



Mayor

John Gates

Councilmembers

Tommy Butler
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Stacy Suniga
At-Large

Robb Casseday
At-Large

A City Achieving
Community Excellence

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

City Council Agenda

November 19, 2019 at 6:30 PM

1001 11th Avenue, City Center South, Greeley, CO 80631

- [1.](#) Call to Order
- [2.](#) Pledge of Allegiance
- [3.](#) Roll Call
- [4.](#) Recognitions and Proclamations
- [5.](#) Citizen Input
- [6.](#) Approval of the Agenda
- [7.](#) Reports from Mayor and Councilmembers
- [8.](#) Petitions from Mayor and Councilmembers

Consent Agenda

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

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

- [9.](#) Acceptance of the Report of the October 8, 2019, City Council Worksession
- [10.](#) Approval of the City Council Proceedings of October 15, 2019
- [11.](#) Consideration of a resolution appointing Cheryl Aragon to the position of Interim City Clerk
- [12.](#) Consideration of a resolution of the Greeley City Council ratifying the Appointment of certain nominees to the Board of Trustees of the High Plains Library District
- [13.](#) Consideration of a resolution the City to enter into the First Amendment to the Intergovernmental Agreement establishing water and sewer plant investment fees, raw water dedication requirements, sanitary sewer lift station cost recovery, and water main oversizing reimbursement with Greeley-Weld county Airport Authority

- [14.](#) Consideration of a resolution authorizing the City to enter into the Fifth Amendment to the Fifth Interim Agreement between the Municipal Subdistrict, Northern Colorado Water Conservancy District Windy Gap Firming Project Water Activity Enterprise, and the City of Greeley for participation in the Windy Gap Firming Project
- [15.](#) Introduction and first reading of an ordinance amending Sections 16.36.090 and 16.36.100 of The Greeley Municipal Code amending the International Fire Code, adding Chapter 16.40 of the Greeley Municipal Code regarding fireworks, and amending Section 2.08.035 of the Greeley Municipal Code providing the Municipal Court with jurisdiction over juveniles who violate Chapter 16.40

End of Consent Agenda

- [16.](#) Pulled Consent Agenda Items
- [17.](#) Public hearing and final reading of an ordinance concerning the acquisition of interests in real property located in Weld County, Colorado for sanitary sewer infrastructure, by purchase or exercise of the power of eminent domain (Poudre Trunk Line)
- [18.](#) Public hearing to consider a change of zone from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zoning for approximately 8.82 acres of property located north of 13th Street and west of 59th Avenue, known as the Shops at Sunset Ridge Rezone, and public hearing and final reading of an Ordinance changing the official zoning map to reflect the same
- [19.](#) Scheduling of Meetings, Other Events
- [20.](#) 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
- [21.](#) Adjournment

Council Agenda Summary

November 19, 2019

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

November 19, 2019

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

November 19, 2019

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Casseday

Councilmember Fitzsimmons

Councilmember Suniga

Councilmember Hall

Council Agenda Summary

November 19, 2019

Agenda Item Number 4

Title

Recognitions and Proclamations

Summary

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

Mayor Gates will present a proclamation recognizing November 25 – December 10, 2019, as 16 Days of Activism Against Gender Violence which advocates to end gender violence and to eliminate the detrimental consequences gender violence has on the well-being of our citizens.

Attachments

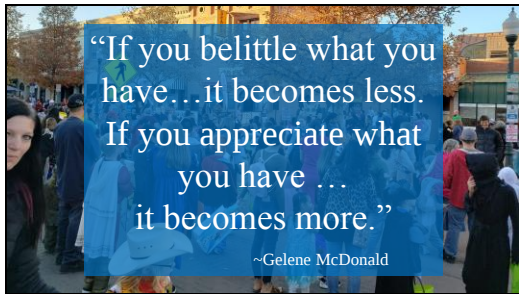
November 19, 2019 What's Great about Greeley Report

16 Days of Activism Against Gender Violence Proclamation

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



Greeley has been ranked 5th in job and economy growth and 23rd in the nation on WalletHub's '25 fastest-growing cities in the US. The study analyzed 515 cities of different population sizes based on 17 metrics that measure a city's performance over a seven-year period. The metrics include unemployment rate decrease, population growth, and median household income growth, among others.

Slide 4



Greeley's Culture, Parks, and Recreation Department have been racking up the recognitions.

They were honored to be a finalist two years in a row for the National Recreation and Parks Association (NRPA) Gold Medal Class III Award for populations 75,001-150,000, which recognizes excellence in the field of parks and recreation nationwide. And, they received the Columbine Award at the Colorado Parks and Recreation Association annual conference. The Columbine Award recognized Greeley Recreation's Youth Enrichment Programs for their focus on academic achievement, parent engagement and risk management by creating partnerships, implementing technology and programmatic changes that positively influenced youth.

Slide 5



University of Northern Colorado women's soccer player, Maddie Barkow, has been named Big Sky Co-Defensive Player of the Year and earned a spot on the All-Big Sky First Team.

Slide 6



The District 6 Advanced Manufacturing Apprenticeship Program in partnership with Vestas Blades America has been selected as a National Registered Apprenticeship Program through the United States Department of Labor., becoming the first of its kind in Colorado. Vestas currently hosts 26 District 6 apprentices. These students are mentored and training while earning a paycheck. They are also given the opportunity to advance to other manufacturing positions.

Slide 7



Congratulations to Greeley Police Officer John McNerney for winning episode two of season seven of History Channel's reality show "Forged in Fire" after forging a tribute to General Patton's saber. The show documents a series of timed challenges involving metal crafting metals in to items like swords, tools and more. John is also a nationally recognized K-9 handler.

Slide 8



University of Northern Colorado students are letting their voices be heard. Fifty-three percent of UNC students voted in the 2018 midterm election, above the national average, resulting in a platinum campus designation from the ALL IN Campus Democracy Challenge, a national, nonpartisan initiative that supports effort to increase turnout.

Slide 9



Congratulations to Frontier Academy's Max Noffsinger for being named to the Class 3A All-State team for Golf. This is Max's third year qualifying for the State competition.

Slide 10





16 DAYS OF ACTIVISM AGAINST GENDER VIOLENCE

ZONTA INTERNATIONAL CENTENNIAL

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

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

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

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

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

WHEREAS, the Zonta Club of Greeley joins the 1200 Zonta clubs in 63 countries in the international **Zonta says No to Violence against Women** campaign to assert that the right to be free of violence is a fundamental human right for all persons.

NOW THEREFORE, I, John Gates, as Mayor of the City of Greeley, Colorado, do hereby proclaim the 16 days between November 25th, International Day to Eliminate Violence Against Women, and December 10th, International Human Rights Day, as the **16 Days of Activism Against Gender Violence**. All citizens are urged to work to end gender violence and to eliminate the detrimental consequences gender violence has on the well-being of our citizens. We also congratulate Zonta International on its Centennial and wish its members continued success in improving the lives of women and girls in our community and worldwide.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 19th day of November, 2019.

John Gates, Mayor

Council Agenda Summary

November 19, 2019

Agenda Item Number 5

Title

Citizen Input

Summary

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

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

Council Agenda Summary

November 19, 2019

Agenda Item Number 6

Title

Approval of the Agenda

Council Agenda Summary

November 19, 2019

Agenda Item Number 7

Title

Reports from Mayor and Councilmembers

Summary

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

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

Council Agenda Summary

November 19, 2019

Agenda Item Number 8

Title

Petitions from Mayor and Councilmembers

Summary

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

Petitions will generally fall into three categories:

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

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

Attachments

Status Report of Council Petitions and Related Information

Greeley City Council

Status Report of Council Petitions

Council Request	Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
Mayor ProTem Casseday petitioned staff to look into both requests regarding contractor licensing and pop-up hail damage tents to see what other municipalities are doing.	Worksession (TBA)	There is currently a Worksession being planned to discuss Contractor Licensing Requirements. It has not been scheduled yet.	Brad Mueller

Consent Agenda

November 19, 2019

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 15 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

November 19, 2019

Agenda Item Number 9

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

Title:

Acceptance of the Report of the October 8, 2019, City Council Worksession

Summary:

A City Council Worksession was held on October 8, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

Decision Options:

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

Council's Recommended Action:

A motion to accept the Report as presented.

Attachments:

October 8, 2019 Report

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
October 8, 2019

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

Cheryl Aragon, Deputy City Clerk, called the roll. Those present were Mayor Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, and Jon Smail. Councilmembers Brett Payton and Stacey Suniga arrived late.

4. GREELEY IMAGE CAMPAIGN OVERVIEW AND PIVOT

Becky Safarik, Assistant City Manager, reported that in 2011, the City took stock of the way it was perceived and portrayed by its' residents and those outside of the community. Surveys and focus groups reflected an image that was incorrect, discouraging, or void of any focal point at all. Knowing the critical impact such a perception influences on virtually every aspect of the community's identity and well-being, Ms. Safarik stated that the City committed to its' responsibility to correct, inform, and improve the City's image, both to its' residents and those outside the area with an authentic message.

She went on to state that staff identified a funding source to support the initiative and tapping local focus group of community leaders, who formed a Partnership Team to help craft the message and medium for a community identity theme. Within two years, the Greeley Unexpected image campaign was launched. A professional survey instrument was incorporated into the effort to measure the impact of the campaign and to identify areas of particular community interest that might inform future areas to include in the community messaging. That survey has been conducted every two years, starting in the Fall of 2013; the survey will be issued later this year as well.

Ms. Safarik advised that the survey results have shown steady and favorable reactions to the campaign, improvement of the community's image both internally and to those outside the area, and greater awareness of local resources, events, and destinations that distinguish Greeley in a positive and genuine way.

With regard to the most recent survey, she stated that the rate of positive campaign impact shows signs of leveling off. To test the notion that it may be time to refresh the campaign with a pivot to its next generation, staff convened an updated Partnership Team of community professionals and leaders to evaluate the merits of such a shift. Based upon research and survey information, anecdotal experience, and professional input, the staff and Team concluded the time is ideal to take the image campaign to a new level.

She went on to state that the staff worked with the Team and its image consultant to formulate a new focus, with discreet themes over a three-year period. The themes are based upon areas that community surveys and the Team expressed as top priorities, and for which an image shift can offer the greatest improvement. She went on to speak of the brand pivot to myGreeley, the expansion of a photo library and then sustaining this strategy after it launches in 2020.

Councilmember Casseday expressed that there is no doubt this will be as successful as the Greeley Unexpected campaign was and likes everything about this plan.

Councilmember Smail asked about using myGreeley hashtags and/or maps, and Kelli Johnson, Communications and Engagement Director, stated that there will be consistent use of hashtags across all platforms and that they will be standard on all campaign materials.

In a response to a question from Councilmember Suniga, Ms. Safarik advised that guerilla marketing is all about time and place marketing that is spontaneous and allows for community engagement. There will be an ability to upload personal myGreeley experiences.

Councilmember Suniga has stated that she likes everything she sees, and Mayor Gates stated that he also likes the direction this is going and the return on investment with this campaign has been great.

5. TRIANNUAL SANITARY SURVEY DEBRIEF AND PUBLIC NOTICE

Sean Chambers, Water & Sewer Director, reported that Greeley's water system recorded and underwent a field audit in September of 2019, as required every three years for all public water systems. The purpose of the debriefing on the Sanitary Survey audit of a public water system as required by the Colorado Department of Public Health and Environment, CDPHE, is to share a summary overview of the sanitary survey process, findings and public notice requirement. The final report remains pending compilation by CDPHE field services staff, but there are findings that the Water & Sewer Department needs to share and highlight for Greeley City Council.

He went on to state that the majority of the findings in the survey were a positive reinforcement of the strong well-operated system that we all take pride in owning. The survey process however seeks to identify weaknesses and opportunities for improvement, and there are some places we need to focus and improve. The areas for improvement were documented in the field audit and one such area is a violation. Greeley staff will undertake actions to administer a strict compliance backflow device inspection and testing program for commercial backflow prevention. He shared that staff will be required to undertake work on re-routing a small number of potable water lines that currently run through the upper zone of deep sewer man holes; and staff will implement a work order system to meticulously track all required facility and tank inspections to ensure future compliance where we missed a 2017 tank inspection. This last item, the failure to document all required tank inspections, creates cause for sending a public notice to Greeley Water & Sewer Customers (CDPHE Regulation 11.28(4)).

The Mayor and Council expressed thanks for the update.

6. CITY OF GREELEY CYBERSECURITY UPDATE

Scott Magerfleisch, Information Technology Director, reported that with the addition of a new Cybersecurity Analyst, the IT Department has taken several steps forward to increase our cybersecurity

posture. Since October is Cybersecurity month, it is important to provide updates to our department work plan efforts. He highlighted the Work Program language from the Departments' Cybersecurity statement and spoke of the tasks to date and what's coming.

7. SCHEDULING OF MEETINGS, OTHER EVENTS

No additional meetings or events were scheduled.

8. ADJOURNMENT

Mayor Gates adjourned the regular Worksession at 5:55 p.m. and entertained a motion to move into Executive Session.

9. EXECUTIVE SESSION CONCERNING STATUS OF LITIGATION IN GREELEY GYMNASTICS CENTER, INC., ET AL. V. CITY OF GREELEY

Councilmember Payton recused himself from participating in the Executive Session due to a conflict of interest in this matter.

Councilmember Casseday moved, seconded by Councilmember Suniga to move into Executive Session to receive legal advice from their attorney and to provide instructions to negotiators pursuant to C.R.S. 24-6-402(4)(b) and 24-6-402(4) Greeley Municipal Code 2.04.020(2) and 2.04.020(5) regarding the status and potential settlement of Greeley Gymnastics Center, Inc. et al. v. City of Greeley, Weld County District Court Case No. 2019CV30071. The motion carried: 6-0 (Payton recused)

The Executive Session adjourned at 6:22 p.m.

Cheryl Aragon, Deputy City Clerk

Council Agenda Summary

November 19, 2019

Agenda Item Number 10

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

Title:

Approval of the City Council Proceedings of October 15, 2019

Summary:

A meeting of the City Council was held on October 15, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

Decision Options:

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

Council's Recommended Action:

A motion to approve the City Council proceedings as presented.

Attachments:

October 15, 2019 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
 October 15, 2019

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

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga.

Councilmember Robb Casseday was excused.

4. Recognitions and Proclamations

Mayor Gates presented a proclamation for Nurse Practitioner's Week.

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

5. Citizen Input

Eddie Mirick, Greeley resident, thanked Council, staff, Boards and Commissions, and the public for their hard work on a number of City art projects and the opening of the new skate park.

Mark Pugatch, Chair of the Union Colony Civic Center (UCCC) Advisory Board, spoke about the importance of diversity on the UCCC and generally. He also spoke of the recent creation of a Diversity & Inclusion Committee consisting of members of the UCCC and the public.

Sherri Peif, Evans resident, thanked all of the Councilmembers and Council candidates who attended the Republican Women's Forum.

6. Approval of Agenda

The agenda was approved upon noting replacement documentation for Item Nos. 15 and 22.

7. Reports from Mayor and Councilmembers

Councilmember Fitzsimmons recognized Joel Hemesath, Public Works Director, and Brad Mueller, Community Development Director, for their great work recently helping him with a number of constituent questions/concerns.

Councilmember Hall spoke about his attendance at the skate park opening and the fire department's open house.

Mayor Gates spoke about his attendance at the Winograd K-8 School heroes and helpers lunch and welcomed the boy scouts in the audience and thanked them for their attendance.

8. Petitions from Mayor and Councilmembers

There were no petitions from Council.

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

9. Acceptance of the Report of the September 24, 2019, City Council Worksession

The Council action recommended was to accept the Report.

10. Approval of the City Council Proceedings of October 1, 2019

The Council action recommended was to approve the Proceedings.

11. Consideration of a resolution supporting a grant application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund for Park Improvements in Balsam Park

The Council action recommended was to adopt the resolution. **(Resolution No. 41, 2019)**

12. Consideration of a resolution of the City of Greeley Council authorizing the City to enter into an Intergovernmental Agreement with the Colorado Department of Transportation, Division of Transit and Rail, entitled "2019-5339a: One BOC replacement and one 40' CNG regional bus expansion"

The Council action recommended was to adopt the resolution. **(Resolution No. 42, 2019)**

13. Consideration of a resolution concerning the proposed Certificates of Participation, Series 2019; authorizing the receipt of competitive bids for the Series 2019 Certificates, including the use of an electronic bidding system therefor; and prescribing certain details concerning such public sale of the Series 2019 Certificates

The Council action recommended was to adopt the resolution. **(Resolution No. 43, 2019)**

14. Consideration of a resolution of the City Council of the City of Greeley, Colorado, authorizing City staff to enter into settlement agreements with Greeley Gymnastics Center, Inc., Adventure Child Center, Inc., Adventure Management, Inc., and Theo Digerness

This item was pulled from the Consent Agenda.

15. Introduction and first reading of an ordinance concerning the acquisition of interests in real property located in Weld County, Colorado for sanitary sewer infrastructure, by purchase or exercise of the power of eminent domain (Poudre Trunk Line)

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for November 19, 2019.

16. **Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zoning for approximately 8.82 acres of property located north of 13th Street and west of 59th Avenue, known as the Shops at Sunset Ridge Rezone**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for November 19, 2019.

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

Councilmember Payton moved, seconded by Councilmember Suniga to approve the items on the Consent Agenda, except Item No. 14, and their recommended actions. The motion carried: 6-0 (Councilmember Casseday Excused)

17. **Pulled consent agenda items**

14. **Consideration of a resolution of the City Council of the City of Greeley, Colorado, authorizing City staff to enter into settlement agreements with Greeley Gymnastics Center, Inc., Adventure Child Center, Inc., Adventure Management, Inc., and Theo Digerness**

Councilmember Payton recused himself at 6:54 p.m.

Councilmember Suniga moved, seconded by Councilmember Hall to adopt the resolution. The motion carried: 5-0 (Councilmember Casseday Excused; Councilmember Payton Recused) **(Resolution No. 44, 2019)**

Councilmember Payton returned to the Council Chambers at 6:55 p.m.

18. **Public hearing and final reading of an ordinance adopting the Budget for 2020**

Robert Miller, Budget Manager, highlighted 2020 resources, total 2020 budget, and 2020 expenditures by department. He continued by discussing funding requests by Council Goal: Image, Safety, Economic Health & Development, and Infrastructure & Growth. Mr. Miller then highlighted the 2020 major capital project fund, utility rate changes, projected ending reserves, and projected utility ending reserves. He concluded with a summary of the 2020 budget.

Mayor Gates opened the public hearing at 7:06 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Hall to adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (Councilmember Casseday Excused) **(Ordinance No. 45, 2019)**

19. **Public hearing and final reading of an ordinance adopting the General and Seasonal/Hourly Employee Pay Plans for 2020**

Sharon McCabe, Human Resources Director, briefly explained the changes and updates to the 2020 pay plans.

Mayor Gates opened the public hearing at 7:08 p.m., and no comments were offered.

Councilmember Fitzsimmons moved, seconded by Councilmember Suniga to adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (Councilmember Casseday Excused) **(Ordinance No. 46, 2019)**

20. Consideration of a resolution establishing the 2019 tax levy and directing the certification of the same to the Board of County Commissioners

Mr. Miller noted that there was no presentation for this item.

Councilmember Hall moved, seconded by Councilmember Fitzsimmons to adopt the resolution. The motion carried: 6-0 (Councilmember Casseday Excused) **(Resolution No. 45, 2019)**

21. Consideration of a resolution adopting Stormwater Utility Fees for 2020

Mr. Hemesath explained the need for the proposed 8% rate increase and described the Stormwater Operating Fund (411), Stormwater Construction Fund (412), and Stormwater Replacement Fund (413).

Councilmember Hall moved, seconded by Councilmember Fitzsimmons to adopt the resolution. The motion carried: 6-0 (Councilmember Casseday Excused) **(Resolution No. 46, 2019)**

22. Public hearing and final reading of an ordinance amending portions of the Greeley Municipal Code, Chapter 11.01, Part 8 (Traffic Code), as it relates to pedestrians

Doug Marek, City Attorney, briefly explained the need for the ordinance and clarified what the ordinance would do.

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

Councilmember Suniga moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (Councilmember Casseday Excused) **(Ordinance No. 47, 2019)**

23. Public hearing and final reading of an ordinance of the City of Greeley repealing and replacing Chapter 11.01.1420 of the Greeley Municipal Code regarding misuse of a wireless telephone

Mr. Marek briefly explained the need for the ordinance and clarified that the ordinance will make the City's Code the same as the State Statute.

Mayor Gates opened the public hearing at 7:16 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (Councilmember Casseday Excused) **(Ordinance No. 48, 2019)**

24. Public hearing to consider a resolution adopting the Energy Action Plan, an Element of the Imagine Greeley Comprehensive Plan

Mr. Mueller introduced Caleb Jackson, City Planner, to present. Mr. Jackson briefly explained what the Energy Action Plan is, provided a background/timeline of this plan, and explained that the City does not currently have an Energy Action Plan. He also explained how this plan will be beneficial for the City.

A consultant with the Brendal Group explained the scope of the Partners in Energy collaboration with Xcel Energy. She also explained the development of the Energy Action Plan, the Energy Vision, the four Focus Areas (Residential, Commercial, Educational Institutions, and Municipal) and their related goals along with strategies to achieve the goals for each of the four focus areas. She also explained the implementation logistics and next steps.

Mr. Jackson concluded by explaining a few key considerations and the recommendation to Council by the Planning Commission.

Councilmember Suniga thanked all involved in creating this plan and inquired about residential outreach campaigns targeted to under-resourced neighborhoods.

Mr. Jackson explained that east Greeley is a targeted area and explained that there will be stakeholder sessions in the future. He added that they will also be reaching out to community as a whole.

In response to a questions from Councilmember Suniga, Becky Safarik, Assistant City Manager, explained that a collaboration with the Greeley Urban Renewal Authority would be a great idea moving forward.

Mayor Gates opened the public hearing at 7:37 p.m., and no comments were offered.

Louisa Anderson, Greeley resident, expressed thanks to those involved in the creation of this plan but explained that this is not a truly comprehensive plan. She expressed her concern that Xcel Energy does not currently meet the needs of the community and is not a reliable utility. She also added that there are no measurable goals within this plan adding that this is an Energy Conservation Plan not an Energy Master Plan.

The public hearing was closed at 7:40 p.m.

Councilmember Payton moved, seconded by Councilmember Fitzsimmons to adopt the resolution. The motion carried: 6-0 (Councilmember Casseday Excused) **(Resolution No. 47, 2019)**

25. Appointment of applicants to the Construction Trades Advisory & Appeals Board, Greeley Art Commission, and Union Colony Civic Center Advisory Board

Construction Trades Advisory & Appeals Board – Recruit for Additional Applicants
Greeley Art Commission – Michelle Booren, Danyelle Butler, and Richard Munson
Union Colony Civic Center Advisory Board – Debra Brilla

26. Scheduling of Meetings, Other Events

Councilmember Hall moved, seconded by Councilmember Fitzsimmons to cancel October 22nd Worksession. The motion carried: 6-0. (Councilmember Casseday Excused)

Mayor Gates thanked Councilmembers Smail and Casseday for their service as this was their last Council meeting.

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

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

28. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:44 p.m.

John Gates, Mayor

Jerry Harvey, Assistant City Clerk

Council Agenda Summary

November 19, 2019

Agenda Item Number 11

Key Staff Contact: Roy Otto, City Manager, 970-350-9750

Title:

Consideration of a resolution appointing Cheryl Aragon to the position of Interim City Clerk

Summary:

Pursuant to Section 3-9 of the City's Municipal Charter, the City Council must consent to the appointment of the City Clerk. In compliance with this Charter provision and in light of Betsy Holders' pending retirement from the City of Greeley, the City Manager wishes to appoint Cheryl Aragon to the position of Interim City Clerk while a national search is being conducted to permanently fill this position.

Fiscal Impact:

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

Legal Issues:

None anticipated.

Other Issues and Considerations:

N/A

Applicable Council Priority and Goal:

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

Decision Options:

- 1) Adopt the resolution as presented; or
- 2) Amend the resolution and adopt as amended; or
- 3) Deny the resolution; or

- 4) Continue consideration of the resolution to a date certain.

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution

THE CITY OF GREELEY, COLORADO

RESOLUTION _____, 2019

A RESOLUTION APPOINTING CHERYL ARAGON TO THE POSITION OF INTERIM CITY CLERK

WHEREAS, the Greeley Municipal Charter establishes the position of City Clerk in Section 3-9; and

WHEREAS, Section 3-9 of the Charter further states that the City Clerk shall be appointed by the City Manager, by and with the advice and consent of the City Council; and

WHEREAS, Betsy Holder served as the City Clerk until October 31, 2019 at which time she took on a transition role in order to complete several special projects prior to her official retirement on December 12, 2019; and

WHEREAS, Cheryl Aragon is employed as the Deputy City Clerk and has been so employed during Ms. Holders' tenure as City Clerk; and

WHEREAS, upon notification of Ms. Holders' desire to retire, the City Manager began recruitment for candidates to fill the position of City Clerk; and

WHEREAS, in light of Ms. Holder's transition role, and the pending recruitment for a permanent City Clerk, the City Manager has determined that it was appropriate and necessary to appoint an Interim City Clerk while that search proceeded; and

WHEREAS, the City Manager appointed Cheryl Aragon as Interim City Clerk beginning on October 31, 2019, until such time as an appropriate individual is appointed to the City Clerk position on a permanent basis; and

WHEREAS, the City Council finds that the City Manager's appointment of Cheryl Aragon to the position of Interim City Clerk is appropriate.

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

1. The City Council consents to the appointment of Cheryl Aragon as the Interim City Clerk.
2. The Interim City Clerk shall have the authority to exercise all duties, responsibilities and appointments as may be assigned to her by the Greeley Municipal Charter, the Greeley Municipal Code and the City Manager and Assistant City Managers.
3. This appointment shall continue until such time as a new Resolution is adopted, as

required by Section 3-9 of the Greeley Municipal Charter appointing a City Clerk.

3. This Resolution shall be effective *nunc pro tunc* to October 31, 2019.

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

ATTEST:

THE CITY OF GREELEY, COLORADO

Interim City Clerk

Mayor

Council Agenda Summary

November 19, 2019

Agenda Item Number 12

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

Title:

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

Summary:

The High Plains Library District Board of Trustees is comprised of seven trustee seats, two of which are currently up for replacement. The Trustee Selection Committee met on October 25, 2019 to interview candidates. Upon voting, the Trustee Selection Committee is recommending the following individuals for appointment to the High Plains Library District Board of Trustees:

REGION 3: Mead, Johnstown, Milliken, Berthoud, Platteville; N-CR52, s-C66, E-US85, W-County Line; Kenneth Poncelow, for a second four year term, 2020-2023

AT-LARGE: Jana Caldwell, 4-year term, 2020-2023

Fiscal Impact:

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

Legal Issues:

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

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

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

Decision Options:

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

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution

High Plains Library District Correspondence

High Plains Library District Sample Resolution

THE CITY OF GREELEY, COLORADO

RESOLUTION _____, 2019

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

WHEREAS, the City Council of Greeley, Colorado is vested with the authority of administering the affairs of Greeley, Colorado, and

WHEREAS, the High Plains Library District was created by action of eight “Establishing Bodies”, namely, the Town of Ault, the Town of Eaton, the City of Evans, the City of Fort Lupton, the City of Greeley, the Town of Hudson, the RE-8 School District Board of Education, and the Weld County Board of County Commissioners, all of the State of Colorado, and

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

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

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

WHEREAS, pursuant to that Joint Motion and Stipulation to Approve Settlement and Dismiss Remaining Claims entered into by the Establishing Bodies and ordered by the Court in Weld County District Court Case No. 2014 CV 30358, a trustee selection committee (the “Committee”) met on October 25, 2019 to interview trustee candidates, and

WHEREAS, on October 25, 2019, the Committee voted by majority vote to recommend the following individuals for appointment to the High Plains Library District Board of Trustees, for the term lengths specified below:

- Region 3: Mead, Johnstown, Milliken, Berthoud, Platteville
N-CR52, s-C66, E-US85, W-County Line

Kenneth Poncelow, for a second four year term, 2020-2023

- At-Large Position:

Jana Caldwell, 4-year term, 2020-2023

WHEREAS, the above-named individuals appear to be qualified to serve as trustees on

the High Plains Library District Board of Trustees and represent adequately the various interests within the High Plains Library District.

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

Section 1. Ratification:

That the appointments of;

- a) Kenneth Poncelow to serve as Region 3 Trustee
- b) and Jana Caldwell to serve as At-Large Trustee

on the High Plains Library District Board of Trustees for a 4-yr term is hereby ratified.

Section 2. This Resolution shall become effective immediately.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 19TH DAY OF NOVEMBER, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Council Agenda Summary

November 19, 2019

Agenda Item Number 13

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

Title:

Consideration of a resolution the City to enter into the First Amendment to the Intergovernmental Agreement establishing water and sewer plant investment fees, raw water dedication requirements, sanitary sewer lift station cost recovery, and water main oversizing reimbursement with Greeley-Weld county Airport Authority

Summary:

In February 2016, the City and the Greeley Weld Airport Authority entered into an Intergovernmental Agreement (IGA) reducing raw water requirements and plant investment fees (PIF) for up to three taps to serve hangars at the Greeley-Weld Airport. The IGA recognized that the projected water usage from the hangars was quite low and charging full raw water requirements (0.75 acre feet at the time) and PIFs for a ¾" tap was excessive.

The Airport Authority has requested that the IGA be amended to allow nine additional taps be built and receive the same reduced PIF benefit. The Amendment allows nine additional water and sewer taps to receive reduced PIFs and updates the raw water language to reflect the recently adopted raw water requirements Code changes. The Water and Sewer Board reviewed the agreement on October 16, 2019 during their regular meeting and recommended approval.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	There will be less PIF revenue collected per new water tap
What is the annual impact?	None
What fund of the City will provide Funding?	405-Water New Construction and 402 Sewer New Construction
What is the source of revenue within the fund?	Plant Investment 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 City Attorney's office has reviewed the agreement and have no legal issues.

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 including exhibits
PowerPoint presentation

CITY OF GREELEY, COLORADO
RESOLUTION NO. _____, 2019

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT ESTABLISHING WATER AND SEWER PLANT INVESTMENT FEES, RAW WATER DEDICATION REQUIREMENTS, SANITARY SEWER LIFT STATION COST RECOVERY, AND WATER MAIN OVERSIZING REIMBURSEMENT WITH GREELEY-WELD COUNTY AIRPORT AUTHORITY.

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, Greeley-Weld County Airport Authority ("Airport") and Greeley (collectively "Parties") previously entered into that certain Intergovernmental Agreement Establishing Water and Sewer Plant Investment Fees, Raw Water Dedication Requirements, Sanitary Sewer Lift Station Cost Recovery, and Water Main Oversizing Reimbursement, on February 23, 2016 ("2016 Agreement"), attached hereto as Exhibit A; and

WHEREAS, Greeley and Airport entered into the 2016 Agreement in order to establish the raw water dedication, water plant investment fee, and sewer plant investment fee requirements for three (3) hangars constructed at the Airport, provide potable water and sanitary sewer connections to those hangars, and establish a lift station recovery fee; and

WHEREAS, Airport wishes to construct nine (9) additional hangars on its property; and

WHEREAS, Airport desires nine (9) additional three-quarters ($\frac{3}{4}$) inch water taps and nine (9) additional sewer taps to service these new hangars; and

WHEREAS, the Airport must satisfy the City's raw water dedication, water plant investment fee, and sewer plant investment fee requirements in order for the hangars to be connected to the City's water and sanitary sewer systems ("Connection Requirements"); and

WHEREAS, the Parties wish to amend the 2016 Agreement to accomplish the above (this "First Amendment");

WHEREAS, Greeley Municipal Code § 14.06.190 allows Greeley City Council to enter into special agreements regarding water service requirements for development; and

WHEREAS, the Parties are authorized to enter into this First Amendment by virtue of C.R.S. § 29-1-203; C.R.S. § 41-3-106; Weld County Code § 2-10-20; and Greeley Municipal Code § 2.07.040; and

WHEREAS, the Parties have reduced their understandings, and the terms and conditions of the First Amendment, to writing; and

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

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

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

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

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

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

THE CITY OF GREELEY, COLORADO

Attest:

By: _____
Mayor

By: _____
City Clerk

**INTERGOVERNMENTAL AGREEMENT ESTABLISHING WATER AND SEWER PLANT
INVESTMENT FEES, RAW WATER DEDICATION REQUIREMENTS, SANITARY
SEWER LIFT STATION COST RECOVERY, AND WATER MAIN OVERSIZING
REIMBURSEMENT**

THIS AGREEMENT ("Agreement") is made and entered into as of the 23~~RD~~ day of FEBRUARY 2016, by and between the City of Greeley, a Colorado home rule municipality ("City") and the Greeley Weld Airport Authority, ("Airport") (collectively "Parties").

WITNESSETH

WHEREAS, the City provides water and sanitary sewer service to the Airport; and

WHEREAS, the Airport desires to construct additional hangars on the Airport property that require connection to the City's water and sanitary sewer systems; and

WHEREAS, the Airport must satisfy the City's raw water dedication, water plant investment fee, and sewer plant investment fee requirements in order for Airport hangars to be connected to the City's water and sanitary sewer systems ("Connection Requirements"); and

WHEREAS, Greeley Municipal Code § 14.24.100(b) sets requirements for nonresidential raw water dedication based on the tap size being requested, with the smallest tap size contemplated being $\frac{3}{4}$ "; and

WHEREAS, pursuant to the Code, the base annual allotment and raw water dedication requirement for a $\frac{3}{4}$ " tap is 244,000 gallons (0.75 acre feet); and

WHEREAS, Greeley Municipal Code § 14.24.100(g) allows Greeley City Council to enter into special agreements regarding raw water requirements; and

WHEREAS, Greeley Municipal Code §§ 14.08.030 and 14.12.110 require the Greeley Water and Sewer Board to set the minimum water and sewer plant investment fees, which are set annually by resolution; and

WHEREAS, the water and sewer plant investment fees set by the Greeley Water and Sewer Board are based on the tap size being requested, with the smallest tap size contemplated being $\frac{3}{4}$ "; and

WHEREAS, Greeley Municipal Code § 14.08.040(b) allows plant investment fees to be based on the size of service rather than the diameter of the tap, upon approval of the Greeley Director of Water and Sewer; and

WHEREAS, the average annual water consumption for an Airport hangar is 15,000 gallons (0.046 acre feet), much less than the 244,000 gallons (0.75 acre feet) anticipated by the Code; and

WHEREAS, the City anticipates conducting a study that will evaluate raw water dedication requirements and plant investment fees for nonresidential development based on annual water usage rather than tap size; and

WHEREAS, the Parties wish to establish water and sewer plant investment fees and raw water dedication requirements that more closely reflect the true water demand for hangars on the Airport property; and

WHEREAS, In 2015 the City and Airport combined resources to construct a new sanitary sewer lift station (Lift Station #2) that will serve future hangars on the Airport property; and

WHEREAS, the City incurred the majority of the cost of constructing said lift station; and

WHEREAS, the Parties wish to establish a lift station cost recovery fee to cover the City's cost of constructing said lift station; and

WHEREAS, the Airport installed a 16" water main to serve future hangars on the Airport property; and

WHEREAS, the City's minimum water main size of 8" was all that was necessary to serve said hangars; and therefore, the Airport is entitled to material oversizing reimbursement from the City; and

WHEREAS, the Airport provides a beneficial public purpose and helps promote economic development in the City and the surrounding area; and

WHEREAS, the Parties are authorized to enter into this Agreement by virtue of C.R.S. § 29-1-203; C.R.S. § 41-3-101 et seq.; Weld County Code § 2-10-20; and Greeley Municipal Code § 2.07.040.

NOW, THEREFORE, IN CONSIDERATION OF THE FOLLOWING MUTUAL PROMISES AND COVENANTS, the Parties agree as follows:

1. Definition of Hangar. Hangar shall be defined as an enclosed building designed and used for the purpose of parking and/or repairing aircraft, but shall not include hangars with offices; and
2. Water and Sewer Service. The City shall provide water and sewer service to Airport hangars constructed after the execution of this Agreement pursuant to the terms and conditions described below. Unless otherwise explicitly described herein, the Airport shall comply with the City's standard requirements regarding connection to the City's water and sewer services, including paying any fees, costs, and rates as required by the City.
3. Raw Water Dedication. The minimum raw water dedication requirement for an Airport hangar requesting a ¾" water tap shall be 32,500 gallons (0.10 acre feet). Any water consumption that exceeds the amount of raw water dedicated shall be subject to the raw water surcharge pursuant to Greeley Municipal Code § 14.24.100(c) and as set annually by the City's Water and Sewer Board. No refund, rebate, or credit will be made by the City to the Airport for use by hangars less than the amount of raw water dedicated.
4. Water Plant Investment Fees. The water plant investment fee for an Airport hangar requesting a ¾" water tap shall be based on the conservative annual water consumption volume of 32,500 gallons utilized in Paragraph 3 above, which is 13.3% of the raw water dedication requirement for a typical ¾" water tap. Therefore, the water plant investment fee for an Airport hangar requesting a ¾" water tap shall be 13.3% of the water plant investment fee for a ¾" water tap as established annually by the City's Water and Sewer Board.
5. Sewer Plant Investment Fees. The sewer plant investment fee for an Airport hangar requesting a ¾" water tap shall be based on the conservative annual water consumption volume of 32,500 gallons utilized in Paragraph 3 above, which is 13.3% of the raw water dedication requirement for a typical ¾" water tap. Therefore, the sewer plant investment fee for an Airport hangar requesting a ¾" water tap shall be 13.3% of the sewer plant investment fee based on a ¾" water tap as established annually by the City's Water and Sewer Board.
6. Limitations on Applicability and Duration of Terms. Buildings at the Airport other than hangars requesting a ¾" tap shall be subject to the City's standard Connection Requirements. The ability of the Airport to satisfy its Connection Requirements as provided in Paragraphs 3 through 5 above shall expire five (5) years after the date of

execution of this Agreement and shall apply to no more than three (3) hangars requesting a $\frac{3}{4}$ " tap. The City's standard Connection Requirements shall otherwise apply.

7. Lift Station Cost Recovery. Any buildings on Airport property in the area north of Runway 9/27 and east of Runway 16/34 connected to the City's water and sewer systems after the date of execution of this Agreement that are served by Lift Station #2 shall be assessed a lift station cost recovery fee. The lift station cost recovery fee shall be based on the size of the water tap serving the building. Each $\frac{3}{4}$ " equivalent water tap will be assessed a lift station cost recovery fee based on Table 7.1 below.

Table 7.1 Lift Station Recovery Fee

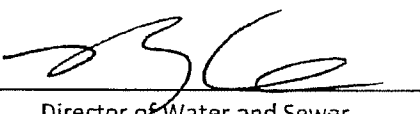
Water Tap Size	3/4" Equivalent	Lift Station Expansion Fee
$\frac{3}{4}$ "	1	\$3,917.78
1"	1.67	\$6,542.69
1-1/2"	3.33	\$13,046.21
2"	5.33	\$20,881.77
3"	10	\$39,177.80
4"	16.67	\$65,309.39

8. Water Main Oversizing Reimbursement. The Parties recognize that when the Airport installed a water main to serve future development in the eastern portion of the Airport property, 8,546 linear feet of 16" ductile iron pipe (DIP) water main was installed, but the minimum size necessary to adequately serve the Airport was 8" polyvinyl chloride (PVC) pipe. The City agrees to pay the difference in material costs between 8,546 linear feet of 16" DIP and 8,546 linear feet of 8" PVC pipe. The Parties agree that the material cost difference between 16" DIP and 8" PVC is \$56.63/LF. Therefore, the total reimbursement due to the Airport from the City is \$483,959.98. The City shall reimburse the Airport within twelve (12) months of the date of execution of this Agreement.
9. Miscellaneous.
- a) Colorado law will be referred to in the interpretation and construction of this Agreement and resolution of all disputes hereunder.

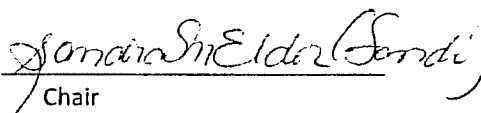
- b) This Agreement is binding upon and will enure to the benefit of the Parties and their successors.
- c) Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement.
- d) The provisions of this Agreement may be amended only in writing signed by both Parties.
- e) If either party named herein brings an action to enforce the terms of this Agreement or declare rights hereunder, the prevailing party in any such action, trial, or appeal shall be entitled to its reasonable attorney fees and actual costs to be paid by the non-prevailing party as determined and affixed by the court.
- f) It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of the Parties that any entity other than the Parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.

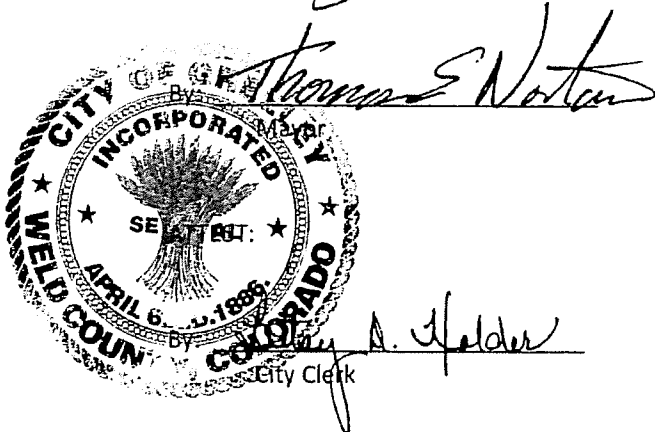
IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year first written above.

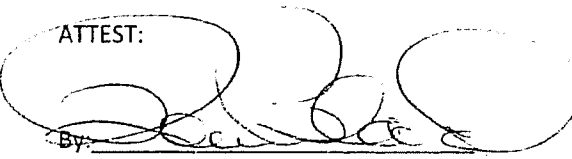
CITY OF GREELEY, COLORADO
a Municipal Corporation

By: 
Director of Water and Sewer

GREELEY-WELD COUNTY AIRPORT AUTHORITY,
a Body and Corporate and Politic of the State
of Colorado

By: 
Chair

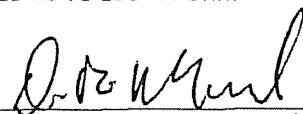


ATTEST:

By: _____
Secretary/Treasurer

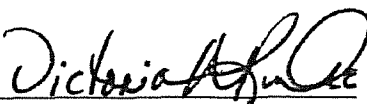
APPROVED AS TO SUBSTANCE:

By: 
City Manager

APPROVED AS TO LEGAL FORM:

By: 
City Attorney Don Murek

AS TO AVAILABILITY OF FUNDS:

By: 
Director of Finance
Victoria A. Bunkle 3/10/16

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN GREELEY-
WELD COUNTY AIRPORT AUTHORITY AND THE CITY OF GREELEY

This amendment is made and entered into as of _____, 2019 ("First Amendment"), by and between the Greeley-Weld County Airport Authority, a political subdivision of the State of Colorado created pursuant to the Public Airport Authority Act, C.R.S. § 41-3-104 (the "Airport"), whose address is 600 Airport Road, Unit A, Greeley, CO 80631, and the City of Greeley, whose address is 1001 11th Avenue, 2nd Floor, Greeley, Colorado 80631 ("City"), for the purpose of amending the Intergovernmental Agreement Establishing Water and Sewer Plant Investment Fees, Raw Water Dedication Requirements, Sanitary Sewer Lift Station Cost Recovery, and Water Main Oversizing Reimbursement, dated February 23, 2016 (the "2016 Agreement"), attached hereto as Exhibit A.

RECITALS

WHEREAS, the City and Airport entered into the 2016 Agreement in order to establish the raw water dedication, water plant investment fee, and sewer plant investment fee requirements for three (3) hangars constructed at the Airport, provide potable water and sanitary sewer connections to those hangars, and establish a lift station cost recovery fee; and

WHEREAS, the Airport wishes to construct nine (9) additional hangars on its property; and

WHEREAS, the Airport desires nine (9) additional three-quarters ($\frac{3}{4}$) inch water taps and nine (9) additional sewer taps to service these new hangars; and

WHEREAS, the Airport must satisfy the City's raw water dedication, water plant investment fee, and sewer plant investment fee requirements in order for the hangars to be connected to the City's water and sanitary sewer systems ("Connection Requirements"); and

WHEREAS, the Parties wish to accomplish the above under the same terms and conditions as those contained in the 2016 Agreement;

WHEREAS, Greeley Municipal Code § 14.06.190 allows Greeley City Council to enter into special agreements regarding raw water requirements; and

WHEREAS, the Parties are authorized to enter into this First Amendment by virtue of C.R.S. § 29-1-203; C.R.S. § 41-3-106; Weld County Code § 2-10-20; and Greeley Municipal Code § 2.07.040.

NOW THEREFORE, in consideration of the foregoing recitals, the Parties agree as follows:

1. Paragraph 3 of the 2016 Agreement is hereby amended to read as follows:

Raw Water Dedication. The minimum raw water dedication requirement for an Airport hangar requesting a 3/4" water tap shall be 32,500 gallons (0.10 acre feet). Any water consumption that exceeds the amount of raw water dedicated or cash in lieu paid shall be subject: (i) to a raw water surcharge pursuant to Greeley Municipal Code § 14.06.110(b), (d) for water taps installed prior to October 29, 2019; and (ii) to a supplemental cash-in-lieu fee pursuant to Greeley Municipal Code § 14.06.110(e), (f) for water taps installed after October 29, 2019. No refund, rebate, or credit will be made by the City to the Airport for use by hangars less than the amount of raw water dedicated or cash in lieu paid.

2. Paragraph 6 of the 2016 Agreement is hereby amended to read as follows:

Limitations on Applicability and Duration of Terms. Buildings at the Airport other than hangars requesting a three-quarters inch (¾") tap shall be subject to the City's standard Connection Requirements. The ability of the Airport to satisfy its Connection Requirements as provided in Paragraphs 3 through 5 above shall expire on October 1, 2024 and shall apply to no more than twelve (12) hangars total, including any hangars for which taps were installed prior to October 29, 2019, requesting one (1) three-quarters inch (¾") water tap and one (1) sewer tap, each. The Airport agrees that for each water tap installed after October 29, 2019, the Airport shall first execute a Service Commitment Agreement conforming to the requirements of Greeley Municipal Code § 14.06.010(c). The Airport agrees that all Service Commitment Agreements shall be recorded with the Weld County Clerk and Recorder. The City's standard Connection Requirements shall otherwise apply.

3. All other terms and conditions of the 2016 Agreement shall continue in full force and effect except as specifically amended herein.

THE CITY OF GREELEY, COLORADO,
a Colorado municipal corporation,

APPROVED AS TO SUBSTANCE:

ATTEST:

By: _____
Roy H. Otto, City Manager

By: _____
Betsy D. Holder, City Clerk

APPROVED AS TO LEGAL FORM:

By: _____
Doug Marek, City Attorney

AS TO AVAILABILITY OF FUNDS:

By: _____
Renee Wheeler, Director of Finance

**GREELEY-WELD COUNTY AIRPORT
AUTHORITY, a Body and Corporate
and Politic of the State of Colorado**

By: Mike Freeman
Chair

ATTEST:

By: [Signature]
Secretary/Treasurer



1ST AMENDMENT TO THE IGA BETWEEN GREELEY-WELD AIRPORT AUTHORITY AND THE CITY OF GREELEY

City of Greeley City Council

November 19, 2019

Background Information



- **Original Intergovernmental Agreement (IGA) took effect on February 23, 2016**
- **Three components to IGA**
 - Lift Station cost recovery for new buildings in a certain part of the airport
 - Water main oversizing reimbursement by the City
 - Reduced raw water and plant investment fees for 3 taps for hangars because of very low projected water usage
 - ✦ Assumed 32,500 gallons/year, raw water surcharge for use above that amount

City of Greeley City Council

November 19, 2019

Background, continued



- Three taps were issued in 2016
- Water usage from 2 of the 3 taps has been under 32,500 gallon/year
- One tap has averaged 48,000 gallons/year and has been paying a small raw water surcharge

Amendment Request



- Greeley-Weld Airport Authority has requested the ability to add 9 additional water and sewer taps under the IGA's provisions for reduced PIFs and raw water requirements
 - The raw water requirements in the IGA are now consistent with City's recently adopted program
 - ✦ Modified IGA language to reflect the additional cash-in-lieu requirement if the raw water allocation is exceeded 2 consecutive years
 - No change in terms for the PIF reduction



QUESTIONS?

City of Greeley City Council

November 19, 2019

Council Agenda Summary

November 19, 2019

Agenda Item Number 14

Key Staff Contact: Sean Chambers, Director of Water & Sewer Department

Title:

Consideration of a resolution authorizing the City to enter into the Fifth Amendment to the Fifth Interim Agreement between the Municipal Subdistrict, Northern Colorado Water Conservancy District Windy Gap Firming Project Water Activity Enterprise, and the City of Greeley for participation in the Windy Gap Firming Project

Summary:

The Final Environmental Impact Statement for the Project was issued in November 2011. The Bureau of Reclamation's preferred alternative was the 90,000 acre-foot Chimney Hollow Reservoir. Grand County issued a 1041 permit for the project in December 2012. A settlement was reached with ranchers downstream of the project in June 2013, and a Supplemental Clarity Agreement for Grand Lake was agreed to in October 2013. New Windy Gap Carriage Contract with Reclamation and Record of Decision from Reclamation to move forward with the Project was awarded from 2013 through 2015. The 404 Permit from Corps of Engineers was granted in May 2017. Design for the Chimney Hollow Dam has been completed and review of 'Request for Proposals' for a construction manager is underway.

The Fifth Phase of the Project consists of continuation of work to obtain local, state and federal permits and approvals required for the Project; detailed engineering design including preparation of plans and specifications for contractor procurement; additional land acquisition; planning and implementation of required mitigation and enhancement measures; and related activities Completion of the Fifth Phase of the Project on behalf of the Participants will require additional funding.

The WGF Enterprise estimated that Participant's pro rata share of the costs of the Fifth Phase of the Project is \$1,225,200 for the 2020 calendar year. Participant will pay the WGF Enterprise its pro rata share of the 2019 calendar year costs on or before January 10, 2020.

The City of Greeley Water & Sewer Board approved the Agreement on October 16, 2019, recommends that the City Council approve the same.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes	
If yes, what is the initial, or, onetime impact?	\$1,225,200	
What is the annual impact?	None	
What fund of the City will provide Funding?	405-Water Fund	Construction

What is the source of revenue within the fund?	Plant Investment Fees, Bonds
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 Fifth Amendment to the Fifth Interim Agreement is an Intergovernmental Agreement that requires approval of City Council.

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

Infrastructure and Growth - Environmental Infrastructure

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
Fifth Amendment to Fifth Interim Agreement
PowerPoint Presentation

THE CITY OF GREELEY, COLORADO

RESOLUTION _____, 2019

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO THE FIFTH AMENDMENT TO THE FIFTH INTERIM AGREEMENT BETWEEN THE MUNICIPAL SUBDISTRICT, NORTHERN COLORADO WATER CONSERVANCY DISTRICT WINDY GAP FIRING PROJECT WATER ACTIVITY ENTERPRISE, AND THE CITY OF GREELEY FOR PARTICIPATION IN THE WINDY GAP FIRING PROJECT.

WHEREAS, the Windy Gap Firing Project Water Activity Enterprise is developing a water storage project for the purpose of storing water produced by the Windy Gap Project, or other water that is physically and legally capable of being introduced into the Windy Gap Firing Project (“Firing Project”) from the facilities of the Colorado-Big Thompson Project; and

WHEREAS, the City of Greeley owns units of Windy Gap and is a participant in the Firing Project; and

WHEREAS, the Fourth Phase of the Firing Project consisted of environmental and other permitting, further engineering studies and preliminary design work, and land acquisition; and

WHEREAS, the Fifth Phase of the Firing Project consists of a continuation of the activities started in the Fourth Phase, including but not limited to continuation of work to obtain local, state and federal permits and approvals required for the Firing Project; detailed engineering design including preparation of plans and specifications for contractor procurement; additional land acquisition; planning and implementation of required mitigation and enhancement measures; development of contracts and other agreements that will be required to integrate the Firing Project with the Windy Gap Project; and

WHEREAS, the continuation and completion of the Fifth Phase of the Firing Project on behalf of the participants will require additional funding; and

WHEREAS, pursuant to Section 02.07.040, Greeley Municipal Code, Greeley has the authority to enter into cooperative or joint activities with other governmental bodies if approved by resolution of the City Council; and,

WHEREAS, it is in the best interest of the citizens of Greeley for the parties to enter into this intergovernmental agreement.

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

1. The City Manager is hereby authorized to execute the Fifth Amendment to the Fifth Interim Agreement between the Municipal Subdistrict, Northern Colorado Water Conservancy District Windy Gap Firing Project Water Activity Enterprise, and the City of Greeley for Participation in the Windy Gap Firing Project, attached hereto as

Exhibit A.

2. This Resolution shall become effective immediately after its passage, as provided by the Greeley City Charter.

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

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

John Gates, Mayor

FIFTH AMENDMENT TO FIFTH INTERIM AGREEMENT BETWEEN THE
MUNICIPAL SUBDISTRICT,
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
WINDY GAP FIRING PROJECT WATER ACTIVITY ENTERPRISE,
AND
THE CITY OF GREELEY AND THE WATER AND SEWER DEPARTMENT
FOR PARTICIPATION IN THE WINDY GAP FIRING PROJECT

This Fifth Amendment is made and entered into as of _____, 2020, by and between the Municipal Subdistrict, Northern Colorado Water Conservancy District (a quasi-municipal entity and political subdivision of the State of Colorado) (the “Subdistrict”), acting by and through its Windy Gap Firing Project Water Activity Enterprise (a government-owned business within the meaning of Article X, Section 20(2)(d) of the Colorado Constitution, organized pursuant to C.R.S. §§ 37-45-101, *et seq.*), whose address is 220 Water Avenue, Berthoud, Colorado 80513 (“WGF Enterprise”), and the City of Greeley and the Water and Sewer Department, acting by and through its Water and Sewer Board, whose address is 1000 10th Street, Greeley, Colorado 80631 (“Participant”), for the purpose of amending the Fifth Interim Agreement between the parties (the “Agreement”).

RECITALS

WHEREAS, the WGF Enterprise is continuing work on the Fifth Phase of the Project, which consists of completion of all local, state, and federal permits and approvals required for the Project; detailed engineering design including preparation of plans and specifications for contractor procurement; additional land acquisition; planning and implementation of required mitigation and enhancement measures; and related activities. Completion of the Fifth Phase of the Project on behalf of the Participants will require additional funding in 2020; and

WHEREAS, in September 2016, the City of Loveland executed an Amendment to the Fifth Interim Agreement which adjusted their storage capacity in the Project and which is considered the First Amendment to the Fifth Interim Agreement; and

WHEREAS, in March 2017, all Participants executed an Amendment to the Fifth Interim Agreement which adjusted their storage capacity in the Project and adjusted each Participant’s costs to date based on the revised storage allocation, and which is considered the Second Amendment to the Fifth Interim Agreement; and

WHEREAS, in 2018, all Participants executed an Amendment to the Fifth Interim Agreement which included minor adjustments to their storage capacity in the project and adjusted each Participant’s costs to date based on the revised storage allocation, and which is considered the Third Amendment to the Fifth Interim Agreement; and

WHEREAS, in or about February 2019, all Participants executed an Amendment to the Fifth Interim Agreement which provided for the Participants’ payment of their respective pro rata

shares of the costs of the Fifth Phase of the Project for the 2019 calendar year, and which is considered the Fourth Amendment to the Fifth Interim Agreement;

NOW, THEREFORE, in consideration of the foregoing recitals, the Parties agree as follows:

1. The Agreement is amended by deletion of paragraph 3, as amended by previous amendments to the Fifth Interim Agreement, and substitution of the following new paragraph 3:

3. Participant agrees to provide to the WGF Enterprise funds for its pro rata share of the costs necessary to complete the Fifth Phase of the Project.

A. The WGF Enterprise estimated that Participant's pro rata share of the costs of the Fifth Phase of the Project was \$1,398,695 for the 2016 calendar year. Participant paid the WGF Enterprise its pro rata share of the 2016 calendar year costs.

B. The WGF Enterprise estimated that Participant's pro rata share of the costs of the Fifth Phase of the Project was \$887,910 for the 2017 calendar year. Participant paid the WGF Enterprise its pro rata share of the 2017 calendar year costs.

C. The WGF Enterprise estimated that Participant's pro rata share of the cost of the Fifth Phase of the Project was \$918,900 for the 2018 calendar year. Participant paid the WGF Enterprise its pro rata share of the 2018 calendar year costs.

D. The WGF Enterprise estimated that Participant's pro rata share of the cost of the Fifth Phase of the Project was \$1,021,000 for the 2019 calendar year. Participant paid the WGF Enterprise its pro rata share of the 2019 calendar year costs.

E. The WGF Enterprise estimates that Participant's pro rata share of the cost of the Fifth Phase of the Project is \$1,225,200 for the 2020 calendar year. Participant will pay the WGF Enterprise its pro rata share of the 2020 calendar year costs on or before January 10, 2020. This estimated cost will not be increased or exceeded without the prior written approval of the Participant.

If the Fifth Phase of the Project cannot be completed within these estimated costs, the WGF Enterprise is not obligated to complete the Fifth Phase of the Project for the benefit of the Participant unless sufficient additional pro rata funds as determined by the WGF Enterprise are provided by Participant. Attached hereto as Exhibits

A, B, C, D, and E are tables showing the pro rata share of the costs of the Project for each Participant for 2016, 2017, 2018, 2019, and 2020 based upon then-current allocations of capacity in the Project.

2. All other terms and conditions of the Agreement shall continue in full force and effect except as specifically amended herein.

MUNICIPAL SUBDISTRICT, NORTHERN
COLORADO WATER CONSERVANCY
DISTRICT, ACTING BY AND THROUGH
THE WINDY GAP FIRING PROJECT
WATER ACTIVITY ENTERPRISE

By: _____
Name: _____
Title: _____

**THE CITY OF GREELEY, COLORADO,
A Colorado municipal corporation**

By: _____
Roy H. Otto, City Manager

APPROVED AS TO LEGAL FORM:

By: _____
Doug Marek, City Attorney

AS TO AVAILABILITY OF FUNDS:

By: _____
Director of Finance

RECOMMENDED:

By: _____
Chairman, Water and Sewer Board

EXHIBIT A - Amended

Windy Gap Firming Project Amended Allocation of Costs for Fifth Interim Agreement (Phase 5)

Estimated Phase 5 Costs in 2016: \$ 13,775,950

Participant	Requested Storage Volume (af)	Share of Phase 5 Cost
Broomfield	25,200	\$ 4,028,243
CWCWD	330	\$ 52,751
Erie	6,000	\$ 959,105
Fort Lupton	1,050	\$ 167,843
Greeley ²	8,750	\$ 1,398,695
Lafayette	1,800	\$ 287,732
Little Thompson WD	4,850	\$ 775,277
Longmont	10,000	\$ 1,598,509
Louisville	2,700	\$ 431,597
Loveland ¹	9,000	\$ 1,438,658
PRPA	12,000	\$ 1,918,211
Superior	4,500	\$ 719,329
TOTAL	86,180	\$ 13,775,950

2016 Phase 5 Costs Per Acre-Foot of Storage: \$ 159.85

- Notes: 1. This Exhibit A reflects Loveland's revised storage capacity based on a September 2016 Amendment to 5th Interim Agt.
2. Greeley's "Share of Phase 5 Cost" includes \$279,739 that Greeley will pay as the result of the reallocation of WGFP capacity from Evans to Greeley.

EXHIBIT B

Windy Gap Firming Project

Allocation of Costs for Second Amendment to Fifth Interim Agreement (Phase 5)

Estimated Phase 5 Costs in 2017:

\$ 10,464,291

Participant	Requested Storage Volume (af)	Total Participant Contributions Through 2015	Phase 4 Participant Contributions Through 2015	Phase 5 2016 Participant Contributions	Phase 4+5 Participant Contributions to Date	2017 Un-adjusted Participant Contributions	Phase 4+5 Participant Obligation to Date	Phase 4+5 Participant Payment Adjustment	2017 Adjusted Participant Contributions
				\$ 13,775,950		\$ 10,464,291			
Broomfield	26,464	\$ 4,814,330	\$ 3,852,466	\$ 4,028,243	\$ 7,880,709	\$ 3,076,966.63	\$ 8,077,903	\$ 197,194	\$ 3,274,160
CWCWD	346	67,624	\$ 50,448	\$ 52,751	\$ 103,198	\$ 40,229.39	\$ 105,613	\$ 2,415	\$ 42,645
Erie	6,000	1,127,959	\$ 948,081	\$ 959,105	\$ 1,907,187	\$ 697,619.40	\$ 1,831,447	\$ (75,740)	\$ 621,880
Fort Lupton	1,103	110,720	\$ 110,720	\$ 167,843	\$ 278,563	\$ 128,245.70	\$ 336,681	\$ 58,118	\$ 186,364
Greeley ¹	9,189	2,180,569	\$ 1,586,660	\$ 1,398,695	\$ 2,985,355	\$ 1,068,404.11	\$ 2,804,861	\$ (180,494)	\$ 887,910
Lafayette	900	377,587	\$ 275,176	\$ 287,732	\$ 562,908	\$ 104,642.91	\$ 274,717	\$ (288,191)	\$ (183,548)
Little Thompson WD	4,850	511,419	\$ 511,419	\$ 775,277	\$ 1,286,696	\$ 563,909.02	\$ 1,480,420	\$ 193,724	\$ 757,633
Longmont	10,000	2,963,224	\$ 2,047,162	\$ 1,598,509	\$ 3,645,671	\$ 1,162,699.00	\$ 3,052,412	\$ (593,259)	\$ 569,440
Louisville	2,835	567,348	\$ 412,762	\$ 431,597	\$ 844,360	\$ 329,625.17	\$ 865,359	\$ 20,999	\$ 350,624
Loveland	9,451	1,971,377	\$ 1,284,331	\$ 1,438,658	\$ 2,722,989	\$ 1,098,866.82	\$ 2,884,834	\$ 161,846	\$ 1,260,713
PRPA	14,136	2,881,626	\$ 1,904,878	\$ 1,918,211	\$ 3,823,089	\$ 1,643,591.31	\$ 4,314,889	\$ 491,801	\$ 2,135,392
Superior	4,726	1,227,454	\$ 711,654	\$ 719,329	\$ 1,430,983	\$ 549,491.55	\$ 1,442,570	\$ 11,587	\$ 561,079
TOTAL	90,000	18,801,237	\$ 13,695,757	\$ 13,775,950	\$ 27,471,707	\$ 10,464,291	\$ 27,471,707	\$ 0	\$ 10,464,291

Phase 4 Cost per Acre Foot: \$ 305.24

Notes: 1. The calculation of "Phase 5 2016 Participants Contributions" allocated to Greeley includes \$279,739 that Greeley will pay in addition to Greeley's \$887,910 "2017 Adjusted Participant Contributions" as the result of the reallocation of WGFP capacity from Evans to Greeley.

EXHIBIT C, revised

Windy Gap Firming Project Amended Allocation of Costs for Fifth Interim Agreement (Phase 5)

Estimated Phase 5 Costs in 2018: \$ 9,000,000

Participant	Requested Storage Volume (af)	Share of Phase 5 Cost
Broomfield	26,464	\$ 2,646,400
CWCWD	346	\$ 34,600
Erie	6,000	\$ 600,000
Fort Lupton	1,103	\$ 110,300
Greeley	9,189	\$ 918,900
Lafayette	900	\$ 90,000
Little Thompson WD	4,850	\$ 485,000
Longmont	8,000	\$ 800,000
Louisville	2,835	\$ 283,500
Loveland	9,587	\$ 958,700
PRPA	16,000	\$ 1,600,000
Superior	4,726	\$ 472,600
TOTAL	90,000	\$ 9,000,000

2018 Phase 5 Costs Per Acre-Foot of Storage: \$ 104.43

Note: Participation levels for Longmont, Loveland, and PRPA assume pending transfers of 2,000 acre-feet of storage from Longmont to PRPA and Loveland are approved by their respective Councils and Board. If approval is not obtained, the storage amounts will be 10,000 af for Longmont, 9,451 af for Loveland, and 14,136 af for PRPA. All other storage amounts and cost shares will remain unchanged.

EXHIBIT D

Windy Gap Firing Project Amended Allocation of Costs for Fifth Interim Agreement (Phase 5)

Estimated Phase 5 Costs in 2019: **\$ 10,000,000**

Participant	Requested Storage Volume (af)	Share of Phase 5 Cost
Broomfield	26,464	\$ 2,940,444
CWCWD	346	\$ 38,444
Erie	6,000	\$ 666,667
Fort Lupton	1,103	\$ 122,556
Greeley	9,189	\$ 1,021,000
Lafayette	900	\$ 100,000
Little Thompson WD	4,850	\$ 538,889
Longmont	8,000	\$ 888,889
Louisville	2,835	\$ 315,000
Loveland	9,587	\$ 1,065,222
PRPA	16,000	\$ 1,777,778
Superior	4,726	\$ 525,111
TOTAL	90,000	\$ 10,000,000

2018 Phase 5 Costs Per Acre-Foot of Storage: \$ 116.04

EXHIBIT E

Windy Gap Firing Project Amended Allocation of Costs for Fifth Interim Agreement (Phase 5)

Estimated Phase 5 Costs in 2020: **\$ 12,000,000**

Participant	Requested Storage Volume (af)	Share of Phase 5 Cost
Broomfield	26,464	\$ 3,528,533
CWCWD	346	\$ 46,133
Erie	6,000	\$ 800,000
Fort Lupton	1,103	\$ 147,067
Greeley	9,189	\$ 1,225,200
Lafayette	900	\$ 120,000
Little Thompson WD	4,850	\$ 646,667
Longmont	8,000	\$ 1,066,667
Louisville	2,835	\$ 378,000
Loveland	9,587	\$ 1,278,267
PRPA	16,000	\$ 2,133,333
Superior	4,726	\$ 630,133
TOTAL	90,000	\$ 12,000,000

2018 Phase 5 Costs Per Acre-Foot of Storage: **\$ 139.24**

Windy Gap Firming Project: 5th Amendment to the 5th Interim Agreement



November 19, 2019

Presented by Water & Sewer Dept.



Windy Gap Water Project History

Windy Gap Water Project History

- Windy Gap Water Rights obtained in the 1960's for 48,000 acre-feet of storage on the West Slope
- The Municipal Subdistrict of Northern Water was formally established on July 6, 1970 to manage and build the Windy Gap Project
- Additional storage needed to capture full 48,000 acre-feet
- 12 Northern Colorado entities came together to build Windy Gap firming in Chimney Hollow Reservoir



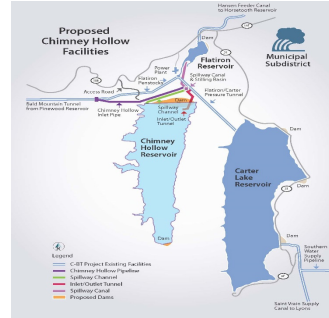
Windy Gap Firming Project



Windy Gap Firing Project Overview

Windy Gap Water Firing Project Summary

- **90,000-AF of new Storage Capacity to be built at Chimney Hollow Reservoir**
 - Greeley Current Allotment 9,189 AF (~10%)
 - Greeley has owned Windy Gap shares for decades
- **Use Established Colorado River Rights and Ties into C-BT Under Carriage Agreement**
- **Project / Dam Design has been completed and approved by State Engineer's Office and Chimney Hollow Project Review Board**
- **All local, state and federal permits have been approved**

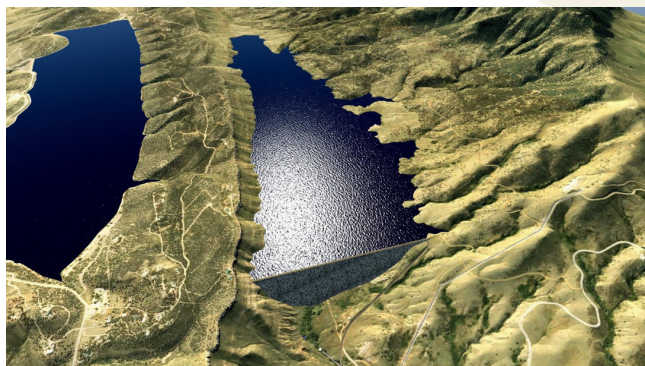


5th Amendment to the 5th Interim Agreement

- **5th Amendment includes work related to pre-construction:**
 - Property and easement acquisition
 - Mitigation and enhancement requirements
 - 1041 compliance
 - Monitoring
 - Funding to CO River Habitat Project
 - Nutrient and wetland mitigation
 - Connectivity Channel
 - General contractor for administrative tasks
 - Prepare required submittals for air quality, noise control, ect..
 - Construction Management
 - Legal costs for federal court case
 - \$2 million contingency
- **Total Cost estimated to complete 5th Amendment: \$12,000,000**
- **Greeley's 2020 portion: \$1,225,200**



Questions?



Council Agenda Summary

November 19, 2019

Agenda Item Number 15

Key Staff Contact: Mark Jones, Police Chief, 970-350-9665/Dale Lyman, Fire Chief, 350-9500

Title:

Introduction and first reading of an ordinance amending Sections 16.36.090 and 16.36.100 of The Greeley Municipal Code amending the International Fire Code, adding Chapter 16.40 of the Greeley Municipal Code regarding fireworks, and amending Section 2.08.035 of the Greeley Municipal Code providing the Municipal Court with jurisdiction over juveniles who violate Chapter 16.40

Summary:

This item is to add a Chapter to the Municipal Code, which regulates what type of fireworks can be used in the City, and adds to the Fire Department's ability to regulate firework displays and the retail sale of fireworks in the City. Previously, the only authority the City had to regulate fireworks was found in state statutes, and through the Fire Code. This ordinance specifies what types of fireworks are illegal, and allows tickets for illegal fireworks to be written into Municipal Court. Additionally, the ordinance allows illegal fireworks can be seized and held until the ticket is resolved. Additionally, the ordinance amends the Fire Code to allow tickets to be written into Municipal Court, instead of into the City's Administrative Hearings process.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a legislative process.

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.

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 December 3, 2019.

Attachments:

Ordinance

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2019

**AN ORDINANCE AMENDING SECTIONS 16.36.090 AND 16.36.100 OF
THE GREELEY MUNICIPAL CODE AMENDING THE INTERNATIONAL
FIRE CODE, ADDING CHAPTER 16.40 OF THE GREELEY MUNICIPAL CODE
REGARDING FIREWORKS, AND AMENDING SECTION 2.08.035 OF THE GREELEY
MUNICIPAL CODE PROVIDING THE MUNICIPAL COURT WITH JURISDICTION
OVER JUVENILES WHO VIOLATE CHAPTER 16.40**

WHEREAS, the City of Greeley has adopted the International Fire Code at 16.36.010 of the Municipal Code; and

WHEREAS, the possession, manufacture, storage, sale, handling and use of fireworks is prohibited by Section 5601.1.3 of the International Fire Code except where allowed by applicable laws; and

WHEREAS, Colorado State Statutes Section 24-33.5-2007 allow certain fireworks to be possessed, sold, and used within incorporated areas of the State of Colorado unless restricted by local law in those incorporated areas; and

WHEREAS, the use of illegal fireworks within the City poses a danger to the health and well being of the citizens of Greeley; and

WHEREAS, revision of the Greeley Municipal Code related to violations of the Fire Code is necessary to protect the health and safety of Greeley citizens; and

WHEREAS, the addition of Chapter 16.40 will provide city staff, including the Police and Fire Departments, with additional resources in order to insure that fireworks are used safely and appropriately within the Greeley city limits; and

WHEREAS, violations of the International Fire Code should be punished in the Greeley Municipal Court; and

WHEREAS, public safety personnel with the Greeley Police Department and Greeley Fire Department have determined that effective enforcement of the fireworks ordinances requires that the Greeley Municipal Court be given jurisdiction over juveniles alleged to be in violation of Chapter 16.40.

WHEREAS, City Council finds that adoption of this Ordinance is in the best interests of the citizens of the City of Greeley.

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

Section 1. Sections 16.36.090 and 16.36.100 of the Greeley Municipal Code of Ordinances are hereby amended as set forth on Exhibit A attached hereto and incorporated herein by this reference.

Section 2. Title 16 of the Greeley Municipal Code of Ordinances is hereby amended by the addition of Chapter 6.40 regarding Fireworks as shown on Exhibit B attached hereto and incorporated herein by this reference.

Section 3. Section 2.08.035 of the Greeley Municipal Code of Ordinances is hereby amended as set forth on Exhibit C attached hereto and incorporated herein by this reference.

Section 4. This Ordinance shall become effective five (5) days following its final publication, as provided by the Greeley City Charter.

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

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

By: _____
Mayor

Exhibit

A

16.36.090 - Section 109.4 amended; Violation penalties.

Section 109.4 of the Fire Code is amended to read as follows:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, and subject to the sentencing guidelines of Chapter ~~1.33~~ 1.32 of the Greeley Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

16.36.100 - Section 111.4 amended; Failure to comply.

Section 111.4 of the Fire Code is amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, and subject to the sentencing guidelines of Chapter ~~1.33~~ 1.32 of the Greeley Municipal Code.

CHAPTER 16.40 FIREWORKS**16.40.010- Definitions**

As used in this Article, the following terms shall have the meanings indicated:

“Display” means a supervised public display of fireworks by municipalities, fair associations, amusement parks or other organizations.

“Fireworks” means any combustible or explosive composition, or any substance or combination of substances or particles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons that require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, Day-Glo bombs, any devices containing any explosive or flammable compound or any tablets or other devices containing any explosive substances , except that the term *fireworks* shall not include automobile flares, sparklers or other devices of like construction, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps, the same and use of which shall be permitted at all times.

“Permissible fireworks” means the following small fireworks devices designed to produce audible or visual effects by combustion, complying with the requirements of the United States consumer product safety commission as set forth in 16 CFR 1500.1 to 1500.272 and 1507.1 to 1507.12, and classified as consumer fireworks UN0336 and UN0337 pursuant to 49 CFR 172.101:

- (a) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each for a single tube or, when more than one tube is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;
- (b) Cone fountains, total pyrotechnic composition not to exceed fifty grams each for a single cone or, when more than one cone is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;
- (c) Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred grams for each complete wheel;
- (d) Ground spinner, a small device containing not more than twenty grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground;
- (e) Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed two hundred grams each;
- (f) Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed one hundred grams, of which the composition of any chlorate or perchlorate shall not exceed five grams;
- (g) Any of the following that do not contain more than fifty milligrams of explosive composition:
 - (1) Explosive auto alarms;
 - (2) Toy propellant devices;
 - (3) Cigarette loads;
 - (4) Strike-on-box matches; or
 - (5) Other trick noise makers;

- (h) Snake or glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five units;
- (i) Fireworks that are used exclusively for testing or research by a licensed explosives laboratory;
- (j) Multiple tube devices with:
 - (1) Each tube individually attached to a wood or plastic base;
 - (2) The tubes separated from each other on the base by a distance of at least one-half of one inch;
 - (3) The effect limited to a shower of sparks to a height of no more than fifteen feet above the ground;
 - (4) Only one external fuse that causes all of the tubes to function in sequence; and
 - (5) A total pyrotechnic composition of no more than five hundred grams.

16.40.020. - Manufacture, sale, use or possession of fireworks.

- (a) Pursuant to Section 5601.1.3 of the International Fire Code, as adopted by the City at Section 16.36.010 of this Code, the possession, storage, sale, handling and use of fireworks is illegal except as set forth herein.
- (b) The Greeley Fire Department may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks and retail sale of fireworks within the City.
 - 1. Such permits may be granted upon application to the Greeley Fire Department.
 - 2. The Department may prescribe reasonable requirements for the issuance of such permits, including but not limited to a reasonable fee for such permits, the posting of an appropriate bond, limitation as to the type of fireworks displayed, time and location of such display, requirements concerning the

licensure or certification of the operator of the display and disposal of unused fireworks.

- (c) Permits issued by the Greeley Fire Department for a public display of fireworks within the city must be reviewed and approved in writing by the Chief of Police. No permit issued by the Greeley Fire Department shall be valid in the absence of the written approval thereof by the Chief of Police.
- (d) Permissible fireworks may possessed, stored, sold, handled and used within the City of Greeley by any individual age 16 and older.

16.40.030 Penalty

Any person who violates this Article commits a misdemeanor infraction and shall be punished as provided in Section 1.32 of this Code.

16.30.030 - Seizure of illegal fireworks.

The Greeley Police Department or any Greeley police officer shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale or stored or held in violation of this Article or of the adopted portions of the International Fire Code.

Exhibit

C

2.08.035 - Juvenile jurisdiction

The Municipal Court shall have the authority to try juvenile defendants under the age of eighteen (18) for traffic violations under Title 11, curfew violations under Chapter 10.25, noise violations under Section 9.28.040, ~~and~~ violations of Section 10.28.080 related to littering-, and fireworks violations under Chapter 16.40.

APPENDIX OF EXISTING ORDINANCES
(as required by Section 3-16 of the Greeley Municipal Charter)

2.08.035 - Juvenile jurisdiction.

The Municipal Court shall have the authority to try juvenile defendants under the age of eighteen (18) for traffic violations under Title 11, curfew violations under Chapter 10.25, noise violations under Section 9.28.040, and violations of Section 10.28.080 related to littering.

(Ord. 50, 2011 §1; Ord. 09, 2011 §1; Ord. 23, 2008 §1)

16.36.090 - Section 109.4 amended; Violation penalties.

Section 109.4 of the Fire Code is amended to read as follows:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, and subject to the sentencing guidelines of Chapter 1.33 of the Greeley Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 47, 2016 , §§1(Exh. A) and 2(Exh. B), 12-20-2016)

16.36.100 - Section 111.4 amended; Failure to comply.

Section 111.4 of the Fire Code is amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, and subject to the sentencing guidelines of Chapter 1.33 of the Greeley Municipal Code.

(Ord. 47, 2016 , §§1(Exh. A) and 2(Exh. B), 12-20-2016)

Council Agenda Summary

November 19, 2019

Agenda Item Number 16

Title

Pulled Consent Agenda Items

Council Agenda Summary

November 19, 2019

Agenda Item Number 17

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

Title:

Public hearing and final reading of an ordinance concerning the acquisition of interests in real property located in Weld County, Colorado for sanitary sewer infrastructure, by purchase or exercise of the power of eminent domain (Poudre Trunk Line)

Summary:

This ordinance authorizes the acquisition of exclusive permanent easements, temporary construction easements, and acquisition of property to construct and maintain the Poudre Trunk Line by purchase or exercise of the power of eminent domain.

The Poudre Trunk Line will be a new sewer main that will serve the Poudre Bluffs Basin area. The Trunk Line will serve future development in the Poudre Bluffs Basin area and allow for the future growth of the area north of 10th Street and west of 83rd Avenue. The project will include a new gravity sewer trunk main that will connect into an existing manhole at County Road (CR) 62 and 83rd Avenue and will run east/west along County Road (CR) 62 and north/south down 92nd Avenue. This ordinance was introduced at the October 15, 2019 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	Unknown, still need to negotiate
What is the annual impact?	None
What fund of the City will provide Funding?	402-Sewer New Construction
What is the source of revenue within the fund?	Plant Investment 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:

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
Water & Sewer Board Resolution
Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. ___, 2019

CONCERNING THE ACQUISITION OF INTERESTS IN REAL PROPERTY LOCATED IN WELD COUNTY, COLORADO FOR SANITARY SEWER INFRASTRUCTURE, BY PURCHASE OR EXERCISE OF THE POWER OF EMINENT DOMAIN (POUDRE TRUNK LINE)

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

WHEREAS, Section 15 of Article II and Section 7 of Article XVI of the Colorado Constitution further authorize the City to acquire easements for domestic, irrigation, drainage, and other purposes; and

WHEREAS, the Greeley City Council, on the recommendation of City staff and the City of Greeley Water and Sewer Board, has determined that the development and use of additional sanitary sewer lines and associated facilities in the Poudre Bluffs Basin Area, generally depicted on Exhibit A, is necessary for the continued overall operation of the water works, and more specifically to increase the capacity of sanitary sewer service for the citizens of the City, and thereby, to promote growth; and

WHEREAS, the Poudre Bluffs Basin Area is one such area where additional sanitary sewer lines and associated facilities will need to be located, and is an area that is generally experiencing growth and redevelopment into more intensive land uses; and

WHEREAS, City staff and legal counsel have determined that the additional sanitary sewer lines and associated facilities described above will need to be installed in the ground at varying depths, and that, accordingly, the acquisition of interests in real property is necessary in order to construct and maintain such sanitary sewer lines and associated facilities in the area depicted on Exhibit A; and

WHEREAS, the Council has determined that the aforementioned acquisition of interests in real property, either through purchase or exercise of the City's power of eminent domain, is necessary for the development and use of said sanitary sewer lines and associated facilities.

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

Section 1. The Greeley City Council hereby determines that it is necessary for the City to acquire, either through purchase or exercise of the power of eminent domain, permanent easements and temporary construction easements for the installation, operation, maintenance, repair, and replacement of sanitary sewer lines and associated facilities, for the continued overall

operation of the water works, and more specifically to increase the capacity of sanitary sewer service for the citizens of the City.

Section 2. The Greeley City Council hereby determines that the acquisition of permanent easements and temporary construction easements is necessary within the Poudre Bluffs Basin Area depicted on Exhibit A, either through purchase or exercise of the power of eminent domain, for the above-described purposes.

Section 3. City staff and legal counsel are hereby authorized and directed to continue with the acquisition of the above-described interests in real property, either through purchase or exercise of the power of eminent domain. The City Council hereby ratifies any previous actions by City staff and legal counsel in negotiating the acquisition of such interests in real property, and in providing notice of the City's intent to acquire such interests, in accordance with Colo. Rev. Stat. § 38-1-101, *et seq.*

Section 4. This ordinance shall take effect on the fifth day following its final publication, as provided in Section 3-16 of the Greeley City Charter.

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

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

**CITY OF GREELEY, ACTING BY AND THROUGH
ITS WATER AND SEWER BOARD**

RESOLUTION NO. __, 2019

CONCERNING THE ACQUISITION OF INTERESTS IN REAL PROPERTY LOCATED IN WELD COUNTY, COLORADO FOR SANITARY SEWER INFRASTRUCTURE, BY PURCHASE OR EXERCISE OF THE POWER OF EMINENT DOMAIN

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

WHEREAS, Section 15 of Article II and Section 7 of Article XVI of the Colorado Constitution further authorize the City to acquire easements for domestic, irrigation, drainage, and other purposes; and

WHEREAS, Section 17-4 of the Greeley City Charter authorizes and requires the City Water and Sewer Board (“Board”) to acquire, develop, convey, lease, and protect water and sewer assets, supplies, and facilities; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Board to qualify the Water and Sewer functions and operations as an “enterprise” as that term is contained in Section 20 of Article X of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, the issuance of bonds and all other necessary and ordinary functions of the Water and Sewer operations, which enterprise is established by Chapter 14.04 of the Greeley Municipal Code; and

WHEREAS, the Board has determined that the development and use of additional sanitary sewer lines and associated facilities in the Poudre Bluffs Area, generally depicted on Exhibit A, is necessary for the continued overall operation of the water works, and more specifically to increase the capacity of sanitary sewer service for the citizens of the City, and thereby, to promote growth; and

WHEREAS, the Poudre Bluffs Area is one such area where additional sanitary sewer lines and associated facilities will need to be located, and is an area that is generally experiencing growth and redevelopment into more intensive land uses; and

WHEREAS, City staff and legal counsel have determined that the additional sanitary sewer lines and associated facilities described above will need to be installed in the ground at varying depths, and that, accordingly, the acquisition of interests in real property is necessary in order to construct and maintain such sanitary sewer lines and associated facilities in the area depicted on Exhibit A; and

WHEREAS, the Board has determined that the aforementioned acquisition of interests in real property, either through purchase or exercise of the City's power of eminent domain, is necessary for the development and use of said sanitary sewer lines and associated facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. The Board hereby determines that it is necessary for the City to acquire, either through purchase or exercise of the power of eminent domain, permanent easements and temporary construction easements for the installation, operation, maintenance, repair, and replacement of sanitary sewer lines and associated facilities, for the continued overall operation of the water works, and more specifically to increase the capacity of sanitary sewer service for the citizens of the City.
2. The Board hereby determines that the acquisition of permanent easements and temporary construction easements is necessary within the Poudre Bluffs Area depicted on Exhibit A, either through purchase or exercise of the power of eminent domain, for the above-described purposes.
3. City staff and legal counsel are hereby authorized and directed to continue with the acquisition of the above-described interests in real property, either through purchase or exercise of the power of eminent domain. The Board hereby ratifies any previous actions by City staff and legal counsel in negotiating the acquisition of such interests in real property, and in providing notice of the City's intent to acquire such interests, in accordance with Colo. Rev. Stat. § 38-1-101, *et seq.*

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF OCTOBER 2019.

ATTEST:

Secretary to the Board

Board Chairman

Poudre Trunk Line: Easement Acquisitions

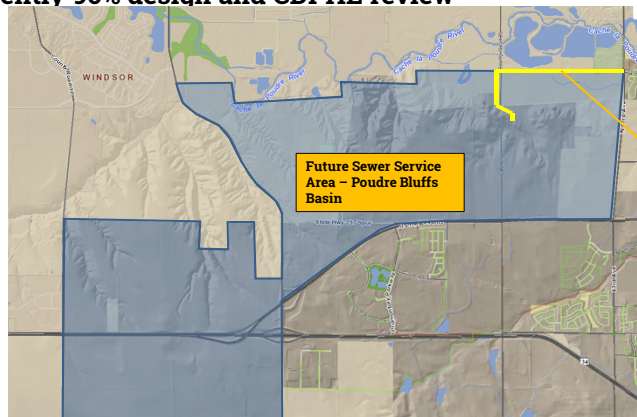
Presented by Water & Sewer Dept.

November 19, 2019



Poudre Trunk Line

- **Poudre Trunk Line**
 - Service Area is Approximately 5,500 Acres
 - Extension of Poudre Trunk line by 8,000 feet
 - Run East/West from 83rd Ave to 95th Ave Along WCR 62.
 - Run North/South along 95th Ave from WCR 62 to Approximately 4th Street.
 - Currently 90% design and CDPHE review



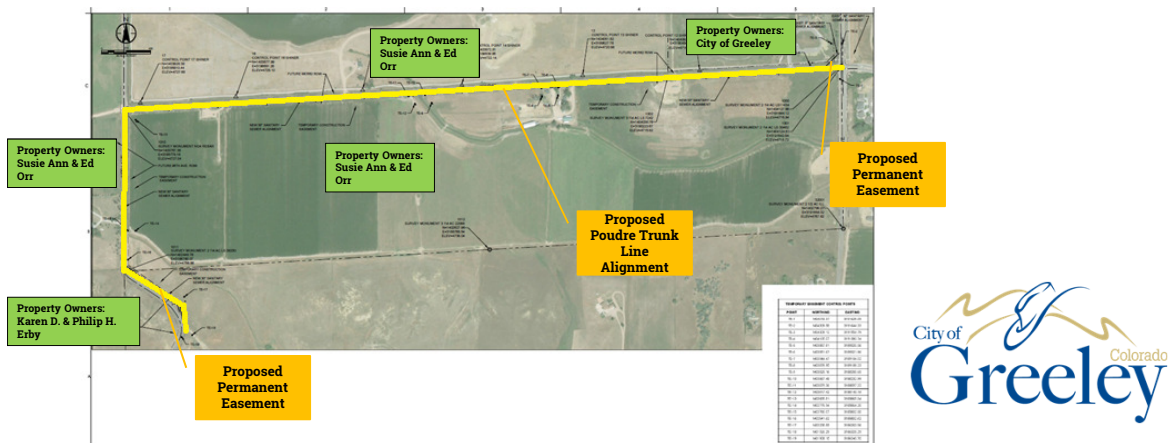
Proposed
Poudre Trunk
Line
Alignment



Poudre Trunk Line

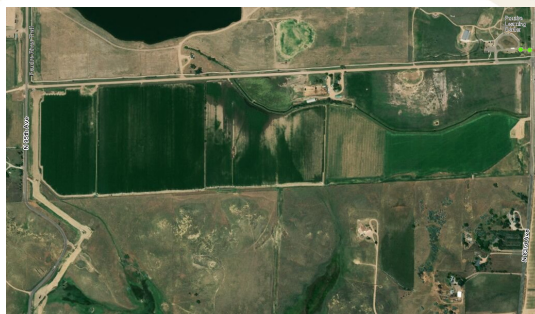
Easement Acquisitions:

- 30' wide Permanent Easement (only two locations)
- 75' wide Temporary Construction Easement



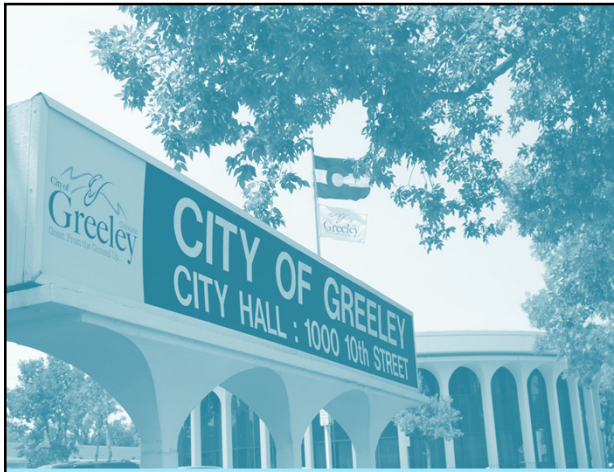
Conclusions and Staff Recommendations:

- The Proposed Sewer Trunk Line will provide long range service to the Poudre Bluffs Basin
- Proposed Sewer Trunk Line provides for future development of Poudre Bluffs Basin
- The Sewer Trunk Line will bring sewer infrastructure to the area west of 83rd Ave.
- Water and Sewer Board approved and recommends for City Council approval for acquisition of the necessary easements.



Water and Sewer Board along with City Staff Recommends Approval of the Resolution to Acquire the Poudre Trunk Line Necessary Easements





QUESTIONS?



Council Agenda Summary

November 19, 2019

Agenda Item Number 18

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

Title:

Public hearing to consider a change of zone from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zoning for approximately 8.82 acres of property located north of 13th Street and west of 59th Avenue, known as the Shops at Sunset Ridge Rezone, and public hearing and final reading of an Ordinance changing the official zoning map to reflect the same

Summary:

The City of Greeley is considering a request from David Richter to rezone approximately 8.82 acres of property located north of 13th Street and west of 59th Avenue from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zoning.

The Planning Commission considered the request on October 8, 2019 and unanimously recommended approval by City Council .

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?	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:

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

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

8) Council decision

Other Issues and Considerations:

None noted.

Applicable Council Priority and Goal:

Consistency with Comprehensive Plan and Development Code standards.

Decision Options:

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

Council's Recommended Action:

- A) A motion that, based on the application received and subsequent staff analysis, the proposed rezone from C-L (Commercial Low Intensity) to C-H (Commercial high Density) meets Development Code Section 18.30.050(c)(3) a, b, f, g and h; and, therefore approves the rezone.
- B) A motion to adopt the map change and publish with reference to title only.

Attachments:

Ordinance

Planning Commission Minutes-Draft (October 8, 2019)

Planning Commission Summary (Staff Report) (October 8, 2019)

PowerPoint Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

CASE NO. ZON2019-0003

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM C-L (COMMERCIAL LOW INTENSITY) TO C-H (COMMERCIAL HIGH INTENSITY) ZONING FOR APPROXIMATELY 8.82 ACRES OF PROPERTY LOCATED NORTH OF 13TH STREET AND WEST OF 59TH AVENUE, KNOWN AS THE SHOPS AT SUNSET RIDGE REZONE

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

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

See attached legal description

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

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

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

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

Legal Description

A parcel of land being a portion of Lot 3 and all of Tract 1 of the Shops at Sunset Ridge Subdivision, recorded August 13, 2007 as Reception No. 3496647 of the Records of Weld County, and those portions of 13th Street and 59th Avenue adjoining to said Lot 3 and Tract 1, all situate in the Northeast Quarter (NE1/4) of Section Nine (9), Township Five North (T.5N.), Range Sixty-six West (R.66W.), Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

BEGINNING at the North Sixteenth Corner of said Section 9 and assuming the East line of the Northeast Quarter of the Northeast Quarter of said Section 9 to bear North 00°53'03" West a distance of 1315.59 feet with all other bearings contained herein relative thereto:

THENCE North 89° 58' 30" West along the centerline of 13th Street a distance of 581.10 feet to the Southerly prolongation of the most Westerly line of Tract 1;

THENCE North 00° 53' 03" West along said Southerly prolongation and along the Westerly line of said Tract 1 a distance of 658.13 feet to the Northwest corner of Tract 1;

THENCE South 89° 56' 32" East along the most Northerly North line of said Tract 1 a distance of 117.59 feet to the Westerly line of Lot 3;

THENCE North 89° 06' 57" East along the existing split-zoning line between "C-H & C-L" a distance of 463.45 feet to the East line of the Northeast Quarter of the Northeast Quarter of said Section 9;

THENCE South 00° 53' 03" East along said East line of the Northeast Quarter of the Northeast Quarter of Section 9 a distance of 665.42 feet to the POINT OF BEGINNING.

Said described parcel of land contains 8.82 acres, more or less.



PLANNING COMMISSION Proceedings

October 8, 2019

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

I. Call to Order

Chair Yeater called the meeting to order at 1:16 p.m. Commissioners Franzen, Romulo, Andersen, Modlin, Briscoe, and Chair Yeater were present. (Commissioner Schulte was absent).

II. A public hearing to consider a request to rezone approximately 8.82 acres of property located north of 13th Street and west of 59th Avenue from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zoning

Project Name: Shops at Sunset Ridge Rezone

Case No.: ZON2018-0003

Applicant: David Richter

Location: North of 13th Street and west of 59th Avenue

Presenter: Brittany Hathaway, Planner III

Brittany Hathaway addressed the Commission and entered the staff report into the record as written. Ms. Hathaway stated that the request for rezone is from Commercial Low Intensity to Commercial High Intensity. She provided a map of the current zoning for the site and the surrounding areas. Ms. Hathaway continued her presentation by providing a history of the area and what the proposed uses are which include restaurant, stores, and other businesses. She outlined how the request meets several code standards, as well as several Comprehensive Plan objectives. Ms. Hathaway advised that staff recommends approval and opened the floor for questions.

Commissioner Modlin questioned who would be responsible for the development of 11th Street. Ms. Hathaway stated that the owner would be responsible for developing 11th Street within their property boundaries.

Commissioner Yeater opened the public hearing at 1:22 p.m.

Dwayne Franzen from Greeley, CO asked if they are going to level the big hill located on the site or if they are going to build a bigger structure on top of it.

Being no further comment from the public, the hearing closed at 1:23 p.m.

Ms. Hathaway responded that the request has not gone through a site plan review yet, therefore, it is unknown what will happen in regards to the elevation question but ultimately it will meet code requirements.

Chair Yeater asked if a grading and drainage plan will need to be submitted. Ms. Hathaway advised that yes, one will be required for approval.

Commissioner Andersen moved that based on the application received and the Project Summary and accompanying analysis, the Planning Commission find that the proposed rezone from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district meets the applicable Development Code criteria, Sections 18.30.050(c) (3) a, b, f, g, and h and 18.30.055; and therefore, recommends approval of the rezone to the City Council. Commissioner Romulo seconded the motion. The motion carried 6-0.

III. A public hearing to consider a request for a Use by Special Review for 32 horizontal oil and gas wells, with associated equipment on one centralized pad site, and one production facility. The subject site, zoned H-A (Holding Agriculture) is 77 total acres, with 17.61 acres proposed for drilling and extraction operations.

Project Name: SRC Stugart State 6-20 Pad-Facility

Case No.: USR2018-0023

Applicant: Corey Sheahen, on behalf of SRC Energy Inc.

Location: South of US Highway 34, east of 83rd Avenue, north of 28th Street

Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and entered the staff report into the record as written. She presented an aerial map illustrating the site's location and what areas will be used for the wells. Ms. Duran gave a narrative of what the area is currently and what the project plans are as well as a timeline. She also provided insight into the future plans for the 32nd Street Road alignment, and how production at the well site will interact with the road construction. She stated that the applicant has made strides to ensure that development is out of the way and will not interfere with the 32nd Street Road alignment. Ms. Duran presented an existing zoning map, and stated that it has not been rezoned from Agricultural since 2001 when it was annexed. She provided a photo rendering of an as-staked plat which illustrates the location's buffering that will be used. Going into further detail, Ms. Duran also showed what the setbacks will be for this zoning area, as well as photographs of the future sound walls. She stated that the request is within Code guidelines and meets the Comprehensive Plan's principles. She concluded her presentation by advising that Staff's recommendation is approval, and opened the floor for questions.

PLANNING COMMISSION SUMMARY

ITEM: Rezone from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district

FILE NUMBER: ZON2019-0003

PROJECT: Shops at Sunset Ridge Rezone

LOCATION: Corner of 59th Avenue and 13th Street

APPLICANT: Dave Richter on behalf of 1813 LLC 100

CASE PLANNER: Brittany Hathaway, Planner III

PLANNING COMMISSION HEARING DATE: October 8, 2019

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 18.30.050(c)(3).

EXECUTIVE SUMMARY

The City of Greeley is considering a request by 1813 LLC 100 to rezone 8.82 acres from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity). The property is located at the northwest corner of 59th Avenue and 13th Street.

A. REQUEST

Approval to rezone 8.82 acres from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) (*see Attachments A & C*).

B. STAFF RECOMMENDATION

Approval

C. LOCATION

The subject site is generally located north of 13th Street and west of 59th Avenue (*see Attachment B*).

Abutting Zoning:

North: C-H (Commercial High Intensity)
South: R-H (Residential High Density)
East: C-H (Commercial High Intensity)
West: H-A (Holding Agriculture)

Surrounding Land Uses:

North: Restaurant (Sonic Drive-in)

South: Multi-family apartments (Fox Run) and undeveloped land

East: Commercial (multiple)

West: Undeveloped land

Site Characteristics:

The site is currently undeveloped.

D. BACKGROUND

In 2000, the subject property was annexed (A 5:99) and zoned C-L (Commercial Low Intensity) (Z 5:00). The northern parcel adjacent to 10th Street was zoned C-H and this subject southern parcel was zoned C-L to allow transition into the adjacent R-H (Residential High Density) property to the south.

In 2007, the Shops of Sunset Ridge Subdivision (S 33:06) was approved, which created 3 lots and 1 tract. This proposal includes a portion of platted Lot 3 and the entire Tract 1 that is currently zoned C-L. The 2007 subdivision resulted in a split-zoning of Lot 3, which this proposal seeks to remedy as well as allow for similar uses as those lots adjacent.

A replat of the Shops at Sunset Ridge Subdivision (SUB2018-0029) is currently under review by staff. The proposal would further subdivide Lots 1-3 and Tract 1 into 6 lots and to dedicate right-of-way to extend 11th Street adjacent to the site. This site is included as proposed Lot 6. The preliminary subdivision (SUB2018-0017) was approved by the Planning Commission on October 23, 2018 (*see Attachment G*).

The property owner is proposing to rezone to C-H to allow for development of a commercial center. The current concept includes retail, restaurant, office, and fitness uses on the site (*see Attachment E*).

APPROVAL CRITERIA

Development Code Section 18.30.050 Rezoning Procedures

For the purpose of establishing and maintaining sound, stable and desirable development within the City, the rezoning of land is to be discouraged and allowed only under circumstances provided for in this Section [of the Code]. This policy is based on the opinion of the City Council that the City's zoning map is a result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other zoning considerations, and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.

The review criteria found in Section 18.30.050(c)(3) of the Development Code shall be used to evaluate the zoning amendment application.

- a) Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment**

of the area?

Staff Comment: This area of the community has incurred an increase in commercial development and redevelopment due to proximity to US Highway 34 Business. Rezoning the subject site is in the City's interest to encourage retail infill development along a commercial corridor.

The proposal complies with this criterion.

- b) Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?**

Staff Comment: The subject site was zoned in 2000 and remains undeveloped. The existing C-L zoning restricts a number of commercial uses that may otherwise be appropriate for the area and proximity to a major arterial.

The proposal complies with this criterion.

- c) Are there clerical or technical errors to correct?**

Staff Comment: There are no clerical or technical errors to correct.

This criterion is not applicable to this request.

- d) Are there detrimental environmental impacts, such as flood plains, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?**

Staff Comment: There are no known detrimental environmental conditions existing on site that would affect the zoning or development of the site.

This criterion is not applicable to this request.

- e) Is the proposed rezoning necessary in order to provide land for a community related use, which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?**

Staff Comment: The rezone request is not necessary to provide land for a community related use.

This criterion is not applicable to this request.

- f) **What is the potential impact of the proposed rezoning upon the immediate neighborhood and the city as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, and pedestrian systems and parks and recreational facilities)?**

Staff Comment: Staff believes that no significant impacts would occur as the result of the proposed rezone. The existing adjacent zoning, uses, and roadways are compatible with the proposed rezone request.

With further development, any new uses would require land use review and approval to ensure compatibility and impact mitigation. City services to the site are adequate.

The proposal complies with this criterion.

- g) **Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City's Comprehensive Plan and comply with the applicable zoning overlay requirements?**

There are no zoning overlay requirements for the subject property. The following City of Greeley Imagine Greeley Comprehensive Plan policies apply to this request:

Objective GC-1.2 Form of Growth

Encourage a compact urban form over sprawl or leap-frog development.

Objective GC-2.2 Jobs/Housing Balance

Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (or vice versa).

Objective GC-2.3 Pedestrian and Bicycle Oriented Development

Encourage a development pattern that encourages walking and bicycling whenever possible by locating employment, shopping, recreation, entertainment, transit, and other services within a quarter mile of residential areas.

Objective GC-2.5 Neighborhood Centers

Promote neighborhood centers – small-scale retail areas providing basic commercial goods and services – to locate within a walkable distance of residences, usually a quarter mile or less.

Staff Comment: The proposal is located at an infill site with adequate public facilities. The proposal offers a commercial center within walking and biking distance to residential areas and may provide for future employment opportunities for Greeley residents.

The proposal complies with this criterion.

h) What is the potential impact of the proposed rezoning upon an approved Zoning Suitability Plan for the property?

Staff Comment: The provided Zoning Suitability Map shows that the property is suitable for commercial development with applicable standards in the Development Code (*see Attachment F*).

The proposal complies with this criterion.

E. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION

The subject site is a portion of Lot 3 and Tract 1 of the Sunset Ridge Subdivision, recorded in 2007. The tract is under review as part of a replat application to be platted as a developable lot. Further subdivision as shown on the Concept Plan (*see Attachment E*) will be reviewed at time of application and future development.

2. HAZARDS

The City is unaware of any hazards associated with or in proximity of the site.

3. WILDLIFE

The subject site is not located in an area identified for moderate or high wildlife impacts. There are no known impacts that would occur to wildlife resulting from the proposal.

4. FLOODPLAIN

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

5. DRAINAGE AND EROSION

Drainage, erosion, and storm water will be reviewed at time of future subdivision and development. Currently, there are no concerns with existing drainage patterns.

6. TRANSPORTATION

A traffic memo (*see Attachment H*) was provided with this application with consideration of proposed uses as submitted on the Concept Plan (*see Attachment E*). Trip generation for the highest uses including retail, fast-food restaurant, sit-down restaurant, general office and fitness club, indicate 343 AM peak hour trips and 351 PM peak hour trips.

Staff has evaluated the traffic impact and determined the increase of traffic will not warrant roadway improvements or service concerns at this time.

F. SERVICES

1. ACCESS

Current primary access is gained from 59th Avenue and 13th Street. Access is also available via a right-in/right-out turn to 10th Street shared by the Sonic Drive-in.

The October 23, 2018 approved Preliminary Plat for this site includes right-of-way dedication for the development of 11th Street. Development of 11th Street will be required

within 3 years of final plat, development or redevelopment of any lots that would require connection to and construction of 11th Street, or any development of proposed Lot 6, whichever comes first. Development of these parcels as proposed is contingent upon rezoning. *Please see Attachment E for proposed uses.*

Per the 2012 Business 34 Greeley: Access Control Plan, this segment of corridor includes strategies to encourage new developments to include new arterial or collector streets both perpendicular and parallel to US 34 Business and to consolidate accesses for adjacent properties. The proposed 11th Street will be parallel to US 34 Business and will allow for access to several properties. An excerpt from the plan may be found in Attachment I.

2. WATER

Adequate water supply is available at the subject site.

3. SANITATION

Adequate sewer capacity is available at the subject site.

4. EMERGENCY SERVICES

The subject site has adequate emergency services. Greeley Fire Station No. 7 is located approximately .77 miles from the site.

5. PARKS/OPEN SPACES

The proposed rezone is not anticipated to impact parks and open space.

6. SCHOOLS

The proposed rezone is not anticipated to impact school sites.

G. NEIGHBORHOOD IMPACTS

1. VISUAL

No visual impacts are anticipated with the rezone request. Future development of the property would be reviewed for compliance with the City's Development Code requirements including height, materials, landscape and buffering.

2. NOISE

Noise impacts are not anticipated with the rezone request. Any potential noise created by future development will be regulated by the Municipal Code.

H. PUBLIC NOTICE AND COMMENT

Neighborhood notices were mailed to property owners within 500 feet of the subject site on September 19, 2019. A sign was posted on the site on September 24, 2019. Planning staff has received one comment from a homeowner in Country Club West who expressed concerns about growth along 59th Avenue and potential impacts to traffic.

I. PLANNING COMMISSION RECOMMENDED MOTION

Based on the application received and the Project Summary and accompanying analysis, the Planning Commission find that the proposed rezone from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district meets the applicable Development Code

criteria, Sections 18.30.050(c)(3) a, b, f, g, and h and 18.30.055; and therefore, recommends approval of the rezone to the City Council.

ATTACHMENTS

Attachment A – Applicant Narrative

Attachment B – Zoning and Vicinity Map

Attachment C – Zoning Boundary Map

Attachment D – Site Analysis Map

Attachment E – Concept Plan

Attachment F – Zoning Suitability Map

Attachment G – Approved Preliminary Replat

Attachment H – Traffic Memo

Attachment I – Excerpt from 2012 Business 34 Greeley: Access Control Plan

Sunset Ridge Re-Zone Application

City of Greeley

1/18/2019

Legal Description: Tract 1, Shops at Sunset Ridge Subdivision, Situate in the Northeast Quarter of the Northeast Quarter of Section 9, Township 5 North, Range 66 West of the 6th P.M., City of Greeley, County of Weld, State of Colorado

This narrative requests that the decision maker approve a re-zoning classification from C-L (Commercial Low Intensity) zoning to C-H (Commercial High Intensity) zoning for the property listed above and described below:

Site Area Information:

Parcel Size: 274,381 SF/6.30 AC

Project Narrative:

The project is located at the NW intersection of 11th Street and 59th Avenue and is currently an open field with no structures on site. The proposed project would plan for high density commercial development. This would include a mix of retail, office, restaurant and a larger 'anchor' tenant along the west edge of the property. There would be a mix of one to two story structures with the one story structures planned along the edge of 59th, 11th and 13th Streets and the (2) story structures planned further back in the development. The adjacent property to the north has a very similar layout and density of development. There are also clear connections to the development to the north and to the existing streets bordering the development. Adjacent properties within the area have a similar development pattern and would complement the mix of development in the area. Existing developments to the south along 59th Street have been planned and constructed in a similar layout to this project. Other developments along Highway 34 (W 10th St) along the north side are of similar density and layout as well.

Conceptual Traffic Impact:

Street Classifications:

- 59th Street is classified as a 4-lane arterial road
- West 13th Street is classified as a 2 lane collector road
- 11th Street is classified as a local road

The project will have two connections to the north to 11th Street and two connections to the south on W 13th Street.

This project relates to the City's transportation master plan principles in the following ways:

Sustainable Transportation:

- This project will provide for efficient movement of vehicles by creating four clear access points in to the project. The project will also allow for the efficient movement of multiple types of transportation, including bicycles and pedestrians.

Quality of Life:

- This project will provide a dynamic and viable connection to the existing transportation infrastructure by creating clear pedestrian and vehicle connections along all edges that are adjacent to public right-of-way.

Transportation Planning and Safety:

- This project will provide safe pedestrian and vehicle connections to the adjacent street network.

Pedestrian access, circulation and connectivity will be addressed in the following ways:

- Creation of clear and logical internal pathway connections
- Clear and logical pathway connections to adjacent right-of-way sidewalks
- Connection to adjacent properties through safe intersections and crossings

Conceptual Drainage Strategy:

The property will direct on site stormwater flows to on site bio-swales, inlets and other facilities prior to detaining and releasing at the flow rates outlined in the 'City of Greeley Comprehensive Drainage Plan – Sheep Draw Basin Final Report' dated March 8, 2006. The property will utilize on site detention facilities as a preferred method for reducing peak run-off rates from the development. On site detention will release 100 year developed condition flows at no greater than the existing 100-year peak run-off rate as outlined in the comprehensive drainage report referenced above.

Zoning Compatibility:

The proposed rezoning of this project would be compatible in the following ways:

The proposed property would create a clear connection between the existing commercial property to the north. In addition, and as mentioned above several other developments of similar size are in the area and outline similar layouts and densities of development. This property would adequately serve the adjacent commercial property and support local business.

With the property being a large square parcel and with existing utility easements in place, the development would most likely develop with central parking areas with buildings along the edges, in order to activate any street frontage and provide ample frontage for businesses. Some buildings would front along the H-A (Holding Ag) parcel and have views towards the west. These buildings would be ideally held back from the property line to provide for adequate buffering between these two land uses.

Relationship of the proposed Zoning Suitability Plan as it relates to the goals and policies of the land use chapter in the City's Comprehensive Plan:

Comprehensive Plan Principles and Policies achieved by the proposed zoning suitability plan:

Economic Health and Diversification:

ED-1 – Promote a healthy, progressive, and competitive local economy - The proposed plan would help stimulate the local economy by providing job opportunity for local residents.

ED-1.4 – Economic Diversification - The proposed plan would help assure stability during economic change by providing a variety of businesses within the development.

ED-1.5 – Support for Entrepreneurs - The proposed plan would help and encourage the start-up and growth of small businesses within Greeley by providing opportunity within a large development that could support a smaller business by providing ample pedestrian/vehicle traffic.

ED-3.7 – Employee Support - The proposed plan would propose/provide employee support services within the development – these may include a small clinic and gym.

ED-3.8 – Promoting Greeley to Workers - The proposed plan would promote assets and facilities that would attract educated and skilled workers to Greeley.

ED-3.9 – Transportation Options for Workers - The proposed plan would promote safe, convenient and reliable transportation options and facilities for employees.

Education, Health, and Human Services:

EH-2.3 – Active Living - The proposed plan would promote and encourage residents around the development to participate in fitness and recreation activities by providing a fitness/gym facility within the development.

EH-2.5 – Walkability and Bikability - The proposed plan will provide a development that is within a 10 minute walk/bike of adjacent housing land uses.

EH-2.6 – Built Environment - The proposed plan proposes a built environment that supports healthy and active living by providing clear walking and biking connections to existing streets and other developments. There would also be proposed plazas that would promote positive/personal interaction between visiting consumers and business owners.

Growth and City Form:

GC-1.2 – Form of Growth - The proposed plan utilizes an existing parcel adjacent to compatible/complementary uses.

GC-1.8 – Data and Trends - The proposed plan would fill a need of employment for Greeley on an undeveloped parcel of land adjacent to compatible/complementary uses.

GC-2.3 – Pedestrian and Bicycle Oriented Development - The proposed plan encourages walking and biking to the development by creating clear and safe connections to existing streets and sidewalks. The housing development to the south is well within a quarter mile of the proposed development.

GC-2.5 – Neighborhood Centers - The proposed plan could act as a neighborhood center to the residential development to the south – across 13th street. This development is within a quarter mile – a comfortable walking distance.

GC-3.1 – Community Character - The proposed plan would complement existing residential and commercial developments in the area. The streetscape, landscaping and other related features would relate to the surrounding developments.

GC-3.4 – Tree City - The proposed plan would plan tree lined travel corridors throughout the development and use of xeric/native species that are water efficient.

Natural Resources and Open Lands:

NR-1.3 – Water Conservation - This project will utilize the latest water conservation methods for both building and site development. For example water efficient fixtures may be used for the building and xeric plant species will be specified for the landscape on site.

NR-2.4 – Light Pollution - This project will utilize full cut-off fixtures to minimize light spill to meet the most current land use code provisions.

NR-2.6 – Waste Management - This project will develop communal site waste areas to promote the efficient and appropriate disposal of trash and recycling.

NR-2.7 – Stormwater Management - This project will utilize the most current BMP's and promote LID treatment for stormwater management on site and properly provide the necessary water quality and quantity as outlined by the City's stormwater standards.

NR-4.2 – Energy Efficiency - Where possible this project will utilize energy efficient fixtures, luminaires and facilitate energy efficient education to residents.

NR-4.3 – Landscaping and Plant Species - This project will utilize xeric and native species to minimize water use on site.

Transportation and Mobility:

TM-1.2 – Pedestrian Movements - This project will promote the safe and efficient movement of pedestrians through clear and well-organized circulation patterns on site. This will provide movement within the development and connect to all adjacent right-of-way sidewalks.

TM-1.6 – Transportation Demand Management - Where possible this project will provide incentives and encourage alternatives to single-occupancy vehicle trips. An example of this might be a zipcar or bike share program within the development. The development will also take into consideration the connections to mass transit within the vicinity of the project.

TM-1.7 – Parking - Where possible this project will provide above the minimum standard number of required parking stalls on site. The project will also utilize on site management of vehicles to minimize any parking spill over onto adjacent properties or within the right-of-way.

TM-3.2 – Supportive Development - This project will have the ability and be designed to support pedestrian and bicycle travel. This will include providing sidewalk connections to the adjacent right-of-way. Bicycle storage or racks will be provided so that employees, business owners and patrons will have access to an alternative transportation method.

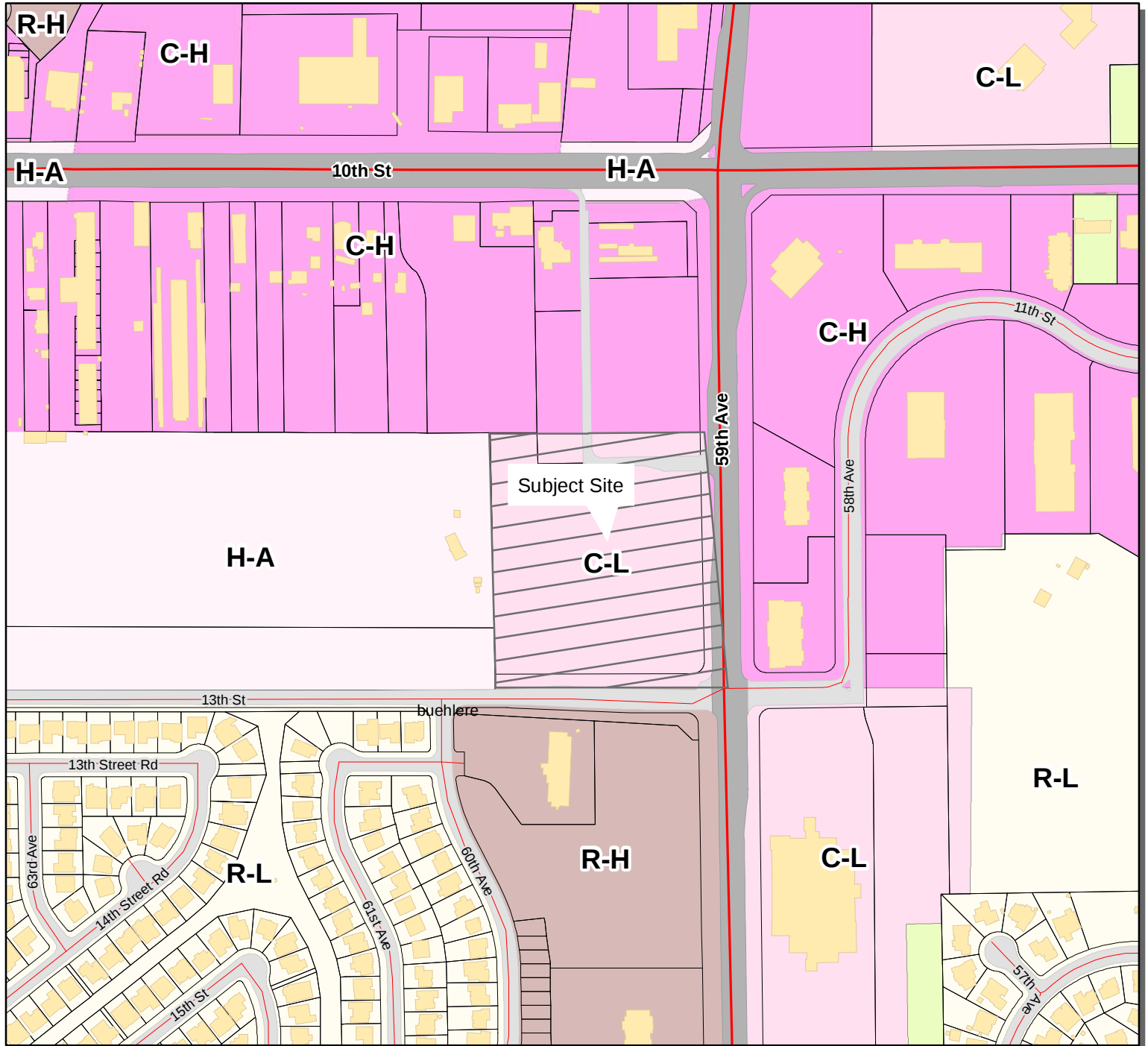
TM-3.4 – Balance Impacts - This project will provide and promote all multi-modal means of travel by providing the minimum amount of parking on site, provide areas for residents to store and secure bikes and create clear connections to mass transit adjacent to the property.

Infrastructure:

IN-1.3 – Fire Service - This project is within 0.77 mile(s) of the Greeley Fire Station No. 7.

Zoning/Vicinity Map

The Shops at Sunset Ridge Rezone



ZON2019-0003

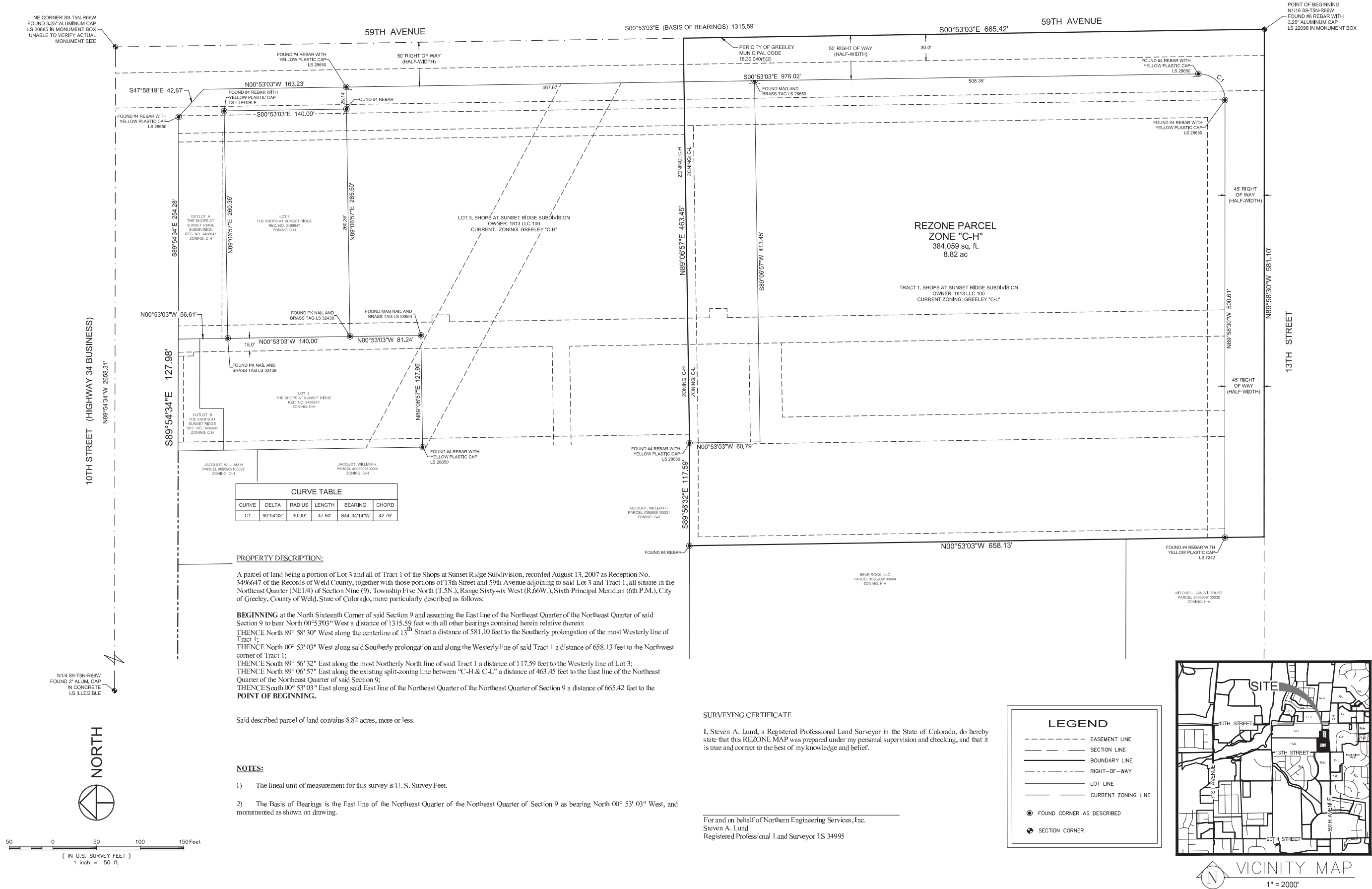
Legend	
StreetCenterlines	
CLASSIFICATION	
	Expressway
	Arterials
	Local, Collectors
	Unknown
	City Limits
	Building
	Weld Parcels

0 375 750 Feet



THE SHOPS AT SUNSET RIDGE REZONE MAP

BEING A REZONE OF A PORTION OF LOT 3 AND TRACT 1, AND ADJACENT HALF RIGHT OF WAY, THE SHOPS AT SUNSET RIDGE SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO



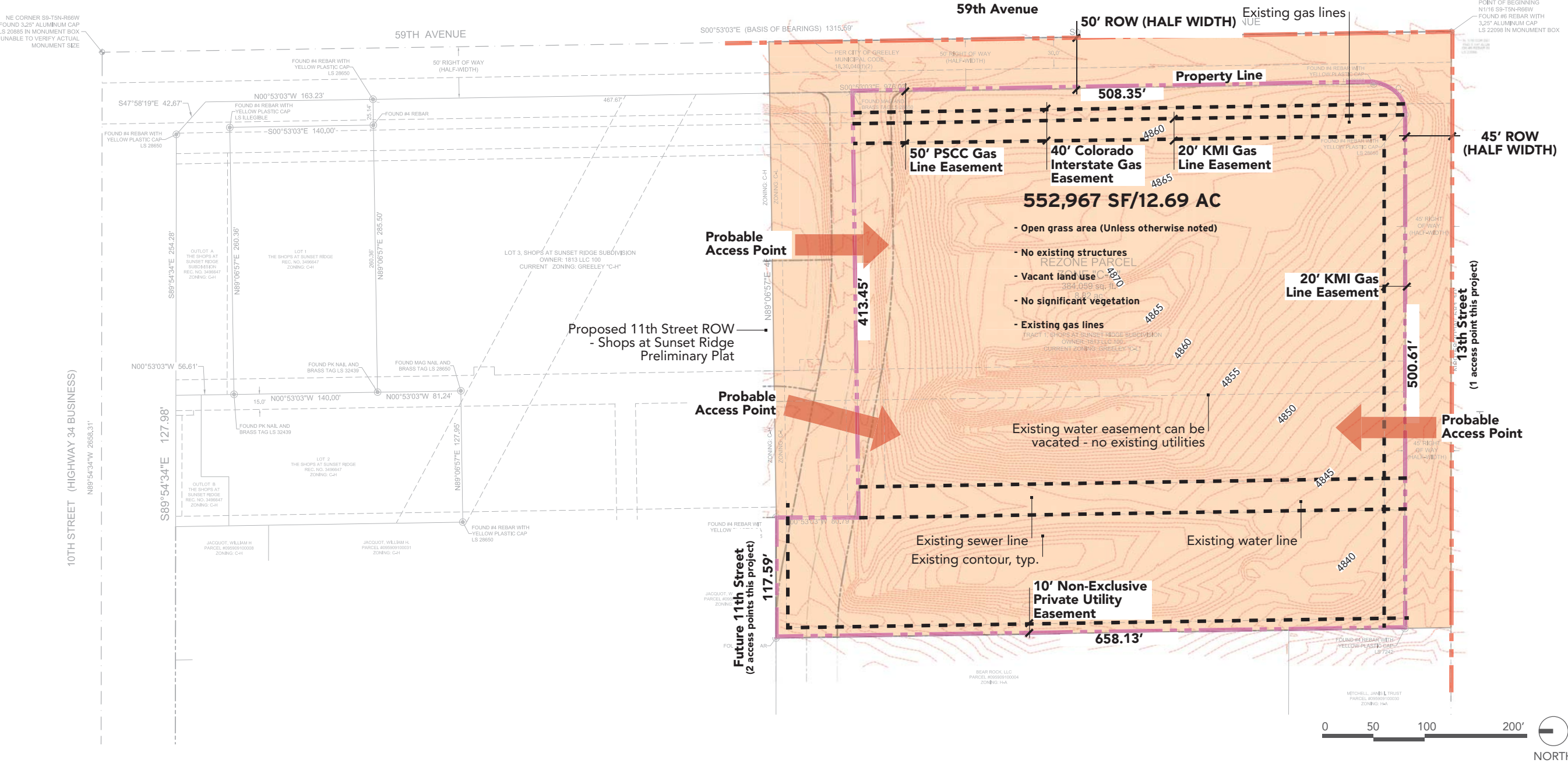
NOTICE:
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. No event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

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

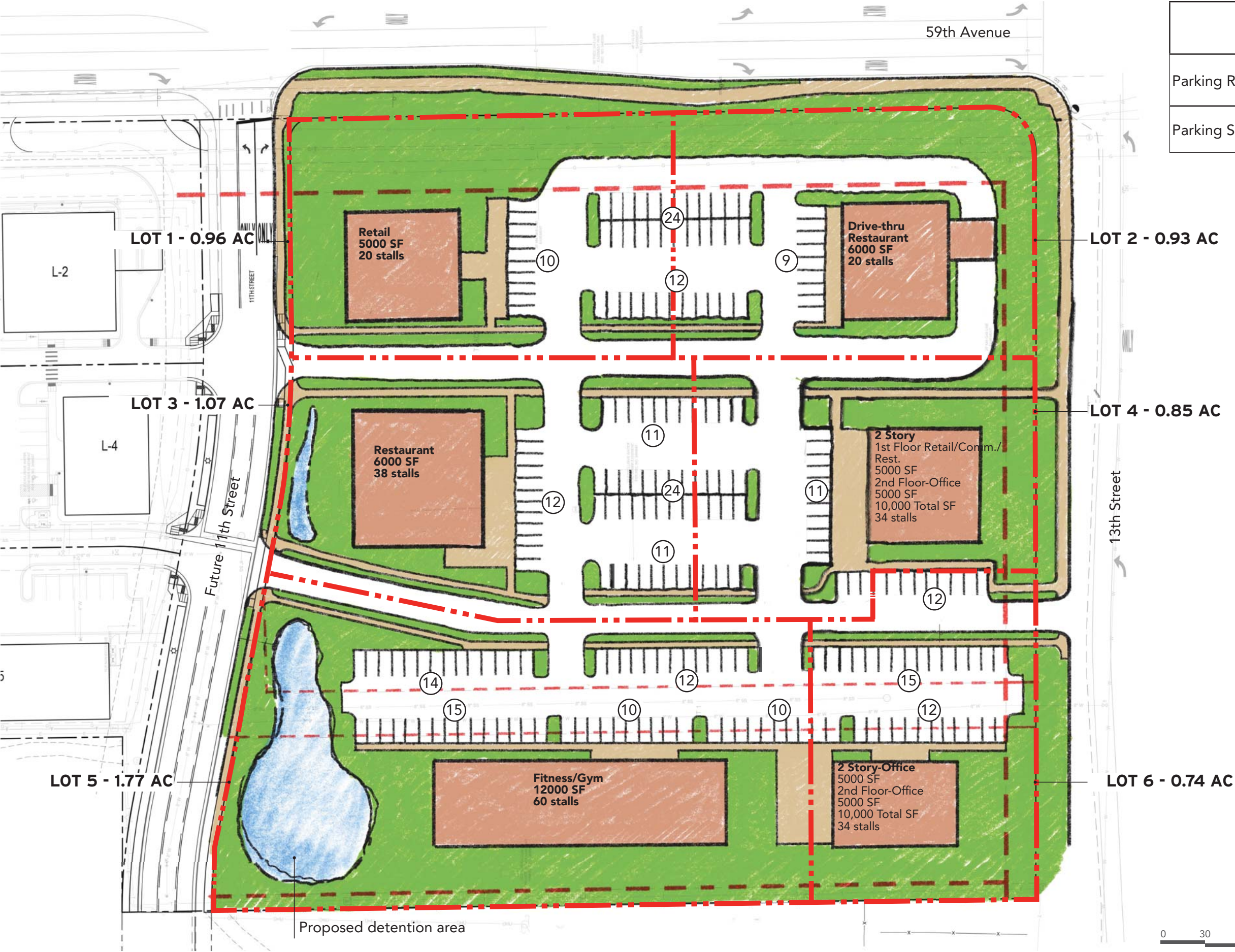
NORTHERN ENGINEERING
N
907 221 41 196
1801 North 13th Street, Suite 100, Greeley, CO 80631
northernengr.com

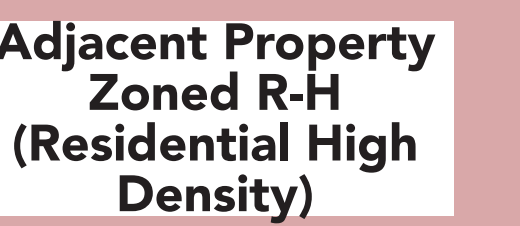
DATE: 05/31/2019
PROJECT: 1340-003
CLIENT:
SCALE: 1" = 50'
REVIEWED BY: S. LUND
DRAWN BY: A. Lund

THE SHOPS AT SUNSET RIDGE REZONE MAP
LOT 3 & TRACT 1, SHOPS AT SUNSET RIDGE
CITY OF GREELEY, STATE OF COLORADO



Parking	
Parking Required	206
Parking Shown	224





**Adjacent Property
Zoned R-H
(Residential Low
Density)**

NE CORNER 59-T5N-R66W
FOUND 3.25" ALUMINUM CAP
LS 20885 IN MONUMENT BOX
UNABLE TO VERIFY ACTUAL
MONUMENT SIZE

FOUND 3.25" ALUMINUM CAP
LS 22098 IN MONUMENT BOX

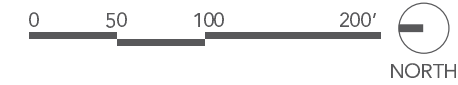
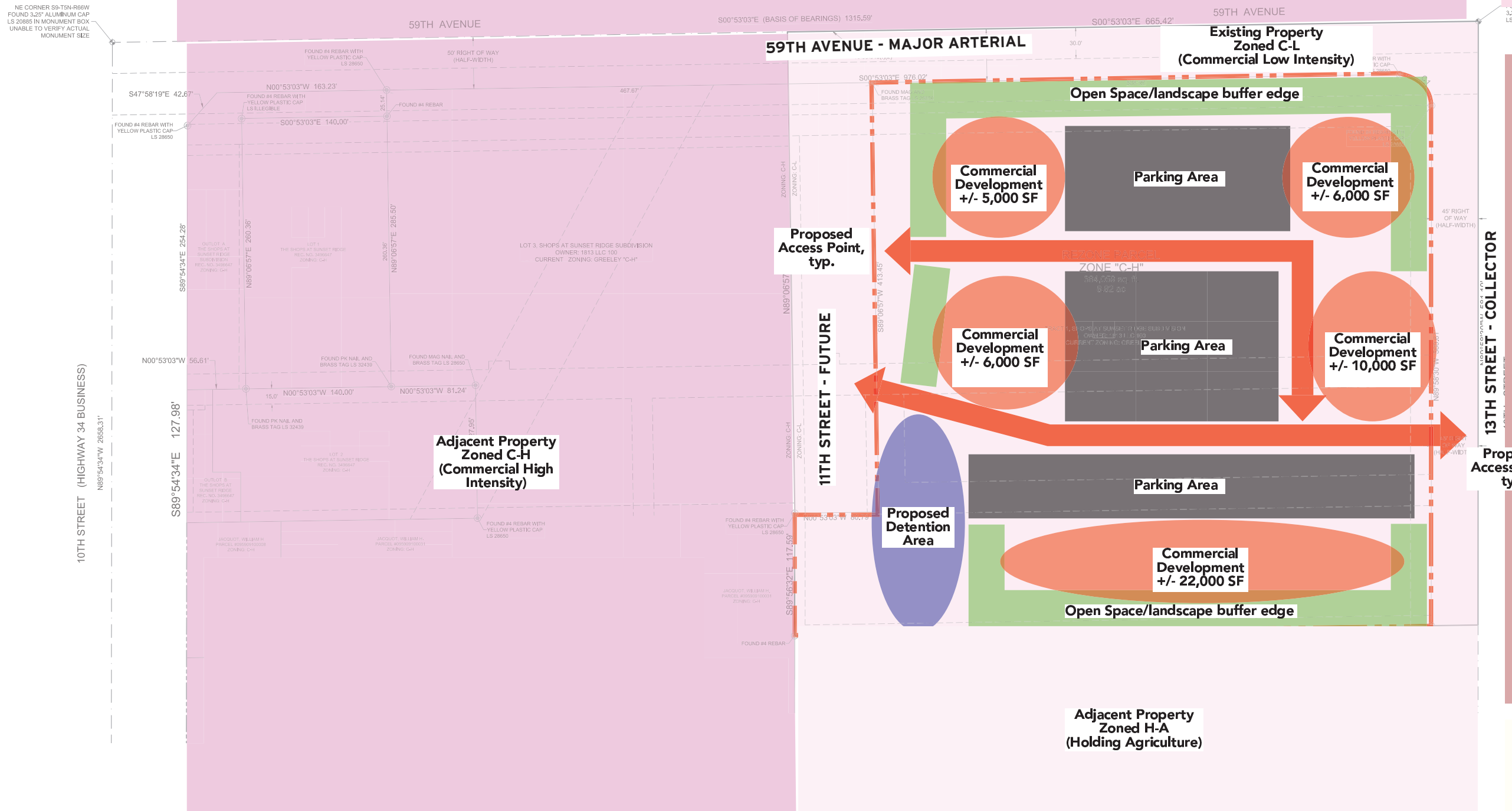
Adjacent Property
Zoned C-H
(Commercial High
Intensity)

Adjacent Property
Zoned C-L
(Commercial Low
Intensity)

Adjacent Property
Zoned R-H
(Residential High
Density)

Adjacent Property
Zoned R-H
(Residential Low
Density)

Adjacent Property
Zoned H-A
(Holding Agriculture)



THE SHOPS AT SUNSET RIDGE SUBDIVISION - 1ST REPLAT

BEING A REPLAT OF LOT 3 AND TRACT 1, THE SHOPS AT SUNSET RIDGE SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 9,
TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

DEDICATION

1813 LLC 100, being the sole owner(s) in fee of:

Lot 3 and Tract 1, THE SHOPS AT SUNSET RIDGE SUBDIVISION recorded August 13, 2007 as Reception Number 9496647 of the Records of Weld County, in the City of Greeley, County of Weld, State of Colorado.

Said described parcel of land contains 476,272 sq. ft or 10.93 acres, more or less.

shown on the attached map as embraced within the heavy exterior lines thereon, has subdivided the same into lots as shown on the attached map and does hereby set aside said portion or tract of land and designate the same THE SHOPS AT SUNSET RIDGE SUBDIVISION - 1ST REPLAT to the City of Greeley, Weld County, Colorado and does dedicate to the public, the streets and all easements over and across said lots at locations shown on said map and does further certify that the width of said streets, dimensions of the lots and the names and numbers thereof are correctly designated upon said map.

Signature of Owner _____
1813 LLC 100

Witness my hand and seal this ____ day of _____ A.D. _____.

State of Colorado)
City of Greeley)ss.
County of Weld)

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

My commission expires: _____

WITNESS my hand and official seal.

Notary Public

CERTIFICATE OF APPROVAL OF THE CITY ENGINEER

Approved this ____ day of _____ A.D., 20____, by the City Engineer of the City of Greeley, Colorado.

City Engineer

CERTIFICATE OF APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR

Approved this ____ day of _____ A.D., 20____, by the Community Development Director of the City of Greeley, Colorado.

Community Development Director

UTILITY EASEMENT VACATION APPROVAL

Xcel _____ Atmos _____

Comcast _____ Centurylink _____

NOTES:

- 1) This survey does not constitute a title search by Northern Engineering to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, Northern Engineering relied upon First American Commitment No. 5524-2722418, dated October 18, 2016 at 5:00 P.M.
- 2) Basis of Bearings is the East line of the Northeast Quarter of the Northeast Quarter of Section 9, as bearing South 00° 53' 03" East and monumented as shown hereon (assumed datum).
- 3) The lineal unit of measurement for this drawing is U.S. Survey Feet.
- 4) Current Zoning: C-H (Commercial High Intensity) and C-L (Commercial Low Intensity)
- 5) Refer to the recording information for the revised Development Agreement.
- 6) It is the intent of this plat to have a blanket parking and cross-access easement between and across all proposed lots and for the benefit of all lots from the initial Shops at Sunset Ridge Subdivision and for the benefit of the Shops at Sunset Ridge Subdivision - 1st Replat.

DEVELOPMENT NOTES:

Street maintenance. It is mutually understood and agreed that the dedicated roadways shown on this plat will not be maintained by the City until and unless the streets are constructed in accordance with the subdivision regulations in effect at the date construction plans are approved, and provided that construction of said roadway(s) is started within one (1) year of the construction plan approval. The owner(s), developer(s) and/or subdividers, their successors and/or assigns in interest, shall be responsible for street maintenance until such time as the City accepts the responsibility for maintenance as stated above.

Drives, parking areas and utility easements maintenance. The owners of this subdivision, their successors and/or assigns in interest, the adjacent property owner(s), homeowners' association or other entity other than the City is responsible for maintenance and upkeep of any and all drives, parking areas and easements (cross-access easements, drainage easements, etc.)

Drainage maintenance. The property owner shall be responsible for maintenance of all drainage facilities installed pursuant to the development agreement. Requirements include, but are not limited to, maintaining the specified storm water detention/ retention volumes, maintaining outlet structures, flow restriction devices and facilities needed to convey flow to said basins. The City shall have the right to enter properties to inspect said facilities at any time. If these facilities are not properly maintained, the City shall notify the property owner in writing and shall inform the owner that corrective action by the owner shall be required within ten (10) working days of receipt of notification by the City, unless an emergency exists, in which case corrective action shall be taken immediately upon receipt of notification by the City. If the owner fails to take corrective action within ten (10) working days, the City may provide the necessary maintenance and assess the maintenance cost to the owner of the property.

Drainage liability. The City does not assume any liability for drainage facilities improperly designed or constructed. The City reviews drainage plans but cannot, on behalf of any applicant, owner or developer, guarantee that final drainage design review and approval by the City will relieve said person, his successors and assigns, from liability due to improper design. City approval of a final plat does not imply approval of the drainage design within that plat.

Landscape maintenance. The owners of this subdivision, their successors and/or assigns in interest, the adjacent property owner(s), homeowners' association or entity other than the City is responsible for maintenance and upkeep of perimeter fencing or walls, landscaping and landscaped areas and sidewalks between the property line and any paved roadways. The owners of this subdivision, their successors and/or assigns in interest or an entity other than the City, agree to the responsibility of maintaining all other open space areas associated with this development.

Sight distance. The clear vision zone of a corner lot, as determined by Section 18.44.090(b)(1) of the Development Code, shall be free from shrubs, ground covers, berms, fences, signs, structures, parked vehicles or other materials or items greater than thirty-six (36) inches in height from the street level.

Public safety. Access, whether for emergency or nonemergency purposes, is granted over and across all access ways for police, fire and emergency vehicles. If any or all of the access ways in this subdivision are private, the homeowners' association will be responsible for ensuring that such access ways are passable, at all times, for police, fire and emergency vehicles.

Drainage master plan. The policy of the City requires that all new development and redevelopment shall participate in the required drainage improvements as set forth below:
1) Design and construct the local drainage system as defined by the final drainage report and plan and the storm water management plat.
2) Design and construct the connection of the subdivision drainage system to a drainage way of established conveyance capacity, such as a master planned outfall storm sewer or master planned major drainage way. The City will require that the connection of the minor and major systems provide capacity to convey only those flows (including offsite flows) leaving the specific development site. To minimize overall capital costs, the City encourages adjacent developments to join in designing and constructing connection systems. Also, the City may choose to participate with a developer in the design and construction of the connection system.
3) Equitable participation in the design and construction of the major drainage way system that serves the development as defined by adopted master drainage way plans or as required by the City and designed in the final drainage report and the storm water management plan.

Maintenance easements. A maintenance easement is required for developments with zero side setbacks, if one (1) structure is built on the lot line. In order to maintain the structure with the zero side setback, a maintenance easement may be required on the adjacent lot to enable maintenance to be performed on said structure from the adjoining property. Each lot owner agrees to allow adjacent lot owners access across their lot, within five (5) feet of the common lot line, as may be needed to maintain and repair the adjacent owner's principal structure. Each adjacent owner agrees to repair any damage which may be caused to the lot owner's property from the adjacent owner's use of this maintenance easement and to take all necessary steps to avoid causing such damage.

Street lighting. All lots are subject to and bound by tariffs which are now and may in the future be filed with the Public Utilities Commission of the State of Colorado relating to street lighting in this subdivision, together with rates, rules and regulations therein provided and subject to all future amendments and changes thereto. The owners or their successors and/or assigns in interest, shall pay, as billed, a portion of the cost of public street lighting in the subdivision in accordance to applicable rates, rules and regulations, including future amendments and changes on file with the Public Utilities Commission.

Water or sewer main easements. There shall be no permanent structures, fences, detention ponds, landscaping (plantings or berms) greater than three (3) feet tall mature growth, or other encumbrances located in water or sewer main easements.

Water or sewer mains in private roads or easements. For public water and sewer mains located in private roads or easements, future repair of paving or other improved surfaces subsequent to the repair of a water or sewer main shall be the responsibility of the homeowners' or condominium association. The Water and Sewer Department will safely backfill the trench to the surface, but not rebuild any surface improvements.

SURVEYOR'S STATEMENT

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor, do hereby state that I prepared this plat from an actual and accurate survey of the land, including all existing right-of-way easements, and that the corner monuments shown thereon were properly placed under my supervision, in accordance with the regulations of the State of Colorado.

Steven A. Lund
Colorado Registered Professional
Land Surveyor LS #34995

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



VICINITY MAP
1" = 2000'

LEGEND	
---	EASEMENT LINE
---	CENTERLINE
---	BOUNDARY LINE
---	RIGHT-OF-WAY
---	VACATED EASEMENT
---	VACATED BOUNDARY
---	LOT LINE
---	ZONING LINE
⊙	FOUND CORNER AS DESCRIBED
⊕	SECTION CORNER
EWE	= EXCLUSIVE WATER EASEMENT

OWNER/DEVELOPER

1813 LLC 100
Manager
7284 S. Acoma Way
Littleton, Colorado 80120

SITE ENGINEER

Northern Engineering
Mike Ketterling
820 8th Street
Greeley, Colorado 80631
(970) 395-9880

SURVEYOR

Northern Engineering
Steven A. Lund, PLS
820 8th Street
Greeley, Colorado 80631
(970) 395-9880

Revisions:		By:	Date:
1.	ADDRESS PLAN REVIEW COMMENTS		2018-07-13
2.	UPDATE EASEMENT GEOMETRY AND DIMENSIONING	A.M.L.	2018-08-08
3.	UPDATE EASEMENT LABELS AND LOT NAMES	A.M.L.	2018-09-05

SECTION:	No. 9
TOWNSHIP:	5 N
RANGE:	66 W of the 6th PM

**NORTHERN
ENGINEERING**

NE

820 8th Street
Greeley, Colorado 80631
PHONE: 970.395.9880 FAX: 970.321.4199
www.northerneng.com

DATE:	08/10/2018
SCALE:	1" = 50'
DESIGNED BY:	
REVIEWED BY:	S. Lund
PROJECT:	1340-002
DRAWN BY:	A. Lund

THE SHOPS AT SUNSET RIDGE SUB -1ST REPLAT
REPLAT OF LOT 3 AND TRACT 1
CITY OF GREELEY, STATE OF COLORADO

Revisions:		By:	Date:
1.	ADDRESS PLAN REVIEW COMMENTS	A.M.L.	2018-07-13
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SECTION: 9	NO.
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RANGE: 66 W of the 6th PM	

**NORTHERN
ENGINEERING**

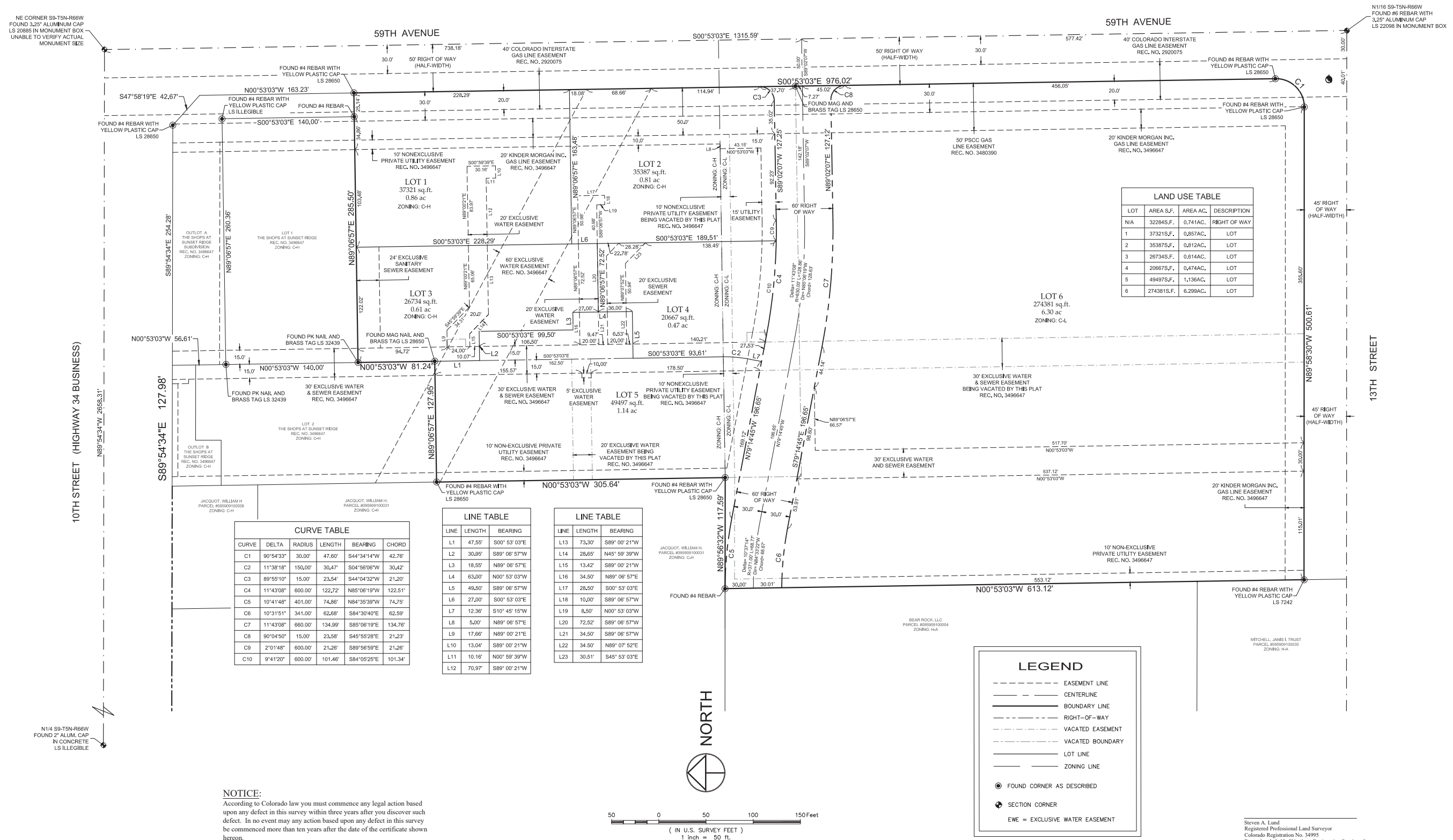
PHONE: 970.395.9880 FAX: 970.221.4159
www.northernengineering.com



PROJECT: 1340-002	DATE: 08/10/2018
DESIGNED BY:	SCALE: 1" = 50'
DRAWN BY: A. Lund	REVIEWED BY: S. Lund

REPLAT OF LOT 3 AND TRACT 1
CITY OF GREELEY, STATE OF COLORADO

Sheet
2
of 2 Sheets



Steven A. Lund
Registered Professional Land Surveyor
Colorado Registration No. 34995
For and on behalf of Northern Engineering Services, Inc.

DELICH ASSOCIATES Traffic & Transportation Engineering

2272 Glen Haven Drive Loveland, Colorado 80538
Phone: (970) 669-2061 Fax: (970) 669-5034



MEMORANDUM

TO: Craig Russell, Russell+Mills
Allison Baxter/Thomas Gilbert, City of Greeley

FROM: Matt Delich

DATE: August 21, 2019

SUBJECT: Greeley Shops at Sunset Ridge Rezone – Trip Generation Analysis
(File: 1964ME02)



This memorandum provides trip generation analyses for the Greeley Shops at Sunset Ridge in Greeley. The site is located in the northwest quadrant of the 59th Avenue/13th Street intersection. The schematic site plan is provided in the Appendix. The site is current vacant. City staff requested a trip generation analysis showing various development possibilities at the site. This memorandum is a revision addressing City staff comments.

Fifty-Ninth Avenue is classified as a major arterial street. It has a 4-lane cross section with auxiliary lanes at intersections. Thirteenth Street is classified as a collector street. It has auxiliary lanes approaching the 59th Avenue/13th Street intersection. The 59th Avenue/13th Street intersection is signalized. Eleventh Street is shown on the north side of the site. It will be a local commercial street serving this site, as well as future development on other properties between 13th Street and 10th Street (US34 Business).

This submittal is necessary to properly assess the zoning request for this parcel. Specifics, with regard to development are not known at this time. However, three development scenarios depict the potential 'highest and best uses' on the parcel:

Scenario 1

Retail 10,000 SF
Drive Thru Restaurant 6,000 SF
Restaurant 6,000 SF
Office 15,000 SF
Fitness Center 12,000 SF

Scenario 2

Drive Thru Bank 5,000 SF
Drive Thru Restaurant 4,000 SF
Restaurant 8,000 SF
Office 15,000 SF
Child Care Center 12,000 SF

Scenario 3

Retail 10,000 SF

Drive Thru Restaurant 6,000 SF

Multi-Family 80 Units

The trip generation for these proposed land use scenarios was calculated using **Trip Generation, 10th Edition**, ITE, as the reference document. Tables 1, 2, and 3 show the calculated daily and peak hour trip generation for each of the potential land use scenarios.

The schematic site plan (Appendix) shows two potential driveway accesses to 11th Street and one potential driveway access to 13th Street. Specifics, with regard to site access should be further evaluated in a site specific traffic impact study as the Greeley Shops at Sunset Ridge proceeds through the Greeley development review process.

The foregoing analyses should aid the City of Greeley in evaluating the potential impact of commercial development on this parcel. Do not hesitate to contact me if you have questions or desire additional information.

TABLE 1
Trip Generation for Scenario 1

Code	Use	Size	AWDTE		AM Peak Hour		PM Peak Hour	
			Rate	Trip Ends	Rate	Trip Ends	Rate	Trip Ends
820	Retail	10.0 KSF	37.75	378	0.94	9	3.81	38
934	Fast Food Restaurant	6.0 KSF	470.95	2826	40.19	241	32.67	196
932	Sit-down Restaurant	6.0 KSF	112.18	674	9.94	60	9.77	59
710	General Office	15.0 KSF	9.74	146	1.16	17	1.15	17
492	Fitness Club	12.0 KSF	23.8 (1)	286	1.31	16	3.45	41
	Total			4310		343		351

(1) Average (am/pm) (10)

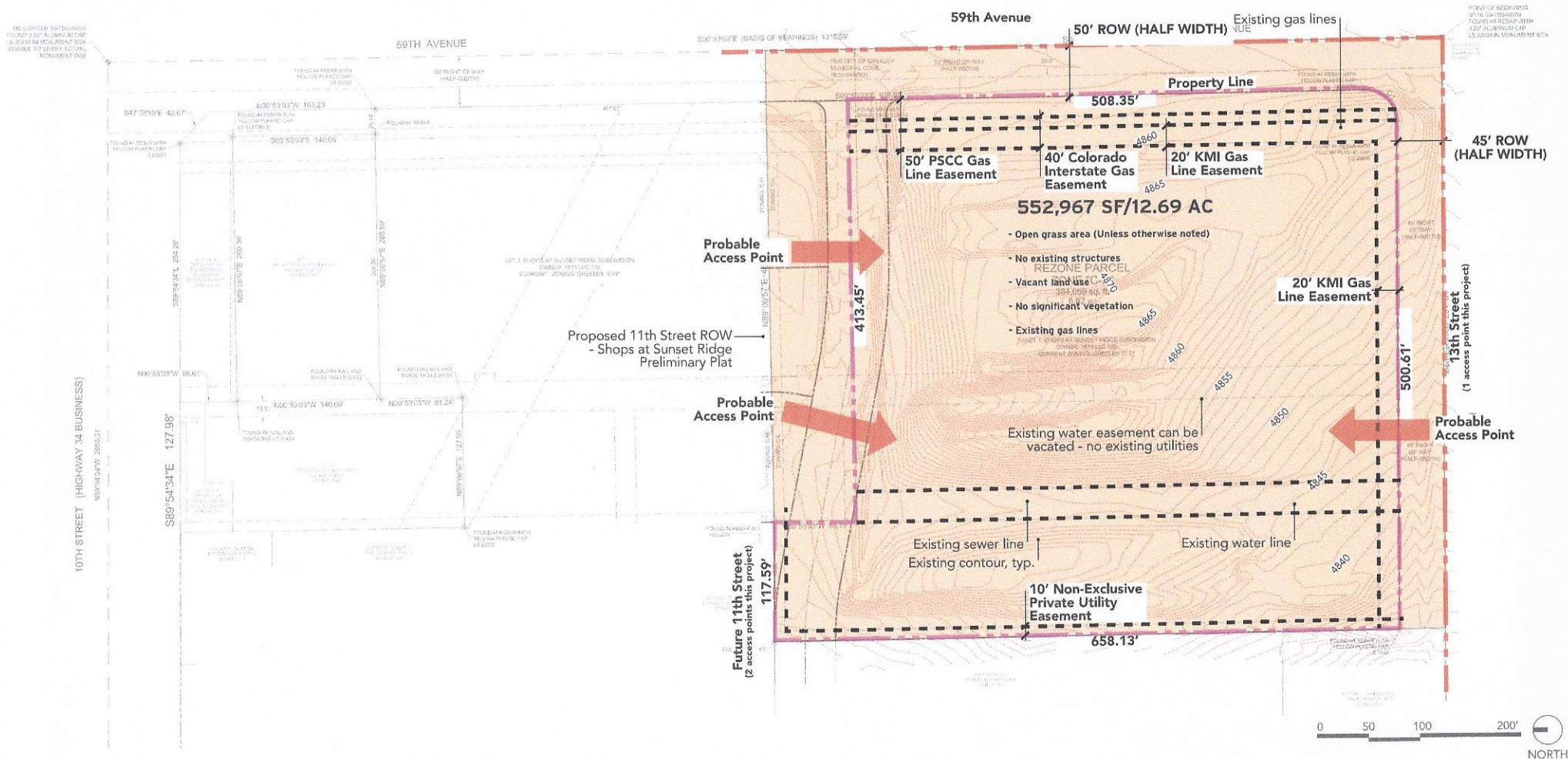
TABLE 2
Trip Generation for Scenario 2

Code	Use	Size	AWDTE		AM Peak Hour		PM Peak Hour	
			Rate	Trip Ends	Rate	Trip Ends	Rate	Trip Ends
912	Drive-through Bank	5.0 KSF	100.03	500	9.50	48	20.45	102
934	Fast Food Restaurant	4.0 KSF	470.95	1884	40.19	161	32.67	131
932	Sit-down Restaurant	8.0 KSF	112.18	898	9.94	80	9.77	78
710	General Office	15.0 KSF	9.74	146	1.16	17	1.15	17
565	Day Care	12.0 KSF	47.62	572	11.00	132	11.12	133
	Total			4000		438		461

TABLE 3
Trip Generation for Scenario 3

Code	Use	Size	AWDTE		AM Peak Hour		PM Peak Hour	
			Rate	Trip Ends	Rate	Trip Ends	Rate	Trip Ends
820	Retail	10.0 KSF	37.75	378	0.94	9	3.81	38
934	Fast Food Restaurant	6.0 KSF	470.95	2826	40.19	241	32.67	196
221	Multi-Family Residential	80 DU	5.44	436	0.36	29	0.44	35
	Total			3640		279		269

APPENDIX



3.3.3 Sheep Draw to 59th Avenue

This segment of the corridor from Sheep Draw to 59th Avenue is illustrated in **Figure 3.6**. It serves developed commercial and industrial land uses whose access patterns were established many years ago (in many instances pre-dating the assignment of access categories to US 34 Business through the State Highway Access Code). While some redevelopment opportunities within this segment exist, it is uncertain when, if any, changes to access patterns would be requested or required.

Objectives:

- ▶ Preserve and protect the safe and free-flowing traffic characteristics on US 34 Business between signalized intersections
- ▶ Minimize congestion and conflict points on US 34 Business but balance that with maintaining its character as a commerce-friendly arterial
- ▶ Due to the close proximity to the highway of business establishments and other facilities, avoid future widening of US 34 Business unless it is related to safety and/or the encouragement of travel via alternative modes (such as walking, bicycling, and riding transit)

Strategies:

- ▶ Avoid close proximity of access points in the vicinity of the currently signalized intersections and ones that will potentially be signalized in the future
- ▶ The Access Control Plan generally is “grandfathering” the numerous private driveways that exist but changes in land uses being served would discontinue the “grandfathered” status. The access points marked with a circled “R” are ones that might not be allowed to remain after a change in the land use being served. Some are marked for consolidation with another access upon a change in land use.
- ▶ Encourage new developments or redevelopment to include new arterial or collector streets, both perpendicular to, and parallel to, US 34 Business as illustrated in Inset 1 of **Appendix B**. Providing these new streets parallel to US 34 Business is perceived as a pre-requisite for the installation sometime in the future of a raised, center median on US 34 Business. These new streets would also help support changing some existing access points from full movement to only right-in/right-out status, even before the installation of a raised, center median on US 34 Business.
- ▶ No private driveway permits for direct access to US 34 Business will be issued in the future unless they are a modified permit for an existing access.
- ▶ During development/redevelopment of properties adjacent to one another:
 - explore and initiate ways to consolidate accesses for separate, adjacent properties or make plans to enable this in the future
 - plan for the existing, attached sidewalks along US 34 Business to be replaced with detached ones, in accordance with the City of Greeley’s typical arterial street cross-section shown in **Figure 3.3**.

Figure 3.6 Sheep Draw to 59th Avenue



Cost Estimate:

The cost to provide the new 9th and 11th Streets and related perpendicular connecting streets shown in Inset 1 of **Appendix B** is approximately \$2.8 million in 2011 dollars. This estimate is in 2011 dollars and is based on a local street cross-section per Greeley’ street standards (38 foot-wide road within a 60-foot right-of-way, 5-foot sidewalks along both sides). It includes the extension of 63rd Avenue between Business 34 and 11th Street as well as the future 61st Avenue from Business 34 to 9th Avenue. Approximately 55 percent of this cost estimate is associated with 11th Avenue and 63rd Street; the other 45 percent is associated with 9th Avenue and 61st Street. A breakdown of the costs is available in **Appendix D**.



South Side

S5.59 – Private Access

An existing access at this location currently accommodates right-in (only) turning movements from the US 34 Business Route leading into three properties that are adjacent to one another. These are located in the southwest quadrant of the 59th Avenue intersection. (One of the three properties is not directly adjacent to the US 34 Business Route.) A drive-in restaurant can be entered from this access. The roadway serves all three properties and also connects to 59th Avenue at an intersection that is over 600 feet south of the US 34 Business Route. The 59th Avenue access is planned to become the primary way of reaching and exiting these three properties and this access is planned to be extended farther to the west in the future, eventually becoming "11th Street." See Appendix B.



S5.61 – 59th Avenue – Public Street

The 59th Avenue intersection is currently signalized as a full-movement access and is not planned for future restrictions in access.

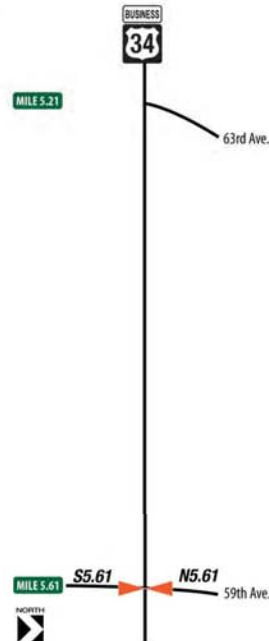


North Side



N5.61 – 59th Avenue – Public Street

The 59th Avenue intersection is currently signalized as a full-movement access and is not planned for future restrictions in access.





REZONE–THE SHOPS AT SUNSET RIDGE (59TH AVENUE & 13TH STREET)

ZON2019-0003

Greeley City Council
November 19, 2019

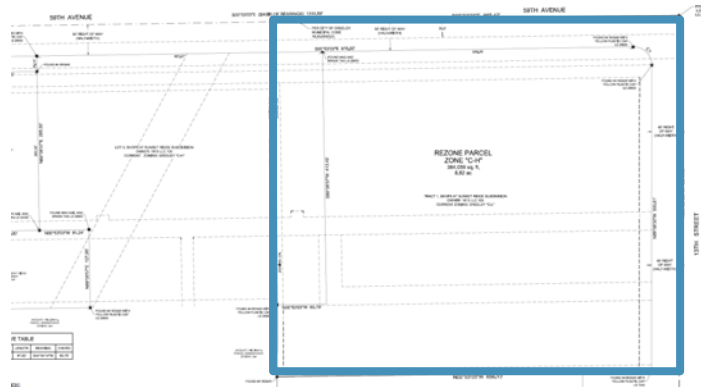
LOCATION

- Site:
 - Located northwest of the intersection of 13th Street and 59th Avenue
 - Portion of Lot 3 and Tract I of The Shops at Sunset Ridge Subdivision
 - 8.82 acres
 - Current zoning C-L (Commercial Low Intensity)
 - Proposed zoning C-H (Commercial High Intensity)



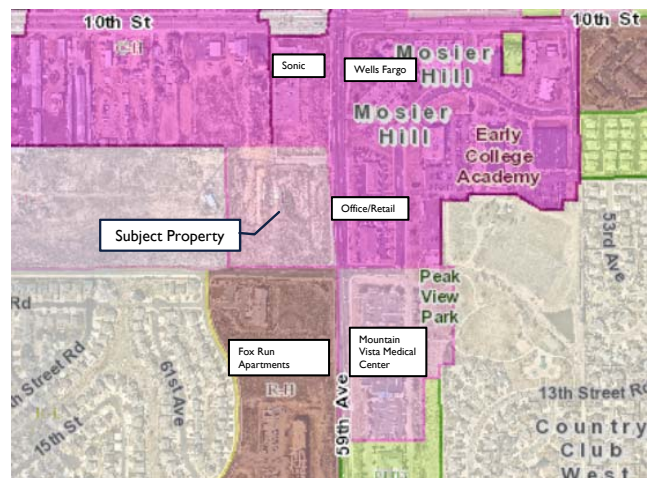
REQUEST

- Request is to rezone a portion of existing Lot 3 and all of Tract I from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity).
- Total parcel area in the request is 8.82 acres.



ZONING & VICINITY

- Surrounding Zoning
 - North – C-H
 - South – R-H
 - East – C-H
 - West – H-A
- Surrounding Land Use
 - North – Restaurant (Sonic Drive-in)
 - South – Multi-family (Fox Run)/undeveloped
 - East – Commercial (multiple)
 - West – Largely undeveloped, single residence



BACKGROUND

History:

- 2000 – Property was annexed and zoned C-L
- 2007 – Shops at Sunset Ridge Subdivision approved:
 - Created 3 lots and 1 tract
 - Split-zoned Lot 3 (C-H and C-L)
- 2018 – Preliminary Plat approved:
 - Creating 6 lots out of previously platted 3 lots and 1 tract.
 - Final plat application is under review by staff.



PROPOSED USES

- Rezone is requested to allow for a wider range of commercial uses.
- Applicant includes future restaurant, drive-thru restaurant, retail, office, and fitness uses proposed for the site south of 11th Street.

Note that all uses permitted under C-H may feasibly be developed pending land use review.



REZONE CRITERIA (SECTION 18.30.050(C)(3))

- **The area (US 34 Business) has incurred increased commercial development since 2000. Rezoning will encourage infill development along a commercial corridor.**
- **The current zoning has been in place for almost 20 years and remains undeveloped.**
- **Existing zoning restricts a number of commercial uses that may otherwise be appropriate for a site in close proximity to a commercial corridor.**
- No clerical or technical errors are required.
- No known detrimental conditions exist that may affect development of the site.
- Rezoning is not necessary to provide land for a community related use.
- **Adjacent zoning, uses, and roadways are compatible with the rezoning request. New uses and development will require land use review.**
- **Services to the site are adequate for development.**
- **The property is suitable for commercial development with applicable standards in the Development Code.**

REZONE CRITERIA (SECTION 18.30.050(C)(3)) – COMPREHENSIVE PLAN

Objective GC-1.2 Form of Growth

Encourage a compact urban form over sprawl or leap-frog development.

Objective GC-2.2 Jobs/Housing Balance

Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (or vice versa).

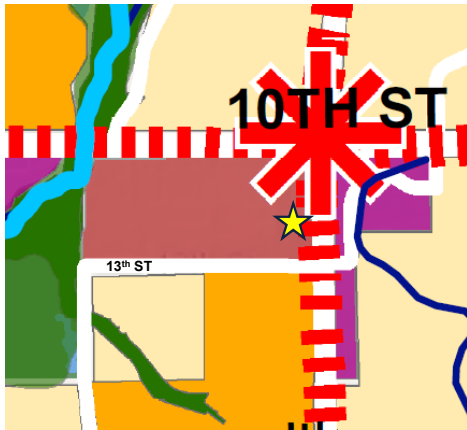
Objective GC-2.3 Pedestrian and Bicycle Oriented Development

Encourage a development pattern that encourages walking and bicycling whenever possible by locating employment, shopping, recreation, entertainment, transit, and other services within a quarter mile of residential areas.

Objective GC-2.5 Neighborhood Centers

Promote neighborhood centers – small-scale retail areas providing basic commercial goods and services – to locate within a walkable distance of residences, usually a quarter mile or less.

COMPREHENSIVE PLAN'S FUTURE LAND USE GUIDANCE MAP



AREAS

-  Employment, Industrial, and Commercial Areas
-  Mixed Use High Intensity

RECOMMENDATION

- Planning Commission -- APPROVAL

Council Agenda Summary

November 19, 2019

Agenda Item Number 19

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.

**** There is a need to cancel the November 26, 2019 Worksession due to lack of items for consideration. If Council agrees, a motion is needed.**

**** There is also a need to call a Special Meeting for December 10, 2019 at 5:00 p.m. for a Council Transition Meeting. If Council concurs, a motion is needed.**

Attachments

Council Meeting/Worksession Schedule
Council Meetings/Other Events Calendar

City Council Meeting Schedule

Current as of 11/15/2019

<u>Date</u>	<u>Description</u>	<u>Staff Contact</u>	
November 26, 2019 Worksession Meeting	(tentative) CML facilitated session on form of government, Council roles, training available	CML	1.00
	New Council Orientation: Community Development	Brad Mueller	0.25
	New Council Orientation: Economic Health & Housing	Ben Snow	0.25
	New Council Orientation: Public Works	Joel Hemesath	0.25
	New Council Orientation: Water & Sewer	Sean Chambers	0.25
December 3, 2019 Council Meeting	Resolution - 2020 Budget for the Greeley Downtown Development Authority	Renee Wheeler	Consent
	Resolution - Establishments of the Downtown Development Authority Tax Levy	Renee Wheeler	Consent
	Ordinance - Intro - Fifth Additional Appropriation	Renee Wheeler	Consent
	Ordinance - Intro - Triennial Review of Various Boards and Commissions	Betsy Holder	Consent
	Ordinance - Final - Bestway Rezone	Brad Mueller	Regular
	Ordinance - Final - Code Amendments related to Fireworks	Mark Jones	Regular
	3rd Quarter Financial Report (Non-action Item)	Renee Wheeler	Regular
	New Council Orientation: Finance (Non-action Item)	Renee Wheeler	0.25
	New Council Orientation: Human Resources (Non-action Item)	Sharon McCabe	0.25
	New Council Orientation: Information Technology (Non-action Item)	Scott Magerfleisch	0.25
December 10, 2019 Worksession Meeting	Boards & Commissions Appointments	Betsy Holder	
	New Council Orientation: Communications & Engagement	Kelli Johnson	0.25
	New Council Orientation: Culture, Parks and Recreation	Andy McRoberts	0.25
	New Council Orientation: Police	Mark Jones	0.25
	New Council Orientation: Fire	Dale Lyman	0.25
December 17, 2019 Council Meeting	Downtown Parking Update	Joel Hemesath	0.50
	Ordinance - Final - Fifth Additional Appropriation	Renee Wheeler	Regular
	Ordinance - Final - Triennial Review of Various Boards and Commissions	Betsy Holder	Regular
December 24, 2019 Worksession	Update on Camera Usage by GPD (Non-action Item)	Mark Jones	Regular
	Cancelled (at 09/17/2019 Council Meeting)		

November 18, 2019 - November 24, 2019

November 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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24	25	26	27	28	29	30

December 2019						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Monday, November 18

Tuesday, November 19

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

Wednesday, November 20

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

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

Thursday, November 21

7:30am - 8:30am DDA (Casseday/TBD) 🕒

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

Friday, November 22

Saturday, November 23

Sunday, November 24

November 25, 2019 - December 1, 2019

November 2019						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
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December 2019						
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29	30	31				

Monday, November 25

- 11:30am - 12:30pm Greeley Chamber of Commerce (Gates)
- 6:00pm - 7:00pm Youth Commission (TBD)

Tuesday, November 26

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

Wednesday, November 27

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

Thursday, November 28

Friday, November 29

Saturday, November 30

Sunday, December 1

December 2, 2019 - December 8, 2019

December 2019						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
	7	8	9	10	11	12
	13	14	15	16	17	18
	19	20	21	22	23	24
	25	26	27	28	29	30
	31					

January 2020						
Su	Mo	Tu	We	Th	Fr	Sa
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday, December 2

Tuesday, December 3

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

Wednesday, December 4

Thursday, December 5

7:00am - Poudre River Trail (Hall) 

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

6:00pm - MPO (Gates/Casseday) 

Friday, December 6

Saturday, December 7

Sunday, December 8

December 9, 2019 - December 15, 2019

December 2019						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
	7	8	9	10	11	12
	13	14	15	16	17	18
	19	20	21	22	23	24
	25	26	27	28	29	30
	31					

January 2020						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday, December 9

Tuesday, December 10

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

Wednesday, December 11

Thursday, December 12

Friday, December 13

Saturday, December 14

Sunday, December 15

December 16, 2019 - December 22, 2019

December 2019						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January 2020						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday, December 16

Tuesday, December 17

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

Wednesday, December 18

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

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

Thursday, December 19

7:30am - 8:30am DDA (Casseday/TBD)

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

Friday, December 20

Saturday, December 21

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

Sunday, December 22

Council Agenda Summary

November 19, 2019

Agenda Item Number 20

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

November 19, 2019

Agenda Item Number 21

[Title](#)

Adjournment