR THE CITY MANAGER.

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance and salary and benefits are a part of the City Manager's compensation package.

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

- Section 1. The City Manager's salary is increased by three and one-half percent (3.5%) to \$246,503.
- Section 2. The City shall deposit an amount equal to 9.5% of the Employee's base salary into the ICMA deferred compensation account (457) maintained by the Employee.
- Section 3. The above referenced ordinance shall be effective upon passage and shall be retroactive to February 20, 2020.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2020.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor

Greeley City Council – Annual Performance Review
Roy Otto, City Manager – February 4, 2020

Overall Performance Rating and Summary: Occasionally Exceeds Expectations

Council Comments: Engaged with bringing our city to a level of excellence; availed himself to programs that improve skills and improve the programs within the city; continues to remain dedicated to this city; with a number of transitions at department head levels, has maintained cohesion in the city and filling these roles will be critical; understands the roles and responsibilities of the Council and staff and is always engaged in the activities before us.

Fiscal Year 2019 Performance Highlights:

Council Comments: Very pleased to see Roy take advantage of outside programs in the area of coaching, moving from being a director to being a coach. Roy has many examples throughout the year of championing regional efforts. Excellent work in the manager's work program. The City is in good financial shape - a strong economy helps in the area of financial stability.

Fiscal Year 2019 Performance Goals:

Council Comments: Focus on awareness of the things you can change and the things you cannot change; work with an executive coach through Civico leadership; attend University of Virginia high performance academy; develop skill as a coach; provide staff with ongoing positive feedback.

Performance Focus Area

Job Knowledge/ Skills (Applied Wisdom) - Operational/ functional/ technical expertise; technological literacy; analytical; vision; professional development; Business Acumen
Rating: Regularly Exceeds Expectations Council Comments: Continually looking for areas to improve skill levels; job knowledge and skill level are excellent; functions as a seasoned City Manager in all regards; has a clear vision of the future of Greeley and the ability to connect the dots.
Interpersonal Relations (Principled Relationships) - Composure; Compassion Savvy (interpersonal and political); Conflict Management
Rating: Occasionally Exceeds Expectations Council Comments: Works to improve management scores with staff and believes in collective action and collaborative style. At times, his mind moves too fast and he can be perceived as too direct and abrupt. Strides have definitely been made although there is a repeated pattern in regard to communication with staff but appears to have made very positive changes in this area.
Customer Service (Integrity) - Effective service delivery; fostering diversity; compliance with and support of policies and programs; communications skills; integrity and trust; ethics and values
Rating: Occasionally Exceeds Expectation Council Comments: Consider proper use of sarcasm; trustworthy, dependable, and ethical. Has a desire to be collaborative in interactions with City Council and internal and external stakeholders. Council has a positive relationship with Roy.
Accountability - Resource allocations; performance measures/ management; planning/ execution; fiscal responsibility; dependability; Decision Quality; Confronting Direct Reports; Self-Knowledge; Action oriented

Rating: Occasionally Exceeds Expectations Comments: Roy's work program is pertinent and remains on track. Continually evaluates his department directors to streamline City Management operations; provides good fiscal oversight.
Management and Supervision (Stewardship) - Managing and measuring work; organizing; process management; Building Effective Teams; Directing Others
Rating: Regularly Exceeds Expectations Council Comments: Be a better "coach" to staff; Roy manages his team effectively; organized manager and keeps focus on having a high performing team; style that gives great transparency.
Leadership - Command skills; strategic ability; perspective; innovation; managing vision and purpose; Peer Relationships; Motivating Others; Managerial Courage
Rating: Occasionally Exceeds Expectations Council Comments: Listen more before speaking; strong leader with excellent ethics and values; motivator and a huge cheerleader for Greeley; strong command of regional partnerships and relationships.
Excellence - Intellectual and action oriented horsepower; Creativity; Drive for Results
Rating: Occasionally Exceeds Expectations Council Comments: Strives for excellence in every aspect of his job. His actions display strong results.
City Council Relationship - Supports the City Council in its development and revision of Council goals to include identifying emerging issues for Council's consideration; working with the Mayor to develop a process that results in effective Council goal setting; working with Council to prioritize goals in light of importance and budgetary impact; etc. Implementation of Council goals to include researching policy issues; analyzing options and alternatives; presenting Council with complete information from which to make policy decisions; clarifying with staff and Council the expectations in relation to specific goals; ensuring that Council is aware of resources that are available to implement goals; etc. Provides follow-up on Council petitions to include periodic reports as directed by Council, monitoring progress and outside influence that impact the effectiveness of programs or projects initiated by Council goals and direction, etc.
Rating: Regularly Exceeds Expectations Council Comments: Doing a very good job working with a diverse Council; supports what Council does and meetings are very productive and educational; provides Council with information to allow for questions to be answered; on target with regard to briefing Council as appropriate; makes himself available to meet regularly; good format for informing Council of the activities of all the departments; works with Council on whether petitions are needed or if projects should be moved forward.

Other Council Comments:

Roy is a strong, strategic City Manager who has exceptionally strong morals and values. He has gone the extra mile to bring about regional collaboration with neighboring communities in the area of water and other issues of mutual regional interest. He has carefully managed a large turnover and hire process with direct reports. Roy uses his City Management certification credential to benefit his oversight of the City as opposed to wearing it as a personal recognition.

Council Agenda Summary

April 7, 2020

Agenda Item Number 19

Key Staff Contact: Sharon McCabe, Human Resources Director, 970-350-9714

Title:

Public hearing and final reading of an ordinance authorizing a salary increase for the City Attorney

Summary:

As part of the 2020 budget process, City Council approved market and merit increases for general employees. A market pay analysis for positions reporting to City Council was conducted and the survey information was provided to Council at the time of the annual performance reviews.

	Annual Base Compensation
Greeley City Attorney – Current	\$205,164
Average Colorado Surveyed Municipalities (as of 12-31-19)	\$199,175
Greeley City Attorney – after merit increase	\$219,525

The annual review of the City Attorney was conducted by City Council on February 18, 2020. A summary of Council performance review comments is attached. Based on this annual review, a merit increase of 7% percent (7.0%) retroactive to February 20, 2020 is being considered by Council. Additionally, Employee shall accrue Paid Time Off (PTO) leave at the rate available to general employees based on years of service. This ordinance was introduced at the March 17, 2020 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	\$16,868
What fund of the City will provide Funding?	General
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

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:

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:

Ordinance

Summary of City Council Performance Review Comments

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____ 2020

AN ORDINANCE AUTHORIZING A SALARY INCREASE AND CHANGES TO CERTAIN BENEFITS FOR THE CITY ATTORNEY.

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance and salary and benefits are a part of the City Attorney's compensation package.

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

- Section 1. The City Attorney's salary is increased by seven percent (7.0%) to \$219,525.
- Section 2. Employee shall accrue Paid Time Off (PTO) leave at the rate available to general employees.
- Section 3. The above referenced ordinance shall be effective upon passage and shall be retroactive to February 20, 2020.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2020.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor

Greeley City Council – Annual Performance Review
Douglas Marek, City Attorney – February 18, 2020

Overall Performance Rating and Summary: Occasionally Exceeds Expectations

Council Comments: Overall reliable and can expect answers to questions in a timely fashion; appears there is work that needs to be done in terms of management in the office.

Fiscal Year 2019 Performance Highlights:

Council Comments: Understanding of municipal law is a strength; identified need to work better with staff for oversight and guidance; state-level boards are indicative of Doug's state-wide excellent reputation; Kudo's from CML for performance with Amicus Briefs; provides excellent counsel and explanations are easy to follow; proactive rather than reactive.

Fiscal Year 2019 Performance Goals:

Council Comments: Formalize substantive legal advice and opinions; use a management and staff coaching consultant; have more frequent and direct contact with staff in terms of development, leadership, training, and team building.

Performance Focus Area

Job Knowledge/ Skills (Applied Wisdom) - Operational/ functional/ technical expertise; technological literacy; analytical; vision; professional development; Business Acumen
Rating: Regularly Exceeds Expectations Council Comments: Provides answers on a timely basis; job knowledge and skill set are very strong. His Board appointment epitomizes his stellar reputation state-wide. Much tenured, exceptional attorney.
Interpersonal Relations (Principled Relationships) - Composure; Compassion Savvy (interpersonal and political); Conflict Management
Rating: Occasionally Exceeds Expectations Council Comments: Professional – clearly values principled relationships and is professional in all regards.
Customer Service (Integrity) - Effective service delivery; fostering diversity; compliance with and support of policies and programs; communications skills; integrity and trust; ethics and values
Rating: Occasionally Exceeds Expectation Council Comments: Always structures for excellence; customer service is superior; concerns regarding attorney staffing.
Accountability - Resource allocations; performance measures/ management; planning/ execution; fiscal responsibility; dependability; Decision Quality; Confronting Direct Reports; Self-Knowledge; Action oriented
Rating: Regularly Exceeds Expectations Comments: Very reliable; keeps Council informed as appropriate and provides litigation reports that are well done; runs the office with professionalism.
Management and Supervision (Stewardship) - Managing and measuring work; organizing; process management; Building Effective Teams; Directing Others
Rating: Occasionally Exceeds Expectations Council Comments: Build a more coachable team; developed a management system that maximizes efficiency of employees and has a maneuverable span of control.

Leadership - Command skills; strategic ability; perspective; innovation; managing vision and purpose; Peer Relationships; Motivating Others; Managerial Courage
Rating: Occasionally Exceeds Expectations Council Comments: Coaching; leads by example; can perform in each position in his office - a trait of excellent leadership.
Excellence - Intellectual and action oriented horsepower; Creativity; Drive for Results
Rating: Occasionally Exceeds Expectations Council Comments: Dependable; provides his high quality leadership in the most cost-effective manner.
Research & Legal Counsel ▪ Provides accurate, concise and timely counsel to City Councilors, Boards and Commissions. ▪ Protects the City's interests from a legal standpoint; maintains confidentiality. ▪ Provides all Councilors with the same information within the same time frame. ▪ Exhibits a high degree of legal expertise. ▪ Initiates legal action on behalf of and defends the City in any legal action initiated against it. ▪ Provides accurate, concise and timely council to all City directors, supervisors and other appropriate staff. ▪ Identifies any legal concerns with the City's personal and department policies.
Rating: Occasionally Exceeds Expectations Council Comments: Provides accurate and timely information; developed an internal case management system that is all-inclusive. In spite of an increased need for research city-wide, he and his staff have stayed caught up; utilize coaching both for staff but also individually.

Other Council Comments: Doug Marek is, and had been, an excellent City Attorney. He manages a fairly large office in a strategic and organized fashion. We are lucky to have Doug on our team! Brings strong leadership and ethics to the organization and his department.

Council Agenda Summary

April 7, 2020

Agenda Item Number 20

Key Staff Contact: Sharon McCabe, Human Resources Director, 970-350-9714

Title:

Public hearing and final reading of an ordinance authorizing a salary increase for the Municipal Judge

Summary:

As part of the 2020 budget process, City Council approved market and merit increases for general employees. A market pay analysis for positions reporting to City Council was conducted and the survey information was provided to Council at the time of the annual performance reviews.

	Annual Base Compensation
Greeley Municipal Judge – Current	\$154,760
Average Colorado Surveyed Municipalities (as of 12-31-19)	\$159,403
Greeley Municipal Judge – after merit increase	\$160,950

The annual review of the Municipal Judge was conducted by City Council on February 25, 2020. A summary of Council performance review comments is attached. Based on this annual review, a merit increase of four percent (4.0%) retroactive to February 20, 2020 is being considered by Council.

Additionally, City Council desires to consider an increase in the Paid Time Off accrual rate for Employee to 160 hours annually (6.14 hour per pay period). This ordinance was introduced at the March 17, 2020 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	\$10,366
What fund of the City will provide Funding?	General
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	

Additional Comments:	
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Legal Issues:

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

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

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

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

Decision Options:

- 1) Adopt the 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

Summary of City Council Performance Review Comments

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____ 2020

AN ORDINANCE AUTHORIZING A SALARY INCREASE AND CHANGES TO CERTAIN BENEFITS FOR THE MUNICIPAL JUDGE.

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance and salary and benefits are a part of the Municipal Judge's compensation package.

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

Section 1. The Municipal Judge's salary is increased by four percent (4.0%) to \$160,950.

Section 3. Employee shall accrue Paid Time Off (PTO) leave at a rate of 160 hours per year (6.14 hours per pay period).

Section 4. The above referenced ordinance shall be effective upon passage and shall be retroactive to February 20, 2020.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2020.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor

Greeley City Council – Annual Performance Review
Mark Gonzales, Municipal Judge – February 25, 2020

Overall Performance Rating and Summary: Regularly Exceeds Expectations

Council Comments: Under Judge Gonzales' leadership the Municipal Court is positive and moving in the right direction; shows dedication to the City and getting the right thing done

Fiscal Year 2019 Performance Highlights:

Council Comments: Improved data collection; increased revenue; increased efficiency; developed teamwork among various groups

Fiscal Year 2019 Performance Goals:

Council Comments: Building team; better tracking systems

Performance Focus Area

Job Knowledge/ Skills (Applied Wisdom) - Operational/ functional/ technical expertise; technological literacy; analytical; vision; professional development; Business Acumen Rating: Regularly Exceeds Expectations Council Comments: Very professional and conducts himself well in the courtroom; displays strong skills with regard to knowledge with operational and functional expertise
Interpersonal Relations (Principled Relationships) - Composure; Compassion Savvy (interpersonal and political); Conflict Management Rating: Regularly Exceeds Expectations Council Comments: Treats parties in the courtroom respectfully and ensures communication is good; by personal observations and a review of the Judicial Review Board report, it is clear that Judge Gonzales excels in this area
Customer Service (Integrity) - Effective service delivery; fostering diversity; compliance with and support of policies and programs; communications skills; integrity and trust; ethics and values Rating: Regularly Exceeds Expectation Council Comments: Displays excellent customer service, has excellent integrity and fosters diversity
Accountability - Resource allocations; performance measures/ management; planning/ execution; fiscal responsibility; dependability; Decision Quality; Confronting Direct Reports; Self-Knowledge; Action oriented Rating: Regularly Exceeds Expectations Comments: Effective relationships with prosecuting attorneys, court staff and defense attorneys; has spent considerable time re-shaping the court; strong in all aspects of this area
Management and Supervision (Stewardship) - Managing and measuring work; organizing; process management; Building Effective Teams; Directing Others Rating: Regularly Exceeds Expectations Council Comments: Provides excellent stewardship of the court and directs and manages others very well
Leadership - Command skills; strategic ability; perspective; innovation; managing vision and purpose; Peer Relationships; Motivating Others; Managerial Courage

Rating: Regularly Exceeds Expectations Council Comments: Professional and consistent; realized that the Municipal Court needed some change and facilitated change
Excellence - Intellectual and action oriented horsepower; Creativity; Drive for Results
Rating: Regularly Exceeds Expectations Council Comments: Professional and consistent; without question exhibits a high level of drive for results and action orientation.
Court Room Management ▪ Technically competent in the administration of court room proceedings. ▪ Exhibits a high degree of legal expertise and specific knowledge of the City Charter, City Ordinances, Colorado Uniform Traffic Code, Municipal Criminal Law, and Colorado Municipal Court Rules.
Rating: Regularly Exceeds Expectations Council Comments: Competent in all areas of court room management; his knowledge of the law is evident.

Other Council Comments: It is an honor to have Judge Gonzales and his strong leadership in the judicial role. Judge Gonzales is an outstanding jurist. He has brought a great deal of professionalism and expertise to the bench.

Council Agenda Summary

April 7, 2020

Agenda Item Number 21

Key Staff Contact: Renee Wheeler, Finance Director, 350-9732

Title:

Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2020 and for funds held in reserve for encumbrances at December 31, 2019

Summary:

This first additional appropriation ordinance modifying the 2020 budget ensures (1) that existing commitments in progress at 2019 year end can be completed in 2020, and (2) appropriates new grants that have been awarded.

In such appropriations, it is customary to include carryover funds which in 2019 encompassed revenues collected in excess of projections plus actual expenditures below the budget. The total amount of the carry over was \$14,174,735. This year a portion of funds from the 2019 carry over are included and others will follow in the next additional appropriation. It is the staff recommendation that much of the carryover be retained in the General Fund Balance reserved for the implementation of the City Council's (Council) strategic work program as those initiatives are vetted and protect the City from economic volatility.

One priority of Council has been to address mobility infrastructure through its 'Greeley on the Move: Ample, Easy, Connected' focus area with a specific priority to streamline the process for identifying and improving existing streets infrastructure (i.e. sidewalks, curbs and gutters). In support of that, staff intends to proceed with that process before undertaking any significant changes to capital maintenance related to this infrastructure. At the same time, it is important to note that \$1.7 million has been set aside in a multi-year project for concrete repair and \$300,000 – \$500,000 from the Community Development Block grant program is dedicated to concrete repair/sidewalk repairs in redevelopment areas. The 5th Street project is a high priority focus.

The following items are projects that are recommended for funding by the Carryover funds in this appropriation:

16th Corridor Plan Design \$400,000 (Full Project Costs Estimated at \$5 Million)

The request is to fund the design work to enhance the 16th Street Corridor to improve pedestrian space and encourage business development. There is a recommendation to change the diagonal parking to parallel parking.

Liability Fund \$380,000 (\$500,000 Total with \$120,000 from Water & Sewer)

2019 payments for claims were higher than originally budgeted. Existing fund balance was appropriated and used to cover these variances, bringing the fund balance below the reserve target. This request is to use onetime revenues from the General Fund, Water Fund, and Sewer Fund to replenish the fund. Total onetime contribution will be \$500,000 with contributions of \$380,000 from the General Fund, \$60,000 from the Water Fund, and \$60,000 from the Sewer Fund.

Radio Replacement \$1,800,000

In the fourth quarter of 2019, Weld County notified the City that all public safety radios need to be replaced by 2022/2023 to maintain system consistency, complete annual software/firmware upgrades and provide maintenance support through the end of life. This request will authorize a reserve of \$1.8 million to replace the identified radios for Fire and Police as this replacement deadline approaches, given that timeline is expected to be the same time the next economic downturn.

Railroad Crossings - Quiet Zones \$901,279

Construction scheduled for the summer of 2019 has been delayed awaiting agreements from Union Pacific Railroad. The quiet zone will take effect following Federal Railroad Administration approval which is delayed likely until summer 2020 due to crossing agreement issues. Additional project costs are a direct result of the Union Pacific crossing agreements which have been recently identified. The City is waiting for final cost estimates on 8th, 6th, 10th, and 22nd Street crossing improvements, respectively. There are also additional costs on 22nd Street crossing for immediate repairs of the crossing surface that were not included in original scope. In addition new crossing gates are being installed at five intersections along the Great Western Railway corridor for safety improvements. While the original budget for this project was \$2.65 million, this request of \$901,279 will increase the budget to \$3.55 million.

Island Grove East End Stage City Contribution \$500,000 (Total Project Estimated \$2.5 to \$3.0 Million)

The Island Grove East End Stage, originally designed as a custom built "modular building on stilts", is infrequently used and has safety issues. The Stampede is designing a replacement including a stage with supporting capacity for announcing, green rooms with restrooms, sound/video control room and other minor performance related enhancements. It will also accommodate the existing rodeo chutes which are a part of the site. Lastly, the new stage will also replace a portable stage and two large speaker racks that have to be hauled in by tractors for performances. The Stampede, which estimated a project cost of \$2.5 to \$3.0 million, is contributing \$1.0 million to the project with remaining funds expected to be generated through a capital campaign from sponsors. The recommended City contribution to the project is \$500,000.

This ordinance was introduced at the March 17, 2020 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?	\$ 41,796,189																
What is the annual impact?	\$ 41,796,189																
What fund of the City will provide Funding?	See Ordinance																
What is the source of revenue within the fund?	Fund Balance, Operating Transfers, Grants, Expense Reimbursement, Intergovernmental Agreement and Private Contributions.																
Is there grant funding for this item?	Yes Items I, 1, & 10																
If yes, does this grant require a match?	Yes, Items I, 1																
Is this grant onetime or ongoing?	Onetime																
Additional Comments:	Total appropriations made by this ordinance are \$41,796,189. The following funding sources will be used to cover the appropriations made by this ordinance. <table border="1"> <thead> <tr> <th>Funding Sources</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Fund Balance</td><td>\$ 37,517,290</td></tr> <tr> <td>Operating Transfers</td><td>2,544,255</td></tr> <tr> <td>Grant(s)</td><td>961,854</td></tr> <tr> <td>Expense Reimbursement</td><td>530,000</td></tr> <tr> <td>Intergovernmental Agreement</td><td>200,000</td></tr> <tr> <td>Private Contributions</td><td>42,790</td></tr> <tr> <td>Grand Total</td><td>\$ 41,796,189</td></tr> </tbody> </table>	Funding Sources	Amount	Fund Balance	\$ 37,517,290	Operating Transfers	2,544,255	Grant(s)	961,854	Expense Reimbursement	530,000	Intergovernmental Agreement	200,000	Private Contributions	42,790	Grand Total	\$ 41,796,189
Funding Sources	Amount																
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Operating Transfers	2,544,255																
Grant(s)	961,854																
Expense Reimbursement	530,000																
Intergovernmental Agreement	200,000																
Private Contributions	42,790																
Grand Total	\$ 41,796,189																

Legal Issues:

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

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:

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

Decision Options:

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

Council's Recommended Action:

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

Attachments:

Ordinance

Detail Supporting Schedule

PowerPoint Presentation

THE CITY OF GREELEY
ORDINANCE NO.____, 2020

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2020 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2019.

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2020 fiscal year, and

WHEREAS, the revenues received in the City of Greeley in 2019, exceeded the amount of revenues estimated in the 2019 Budget by more than the total amount of the expenditures in the same year;

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

Section 1. In accordance with section 5-17 of the Greeley Charter, from actual and anticipated revenues which exceed the revenue estimates in the 2020 budget and amounts held in fund balance reserves from 2019, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2020:

Fund	Total
001 General Fund	\$ 9,006,625
103 Community Development	544,167
104 Streets & Roads	293,616
105 Conservation Trust	15,000
108 Designated Revenue	491,974
112 NEAHR Grants	775,104
200 General Debt Service	428,513
301 Public Improvement	6,809,782
303 Public Art	73,750
304 Food Tax	296,000
312 Transportation Development	3,461,850
316 Trails Development	523,433
318 Quality of Life	661,549
321 Keep Greeley Moving	1,220,467
322 2016 City Center	959,228
401 Sewer	60,000
402 Sewer Construction	45,000
404 Water	279,956
405 Water Construction	4,068,330
406 Water Capital Replacement	6,040,985
408 Cemetery	133,942
409 Municipal Golf Courses	272,728
410 Downtown Parking	92,500
411 Stormwater	11,307
412 Stormwater Construction	334,520
413 Stormwater Replacement	237,773

503 Information Technology	652,274
512 Fleet Replacement	188,786
513 Information Technology Acquisition	3,750,130
602 Museum	66,700
605 Memorials	200
Grand Total	\$ 41,796,189

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

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

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF _____, 2020.

ATTEST:

THE CITY OF GREELEY

City Clerk

BY _____
Mayor



City of Greeley
2020 Appropriation No. 1
City Council Meetings: March 17th & April 7th

3/6/2020

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
001 General Fund						
Encumbrances & Commitments						
I. Fund Balance & Grant (FTA)		Encumbrances & Commitments from 2019 include: Broadband Middle Mile & Fiber Conduits (\$1,000,000); Broadband Consulting (\$476,646); Broadband Communications & Support (\$325,337); Economic Incentive Agreements (\$500,000); Microsoft Licenses [\$381,243]; New Bus Purchase [\$298,205]; Utility Contract & Operations for Streets [\$200,000]; Coaching & Consulting Services [\$199,436]; Purchased Services [\$188,758]; Short-term Disability [\$181,389]; Greeley Home Ownership Incentive Program [\$141,161]; Encumbered Purchasing Agreements [\$135,977]; Software Agreements [\$113,834]; Homeless Shelter [\$103,460]; Impact Fee Study [\$93,841]; Credit Card Fees [\$90,000]; Public Works Air Conditioner Maintenance [\$73,650]; Executive Search [\$73,086]; Public Works & HR Assessment [\$69,188]; Cost Recovery CPR [\$60,000]; Emerald Ash [\$55,599]; Image Campaign [\$55,378]; Capital Improvement Plan (CIP) Progress [\$47,869]; Municode Recodification Software [\$24,637]; Grants & External Funds [\$22,985]; 2020 Election [\$20,000]; Small Items of Equipment [\$17,355] & Census [\$10,000].	4,797,930	161,104	4,959,034	-
Appropriation Requests						
1 Grant		In 2017, the City was awarded Great Outdoors Colorado (GOCO) grant funds in the amount of \$67,700 to support habitat restoration work in three designated natural areas: 1) Mountain Shadows; 2) McCloskey; 3) Pumpkin Ridge. Remaining work includes: seeding, tree & shrub plantings, and installation of interpretive signs. The City received an extension on the grant to June 11, 2020 to complete the work. The grant funds are based on reimbursement where they will be received at project completion.	-	25,646	25,646	-
2 Private Contributions		A private contribution from Williams, to support local communities will be used for the designated purpose of paying for Computers and Programs for Fire Inspectors.	-	7,000	7,000	-
Carryover Requests						
A Fund Balance		Weld County notified the City the last quarter of 2019 that the public safety radios would all need to be replaced by 2022/2023 to maintain system consistency, complete annual software/firmware upgrades and provide maintenance support through the end of life. This request will authorize a reserve of \$1.8 million to replace the identified radios for Fire and Police as this replacement deadline approaches, given that timeline is expected to be the same time the next economic downturn.	1,800,000	-	1,800,000	-
B Fund Balance		The Island Grove East End Stage was originally a custom built "modular building on stilts". This design has resulted in infrequent use and safety concerns. The Stampede is designing a replacement including a stage with supporting capacity for announcing, green rooms with restrooms, sound/video control room and other minor performance related enhancements. It will also accommodate the existing rodeo chutes which are a part of the site. Lastly, the new stage will also replace a portable stage and two large speaker racks that have to be hauled in by tractors for performances. The Stampede is estimating \$2.5 to \$3.0 million for this proposed permanent stage. The Stampede is contributing \$1.0 million. The remaining funds are expected to be generated through a capital campaign from sponsors. The recommended City contribution is \$500,000.	500,000	-	500,000	-
001 General Fund			7,097,930	193,750	7,291,680	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
103 Community Development						
Appropriation Requests						
3	Fund Balance	Grant funds are being distributed for the Community Development Block Grant and HOME programs along with income derived from these programs. The following properties are part of the HOME project: 1334 29th Street Road, 1338 29th Street Road, and 1342 29th Street Road.	544,167	-	544,167	-
103 Community Development			544,167	-	544,167	-
104 Streets & Roads						
Encumbrances & Commitments						
III.	Fund Balance	Encumbrances & Commitments from 2019 include: Concrete & Asphalt Recycling Center Noise Study [\$1,422]; Cubicles [\$16,550] & Utility Contract for Traffic & Street Lights [\$108,479].	126,450	-	126,450	-
Appropriation Requests						
4	Expense Reimbursement	A Community Development Grant from Greeley Urban Renewal (GURA) is to be used for the reconstruction of, at a minimum, 12 alleys with recycled asphalt and coat with a liquid rejuvenate to obtain a life span of 10-12 years as part of the overlay program. 2020 is the second year for this program. However, when the budget was established the Division did not know if the request for funding from Greeley Urban Renewal would be approved. These funds will be for expenditures associated with salaries, crusher rental, material, and liquid rejuvenate. The benefits provided from the completion of these alleys allows for the elimination of dust, improves drainage, allows a smooth driving surface, help keeps the alleys cleaner, and provides overall satisfaction to the City's citizens.	-	150,000	150,000	-
5	Operating Transfer: General Fund	The Organic Resource Recovery (GROW) was funded out of Community Development since the site opened. Starting in 2020 the program was turned over to Public Works. Therefore the funds were transferred to the Street Division to manage. These funds are used for various expenditures including: Christmas tree recycling, and equipment maintenance associated with the office trailer on site.	-	2,166	2,166	-
6	Expense Reimbursement	The Street Division received a Community Development Grant from Greeley Urban Renewal (GURA) to help offset the cost for the Spring Clean-up Program. The spring of 2020 will mark the 45th annual Spring Clean-up Program. This program helps keep the City of Greeley clean by assisting the citizens with alternative ways to get rid of excess trash. At the time of the budget preparation the Division did not know if the request for funding from Greeley Urban Renewal would be approved. The expenditures are to pay part of the cost to the landfill to dispose of the trash received.	-	15,000	15,000	-
104 Streets & Roads			126,450	167,166	293,616	-
108 Designated Revenue						
Appropriation Requests						
7	Fund Balance / Encumbrance	The City of Greeley GTV8 Access Channel must replace its broadcast video editing system computer and operational software. With the recommendation and request of the City of Greeley's Information Technology Department, the Windows 7 operating system will be replaced with a Windows 10 computer and Ultra High Definition monitors. This request funds the replacement of out of warranty video file Network Storage System server allowing the storage of all stock video files, editing of master video files and editing of social media video files. In addition, this request will cover the cost of replacing the E-Media Specialists computer video card. The video card will allow the PC to edit, playback, render high quality video and speeds up the video file output process for videos on GTV8 and social media. This request also includes set pieces for the new Mayor Television show and a television camera bag to safely secure replaced equipment and its accessories. Funding for these expenditures is available in Cable Franchise Public, Educational and Governmental (PEG) Fees, with a fund balance of \$229,288.	27,671	-	27,671	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
8	Private Contributions	Funding from the United Way Collective Impact Grant Awarded in 2019 for both 2020 and 2021. This grant will supplement funds for seniors needing financial assistance to participate in programs at the Active Adult Center for the 2020 year. Active Adult Center provides a venue for seniors to improve their quality of life through friendship, volunteering, education, entertainment and recreational activities. Grant Funds will be utilized as scholarships for qualifying low-income seniors which may include: Active Adult Center memberships, classes, programs, special events, trips or sports. This is a new program for the City that will begin in 2020.	-	4,725	4,725	-
9	Private Contributions	Funding is available from a United Way Collective Impact Grant awarded in 2019 for 2020 and 2021. This request will use these grant funds for youth enrichment programs that engage youth in educational programs, promoting healthy youth development in partnership with District 6.	-	31,065	31,065	-
108 Designated Revenue			27,671	35,790	63,461	-
112 NEAHR Grants						
Appropriation Requests						
10	Grant	This request is to rebudget unspent funds from 2017, 2018, and 2019 as received from the Northeast Colorado All Hazards Region (NEAHR) grant. This request is needed to ensure that the City of Greeley (COG) will be able to accurately report all grant revenues and expenditures to the State of Colorado. As the Fiscal Agent, the COG needs to rebudget the unspent 2017, 2018, and 2019 Northeast Colorado All Hazards Region Grant funds. Some of the expenditures came in below the established budget, often due to timing, and the remaining funds need to be allocated to projects that are awaiting funds. Due to timing issues not all of the project funds are able to be expended in one year.	-	775,104	775,104	-
112 NEAHR Grants			-	775,104	775,104	-
200 General Debt Service						
Appropriation Requests						
11	Operating Transfer: Designated Revenue	Funding requested for the allocation of revised lease payments in regards to the Certificates of Participation (COP) associated with both Fire Stations #2 & #6 for 2020. The request is due to the finalization of the 2019 COPs after the adoption of the 2020 budget.	-	428,513	428,513	-
200 General Debt Service			-	428,513	428,513	-
301 Public Improvement						
Appropriation Requests						
12	Expense Reimbursement	Funds from the Greeley Urban Renewal (GURA) Grant, as approved in the 2020 budget, will be used for a new sidewalk installation. In 2020, concrete construction will occur along 19th Avenue from 13th Street to 11th Street. This will be a multiyear project in the Maplewood Subdivision area.	-	365,000	365,000	-
13	Fund Balance	Economic Incentives were original appropriated in 2017. The request is to continue to utilize the identified funds for economic development. Current commitments include: Maddie Projects [\$3,200,000], University Flats II [\$210,000] & Pending Agreement(s) [613,937]. Additional funding is available for future projects and commitments [\$1,119,566].	5,143,503	-	5,143,503	-
Carryover Requests						
C	Operating Transfer: General Fund	The request is to fund the design work to enhance the 16th Street Corridor to improve pedestrian space and encourage business development. There is a recommendation to change the diagonal parking to parallel parking.	-	400,000	400,000	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
D	Operating Transfer: General Fund	Construction scheduled for the summer of 2019 has been delayed awaiting agreements from Union Pacific Railroad. The quiet zone will take effect following approval from the Federal Railroad Administration which is delayed most likely until summer 2020 due to a lack of response from Union Pacific in providing crossing agreements. Additional costs are a direct result of the Union Pacific crossing agreements that they are just now providing. The City is waiting for final cost estimates on 8th St, 6th St, 10th St, and 22nd St crossing improvements. There are also additional costs on 22nd St crossing for immediate repairs of the crossing surface that were not included in original scope. In addition new crossing gates are being installed at 5 intersections along the Great Western Railway corridor for safety improvements. Original Budget was \$2.65 million. This request of \$901,279 will increase the budget to \$3.55 million.	-	901,279	901,279	-
301 Public Improvement			5,143,503	1,666,279	6,809,782	-
303 Public Art						
Appropriation Requests						
14	Fund Balance	Utilizing 1% For Art funds to add a commissioned work of art to the City Center South facility utilizing an estimated amount from the original construction cost. The Greeley Art Commission is working with staff at the request of the City Manager's Office to place new public art at City Center South. The suggested, yet to be determined, location is on the north-facing brick wall that is adjacent to the northwest public entrance of the building. Funds were being held until the future construction of City Center North had been determined and was therefore not identified in the preparation of the 2020 budget.	64,750	-	64,750	-
15	Fund Balance	Funding is requested for the inclusion of Public Art in the design and construction of the three new Skate Parks, improves the overall value of the projects. The Art Commission approved artistic changes in the 3rd Street designs with those funds in mind to compensate the project. The Commission and staff request re-allocating the 2018 funds remaining in construction to the 2020 budget. Funds would be used to cover the total project cost increases incurred by New Line Skate parks Inc. and Matrix Design Group, Inc. and other miscellaneous construction costs that may arise.	9,000	-	9,000	-
303 Public Art			73,750	-	73,750	-
304 Food Tax						
Appropriation Requests						
16	Fund Balance	This request will allow proper design, including on-site construction inspections and oversight, along with a new irrigation system at Linn Grove Cemetery to properly manage water resources. The Linn Grove Irrigation Design Project was funded originally based on other irrigation design projects of approximately the same scale and scope. However, every design firm that has been inquired about this project treats cemeteries differently than traditional parks. This is due to a greater scope of services requiring more site visits than a traditional park design because of a limited aerial view (i.e. numerous vertical elements such as trees and headstones, crypts, and other elements). Additionally, more accurate, but higher than previously allocated project management expenditures are now being properly recorded for this and other projects. Funding is available from the Parks Concrete Repair project since all outlined tasks for 2019 have been completed with savings due to competitive pricing for concrete repair projects providing lower than anticipated bids and contracts.	60,000	-	60,000	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
17	Intergovernmental Agreement	Funding for riverbank stabilization along the Cache la Poudre River and protection of the Poudre Trail. Weld County is contributing funds to assist in Cache la Poudre River corridor riverbank stabilization efforts and protection of the Poudre Trail areas managed by the City of Greeley. The City of Greeley currently has annually allotted \$75,000 within the Food Tax for Trail Capital Maintenance along the Poudre Corridor as spring runoff, over the past several years, has exacerbated erosion of riverbanks and undercut sections of the trail. The funding allotment to date has been insufficient on its own and Weld County has been contributing funds over the past several years to assist in the financial need as a partner. The Poudre Trail is a non-profit venture but is supported financially through an intergovernmental agreement (IGA) between Weld County, Greeley and Windsor. Greeley is primarily responsible for trail maintenance from Island Grove Regional Park to a point roughly 1.0 mile west of 95th Avenue (approximately 11 miles of trail). A recent study of trail capital need has recently been completed which will be utilized to better identify capital needs along the trail as future budgets are developed. As Weld County includes approximately 60% of the Poudre Trail in the Greeley management area, the County appropriated funds in the amount of \$200,000 in their 2020 budget to assist with capital maintenance.	-	200,000	200,000	-
18	Fund Balance	The Transportation Division is requesting funds to complete the 11th avenue, 24th street traffic signal modification project to address issues with reliable signal operations caused by corroded underground wiring and conduits. The necessity of completing this underground cabling and conduit project in the near term will prevent an extended period where signal operations may be malfunctioning. This project was scheduled to be completed in the last quarter of 2019, however, the new Surface Utility Engineering law requirements delayed the design effort resulting in a late construction start compounded by snow and ice accumulations. Additionally, a late start in January precluded funding from being expensed out of the remaining funds in the 2019 Traffic Signal Replacement capital improvement budget.	36,000	-	36,000	-
304 Food Tax			96,000	200,000	296,000	-
312 Transportation Development						
Appropriation Requests						
19	Fund Balance	Funding is being requested for the replacement of the bridge at Sheep Draw and the widening of 71st Avenue between 12th and 22nd Street for improved road to arterial standards. Remaining funds from this project in the prior year need to be re-appropriated due to lag in contractor response to finalize the contract and project that has exceeded the three year rebudget time restraints.	691,252	-	691,252	-
20	Fund Balance	This project has extended beyond the three year period to be rebudgeted as the initial year's expenditure was required for the relocation of Xcel transmission poles in order to construct the road widening work. Relocating large transmission poles is a long lead time item requiring an upfront cost to Xcel to begin the work. This expenditure in 2017 has necessitated the need for this appropriation. Construction on this project is underway with completion in 2020.	200,000	-	200,000	-
21	Fund Balance	This project will widen 65th Avenue on the north side of the US 34 bypass to relieve congestion and will address revisions to the nearby frontage roads for relief of safety concerns. This appropriation has been in the Capital Improvement Plan 5 year budget for 3 years. This will extend the project period, allowing the remaining funds to be appropriated that have exceeded the rebudget period. Design changes, delays in coordination with CDOT and ROW acquisition issues have delayed construction of the project as initially budgeted. Design of the project was completed in late 2019 with construction beginning in the spring of 2020.	2,570,598	-	2,570,598	-
312 Transportation Development			3,461,850	-	3,461,850	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
316 Trails Development						
Appropriation Requests						
22	Fund Balance	Construction of an extension of a multimodal trail along the Greeley #3 Canal (Phases 2 and 3) as part of the 2016 Parks, Trails and Open Lands Master Plan. This trail construction project was identified several years ago with design beginning in 2015. However, staff had to spend the past several years acquiring and purchasing necessary private property (various portions of 11 different properties) to allow construction to proceed. This process subsequently impacted available funding for construction. This project is now ready to move forward for construction in 2020 as it is anticipated that this funding will be used as matching funds for a grant through the northern Colorado Multimodal Options Fund (MMOF) (application submitted). However, remaining funds from 2019 need to be appropriated to the 2020 budget.	276,223	-	276,223	-
316 Trails Development			276,223	-	276,223	-
318 Quality of Life						
Appropriation Requests						
23	Fund Balance	This request is for the funding of Natural Areas & Trails priority projects and initiatives including: Aggregate parcel acquisition, Island Grove Poudre Trail trailhead, and Trail Furnishing Study. Funding was originally appropriated for property acquisition and other projects along the Poudre Corridor, coined "Poudre Initiative" projects. While progress has been made on some projects, a significant transition has occurred over the past couple of years with Natural Areas & Trails (NAT) being created as a stand-alone Division with priorities that have evolved over that time. Hence, the original funds weren't expended within the initial three year rebudget period. A new appropriation of the remaining funds will allow for funding of three high priority and specific deliverables: The remaining design and construction of the Island Grove Poudre Trail trailhead (summer and fall of 2020), the acquisition of an additional five acres of property west of Signature Bluffs Natural Area, and the completion of a Trail furnishings study that will provide direction and consistency to trail and trailhead furnishing (i.e. benches, kiosks, and other items).	414,339	-	414,339	-
24	Operating Transfer: Trails Development	Funding is requested to align the budget for the Sheep Draw Trail Project completed in 2019. The project is an extension of the Sheep Draw Trail as well as a trailhead and trail spur connecting 20th Street. This project was originally funded as part of the Quality of Life Sales Tax in 2019. However, the intention of the Quality of Life fund was to provide funding only to fund the Sheep Draw Trail "proper" as approved by voters. The spur portion of the Project (20th St to Sheep Draw) has and will continue to be funded through the Trail Development Fund. This request is to align the proper project cost to each fund for proper reimbursement between the Trail Development Fund and the Quality of Life Fund, since the Sheep Draw Trail project was originally conceived to be a shared fund project. The Trail Project was a recipient of a Colorado Department of Transportation grant with funds collected in 2019.	-	247,210	247,210	-
318 Quality of Life			414,339	247,210	661,549	-
321 Keep Greeley Moving						
Encumbrances & Commitments						
IV.	Fund Balance	Encumbrances & Commitments from 2019 include: Seal Coat [\$11,504]; Patching [\$127,025]; Overlay [\$646,117]; Pavement Maintenance [\$41,450]; Concrete Repair [\$258,528]; ADA Ramps & Sidewalks [\$112,761] & Neighborhood Concrete Program [\$3,074];	1,200,459	-	1,200,459	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
Appropriation Requests						
25	Fund Balance	The 2019 Keep Greeley Moving Pavement overlay program planned to mill and overlay 7th Avenue south of 16th Street and the 700 Block of 14th Street, areas adjacent to the 7th Avenue project. The scope of this project included a sanitary sewer line for a portion of the 14th Street block but otherwise left concrete improvements for the Keep Greeley Moving concrete maintenance program. Curb and gutter on the 700 block of 14th Street was found to be missing entirely or a substandard timber curb. Curb and gutter on 7th Avenue south of 16th Street was found to be missing or in a state of disrepair. Due to the proximity and mobilization of the contractor, it was deemed most efficient to have the Keep Greeley Moving contractor complete the concrete repairs to ensure concrete improvements best matched with the project improvement's schedule and elevations. This shifts funding for planned concrete improvements from a potential contract to an existing contract with no overall impact to the Keep Greeley Moving budgets. Funding for this request is available from savings in the Keep Greeley Moving Concrete repair program from 2019.	20,008	-	20,008	-
321 Keep Greeley Moving			1,220,467	-	1,220,467	-
322 2016 City Center						
Appropriation Requests						
26	Fund Balance	Funding available from the completion of the City Center South project and interest earnings is being requested for additional expenditures associated with the City Center North remodel projects, taking place on the first and third floors of the building.	927,684	-	927,684	-
27	Operating Transfer: General Fund	Insurance recoveries associated with hail damage that occurred to the cooling system at City Center North (City Hall Annex) are requested for the City Hall and City Center North remodel projects and the replacement of the entire cooling system. The claim was already submitted when it was determined the unit would be replaced as part of the City Hall and City Center North remodel project.	-	31,544	31,544	-
322 2016 City Center			927,684	31,544	959,228	-
402 Sewer Construction						
Appropriation Requests						
28	Fund Balance	Funding for easements is required for future construction of improvements that will promote growth north of the Poudre River as part of the North Greeley Sewer 2A Project. This will secure Temporary Construction Easements that have expired along the North Greeley Sewer 2A project alignment. A portion of the project was completed in 2019, with the remainder budgeted to be completed in 2024. The funds to acquire these easements were available in 2019, however the budget had reached the three-year rebudget limit. Funds for acquisition of the easements and professional services is requested to clean up outdated legal items and support additional valuations if they are deemed necessary. The Real Estate Management Department has secured most of the easements along the alignment with the exception of three properties.	45,000	-	45,000	-
402 Sewer Construction			45,000	-	45,000	-
404 Water						
Encumbrances & Commitments						
V.	Fund Balance	Encumbrances & Commitments from 2019 include: Update of City's Water & Sewer Models [\$8,161]; Risk & Resiliency Assessment [\$201,580] & Periodic Treatment Plan Sampling, Bellvue Water Treatment Plant [\$10,215].	219,956	-	219,956	-
404 Water			219,956	-	219,956	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
405 Water Construction						
Appropriation Requests						
29	Fund Balance	Re-appropriate project funds for the Milton Seaman Permitting project for professional services. The Milton Seaman Permitting project is an effort to obtain a federal environmental permit to expand Milton Seaman Reservoir, or identify an alternative, to secure additional water storage. The permitting effort has been ongoing since the mid 2000's. Given the long term nature of this permitting effort, the project's funding needs to be appropriated every three years as specified in the City Charter. No increase in funding is being requested.	4,068,330	-	4,068,330	-
405 Water Construction			4,068,330	-	4,068,330	-
406 Water Capital Replacement						
Appropriation Requests						
30	Fund Balance	The Boyd Lake Water Treatment Plant (WTP) incoming power feed switch gear is in dire need of replacement. Discovered during work at the Boyd Lake WTP in the spring of 2018, the switch gear, which controls the incoming power feed, has failed and is inoperable. The switch gear is fused in place and that is creating a hazard and restricts the WTP's ability to shutoff the power supply. In the current condition, work on the plants high voltage power equipment requires Xcel to remove the power connection at the distribution pole. Along with Xcel, the solar company, leasing land from the City is affected because their equipment must be shut down, losing ability to provide power to Xcel's system resulting in lost revenue and potential future expenses. The replacement is tentatively scheduled during the annual shutdown of 2020-2021. The equipment has a 16 – 20 week lead time and the price is increasing each quarter due to material costs and regional growth. The replacement switch gear design is being done by Carollo and the installation will be completed and coordinated by Hydro Construction as part of the Boyd Process Improvements Project.	750,000	-	750,000	-
31	Fund Balance	Funding is being requested for the project associated with the replacement of transmission lines impacted by Colorado Department of Transportation's (CDOT) expansion of I-25. The Colorado Department of Transportation is expanding the intersection around I-25 and Prospect Street east of Fort Collins which will require the relocation of 2 of Greeley's water pipelines. This project was identified in 2018 and final design and costs were determined in 2019. Greeley is in the process of establishing a Standard Use Agreement (SUA) with CDOT which will fully reimburse Greeley for the costs of this relocation. Construction for this pipeline replacement project should begin in April and should be completed by the Fall of 2020.	4,917,000	-	4,917,000	-
32	Fund Balance	Funding is requested to finalize the Water Distribution Model and Master Plan. A water distribution model and plan gives staff guidance for planning future expansion and rehabilitation for the distribution system. The project is being done in two phases. the water distribution model was developed and completed in December 2019. The model information is feeding into the Water Distribution Master Plan, which was started in 2020 and is scheduled to be complete in the Fall of 2020. The project has exceeded the rebudget time limit as specified in the City Charter necessitating this request.	373,985	-	373,985	-
406 Water Capital Replacement			6,040,985	-	6,040,985	-
408 Cemetery						
Encumbrances & Commitments						
VI.	Fund Balance	Encumbrances & Commitments from 2019 include: Financial Model Update & Risk and Resiliency Assessment [\$13,942] & Enterprise Resource Planning (ERP) Software Initiatives [\$120,000].	133,942	-	133,942	-
408 Cemetery			133,942	-	133,942	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
409 Municipal Golf Courses						
Appropriation Requests						
33	Fund Balance	Funding is requested for the replacing of lighting at Boomerang Links Golf Course. Funds are needed make the current lighting fixtures which have been inoperable for over 20 years, operable. To do so requires the replacement of 1500 watt bulbs, bulb canisters, controller, pull box, time clock, lighting contactor, a 3 phase connector and install a new utility meter. The City would pay the initial cost for the lighting system to be operational. Golf Pro, as contracted, would incur all costs of electrical utilities and maintenance. This was not originally planned for in the 2020 budget but would be an enhancement to the driving range and usage for the community by building excitement in golf and increase driving range activity and in turn increase golf rounds and revenues. Lighting will support future plans for the development of a Snag Golf program. This program will introduce the game of golf to juniors and beginning golfers without the overwhelmed feeling of the actual golf course in a shortened 9 hole golf course (3-4 acres).	35,000	-	35,000	-
34	Fund Balance	Funding is requested to fulfill the purchase agreement on the fleet of sixty-eight 2020 Yamaha "Drive" DC electric golf cars between Masek's and The City of Greeley. The agreement will be for the net purchase of the new units. Masek's will use the existing trades to net down the purchase price of the new fleet. These cars will come equipped with rain-drain top, sweater basket, energy absorbing bumpers, Schafer rear end with drum brakes, 6 8V Trojan batteries with hydro-link single point watering system, wheel covers, two sand and seed bottles, club and ball washers on the driver side, information holders, two fleet numbers per car and upgraded Delta-Q chargers.	237,728	-	237,728	-
409 Municipal Golf Courses			272,728	-	272,728	-
410 Downtown Parking						
Appropriation Requests						
35	Fund Balance	Alignment of funding is requested due to Parking Services transitioning to Public Works and the implementation of the new parking management program occurring after the adoption of the 2019-2020 budget, so that expenditures and resources are properly aligned for the new parking program. The additional permitted spaces and new pay to stay option have increased the revenues necessary to cover expenditures associated with the new program (i.e. software vendor, signage, immobilization device, and other items). This program, which focused on improving availability for customers while also providing parking alternatives for those needing more long term parking has been met with mostly positive feedback. The increase in resources is derived from Parking Permits and Mobile Pay. Parking permits are signed spaces in downtown that facilitate parking for those with long term parking needs (i.e. residents and employees). Mobile Pay or Pay-to-Stay is the function that allows those visiting downtown, needing to park longer than two hours, to do so through either a call-in number or a smart phone app.	92,500	-	92,500	-
410 Downtown Parking			92,500	-	92,500	-
411 Stormwater						
Encumbrances & Commitments						
VII.	Fund Balance	Encumbrances & Commitments from 2019 include: Centennial Pool Drafting Service [\$8,925] & Base Station Kit [\$2,382].	11,307	-	11,307	-
411 Stormwater			11,307	-	11,307	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
412 Stormwater Construction						
Appropriation Requests						
36	Fund Balance	Existing 500 linear feet of 48" corrugated metal pipe upstream of the Clarkson Gate is in immediate need of replacement. This project will replace the corrugated metal pipe with new 48" reinforced concrete pipe. The new pipe will drain stormwater from an outfall from the 28th Avenue basin 500 linear feet along the Number 3 Ditch and under the Clarkson gate structure. It will discharge into the Clarkson spillway channel that drains to the river. A 20 linear foot portion of the existing 48" corrugated metal pipe will remain in place under the gate structure and will be lined with cured in place pipe liner which is a trenchless rehabilitation method used to repair existing pipe.	334,520	-	334,520	-
412 Stormwater Construction			334,520	-	334,520	-
413 Stormwater Replacement						
Appropriation Requests						
37	Fund Balance	Remaining funds from the Metal Pipe Replacement project are being requested for the lining of stormwater drainage pipes. In July 2019 under an existing Greeley Water and Sewer 3 year contract a bid was solicited for the lining of stormwater drainage pipes from Insituform Technologies LLC. The contract for the trenchless main and collection rehabilitation for the lining of the 6 locations was started in 2019. However, the contract was not signed in time to encumber the 2019 funds. Stormwater had identified 6 locations where existing corrugated metal pipe is in a condition that can be rehabilitated with a structural liner in lieu of being fully replaced. Lining the pipe is a cost savings compared to total replacement.	237,773	-	237,773	-
413 Stormwater Replacement			237,773	-	237,773	-
503 Information Technology						
Encumbrances & Commitments						
VIII.	Fund Balance	Encumbrances & Commitments from 2019 include: Centrally Managed DVR System [\$100,000]; Microsoft Power BI Licenses [\$13,525]; Fiber Services [\$5,200]; Elitedesk [\$27,651]; Fusion Subscription; Infinity Software; Victim Services Software [\$6,096] & En Pointe Technologies Sales Inc. License Renewal [\$12,759].	165,231	-	165,231	-
503 Information Technology			165,231	-	165,231	-
507 Liability						
Carryover Requests						
E	Operating Transfer: General Fund [\$380,000], Sewer [\$60,000] & Water [\$60,000]	2019 payments for claims were higher than originally budgeted. Existing fund balance was appropriated and used to cover these variances, bringing the fund balance below the reserve target. This request is to use onetime revenues from the General Fund, Water Fund, and Sewer Fund to replenish the fund. Total onetime contribution will be \$500,000 with contributions of \$380,000 from the General Fund, \$60,000 from the Water Fund, and \$60,000 from the Sewer Fund.	-	500,000	-	500,000
507 Liability			-	500,000	-	500,000
512 Fleet Replacement						
Appropriation Requests						
38	Operating Transfer: Conservation Trust	Funding is requested in a response to revised turf management processes, combined with a review of internal maintenance operations, to purchase replacement equipment. These purchases will increase efficiency and the City's ability to perform work in-house throughout the year, as opposed to being limited to single use equipment. The purchase would include the following attachments: a single auger post hole driver with multiple size bits; pallet forks, hard surface rotary sweeper and a drop style spreader for various material applications. Additional funds are also requested due to increased costs to build utility vehicles and a shortage in allocated funds for an Island Grove Parks utility vehicle for continued park maintenance operations.	-	15,000	15,000	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
Encumbrances & Commitments						
IX.	Fund Balance	Encumbrances & Commitments from 2019 include: Purchase of Dump Truck [\$134,358] & Purchase of Chevrolet 1500 [\$39,428];	173,786	-	173,786	-
512 Fleet Replacement			173,786	15,000	188,786	-
513 Information Technology Acquisition						
Encumbrances & Commitments						
X.	Fund Balance	Encumbrances & Commitments from 2019 include: Enterprise Resource Planning (ERP) Expenditures consisting of Time Clock, Professional Consultation, Oracle Cloud Service Fees & Sierra Cedar Service Fees [\$3,362,562]; Phone System Upgrades [200,000]; Police & Fire Networks [167,900] & LAN Memory Upgrades [\$19,668].	3,750,130	-	3,750,130	-
513 Information Technology Acquisition			3,750,130	-	3,750,130	-
602 Museum						
Appropriation Requests						
39	Fund Balance	Museums, as a City chartered operation, continues to preserve the history of our founders, educate our youth, and provide services as efficiently as possible. Restricted funds supporting the Greeley History Museum, Centennial Village Museum and the Germans From Russia House (Bolin house) are requested for the following unanticipated items: 1) improvement of artifact storage providing additional shelving and UV film and blackout blinds to three historic structures at Centennial Village. 2) support for a temporary hourly wage position to complete the cataloging of all objects and archival material that was brought over to the Greeley History Museum (GHM) in the 2005 relocation. 3) adding a false wall over the existing plaster wall in the GHM's East Gallery, with new electrical outlets, that will provide curatorial staff with a vastly improved surface on which to mount items included in rotating exhibits and to preserve the original brick structure. 4) updating the lights in the GHM's atrium and skylights to efficient LED light fixtures (the current ballast based lights have exceeded their useful life by approximately five years and due to non-functionality they are now a fire and safety hazard).	66,700	-	66,700	-
602 Museum			66,700	-	66,700	-
605 Memorials						
Appropriation Requests						
40	Fund Balance	Museums, as a City chartered operation, continues to preserve the history of our founders, educate our youth, and provide services as efficiently as possible. Restricted funds supporting the Germans From Russia House (Bolin house) are requested for updating the lights with efficient LED light fixtures (the current ballast based lights have exceeded their useful life by approximately five years and due to non-functionality they are now a fire and safety hazard).	200	-	200	-
605 Memorials			200	-	200	-
Total (Less Additional Operating Expenditures Between Funds)			35,023,122	4,260,356	38,783,478	500,000

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
Operating Transfers						
Operating Transfers: Encumbrances						
I.A.	Operating Transfer: General Fund	General Fund Encumbrances - Operating Transfer of Fund Balance: General Fund to Public Improvement	-	189,495	-	189,495
I.B.	Operating Transfer: General Fund	General Fund Encumbrances - Operating Transfer of Fund Balance: General Fund to Information Technology	-	431,243	431,243	-
I.C.	Operating Transfer: General Fund	General Fund Encumbrances - Operating Transfer of Fund Balance: General Fund to Streets & Roads	-	200,000	-	200,000
VI.	Operating Transfer: Information Technology	Information Technology Encumbrances - Operating Transfer of Fund Balance: Information Technology to Information Technology Acquisition	-	55,800	55,800	-
Operating Transfers: Appropriation						
5	Fund Balance	Organic Resource Recovery - Operating Transfer of Fund Balance: General Fund to Streets & Roads	2,166	-	2,166	-
11	Fund Balance	Certificates of Participation: Fire Stations #2 & #6 - Operating Transfer of Fund Balance: Designated Revenue to General Debt Service	428,513	-	428,513	-
24	Fund Balance	Sheep Draw Trail Alignment - Operating Transfer of Fund Balance: Trails Development to Quality of Life	247,210	-	247,210	-
38	Fund Balance	Conservation Trust Equipment Purchases - Operating Transfer of Fund Balance: Conservation Trust to Fleet Replacement	15,000	-	15,000	-
39	Operating Transfer: Museum	Museums - Operating Transfer of Fund Balance: Museum to General Fund	-	31,500	31,500	-
Operating Transfers: Carryover						
A	Operating Transfer: Designated Revenue	Radio Replacement - Operating Transfer of Fund Balance: Designated Revenue to General Fund	-	1,800,000	-	1,800,000
C	Fund Balance	16th Corridor Plan Design (To Determine Final Project Costs, estimated \$3 to \$4 Million) - Operating Transfer of Fund Balance: General Fund to Public Improvement	400,000	-	400,000	-
D	Fund Balance	Railroad Crossings - Quiet Zones - Operating Transfer of Fund Balance: General Fund to Public Improvement	901,279	-	901,279	-
E	Fund Balance	Liability Fund - Operating Transfer of Fund Balance: General Fund [\$380,000], Sewer [\$60,000] & Water [\$60,000] to Liability	500,000	-	500,000	-
Total Additional Operating Expenditures Between Funds			2,494,168	2,708,038	3,012,711	2,189,495
Grand Total			37,517,290	6,968,394	41,796,189	2,689,495

March 17th & April 7th

Renee Wheeler | Finance Director

Presented By

Robert Miller | Budget & Compliance Manager

2020 1st Additional Appropriation



First Appropriation - 2020

- Allocation of Fund Balances
- Ensures Completion of Projects & Commitments
- Records Grants & Received Revenues

Appropriation Funding Sources

Funding Sources	Ordinance
Fund Balance	\$ 37,678,394
Operating Transfers	2,544,255
Grant(s)	800,750
Expense Reimbursement	530,000
Intergovernmental Agreement	200,000
Private Contributions	42,790
Grand Total	\$ 41,796,189

Appropriation Categories

Categories	Ordinance
2019 Encumbrances & Commitments	\$ 29,440,525
2019 Carryover Recommendations	3,981,279
Capital Projects	1,929,652
Water, Sewer & Stormwater	1,442,293
Northeast Colorado All Hazards Region (NEAHR) Grants	775,104
Community Development Block Grant (CDBG)	544,167
Remaining Requests	1,138,914
Total	\$ 39,251,934

Operating Transfers	2,544,255
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Grand Total	\$ 41,796,189
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Capital Project Requests

Request	Funding Source	Ordinance
City Center North Remodel	Fund Balance: City Center	\$ 927,684
Sidewalk Installation: 19th Ave., 13th to 11th St.	Expense Reimbursement: Greeley Urban Renewal Grant (GURA)	365,000
Sheep Draw Trail Alignment	Fund Balance: Trails Development	247,210
Poudre Trail Stabilization	Intergovernmental Agreement: Weld County	200,000
City Center & Skate Park Artwork	Fund Balance: 1% Art	73,750
Linn Grove Cemetery Irrigation Design	Fund Balance: Food Tax	60,000
Traffic Signal Modification: 11th Ave. & 24th St.	Fund Balance: Food Tax	36,000
Curb & Gutter Repair: 7th Avenue	Fund Balance: Keep Greeley Moving	20,008
Total		\$ 1,929,652

Water, Sewer & Stormwater

Request	Ordinance
Liability Fund	\$ 120,000
Boyd Process Improvements	750,000
Clarkson Gate Structure: Stormwater Pipe Infrastructure & Maintenance	334,520
Stormwater Pipe Rehabilitation	237,773
Total	\$ 1,442,293

Encumbrances & Commitments

Fund	Ordinance
001 General Fund	\$ 4,959,034
104 Streets & Roads	126,450
301 Public Improvement	5,143,503
312 Transportation Development	3,461,850
316 Trails Development	276,223
318 Quality of Life	414,339
321 Keep Greeley Moving	1,200,459
402 Sewer Construction	45,000
404 Water	219,956
405 Water Construction	4,068,330
406 Water Capital Replacement	5,290,985
408 Cemetery	133,942
411 Stormwater	11,307
503 Information Technology	165,231
512 Fleet Replacement	173,786
513 Information Technology Acquisition	3,750,130
Total	\$ 29,440,525

Carryover Recommendations

General Fund One Time Requests	
Description	Amount
Island Grove East End Stage City Contribution. (Total Project Estimated \$2.5 to \$3.0 Million)	500,000
16th Corridor Plan Design (Full Project Costs Estimated at \$5 Million)	400,000
Liability Fund (\$500,000 Total with \$120,000 from Water & Sewer)	380,000
Radio Replacement	1,800,000
Railroad Crossings - Quiet Zones (Original Project Cost \$2.65 Million, for a Total Cost of \$3.55 Million)	901,279

Total One Time Requests	\$ 3,981,279
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Available Carry Over	\$ 14,174,735
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Remaining Carry Over	\$ 10,193,456
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Summary

- Total Appropriated Amount: \$41,796,189
- With the Appropriation, the Total Budget Across All Funds is \$517,339,506
- Affirmation of Prior Commitments
- Maintain Transparency & Accounting Standards
- Demonstrates Transparency of Restricted Funds

Questions

Council Agenda Summary

April 7, 2020

Agenda Item Number 22

Roy Otto, City Manager

Becky Safarik, Assistant City Manager for Community Building

Paul Fetherston, Assistant City Manager for Finance & Administration

City of Greeley Executive Leadership Team

Title:

City Council 2040 Vision, Priorities, and Staff Strategic Work Plan

Summary:

Over a two-and-one-half day period (February 7-9), the City Council participated in a Retreat during which it developed a 2040 Vision for the Greeley community – along with specific focus areas and corresponding priorities in support of that vision. The priorities identified by City Council are those work items for staff to work on over the coming three year period towards achieving the 2040 Vision.

Guided by the City Council 2040 Vision, Focus Areas and Priorities, the City's Executive Leadership Team and key staff – led by the City Manager – engaged in a two day staff retreat (February 11-12) to develop a Staff Strategic Work Plan outlining action plans with timelines for City Council identified priorities.

The following items are presented for City Council consideration and action:

- City Council 2040 Vision: Draft vision document developed by the Communication & Engagement Department to capture the vision for use and distribution. The draft document, edited for presentation purposes with no substantive edits identified, is presented to City Council for approval.
- City Council 2040 Vision - Three Year Priorities: Draft three year priority document articulating the priorities identified by City Council to focus efforts for movement towards the 2040 Vision developed by the Communication & Engagement Department. The Priorities document, edited for presentation with no substantive edits identified, is presented to City Council for approval.
- Staff Strategic Work Plan: This draft document, developed by the City's Executive Team identifying specific action plans (including timelines) related to the City Council priorities, provides the three year roadmap for Departments related to achieving the 2040 Vision. The Staff Strategic Work Plan is presented to City Council for its endorsement as a staff work plan.

It is important to note that the majority of the action plans and timelines contained within the Staff Strategic Work Plan were developed prior to the on-set of the COVID-19 pandemic. The City Manager's Office will work with

Departments to present updated timelines and action plans within the second quarter of 2020 when the operational impacts of the pandemic are clearer.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	various impacts based on the specific priority and action plan
What is the annual impact?	Varies – most impacts are budgeted within the Fiscal Year 2020 budget. Subsequent year expenditures would be encompassed in the upcoming budget process.
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	Largely budgeted funds in FY2020
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

None

Other Issues and Considerations:

None

Applicable Council Priority and Goal:

These items support the City Council's 2040 Vision, Focus Areas and Priorities.

Decision Options:

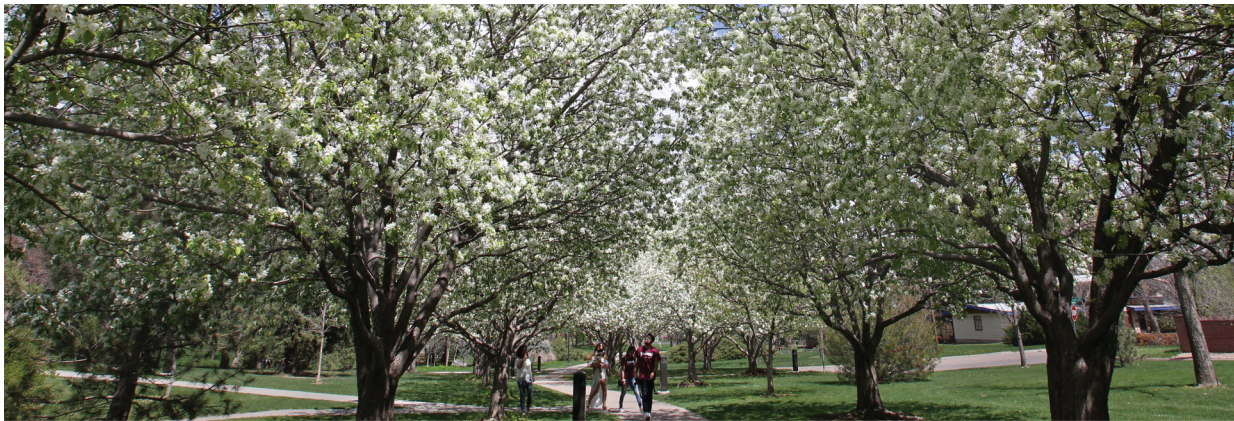
- 1) Approve the City Council 2040 Vision and Priorities;
- 2) Endorse the Staff Strategic Work Plan;
- 3) Request amendments and/ or further work on the individual or collective documents;
- 3) Continue consideration of the documents to a date certain.

Council's Recommended Action:

A motion to accept the City Council 2020 Vision and Priorities; and
A motion to endorse the Staff Strategic Work Plan.

Attachments:

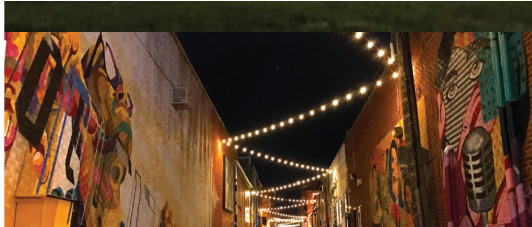
City Council 2040 Vision
City Council 2040 Vision – Three Year Priorities
Staff Strategic Work Plan

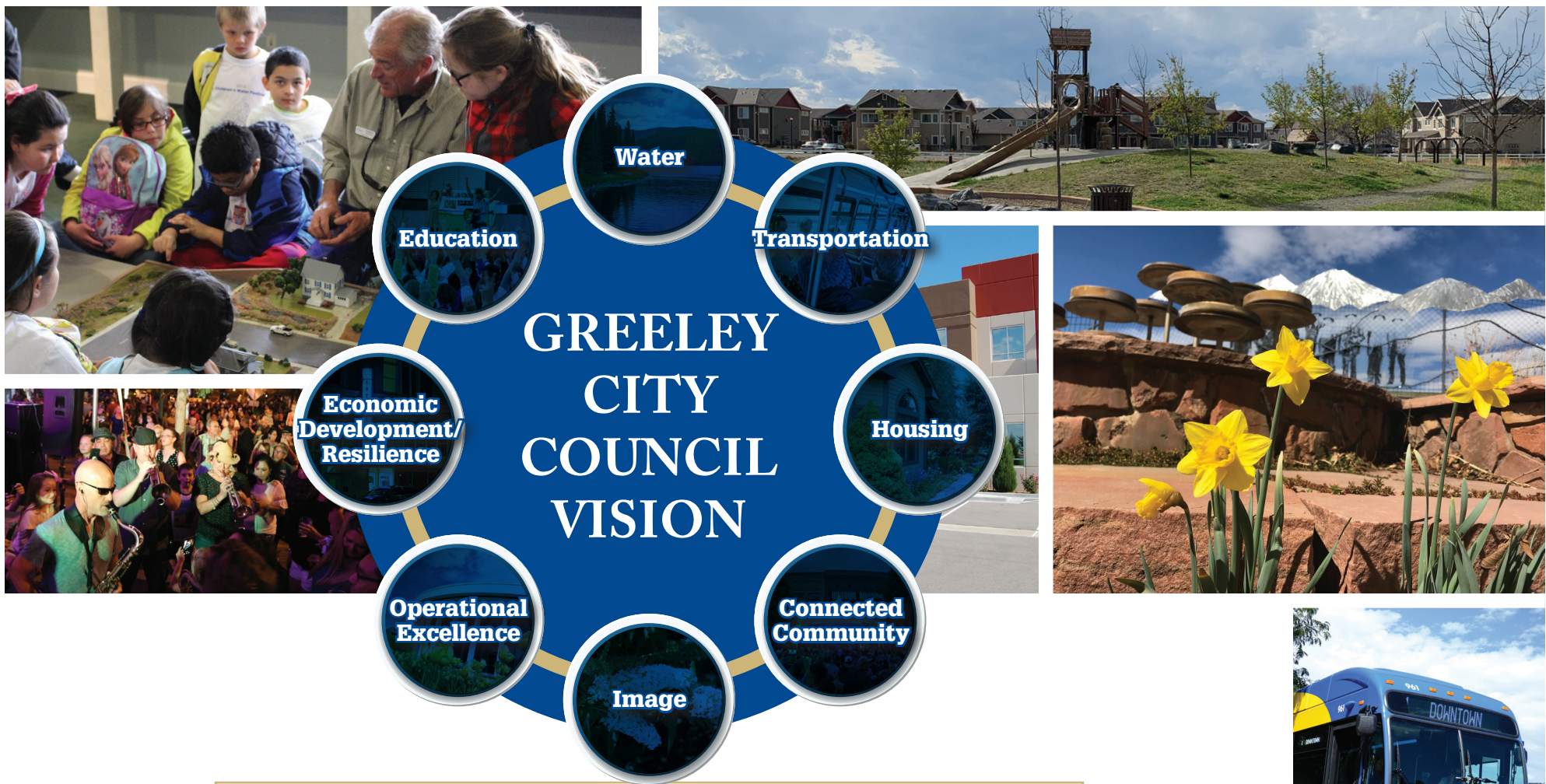


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GREELEY CITY COUNCIL VISION FOR 2040





VISION FOR 2040

My Greeley is a city that knows where it came from and where it is going. Located along the Cache la Poudre River in northern Colorado, this thriving city offers its residents a down-home feel. It is a diverse, unique, and vibrant community with a long history as a pioneer in agriculture that has employed forward thinking to ensure its economic resilience. Innovative water resource management has enabled Greeley to position itself as a leader

in Colorado. Its evolving economy offers residents meaningful employment and an enjoyable lifestyle with attractive neighborhoods and boundless opportunities for social, recreational, and cultural pursuits. Education at all levels is of paramount importance and Greeley continues to enjoy the benefits of a well-educated and diverse workforce. We are “Greeley Proud” and stand as a city for all people.

This council’s 2040 vision and Greeley’s future success will come from continued strategic foresight in the following areas:

Greeley Water: History, Heritage, Innovation

In 2040, Greeley is Northern Colorado’s leader in water resources. Building on its visionary and innovative heritage, Greeley prides itself on its ability to secure an abundant supply of high quality water that supports its vibrant economy. “Greeley Gold” drives sustainable growth and gives the City a competitive edge in the region.

Leadership in Educational Excellence

In 2040, Greeley is a community known as a creative, educational and learning environment that fosters a symbiosis of personal development, commerce, and leadership. Lifelong learning is embedded in Greeley’s values with comprehensive educational systems and opportunities. The City’s integrated partnerships serve as a catalyst for innovation that supports a robust economy and fulfilling lifestyle.

A Dynamic and Resilient Economy

In 2040, Greeley is a community of choice for forward-thinking commerce supporting a diverse, vibrant, and resilient economy. We incubate small local business and draw national and international industrial leaders. Our economy supports and sustains an attractive standard of living by providing a healthy continuum of employment opportunities for its residents. Further, our work environment fully complements and capitalizes on our world-class educational system.

Your Home is Here

In 2040, Greeley is a distinctive, character-rich community known for its high quality standard of living. Residents have access to an amazing variety of housing options including style, price, and location. Our unique neighborhoods are built around the village concept, featuring entertainment, retail, parks and dining options within a central, walkable location.

Greeley on the Move: Ample, Easy, Connected

In 2040, Greeley’s economy continues to thrive as a result of thoughtful planning and be driven by multi-modal transportation that fosters interconnectedness, mobility, and access to Greeley’s neighborhoods, amenities, and commerce.

We are Greeley Proud

In 2040, Greeley celebrates 170 years of a rich agricultural and western heritage and hospitality, Greeley offers a wide variety of cultural events, amenities, and recreational opportunities that are attractive to people of all ages. We are a destination where residents experience Rocky Mountain vistas, fulfilling employment, excellent healthcare, unique activities to enjoy, and a strong sense of community.

We are One

In 2040, Greeley embraces the diverse cultures in our community by coming together and recognizing that we are all one! Our residents are engaged. Community events are well attended and residents revel in strong engagement in civic organizations, local boards and commissions. Agency partnerships unite us as one community.

Operational Excellence

In 2040, Greeley is recognized as the State’s municipal employer of choice. The organization is a benchmark for operational excellence and its residents benefit from fiscal responsibility, customer responsiveness, and transparency. Resident involvement in local government has never been stronger.

2020 GREELEY CITY COUNCIL MEMBERS

Mayor John Gates | Mayor Pro Tem Dale Hall - Ward IV | Tommy Butler - Ward I
Ed Clark - At Large | Michael Fitzsimmons - Ward III | Brett Payton - Ward II
Kristin Zasada - At Large



GREELEY CITY COUNCIL 3-YEAR PRIORITIES TO ACCOMPLISH 2040 VISION

City Council worked with City staff to develop three-year priorities to achieve its Vision 2040 and adopted them on April 7, 2020. Over the next three years, City staff will work to implement the priorities as described below.

GREELEY WATER: HISTORY, HERITAGE, INNOVATION

- ☐ Acquire water when and where available at fiscally responsible prices for the circumstance.
- ☐ Secure and implement long term water storage solution.
- ☐ Develop and implement a strategy to inform the public on our water future.
- ☐ Increase water conservation efforts and build a culture of conservation.
- ☐ Implement a non-potable irrigation water system.

LEADERSHIP IN EDUCATIONAL EXCELLENCE

- ☐ With UNC and Aims, develop and implement programs and strategies to enhance the college community's experience of being in Greeley—"Operation College Town".
- ☐ Strategize opportunities and mechanism for cross promotion of Greeley's Pre-K to 12 school and city achievements and successes.
- ☐ Increase higher education student internship opportunities with the City.

A DYNAMIC AND RESILIENT ECONOMY

- ☐ Implement the 2019 Economic Development Action Plan (Master Plan) that identifies industries, opportunities and businesses that will be our future.

YOUR HOME IS HERE

- ☐ Evaluate the Strategic Housing Plan and implement it.
- ☐ Design a program that supports the identification of Greeley neighborhoods to ensure that they have a distinct identity.
- ☐ Put a plan in place to ensure that future development is built around the village concept.
- ☐ Explore expansion and marketing of the G-HOPE program and others that assist with home down payment assistance.

GREELEY ON THE MOVE

- ☐ Mount a successful ballot initiative to support needed transportation improvements.
- ☐ Expand service model of Greeley Evans Transit (GET) commensurate with growth.
- ☐ Explore opportunities and partnerships for regional transportation (i.e. rail, transit, air).
- ☐ Streamline the process for identifying and improving existing streets infrastructure (i.e. sidewalks, curbs, gutters).
- ☐ Update the Transportation Master Plan, including bike routes and trails.
- ☐ Advocate for Greeley interchange improvements and implement as funding is available, including future public education on projects and status.

WE ARE GREELEY PROUD

- ☐ Implement myGreeley image campaign.
- ☐ Develop and implement a Master Tourism Plan to enhance tourism, including evaluation of roles for Visit Greeley and the City's image campaign to ensure alignment.
- ☐ Monitor and address odor emanating from the JBS beef plant.

WE ARE ONE

- ☐ Implement a comprehensive engagement plan focused on these values:
 - ☐ Celebrate our cultural differences while maintaining the culture of one community.
 - ☐ Continue to support and actively celebrate the diversity of the community.
 - ☐ Grow participation in local events.
 - ☐ Enhance Council participation in community events (with Clerk's Office notices).

OPERATIONAL EXCELLENCE

- ☐ Create comprehensive City services funding strategy.
- ☐ Streamline and improve processes for business permitting and licensing.
- ☐ Move forward to rethink the Human Resources function as a strategic partner.
- ☐ Implement interim plan for becoming an employer of choice with a focus on leadership, growth mindset, and change management.
- ☐ Develop a staff compensation plan to position Greeley as an employer of choice.
- ☐ Develop and conduct an evaluation of the City's customer responsiveness.



STAFF STRATEGIC WORK PLAN

Working in small groups, the SWP team developed an action plan for each 3-Year Priority identified by the Council. Staff members were asked to identify revisions that might be helpful to the Council.



Greeley Water: History, Heritage, Innovation

PRIORITY 1	Acquire water when and where available at fiscally responsible prices for the circumstance	
Champion:	Water & Sewer	
Supporting Staff:	CAO, FIN, CMO, CPRD, IT	
Key Tasks/Activities		Start Dates
1. Ongoing engagement and advocacy with specific ditch companies on the development of water sharing ATM projects (rotational fallowing type alternatives to agricultural buy and dry). Collaborate with Natural Areas to preserve community separator properties, agricultural heritage properties, and create wetland mitigation bank credits in association with ATM supply development.		April 2020
2. Request annual budget allocation for the 2021-2022 water resource acquisition program		April 2020
3. Actively track, monitor the water resource market and regularly report trends and pricing information to City Leadership and the Greeley Water & Sewer Board		April 2020
4. Update Greeley raw water resource database to modern platform with advanced functionality and rebuild raw water allocation model on updated platform.		May 2020
5. Annual status report on water master plan and interim update of progress on Future Water Accounts water acquisition targets with new market information and vision for non-potable utilization.		July 2020
6. File, prosecute and protect diligence on various conditional water rights owned by the City of Greeley that will be valuable and necessary to develop at a future date to meet Greeley's future need.		August 2020
7. Update the 2003 Water Master Plan with a 2021-2022 Integrated Water Resource Master Plan (IWRP) [timeline dependent upon permitting or securing future water storage, other steps precedent]		November 2021
8. Update water resource acquisition targets for 50 year planning horizon, update vision for role and proportion of non-potable irrigation utilization, updated conservation targets and updated potable and non-potable storage targets for the 50 year planning horizon.		January 2022



STAFF STRATEGIC WORK PLAN

Working in small groups, the SWP team developed an action plan for each 3-Year Priority identified by the Council. Staff members were asked to identify revisions that might be helpful to the Council.

PRIORITY 2	Secure and implement long term water storage solution	
Champion:	Water & Sewer	
Supporting Staff:	CAO, CMO, FIN, C&E	
Key Tasks/Activities		Start Dates
1. Continue engagement in the NEPA federal permitting process for water storage via an enlargement of Milton Seaman. Use that process to identify potential less environmentally damaging and potentially more affordable alternative projects.		March 2020
2. Pursue alternatives found to be financially and operationally preferable to the Milton Seaman enlargement		May 2020
3. Pursue, Bond, Finance and Develop additional potable and non-potable storage in association with Windy Gap Firming, Overland Ponds, Equalizer and Poudre Ponds Complex		September 2020
4. Develop fiscal plans to support construction of storage solutions and evaluate water rate impacts and evaluate regional water storage opportunities		May 2021

PRIORITY 3	Develop and Implement a strategy to inform the public on our water future.	
Champion:	Water & Sewer	
Supporting Staff:	C&E, CMO, FIN	
Key Tasks/Activities		Start Dates
1. Work in coordination with other City departments to incorporate messaging of water with public art, parks and natural areas projects, trail and facility signage / messaging all designed with intention to raise awareness of our rich water heritage and water future.		May 2020
2. Engage W&S with support from Communications staff to undertake performance assessment of prior communication efforts and scope baseline survey and assessment of Greeley customer knowledge on our long-range water future		April 2021
3. Undertake baseline assessment of the Greeley customer base		June 2021
4. Work collaboratively with W&S, C&E Dept. and ELT (City Manager, Water Board Chairman,) to discuss survey data and feedback on baseline assessment of customer knowledge to develop recommendation for communication strategy and an associated budget		November 2021
5. Develop a clearly defined communication plan designed for City of Greeley customers, and focused on communication of the Greeley system, and the planning and investments that guide the City towards a water secure future		April 2022
6. Deploy and Implement Communication Plan		May 2022



STAFF STRATEGIC WORK PLAN

Working in small groups, the SWP team developed an action plan for each 3-Year Priority identified by the Council. Staff members were asked to identify revisions that might be helpful to the Council.

PRIORITY 4	Increase water conservation efforts and build a culture of conservation	
Champion:	Water & Sewer	
Supporting Staff:	CD, CPRD, C&E, CMO, FIN	
Key Tasks/Activities		Start Dates
1. Continue robust public education program (District 6 teacher training, District 6 classroom programs, Landscape Lecture Series, media placements, social media, sponsorships and other)		March 2020
2. Update City Landscape Code in coordination with CD code updates (see CD Work plan) to promote water wise landscapes and irrigation water use efficiency.		July 2020
3. Complete a Performance Assessment of the City's Water Conservation Program to determine and update the effectiveness and return on investment of existing conservation practices		August 2020
4. Develop and add irrigation efficiency standards to building codes and request budget to train and certify third-party irrigation inspectors. (Requires coordination w/Com. Dev.)		July 2021
5. Inventory best-practice conservation activities in other water utilities, evaluate their effectiveness for Greeley, and create a Conservation Action Plan for implementation		September 2021
6. Inventory City-owned properties and evaluate for both conservation opportunities and for landscape improvements. Based on results, request funding for improvements. Requires coordination with Parks, Public Works.		September 2021
7. Implement Strategic Water Use Efficiency and Conservation Action Plan		February 2022
8. Reform, innovate and introduce a Greeley focused Children's Water (Education) Festival		March 2022

PRIORITY 5	Implement a non-potable irrigation water system	
Champion:	Water & Sewer	
Supporting Staff:	C&E, FIN, CPRD, CMO, CD, PW, CAO	
Key Tasks/Activities		Start Dates
1. Develop non-potable pilot project program and policy communication resources for the developer, building and land planning community. Further develop web, social media, and print resources for sharing policy.		March 2020
2. Update Water Dept. 10 year CIP and 2 year budget with prioritized list of NP CIP projects that facilitate growing the system, and developing key infrastructure in coordination with road, Storm water, trails or other CIP projects.		May 2020
3. Evaluate Non-Potable System Impact Fee (NP-PIF) methodology and seek consultant report defining NP-PIF based upon value of NP system assets and NP Master Plan.		July 2020
4. Update non-potable master plan identifying the following key system attributes: -		October 2020



STAFF STRATEGIC WORK PLAN

Working in small groups, the SWP team developed an action plan for each 3-Year Priority identified by the Council. Staff members were asked to identify revisions that might be helpful to the Council.

- Identify new development areas ripe for non-potable irrigation within the long-range growth boundary - Identify existing land uses that would be high priority for non-potable irrigation conversion - Develop prioritized capital improvement plan for backbone infrastructure, pump stations, raw water storage - Develop detailed site plan for Poudre Ponds non-potable raw water storage site to incorporate water storage infrastructure, Parcel B pit lining, interconnection infrastructure, ditch connections, wetland mitigation banking and other natural riparian areas - Phased development plan for infrastructure and its alignment with other City CIP projects in Stormwater, Natural Areas, Trails, ditch cos. and PW/Transportation	
5. Incorporate finding and standards of Non-Potable Master Plan into the Community Development planning and EDR processes.	April 2021



STAFF STRATEGIC WORK PLAN

Working in small groups, the SWP team developed an action plan for each 3-Year Priority identified by the Council. Staff members were asked to identify revisions that might be helpful to the Council.



Leadership in Educational Excellence

PRIORITY 1	With UNC and Aims, develop and implement programs and strategies to enhance the college community's experience of being in Greeley. "Operation College Town"	
Champion:	Economic Health & Housing	
Supporting Staff:	CMO, HR, IT, C&E, PW, CPRD	
Key Tasks/Activities		Start Dates
1. Identify a facilitator for a partner meeting		August 2020
2. Prepare City Council's vision and desired outcomes in preparation for collective partner meeting and encourage partners to do the same		October 2020
3. Facilitator to receive inputs from partners		December 2020
4. Schedule a facilitated meeting to define vision and desired outcomes with Aims, UNC and other identified partners (i.e. Aims Foundation, Bright Futures, etc.), along with key executive staff		February 2021
5. Hold city meeting with key city staff to identify action steps in preparation for collective partnerships and encourage partners to do the same		April 2021
6. Facilitator to receive input from partners on action items		July 2021
7. Hold partner meeting to identify collective action items and responsible parties		October 2021
8. Establish accountability meeting cadence (meeting frequency)		April 2022
9. Develop a coordinated communication plan for Operation College Town		October 2022

PRIORITY 2	Strategize opportunities and mechanism for cross promotion of Greeley's Pre-K to 12 school and city achievements and success	
Champion:	Communication & Engagement	
Supporting Staff:	CMO	
Key Tasks/Activities		Start Dates
1. Convene meeting of key city staff and K-12 stakeholders (those intersecting with City of Greeley, i.e., D6, charter schools, Windsor/Severance) to discuss a collaborative effort to share and celebrate organizational successes as a way to strengthen our community profile.		March 2022



STAFF STRATEGIC WORK PLAN

Working in small groups, the SWP team developed an action plan for each 3-Year Priority identified by the Council. Staff members were asked to identify revisions that might be helpful to the Council.

2. Identify plausible options for hosting, sharing, and publicly celebrating successes and achievements with the intent to cross pollenate source to share positive messaging.	August 2022
3. Collaboratively develop messages and/or identify organization messages associated with academic achievement in Greeley to change current perception; include successes in the greater Greeley area.	August 2022
4. Designate responsible contributors and a cadence of accountability for consistently collaborating and sharing success and achievements.	October 2022
5. Collaboratively develop messages associated with academic achievement in Greeley to change current perception; include successes in the greater Greeley area.	April 2023

PRIORITY 3	Increase higher education student internship opportunities with the City	
Champion:	Human Resources	
Supporting Staff:	All Departments	
Key Tasks/Activities		Start Dates
1. Internal Steering Committee to reengage internship program focused on higher education		February 2022
2. Identify higher education requirements for internships to count toward programs		March 2022
3. Identify opportunities, to include evaluation of each year's work plan to identify available opportunities. Address standardization in structure for goal setting, appraisals, and compensation.		July 2022
4. Initiate budget request		June 2023
5. Attend university internship nights		September 2023



STAFF STRATEGIC WORK PLAN

Working in small groups, the SWP team developed an action plan for each 3-Year Priority identified by the Council. Staff members were asked to identify revisions that might be helpful to the Council.



A Dynamic and Resilient Economy

PRIORITY 1	Implement 2019 Economic Development Action Plan (Master Plan) that identifies industries, opportunities and businesses that will be our future.	
Champion:	Economic Health & Housing	
Supporting Staff:	IT, CD, FIN, C&E	
Key Tasks/Activities		Start Dates
1. Implement and populate our new CRM (customer relationship management) to better position staff to report on current activity		February 2020
2. Schedule time with Council to provide big picture overview of Economic Development to review current EHH Action Plan		May 2020
3. Evaluate all economic tools and incentives to align with our other strategies to better align our economic development vision with our economic development toolbox		June 2020
4. Strengthen Greeley's economic base (via Industry diversification) and wealth (via household wages) to make us more resilient and less vulnerable to future market shifts – Greater detail is contained in the Action Plan		July 2020
5. Stimulate and track economic activity in the city's core (TIF districts) and within strategic daytime employment (office & industrial) sites		August 2020



STAFF STRATEGIC WORK PLAN

Working in small groups, the SWP team developed an action plan for each 3-Year Priority identified by the Council. Staff members were asked to identify revisions that might be helpful to the Council.



Your Home Is Here

PRIORITY 1	Evaluate the Strategic Housing Plan and Implement It	
Champion:	Economic Health & Housing	
Supporting Staff:	CD, W&S, PW, FIN	
Key Tasks/Activities		Start Dates
1. Identify next set of Action Item priorities, in consultation with the Housing Task Force. Create a detailed timeline to accomplish these priorities, and identify the resources needed to do so. (e.g. staff allocation, additional staff, funding for programs, etc.)		April 2020
2. Conduct work session with Council to report on Action Items from the Strategic Housing Plan that have been completed to date (i.e., since its adoption in February 2019) and highlight the next set of Action Items we will tackle in 2020		June 2020
3. Analyze the factors impacting the City's residential development attractiveness including: fee structure, regulatory environment and incentive policies related to ensure Greeley is an economically competitive and attractive market.		July 2020
4. Provide particular focus on how to positively influence a range of housing (type, number and affordability) to accommodate Greeley's diverse and growing population, through the Development Code Update		August 2020
5. Continue to provide a bi-yearly update to Council on the current status of Strategic Housing Plan actions to date		October 2020

PRIORITY 2	Design a program that supports the identification of Greeley neighborhood to ensure that they have a distinct identity	
Champion:	Community Development	
Supporting Staff:	IT, C&E	
Key Tasks/Activities		Start Dates
1. Identify what is a "neighborhood," and confirm the goal behind creating these designations, including research on neighborhood identification systems in other cities		April 2021
2. Inventory all existing self-identified neighborhoods (example: HOA's, NextDoor, neighborhood watch areas, plat or subdivision names)		July 2021
3. Inventory and map all neighborhoods		September 2021
4. Develop a menu of options (e.g. signs, pole banners, etc.) to support neighborhood identity, and program to support a sense of community		November 2021



STAFF STRATEGIC WORK PLAN

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5. Identify gaps and conduct neighborhood outreach with those that are not clearly identified	April 2022
6. Submit to Council ways to support neighborhood identity actions (may include funding, such as the existing Neighborhood Improvement Grants)	July 2022

PRIORITY 3	Put a plan in place to ensure that future development is built around the village concept	
Champion:	Community Development	
Supporting Staff:	EHH, W&S	
Key Tasks/Activities		Start Dates
1. Research land use models regarding the village urban design concept (e.g., engage the Urban Land Use Institute)		October 2020
2. Hold discussions with Planning Commission and Citizen Task Force for Code Update to vet concepts and brainstorm vision and regulatory steps to reinforce this concept		January 2021
3. Identify the timeline and resources needed to advance the village concept in conjunction with the Code Update		October 2021
4. Identify tools that offer a combination of regulation, incentives, and educational approaches to support the village concept. Timing depends on funding decisions.		October 2021
5. Incorporate the vision into the Development Code Update.		October 2021

PRIORITY 4	Explore expansion and marketing of the G-HOPE program and others that assist with home down payment assistance	
Champion:	Economic Health & Housing	
Supporting Staff:	C&E, IT	
Key Tasks/Activities		Start Dates
1. Confirm with Council the goal of expanding home ownership opportunities through expanding and marketing down-payment assistance programs and other means (current programs: G-HOPE, Denver Mortgage Assistance, CHFAA, Habitat for Humanity)		June 2020
2. Inventory existing programs that increase access to home ownership		October 2020
3. Identify gaps and resources and steps needed to expand or revise the programs		April 2021
4. Present to Council a request for resources (if needed) through the budget process or otherwise		July 2021
5. Develop a marketing plan to communicate the assistance program		April 2022



STAFF STRATEGIC WORK PLAN

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Greeley on the Move

PRIORITY 1	Mount a successful ballot initiative to support needed transportation improvements	
Champion:	Finance	
Supporting Staff:	PW, CPRD, C&E, CD, EHH, CMO, CCO	
Key Tasks/Activities		Start Dates
1. Gain direction from Council regarding KGM and Food Tax renewal		March 2020
2. Undertake master planning process to better understand citywide transportation and asset needs and prioritization strategies including: - Transportation Master Plan - Facilities Condition Assessment - Facilities Space Master Plan - CPRD Master Plan - Parks, Trails, & Open Land Master Plan		July 2020
3. Pursue certified ballot for 2020		August 2020
4. Election Outcome		November 2020
5. Review master planning results to prioritize projects, identify the most strategic project timing within at least a 10 year planning horizon, align funding strategies, and identify additional operational needs to adequately maintain the assets.		April 2022

PRIORITY 2	Expand service model of Greeley Evans Transit (GET) commensurate with growth	
Champion:	Public Works	
Supporting Staff:	CD, C&E, EHH	
Key Tasks/Activities		Start Dates
1. Identify routes that need frequency improvements today based on current population and ridership		May 2020
2. Engage CTAB and garner feedback regarding above mentioned frequency improvements		June 2020
3. Make recommendation as part of the 2021/22 budget based on feedback from CTAB and Council		August 2020
4. Participate in Multimodal Transportation Planning process.		January 2021
5. Hold roundtable work session with Council to discuss feedback and options		August 2021



STAFF STRATEGIC WORK PLAN

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6. Utilize multimodal transportation plan to identify planning, funding and implementation process to expand local (i.e. 10 th Street BRT, on demand service like Uber/Lyft) and regional service (i.e. Great Western Rail line connecting Northern Colorado)	April 2022
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PRIORITY 3	Explore opportunities and partnerships for regional transportation (i.e. rail, transit, air)	
Champion:	Public Works	
Supporting Staff:	CMO, EHH, CD	
Key Tasks/Activities		Start Dates
1. Utilize multimodal transportation plan and NFRMPO Premium Transit Study to identify, plan and fund regional transportation projects (i.e. Crossroads/O St).		April 2021

PRIORITY 4	Streamline the process for identifying and improving existing streets infrastructure (i.e. sidewalks, curbs, gutters)	
Champion:	Public Works	
Supporting Staff:	IT, CD, PW, W&S, CPRD, C&E, FIN, EHH, CMO	
Key Tasks/Activities		Start Dates
1. Implement changes outlined in CIP process improvement recommendations, ensuring coordination and project planning, and incorporating internal and external projects (i.e. Atmos gas line replacements)		March 2020
2. Implement findings outlined in Public Works Department assessment		May 2020
3. Identify additional staff and resources necessary to implement centralized asset management, as identified within the PW and CIP assessment, best practices that include improved reporting, prioritization and evaluation		June 2020
4. Implement centralized asset management as identified within the Public Works and City Wide and CIP assessment, with best practices that include improved reporting, prioritization, and evaluation		January 2021



STAFF STRATEGIC WORK PLAN

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PRIORITY 5	Update the Transportation Master Plan, including bike routes and trails	
Champion:	Public Works	
Supporting Staff:	CD, C&E, CPRD, EHH, CMO	
Key Tasks/Activities		Start Dates
1. Secure Grant and local match		April 2020
2. Identify long term funding plan for plan updates every 5 years from Development Impact Fee study		April 2020
3. Clarify what people want out of the plan (focused input in advance), including Council, using a focused round table work session		January 2021
4. Undertake master planning process to better understand citywide transportation and asset needs and prioritization strategies:		January 2021
5. Pivot all Transportation projects from master plan into CIP process		April 2022
6. Adoption of Transpiration Masterplan		September 2022
7. Implement potential policy changes from masterplan		October 2022
8. Identify impact fee update to match capital and operating cost needs		April 2025

PRIORITY 6	Advocate for Greeley interchange improvements and implement as funding is available, including future public education on projects and status	
Champion:	Public Works	
Supporting Staff:	CMO, EHH, C&E, CPRD	
Key /Tasks/Activities		Start Dates
1. Identify resources necessary for successful implementation of political communications plan.		July 2020
2. Develop communications plan to inform and educate CDOT, law makers and other organizations about local funding, prioritization, etc.		October 2020
3. Develop communications plan to inform and educate the public regarding the timeline, ongoing status, etc. Identify resources needed (internal and external)		October 2020



STAFF STRATEGIC WORK PLAN

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We are Greeley Proud

PRIORITY 1	Implement myGreeley image campaign	
Champion:	Communication & Engagement	
Supporting Staff:	All Departments	
Key Tasks/Activities		Start Dates
1.	Create teaser campaign to facilitate transition from Greeley Unexpected My Greeley	April 2020
2.	Design internal messaging campaign to create understanding and city ambassadors throughout our organization. Plan needs to identify opportunities for engaging internal audience with action items and resources to support implementation. Author plan with timeline and implementation and maintenance strategy - Identify work area leaders in different parts of city to support new campaign - Inform and educate city employees and stakeholders about the campaign, its goals, and how they can bring stories and ideas to the campaign's leaders - Create a method for the employees to share ideas	April 2020
3.	Monitor and assess year one tactics and strategies	April 2020
4.	Reconvene partnership team to solidify the stories, features, and theme of destination for year two	November 2020
5.	Design and develop media strategies and grassroots campaign for year two campaign	November 2020
6.	Launch year 2 campaign	January 2021
7.	Go back to council to present an overview of the theme for the year and the media plan strategy and explain how that accomplishes the goals of campaign	January 2021
8.	Update and relaunch internal campaign, bringing in new area partners. Focus on converting and continuing internal momentum	January 2021
9.	Monitor and assess year two tactics and strategies	February 2021
10.	Reconvene partnership team to solidify the stories, features, and theme of destination for year three	November 2021
11.	Design and develop media strategies and grassroots campaign for year 3 campaign	November 2021
12.	Launch year three campaign	January 2022
13.	Go back to council to present an overview of the theme for the year and the media plan strategy and explain how that accomplishes the goals of campaign.	January 2022
14.	Update and relaunch internal campaign, bringing in new area partners. Focus on converting and continuing internal momentum.	January 2022
15.	Reconvene partnership team to solidify the stories, features, and theme of destination for year four.	November 2022



STAFF STRATEGIC WORK PLAN

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16. Design and develop media strategies and grassroots campaign for year 4 campaign	November 2022
17. Launch year 4 campaign	January 2023

PRIORITY 2	Develop and implement a Master Tourism Plan to enhance tourism, including evaluation of roles for Visit Greeley and the City's image campaign to ensure alignment	
Champion:	Communication & Engagement	
Supporting Staff:	CD	
	Key Tasks/Activities	Start Dates
1.	Review existing tourism master plan and comprehensive plan elements relative to tourism. Assemble Visit Greeley and City of Greeley stakeholder to initiate assessment process	May 2021
2.	Assemble City of Greeley stakeholder to explore existing infrastructure, content etc., and identify the appropriate scope of work for additional assessment.	June 2021
3.	Put out an RFP for a consultant to perform that assessment looking for information on what Visit Greeley has accomplished, how they accomplish it, unutilized or underutilized opportunities for improvement and spending. All of this should result in information stakeholders can use to create performance measurements that will be added to the Visit Greeley annual contract.	July 2021
4.	Draft and add performance measures to the 2021 Visit Greeley and City of Greeley Contract. New contract should require the start and completion of a Tourism Master Plan.	December 2021
5.	Establish and define new performance measures, roles, responsibility, and ownership of Visit Greeley and the City's relationship to it.	January 2022
6.	Assemble a larger community-wide stakeholders group begin initiating the creation of a Tourism Master Plan. - Establish the goals of a Tourism Master Plan - Establish how the plan will be used and incorporated - Plan to address relationship & related efforts of Visit Greeley & City of Greeley - Should establish that level of tourism Greeley has and what it wants	March 2022
7.	Create RFP to hire consultant to research & author Greeley's Tourism Master Plan	August 2022
8.	Begin tourism master planning process	October 2022
9.	Complete tourism master planning process	April 2023
10.	Evaluate, review, and implement Greeley's Tourism Master Plan	July 2023



STAFF STRATEGIC WORK PLAN

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PRIORITY 3	Monitor and address odor emanating from the JBS beef plant	
Champion:	Community Development	
Supporting Staff:		
Key Tasks/Activities		Start Dates
1. Consolidate odor management regulations and the history of show-cause hearings		March 2020
2. Conduct prompt and regular inspections and enforcement of all odor complaints (continuous)		March 2020
3. Review Odor Management Regulations and Board duties with the Air Quality and Natural Resources Board (Planning Commission), including the status of all existing Odor Management Plans on file (includes JBS)		April 2020
4. Based on the level of compliance*, review with JBS any changes to their current odor management plan (*note, this may be in conjunction with enforcement/show-cause hearings, as warranted)		May 2020
5. Continue regular meetings with JBS and City staff; frequency is based upon the level of compliance, but no less than twice annually to maintain on-going communication about plant operations		June 2020



STAFF STRATEGIC WORK PLAN

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PRIORITY 1	Implement a comprehensive engagement plan focused on these values: • Celebrate our cultural differences while maintaining the culture of one community • Continue to support and actively celebrate the diversity of the community • Grow participation in local events • Enhance Council participation in community events (with Clerk's Office notices)	
Champion:	Communication & Engagement	
Supporting Staff:		
Key Tasks/Activities		Start Dates
1. Evaluate the city's existing engagement points and the intersections with community organizations and cultures.		March 2022
2. Review the composition of the city's cultural populations. • Ancestry • Organizations • Social/economic groups • Belief and philosophical communities • Education or industry communities		June 2022
3. Analyze the information from the above two steps in order to identify opportunities for cultural interactions and connections		August 2022
4. Write an RFP for a consultant to: • Assess the reasons and conditions surrounding the differences and disparities between cultural engagement points with the City and • Create a comprehensive engagement master plan identifying how to increase opportunities for those cultural intersections		April 2023
5. Begin cultural engagement comprehensive engagement master planning process		October 2023
6. Review the draft cultural engagement master plan		April 2024
7. Educate city stakeholders and staff about engagement master plan		October 2024
8. Implement Engagement Master Plan		January 2025



STAFF STRATEGIC WORK PLAN

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Operational Excellence

PRIORITY 1	Create comprehensive City services funding strategy.	
Champion:	Real Estate Management Services – CMO	
Supporting Staff:	FIN, CPRD, PW, C&E, W&S	
Key Tasks/Activities		Start Dates
1. Establish a central CIP process		April 2020
2. Acquire funding to develop master plans for CPRD, Facilities, and Transportation		April 2020
3. Complete a facilities assessment and review findings		April 2020
4. Provide training to staff on master planning as component of CIP process changes		June 2020
5. Train affected boards and committees on master planning		June 2020
6. Create RFP for master plan for CPRD, Facilities, and Transportation		June 2020
7. Determine priorities and structural impacts after review of Public Works assessment results		August 2020
8. Analyze master planning results with prioritized community infrastructure needs and create a consolidated capital improvements plan with operational impacts		April 2022
9. Present to Council results of master planning efforts and get direction on recommendations for the comprehensive funding strategy to implement master plans		February 2024
10. Go to ballot (Food Tax/KGM)		November 2025

PRIORITY 2	Streamline and improve processes for business permitting and licensing	
Champion:	Finance	
Supporting Staff:	All departments that issue permits	
Key Tasks/Activities		Start Dates
1. Inventory all existing permits and licenses, including the issuing department, application process, and cost		July 2021
2. Flowchart process to obtain each, including timeframe		October 2021
3. Evaluate opportunities to “right-size” any permit, possibly adjusting them based on the need, scope, complexity, etc.		October 2021
4. Evaluate the physical and virtual starting point for each process, looking for opportunities to consolidate and simplify		October 2021
5. Position information on website and through other communication techniques, and determine who will maintain and monitor its accuracy as part of regular operational responsibilities		February 2022



STAFF STRATEGIC WORK PLAN

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PRIORITY 3	Move forward to rethink the Human Resources function as a strategic partner	
Champion:	Human Resources	
Supporting Staff:	All Departments	
Key Tasks/Activities		Start Dates
1. Evaluate Human Resource Department assessment recommendations and identify major tasks, structure, areas, and philosophy		March 2020
2. Hire Human Resources Director with vision and skills needed to address needed changes		May 2020
3. Develop Human Resources Department Strategic Plan based on Human Resources Department assessment and vision of Human Resources Director and City Manager • Philosophy • Structure/ Roles • Changes		January 2021
4. Identify areas where change management skills training and plan are needed to help support implementation of overarching strategies and provide resources where available and needed		March 2021
5. Develop funding and resource requests to support strategic plan and corresponding resources needed to implement through the Fiscal Year 2022 budget		May 2021
6. Implement Human Resources Department Strategic Plan based on identified priorities		July 2021

PRIORITY 4	Implement interim plan for becoming an employer of choice with a focus on leadership, growth mindset, and change management	
Champion:	Human Resources	
Supporting Staff:	All Departments	
Key Tasks/Activities		Start Dates
TRAINING & DEVELOPMENT		
1. Modify new employee onboarding		October 2020
2. Standardize and train staff on hiring processes		October 2020
3. Provide employee EQ training; speed coaching in support of mid-year reviews		May 2021
4. Cultural competency and diversity training		July 2021



STAFF STRATEGIC WORK PLAN

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POLICY & PROCEDURE CHANGES	
1. Finalize and implement Flexible Work Program/Policy	January 2021
2. Evaluate current leave practices and policies and make recommendation for change	June 2021
3. Evaluate and recommend changes to current employee recognition efforts	August 2021

PRIORITY 5	Develop a staff compensation plan to position Greeley as an employer of choice	
Champion:	Human Resources	
Supporting Staff:		
	Key Tasks/Activities	Start Dates
1.	Assemble a cross-functional steering committee to define the goals in relation to this priority, develop a scope of services, and timeline	December 2020
2.	Develop a Request for Proposals (RFP) to select a compensation consultant to lead and complete a compensation study	December 2020
3.	Develop and implement a communication plan for City employees and the City Council regarding the intent of the study, timelines, etc.	March 2021
4.	Proceed with steering committee review of proposals, selection process and hire a consultant	May 2021
5.	Consultant generates report and recommendation including employee input, deter-mining market status & discussing approach to implement (phased, big bang, etc.)	August 2021
6.	Generate recommendation and budgetary impact for City Council	October 2021
7.	Present recommendation to City Council	December 2021
8.	Implement plan and budget as approved by City Council through the approach selected (phased, big bang, etc.)	December 2021

PRIORITY 6	Develop and conduct an evaluation of the City's customer responsiveness	
Champion:	Fire	
Supporting Staff:	All Departments	
	Key Tasks/Activities	Start Dates
1.	Evaluate points of contact with customers	October 2020
2.	Determine what information to collect from the citizen on the nature of their interaction with city staff	October 2020
3.	Research how other organizations collect feedback from customers	April 2021
4.	Develop a system for improving processes and staff interactions ("e.g., Operational Excellence") based on the feedback	April 2021



STAFF STRATEGIC WORK PLAN

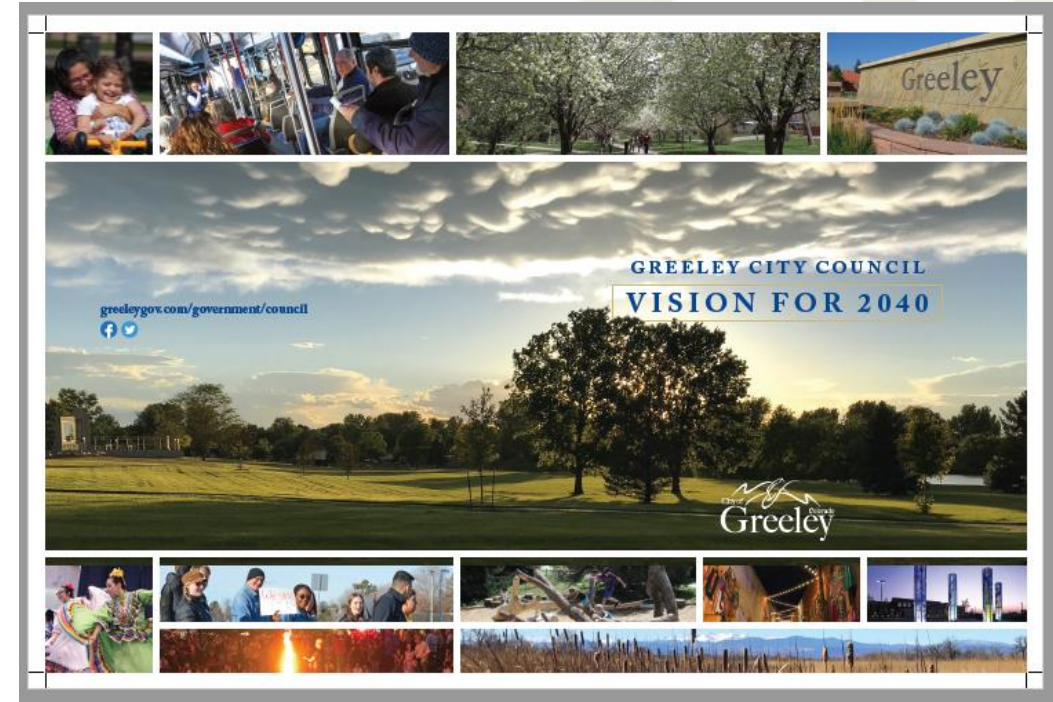
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5. Establish city-wide/department-wide standards (e.g., respond to phone messages within 24 hours)	July 2021
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City Council 2040 Vision, Priorities and Staff Strategic Work Plan

City Council 2040 Vision

- **February 7-9 Council Retreat**
 - Developed 2040 Vision
 - Priorities for next three years
- **February 11-12 Staff Retreat**
 - Developed Strategic Work Plan
 - Focused on actions plans to support three year priorities
 - Supports movement toward the 2040 Visions







VISION FOR 2040

My Greeley is a city that knows where it came from and where it is going. Located along the Cache la Poudre River in northern Colorado, this thriving city offers its residents a down-home feel. It is a diverse, unique, and vibrant community with a long history as a pioneer in agriculture that has employed forward thinking to ensure its economic resilience. Innovative water resource management has enabled Greeley to position itself as a leader

in Colorado. Its evolving economy offers residents meaningful employment and an enjoyable lifestyle with attractive neighborhoods and boundless opportunities for social, recreational, and cultural pursuits. Education at all levels is of paramount importance and Greeley continues to enjoy the benefits of a well-educated and diverse workforce. We are "Greeley Proud" and stand as a city for all people.

This council's 2040 vision and Greeley's future success will come from continued strategic foresight in the following areas:

Greeley Water: History, Heritage, Innovation

In 2040, Greeley is Northern Colorado's leader in water resources. Building on its visionary and innovative heritage, Greeley prides itself on its ability to secure an abundant supply of high quality water that supports its vibrant economy. "Greeley Gold" drives sustainable growth and gives the City a competitive edge in the region.

Leadership in Educational Excellence

In 2040, Greeley is a community known as a creative, educational and learning environment that fosters a symbiosis of personal development, commerce, and leadership. Lifelong learning is embedded in Greeley's values with comprehensive educational systems and opportunities. The City's integrated partnerships serve as a catalyst for innovation that supports a robust economy and fulfilling lifestyle.

A Dynamic and Resilient Economy

In 2040, Greeley is a community of choice for forward-thinking commerce supporting a diverse, vibrant, and resilient economy. We incubate small local business and draw national and international industrial leaders. Our economy supports and sustains an attractive standard of living by providing a healthy continuum of employment opportunities for its residents. Further, our work environment fully complements and capitalizes on our world-class educational system.

Your Home is Here

In 2040, Greeley is a distinctive, character-rich community known for its high quality standard of living. Residents have access to an amazing variety of housing options including style, price, and location. Our unique neighborhoods are built around the village concept, featuring entertainment, retail, parks and dining options within a central, walkable location.

Greeley on the Move: Ample, Easy, Connected

In 2040, Greeley's economy continues to thrive as a result of thoughtful planning and be driven by multi-modal transportation that fosters interconnectedness, mobility, and access to Greeley's neighborhoods, amenities, and commerce.

We are Greeley Proud

In 2040, Greeley celebrates 170 years of a rich agricultural and western heritage and hospitality. Greeley offers a wide variety of cultural events, amenities, and recreational opportunities that are attractive to people of all ages. We are a destination where residents experience Rocky Mountain vistas, fulfilling employment, excellent healthcare, unique activities to enjoy, and a strong sense of community.

We are One

In 2040, Greeley embraces the diverse cultures in our community by coming together and recognizing that we are all one! Our residents are engaged. Community events are well attended and residents revel in strong engagement in civic organizations, local boards and commissions. Agency partnerships unite us as one community.

Operational Excellence

In 2040, Greeley is recognized as the State's municipal employer of choice. The organization is a benchmark for operational excellence and its residents benefit from fiscal responsibility, customer responsiveness, and transparency. Resident involvement in local government has never been stronger.

2020 GREELEY CITY COUNCIL MEMBERS

Mayor John Gates | Mayor Pro Tem Dale Hall - Ward IV | Tommy Butler - Ward I
Ed Clark - At Large | Michael Fitzsimmons - Ward III | Brett Payton - Ward II
Kristin Zasada - At Large

GREELEY CITY COUNCIL 3-YEAR PRIORITIES TO ACCOMPLISH 2040 VISION

City Council worked with City staff to develop three-year priorities to achieve its Vision 2040 and adopted them on April 7, 2020. Over the next three years, City staff will work to implement the priorities as described below.

GREELEY WATER: HISTORY, HERITAGE, INNOVATION

- ☐ Acquire water when and where available at fiscally responsible prices for the circumstance.
- ☐ Secure and implement long term water storage solution.
- ☐ Develop and implement a strategy to inform the public on our water future.
- ☐ Increase water conservation efforts and build a culture of conservation.
- ☐ Implement a non-potable irrigation water system.

LEADERSHIP IN EDUCATIONAL EXCELLENCE

- ☐ With UNC and Aims, develop and implement programs and strategies to enhance the college community's experience of being in Greeley—"Operation College Town".
- ☐ Strategize opportunities and mechanism for cross promotion of Greeley's Pre-K to 12 school and city achievements and successes.
- ☐ Increase higher education student internship opportunities with the City.

A DYNAMIC AND RESILIENT ECONOMY

- ☐ Implement the 2019 Economic Development Action Plan (Master Plan) that identifies industries, opportunities and businesses that will be our future.

YOUR HOME IS HERE



STAFF STRATEGIC WORK PLAN

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Greeley Water: History, Heritage, Innovation

PRIORITY 1	Acquire water when and where available at fiscally responsible prices for the circumstance	
Champion:	Water & Sewer	
Supporting Staff:	CAO, FIN, CMO, CPRD, IT	
	Key Tasks/Activities	Start Dates
	1. Ongoing engagement and advocacy with specific ditch companies on the development of water sharing ATM projects (rotational fallowing type alternatives to agricultural buy and dry). Collaborate with Natural Areas to preserve community separator properties, agricultural heritage properties, and create wetland mitigation bank credits in association with ATM supply development.	April 2020
	2. Request annual budget allocation for the 2021-2022 water resource acquisition program	April 2020
	3. Actively track, monitor the water resource market and regularly report trends and pricing information to City Leadership and the Greeley Water & Sewer Board	April 2020
	4. Update Greeley raw water resource database to modern platform with advanced functionality and rebuild raw water allocation model on updated platform.	May 2020
	5. Annual status report on water master plan and interim update of progress on Future Water Accounts water acquisition targets with new market information and vision for non-potable utilization.	July 2020
	6. File, prosecute and protect diligence on various conditional water rights owned by the City of Greeley that will be valuable and necessary to develop at a future date to meet Greeley's future need.	August 2020
	7. Update the 2003 Water Master Plan with a 2021-2022 Integrated Water Resource Master Plan (IWRP) [timeline dependent upon permitting or securing future water storage, other steps precedent]	November 2021
	8. Update water resource acquisition targets for 50 year planning horizon, update vision for role and proportion of non-potable irrigation utilization, updated conservation targets and updated potable and non-potable storage targets for the 50 year planning horizon.	January 2022

- **2040 Vision and Priorities**
 - **Feedback**
 - **Motion to accept both documents**
- **Staff Strategic Work Plan**
 - **Questions on action plans**
 - **Timelines**
 - **Steps**
 - **Motion to Endorse**



Council Agenda Summary

April 7, 2020

Agenda Item Number 23

Key Staff Contact: Roy Otto, City Manager, 970-350-9750

Title:

COVID-19 Update

Summary:

There will be a brief update to Council regarding COVID-19.

Council Agenda Summary

April 7, 2020

Agenda Item Number 24

Key Staff Contact: Benjamin Snow, Economic Health & Housing Director, 970-350-9384

Title:

Consideration of a resolution approving a Redevelopment Agreement between 1108 8th Avenue, LLC and the City of Greeley

Summary:

The City Council endorsed the establishment of a Redevelopment Incentive Program in 2018. This program outlines a combination of incentives available to qualified redevelopment projects in the City's Redevelopment District. For individual projects, the level of support is scaled to the amount of the private investment and the funds are extended from a special fund set up for this purpose. The City's "Redevelopment Assistance Funds" may be used to underwrite a portion or all of the development fees that would be owed the City for the new construction. As such, these incentive funds stay within City accounts but are transferred to credit the Development Fee Fund on behalf of the approved redevelopment project. Since program approval, the City has approved agreements with Richmark Real Estate Partners for three redevelopment sites on 8th Avenue (The Maddie) and with Greeley Land, LLC on a site at 1750 6th Street near UNC Jackson Field for a second phase of multi-family student-oriented apartments (University Flats Phase II). Work is underway on both of these projects.

As with any of the City's economic development assistance programs, the incentive funding extended is memorialized in a formal agreement which sets out the terms and conditions and performance expectations to assure the City funds will be used to leverage the private investment in a manner as proposed. The agreement also offers reliance for the developer that the City's funds will be provided as expected, an important element for project financing and execution.

The attached resolution approving the use of the Redevelopment Incentive fund for this project outlines the Intergovernmental Agreement and Redevelopment Agreement between the developer (1108 8th Avenue, LLC), the Downtown Development Authority, and the City of Greeley. The DDA Board approved this Agreement at its February 20 regular meeting. The following chart summarizes the key elements of the Redevelopment Agreement:

REDEVELOPMENT AGREEMENT	
Goal	Support desired redevelopment at the minimum level necessary to close the funding differential between construction of a similar project in an undeveloped area and that within the redevelopment district,
Project	Residential development that would include a minimum of 85 multi-family apartments for those 55 years of age or older, with related amenities. This is the former Garnsey and Wheeler building located on the SEC of 8 th Avenue and 11 th Street.
Parties	1108 8 th Avenue, LLC (Developer) Greeley Downtown Development Authority City of Greeley
Investment	Developer estimates a minimum of \$15.7MM in new building value related to construction costs for the full project (does not include land costs or furniture, fixtures or equipment; in total, the private investment would exceed \$24M).
Assistance	The DDA will reimburse the Project the net new property taxes paid by the developer and received by the DDA from the date of project completion through the life of the DDA tax increment district (2032), but not more than \$1.0MM. The DDA reimbursement may be used only for payment of eligible DDA costs as defined in the Agreement. The City will underwrite the Project's Development Fees, based on the actual value of building construction as constructed up to 50% of the fees if the project exceeds \$10MM as proposed, but not more than \$613,936.65
Performance Assurances	The DDA will reimburse the Project from property taxes actually paid by the developer The City will reserve the Project's development fee payment with the Agreement but will only credit the fees due upon project completion. The Developer is liable for the Project's development fees if construction is not commenced within 12 months, or completed within 24 months, from the date of the Agreement. Developer will post a financial security for the value of that fee payment until the project is complete. The developer may not sell or transfer any part of the project to another party, except Permitted Assignees, without revocation of the City's Redevelopment Assistance Fund incentives.
Other conditions	Developer must construct the Project substantially consistent with the elevations submitted, City Development Code standards, and the Design Guidelines contained in the Agreement.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	Up to \$613,936.65, from the Redevelopment Assistance Fund; up to \$1.0MM in Property Tax Increment revenue from the DDA's Fund (administered through the City, expended over the life of the TIF District).
What is the annual impact?	NA
What fund of the City will provide Funding?	NA
What is the source of revenue within the fund?	NA
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:

Intergovernmental Agreements must be approved by Council resolution.

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

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

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution
Redevelopment Agreement
PowerPoint Presentation

CITY OF GREELEY, COLORADO
RESOLUTION _____, 2020

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF GREELEY AND THE GREELEY DOWNTOWN
DEVELOPMENT AUTHORITY TO ENTER INTO A REDEVELOPMENT
AGREEMENT WITH 1108 8TH AVENUE, LLC, INCLUDING FUNDING FOR
CERTAIN ECONOMIC DEVELOPMENT ACTIVITIES**

WHEREAS, the City of Greeley undertakes economic development initiatives in a number of areas for the betterment of the community; and,

WHEREAS, the City of Greeley also contracts with partner organizations to carry out economic development work on behalf of the City; and,

WHEREAS, the City Council enters into partnership from time to time with the Greeley Downtown Development Authority to undertake certain economic development activities in the city's central business district; and

WHEREAS, the City of Greeley has established a Redevelopment District within which it carries out various initiatives to improve area infrastructure and conditions; and,

WHEREAS, the City has also established a Redevelopment Assistance Fund to support private redevelopment projects consistent with the Downtown Plan of Development, the City's Comprehensive Plan and Development Code; and

WHEREAS, 1108 8th Avenue, LLC, has proposed a Redevelopment Project consistent with the purpose and intent of the City's Redevelopment Assistance Fund; and,

WHEREAS, the Downtown Development Authority has determined the Redevelopment Project is eligible to receive financial support from its Property Tax Increment Fund and has approved the use of said funds as requested by 1108 8th Avenue, LLC; and

WHEREAS, the City of Greeley, Downtown Development Authority, and 1108 8th Avenue, LLC, have come to terms as set forth in a Redevelopment Agreement for the use of City of Greeley Redevelopment Assistance Funds and Downtown Development Authority Property Tax Increment Funds; and

WHEREAS, entering into an agreement with another governmental entity requires the additional action by City Council in the form of a Resolution.

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

- Section 1. The Greeley City Council approves the attached Redevelopment Agreement by and among 1108 8th Avenue, LLC, the Greeley Downtown Development Authority, and the City of Greeley, attached hereto as Exhibit A.
- Section 2. Approval of this Agreement is contingent upon the final appropriation of funding by the Greeley City Council for the Redevelopment Incentive Program.
- Section 3. Approval of this Agreement is also contingent upon Greeley Planning Commission approval of any required land use actions associated with the Project described in the Redevelopment Agreement. Further, nothing in the Greeley City Council approval of this Resolution shall be construed to supersede the authority of or require the Greeley Planning Commission to render approval of any land use actions necessary to construct this Project.
- Section 4. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED, APPROVED AND IN EFFECT THIS 7th day of April, 2020.

ATTEST:

GREELEY, COLORADO

City Clerk

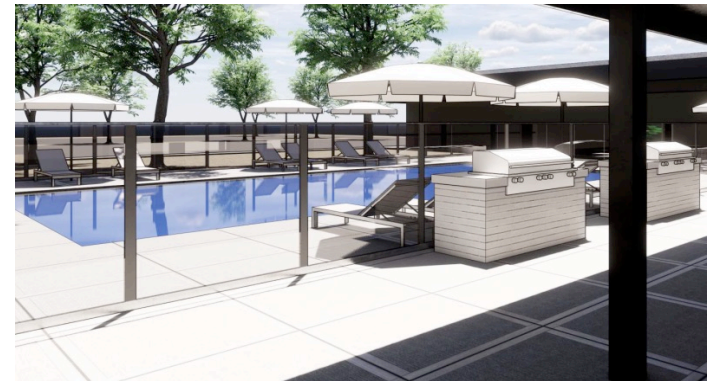
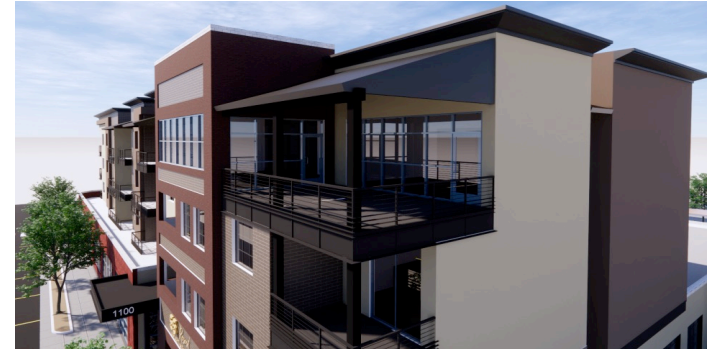
By:

Mayor



Total Site Size: +/- 1.3 Acres
Commercial: +/- 3,200 Sq. Ft.
Residential: 85 Units
Permit Hard Cost Estimate: \$15,785,834
Total Cost Estimate: \$24,050,000

55 Resort Apartments at Maddie



55 Resort Apartments at Maddie



Project Overview – 1100 8th Avenue

55 RESORT APARTMENTS AT MADDIE IN GREELEY

55 Resort Apartments at Maddie in Greeley will be an age restricted (55+) community with 85 units that provides an incredibly vibrant urban lifestyle for residents to thrive in, delivering quality of life amenities and services as well as facilitating active engagement with their neighbors and the local community.

The property will be a L-shaped 4-story structure with a ground floor bistro (coffee bar / wine bar / quick service restaurant) that is open to the public. Residents will have access to private amenities including a resort style interior courtyard with a pool, hot tub, firepit, BBQ grills, and seating areas.

UNIT AMENITIES

- Keyless entry
- Stainless steel appliances
- Quartz countertops in the kitchen and bathrooms
- Tankless hot water heater
- Age-in-place design with easy entry showers
- Cable TV, Internet and in-unit Wi-Fi
- In-unit washer/dryer
- Tenant controlled thermostat
- Optional housekeeping & linen service

COMMUNITY AMENITIES

- Social Director
- Wellness Director
- Concierge Services
- Health & wellness program
- Community living room
- Fitness equipment room
- Wellness studio
- Craft room
- Library
- Coffee bar / wine bar/ bistro
- Game room / Card room
- Bike & dog wash

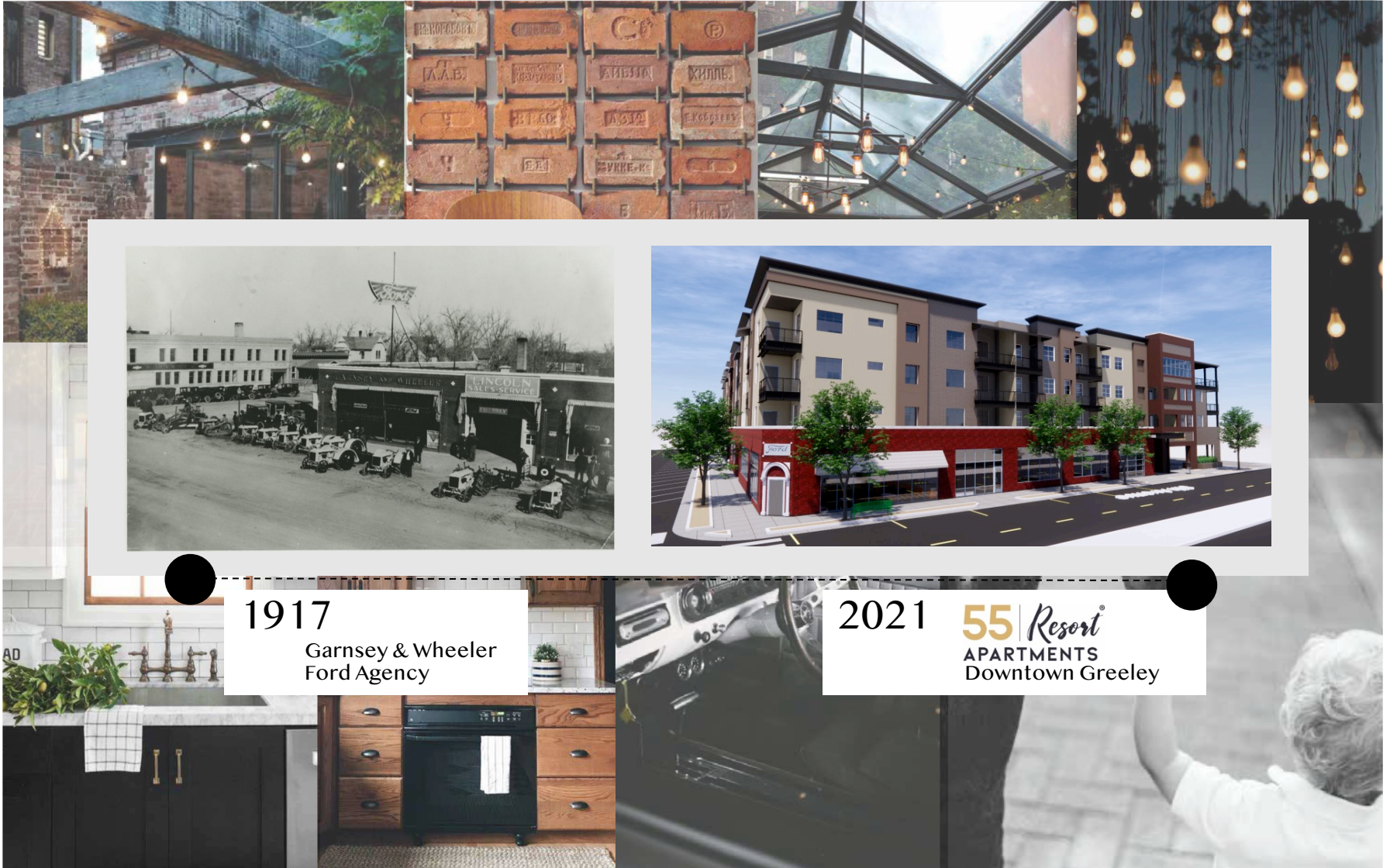
PRELIMINARY UNIT MIX AND RENTS

Unit Type	Units	Square Feet	Average Rent
1 BR, 1 Bath	14	605	\$1550
1 BR, 1 Bath	26	697	\$1800
1 BR, 1 Bath + Den	25	805	\$2050
2 BR, 2 Bath	20	1000	\$2550
Total	85	Average 785	Average \$2009

AERIAL VIEW:



Motor Row – Reinvented!



1917

Garnsey & Wheeler
Ford Agency

2021

55 | Resort
APARTMENTS
Downtown Greeley

Economic Impact



TOTAL RESIDENT ECONOMIC IMPACT FOR 55+ RESIDENTS:

	Total/Person	Total/Apartment	Total Economic Impact
Food at Home	\$4,064	\$6,096	\$518,160
Food Away from Home	\$2,766	\$4,149	\$352,665
Apparel & Services	\$1,411	\$2,117	\$179,903
Transportation	\$8,562	\$12,843	\$1,091,655
Healthcare	\$5,978	\$8,967	\$762,195
Entertainment	\$2,885	\$4,328	\$367,838
Education	\$869	\$1,304	\$110,798
Alcoholic Beverages	\$498	\$747	\$63,495
Total	\$27,033	\$40,550	\$3,446,708

Residents Per Apartment	1.5
Number of Apartments	85

Source: Bureau of Labor Statistics, National Numbers
<https://www.bls.gov/cex/2017/CrossTabs/agebyinc/x55to64.PDF>
<https://www.bls.gov/cex/2017/CrossTabs/agebyinc/x65orup.PDF>

Council Agenda Summary

April 7, 2020

Agenda Item Number 25

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 Scheduling			
	Current as of 4/3/2020		
	This schedule is subject to change		
Date	Description	Sponsor	Placement/Time
April 14, 2020 Worksession Meeting	Sign Code Discussion	Brad Mueller	0.50
	Short Term Rentals Discussion	Brad Mueller	0.50
	Development Impact Fee Study Kick-off (Tentative)	Renee Wheeler	1.00
	Sharkstooth Basin Stormwater Masterplan Discussion	Joel Hemesath	0.50
	Potential Executive Session - Water Storage Acquisition	Sean Chambers	
April 21, 2020 Council Meeting	Resolution - Adoption of the Sharkstooth Basin Stormwater Masterplan	Joel Hemesath	Consent
	Ordinance - Intro - Short Term Rentals	Brad Mueller	Consent
	Ordinance - Intro - Sign Code Amendments	Brad Mueller	Consent
	Historic Preservation Overview (non-action)	Brad Mueller	Regular
April 28, 2020 Worksession Meeting	Overview of the CIS Project	Renee Wheeler	0.50
	Municipal Code Recodification - Review of Changes	Cheryl Aragon	0.75
	Discussion of Council's Policies & Protocol	Cheryl Aragon	0.50
	Quarterly Financial Report	Renee Wheeler	0.50
May 5, 2020 Council Meeting	Ordinance - Intro - Municipal Code Recodification	Cheryl Aragon	Consent
	Ordinance - Final - Short Term Rentals	Brad Mueller	Regular
	Ordinance - Final - Sign Code Amendments	Brad Mueller	Regular
	University of Northern Colorado Update (non- action; tentative)	Roy Otto	Regular
May 12, 2020 Worksession Meeting	Review Proposed Changes to Election Section of the Code	Cheryl Aragon	0.50
	Fiscal Year 2021 - 2022 Preview	Renee Wheeler	
May 19, 2020 Council Meeting	Ordinance - Intro - Election Code Changes	Cheryl Aragon	Consent
	Ordinance - Final - Municipal Code Recodification	Cheryl Aragon	Regular
May 26, 2020 Worksession Meeting			

April 6, 2020 - April 12, 2020

April 2020							May 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	4					1	2
5	6	7	8	9	10	11		3	4	5	6	7	8
12	13	14	15	16	17	18		10	11	12	13	14	15
19	20	21	22	23	24	25		17	18	19	20	21	22
26	27	28	29	30				24	25	26	27	28	29
								31					

Monday, April 6

Tuesday, April 7

6:00pm - 9:00pm City Council Meeting
(<https://zoom.us/j/769054687>) - Jessica Diagana

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

Wednesday, April 8

Thursday, April 9

Friday, April 10

4:00pm - 5:30pm FW: COVID-19 Update
(<https://greeleygov.zoom.us/j/588773488>) - Jessica Diagana

Saturday, April 11

Sunday, April 12

April 13, 2020 - April 19, 2020

April 2020							May 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	4					1	2
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

Monday, April 13

Tuesday, April 14

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

6:00pm - 9:00pm City Council Worksession
(<https://zoom.us/j/332065143>) - Jessica Diagana

Wednesday, April 15

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

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

Thursday, April 16

7:30am - 8:30am DDA (Zasada/Butler)

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

Friday, April 17

4:00pm - 5:30pm FW: COVID-19 Update
(<https://greeleygov.zoom.us/j/588773488>) - Jessica Diagana

Saturday, April 18

Sunday, April 19

April 20, 2020 - April 26, 2020

April 2020							May 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3 4						1	2
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

Monday, April 20

Tuesday, April 21

6:00pm - 9:00pm City Council Meeting
(<https://zoom.us/j/608289460>) - Jessica Diagana

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

Wednesday, April 22

Thursday, April 23

Friday, April 24

4:00pm - 5:30pm FW: COVID-19 Update
(<https://greeleygov.zoom.us/j/588773488>) - Jessica Diagana

Saturday, April 25

Sunday, April 26

April 27, 2020 - May 3, 2020

April 2020							May 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	4					1	2
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

Monday, April 27

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

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

Tuesday, April 28

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

6:00pm - 9:00pm City Council Worksession
(<https://zoom.us/j/508162666>) - Jessica Diagana

Wednesday, April 29

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

Thursday, April 30

Friday, May 1

4:00pm - 5:30pm FW: COVID-19 Update
(<https://greeleygov.zoom.us/j/588773488>) - Jessica Diagana

Saturday, May 2

Sunday, May 3

May 4, 2020 - May 10, 2020

May 2020							June 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2		1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

Monday, May 4

Tuesday, May 5

6:00pm - 9:00pm City Council Meeting
(<https://zoom.us/j/769054687>) - Jessica Diagana

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

Wednesday, May 6

7:30am - 9:00am RSVP Required: Frontier House 9th Annual Breakfast (919 7th Street, DoubleTree by Hilton at Lincoln Park) - Council Master Calendar

Thursday, May 7

7:00am - Poudre River Trail (Hall)

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

4:30pm - 7:00pm Save-the-Date - Celebration of Philanthropy
(Embassy Suites, Loveland) - Council Master Calendar

6:00pm - MPO (Gates/Payton)

Friday, May 8

4:00pm - 5:30pm FW: COVID-19 Update
(<https://greeleygov.zoom.us/j/588773488>) - Jessica Diagana

Saturday, May 9

Sunday, May 10

Council Agenda Summary

April 7, 2020

Agenda Item Number 26

Key Staff Contact: Sharon McCabe, Human Resources Director, 970-350-9714

Title:

Consideration of an Executive Session to determine positions, develop strategy and instruct negotiators regarding collective bargaining with the Greeley Police Officers Association and Greeley Fire Fighters Union Local 888

Council's Recommended Action:

If this item is considered favorably by City Council, the following suggested motion is needed:

I move that the City Council go into an Executive Session to discuss the following matter as provided under C.R.S. 24-6-402(4) (e)(I) and Greeley Municipal Code 2.04.020(5): to determine positions, develop strategy and instruct negotiators regarding collective bargaining with Greeley Police Officers Association and Greeley Fire Fighters Union Local 888.

Council Agenda Summary

April 7, 2020

Agenda Item Number 27

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

April 7, 2020

Agenda Item Number 28

[Title](#)

Adjournment