



Mayor
John Gates

Councilmembers

Tommy Butler
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Kristin Zasada
At-Large

Ed Clark
At-Large

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

City Council Agenda

December 15, 2020 at 6:00 PM

This meeting will be conducted remotely. (See previous page for participation instructions and/or to view the YouTube live stream.)

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

Consent Agenda

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

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

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- [9.](#) Approval of the City Council Proceedings of December 1, 2020
 - [10.](#) Introduction and first reading of an ordinance authorizing an Intergovernmental Agreement with Greeley-Evans District 6 regarding land exchange and resources for a reconfiguration of non-potable irrigation facilities and a portion of the Boomerang South 9 Golf Course. Because the subject of the IGA is a land exchange whereby Greeley will initiate the dispossession of approximately 25 acres in exchange for possession of a like amount and other consideration, this item requires approval by ordinance

End of Consent Agenda

- [11.](#) Pulled Consent Agenda Items

- [12.](#) Public hearing and final reading of an Ordinance re-authorizing various Boards and Commissions for three years
- [13.](#) Public hearing and final reading of an ordinance authorizing the City of Greeley to enter into an Intergovernmental Agreement concerning water services for seventeen customers with the City of Evans
- [14.](#) Public hearing and final reading of an ordinance authorizing the sale of City-owned property consisting of approximately 40.377 acres and located in the East half of Section 16, Township 7 North, Range 66 West of the 6th P.M. in Weld County ("Danielson II Farm")
- [15.](#) Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2020 and for funds held in reserve for encumbrances at December 31, 2019
- [16.](#) Public hearing and final reading of an ordinance amending §2.04.070 of the Greeley Municipal Code establishing the salary for the Mayor and the salary for members of the Greeley City Council.
- [17.](#) Public hearing and final reading of an ordinance to consider a change of zone from I-L (Industrial Low Intensity) to R-M (Residential Medium Density) for approximately 0.870 acres located at 134, 140 and 148 14th Avenue, known as the 14th Avenue Rezone, and changing the official zoning map to reflect the same
- [18.](#) University of Northern Colorado Update
- [19.](#) COVID-19 Update
- [20.](#) Scheduling of Meetings, Other Events
- [21.](#) Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances
- [22.](#) Adjournment

Council Agenda Summary

December 15, 2020

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

December 15, 2020

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

December 15, 2020

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

Council Agenda Summary

December 15, 2020

Agenda Item Number 4

Title

Recognitions and Proclamations

Summary

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

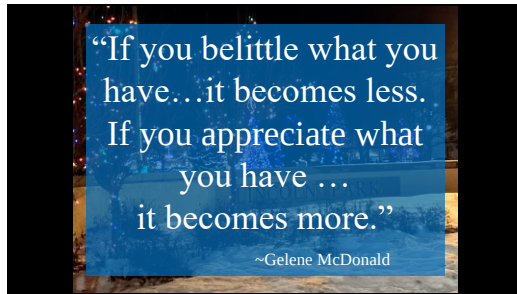
Attachments

December 15, 2020 What's Great about Greeley Report

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 Evans School District 6 adapted physical education teacher, Judy Smaic, has been named as the 2021 SHAPE America Central District teacher of the year by the Society of Health and Physical Educators.

Slide 4



Greeley West High School Cheer coach Brodie Subia has been named the 2019-2020 Cheerleader Coach of the Year by the Colorado High School Coaches Association.

Slide 5



The Rocky Mountain Workforce Development Association, a nonprofit agency partnering with state and local workforce areas, has recognized two Workforce Development Board members and one Workforce Innovation and Opportunity Act participant. Weld County Workforce employee, Sylvia Robinson, has been named a Workforce Ambassador; Lisa Taylor, executive director of the Immigrant and Refugee Center of Northern Colorado, has earned a recognition

for excellence in customer service for her efforts to translate COVID-19 information; and Abigail Guana, a youth participant has been selected by the U.S. Department of Labor to be part of a national panel to discuss the positive impact of WIOA.

Slide 6



And that's What's Great about Greeley.

Council Agenda Summary

December 15, 2020

Agenda Item Number 5

Title

Citizen Input

Summary

During this 15 minute portion of the meeting, anyone may address the Council on any item of City Business appropriate for Council consideration that is not already listed on this evening's agenda. Individual comments read into the record will be limited to 3 minutes and must include the name and address of the person submitting the comments for the record.

Council Agenda Summary

December 15, 2020

Agenda Item Number 6

Title

Approval of the Agenda

Council Agenda Summary

December 15, 2020

Agenda Item Number 7

Title

Reports from Mayor and Councilmembers

Summary

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

Council Agenda Summary

December 15, 2020

Agenda Item Number 8

Title

Initiatives from Mayor and Councilmembers

Summary

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

Initiatives will generally fall into three categories:

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

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

Attachments

Status Report of Council Initiatives and Related Information

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

Council Request	Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
None			

Consent Agenda

December 15, 2020

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

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

The Consent Agenda includes Items No. 9 through 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

December 15, 2020

Agenda Item Number

Key Staff Contact: Anissa Hollingshead, City Clerk, 350-9742

Title:

Approval of the City Council Proceedings of December 1, 2020

Summary:

A meeting of the City Council was held on December 1, 2020, virtually utilizing the Zoom Platform.

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:

December 1, 2020 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
December 1, 2020

1. Call to Order

Mayor John Gates called the remote meeting to order at 6:00 p.m. via Zoom Meetings.

2. Pledge of Allegiance

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

3. Roll Call

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

4. Recognitions and Proclamations

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

Harold Evans, Chair of the Water & Sewer Board, recognized former Water & Sewer Board member Norm Dean for his many accomplishments and service throughout his life and wished him a happy 100th birthday.

5. Citizen Input

Mr. Harvey read two emails into the record relating to mask wearing and mask mandates. The first was from Bennett Edgerly who expressed concern about the lack of a mask mandate, and the other was from Karen Beers who expressed concern that there is currently too much regulation surrounding the COVID-19 pandemic and mask wearing.

No other citizen input was received.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Councilmember Hall spoke about his attendance at the Chamber of Commerce meeting which contained discussion about the many impacts of the COVID-19 pandemic on businesses.

Mayor Gates spoke about his and Council's recent attendance at Diversity and Inclusion trainings and spoke about an upcoming training occurring this Saturday. He also reminded everyone that today is Colorado Gives Day today and spoke about passing out pre-Thanksgiving meals with the Food Bank and encouraged everyone to give all they can to non-profits.

8. Initiatives from Mayor and Councilmembers

There were no initiatives from the Mayor or Councilmembers.

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

9. Acceptance of the Report of the November 10, 2020, City Council Worksession

The Council action recommended was to accept the Report.

10. Approval of the City Council Proceedings of November 17, 2020

The Council action recommended was to approve the Proceedings.

11. Consideration of a Resolution Establishing the 2020 Downtown Development Authority Tax Levy and Directing the Certification of the same to the Board of County Commissioners

The Council action recommended was to adopt the resolution. **(Resolution No. 65, 2020)**

12. Consideration of a resolution approving the 2021 Budget for the Greeley Downtown Development Authority and appropriating funds for that budget

The Council action recommended was to adopt the resolution. **(Resolution No. 66, 2020)**

13. Consideration of a resolution of the City of Greeley City Council authorizing the City to enter into an Intergovernmental Agreement with Weld County for the completion of 35th Avenue roadway improvements from "O" Street to "F" Street

The Council action recommended was to adopt the resolution. **(Resolution No. 67, 2020)**

14. Consideration of a resolution to authorizing the payment of step increases to Greeley Fire Fighters in 2021

The Council action recommended was to adopt the resolution. **(Resolution No. 68, 2020)**

15. Introduction and first reading of an ordinance re-authorizing various Boards and Commissions for three years

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for December 15, 2020.

16. Introduction and first reading of an ordinance authorizing the City of Greeley to enter into an Intergovernmental Agreement concerning water services for seventeen customers with the City of Evans

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for December 15, 2020.

- 17. Introduction and first reading of an ordinance authorizing the sale of City-owned property consisting of approximately 40.377 acres and located in the East half of Section 16, Township 7 North, Range 66 West of the 6th P.M. in Weld County (“Danielson II Farm”)**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for December 15, 2020.

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

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for December 15, 2020.

- 19. Introduction and first reading of an ordinance amending §2.04.070 of the Greeley Municipal Code establishing the salary for the Mayor and the salary for members of the Greeley City Council**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for December 15, 2020.

- 20. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from I-L (Industrial Low Intensity) to R-M (Residential Medium Density) for approximately 0.870 acres located at 134, 140 and 148 14th Avenue, known as the 14th Avenue Rezone**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for December 15, 2020.

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

Councilmember Butler moved, seconded by Councilmember Payton to approve the items on the Consent Agenda and their recommended actions. The motion carried: 7-0

- 21. Pulled consent agenda items**

No items were pulled from the Consent Agenda.

- 22. Public hearing and final reading of an ordinance authorizing the acquisition of interests in real property located in the City of Greeley for road improvements by purchase or exercise of power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colorado Revised Statute § 38-1-101, et seq. (O Street and 59th Avenue Intersection Improvement Project)**

Joel Hemesath, Public Works Director, explained the proposed improvements and the history/plan for this project. He noted that staff has reached out to all impacted residents to provide notice and receive feedback.

There were no questions from Council for staff.

Mayor Gates opened the public hearing at 6:25 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Clark to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 27, 2020**)

- 23. Public hearing to consider a change of zone from Gateway Park and Centerplace PUDs (Planned Unit Developments) to the Greeley West Multifamily PUD (Planned Unit Development), changing the underlying land use designations for approximately 13.31 acres of land located west of 38th Avenue, east of 42nd Avenue, and directly south of Greeley West Park, known as the Greeley West Multifamily Rezone, and final reading of an ordinance changing the official zoning map to reflect the same**

Brad Mueller, Community Development Director, explained that Item Nos. 23 & 24 would be presented together.

Kira Stoller, Planner, described the location of the proposed rezone as well as site photos; discussed the two requests and site background; described the existing PUD's at this location as well as the property boundary map and site analysis; highlighted the proposed Preliminary PUD Plan as well as the Illustrative Site Plan and Illustrative Landscape Plan; described the approval criteria; discussed the results of a neighborhood meeting and noticing to the public; and highlighted the recommendation including notation of unanimous approval of the rezone and Preliminary PUD by the Planning Commission.

In response to a question from Councilmember Clark, Ms. Stoller explained that 30 property owners in the Virginia Hills neighborhood received notice of this project.

In response to questions from Councilmember Zasada, Ms. Stoller explained that there have been no inquiries regarding single-family developments in this area, only multi-family residences.

Councilmember Butler expressed his concern about the development being on property with an abandoned oil and gas well on it and raised concern about the proposed 50 feet setback around the abandoned well. Ms. Stoller explained that there is currently no requirement by the City regarding setbacks from abandoned oil and gas wells.

Councilmember Fitzsimmons inquired whether the applicant has done any work to deal with potential increases in traffic in the area. Thomas Gilbert, Civil Engineer, explained that the applicant did submit a traffic study and continued by summarizing the results of the traffic study and the potential impacts of this development.

Sam Coutts, Designer with Ripley Design, and Natalie Dustman, Developer with McWhinney Developments, represented the applicant and provided a presentation. Their presentation described who McWhinney Developments is and why they are wanting to build in Greeley; described the site location and why there is a need for this rezone; described the master plan and conceptual site plan for this property; explained the traffic analysis they conducted; and reiterated all of the criteria had been met to establish a PUD.

Mayor Gates opened the public hearing at 6:56 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Hall that, based on the application received and the preceding analysis, the proposed rezone from Planned Unit Development (PUD) (Gateway Park & Centerplace) to Planned Unit Development (PUD) (Greeley West Multifamily) meets Development Code Sections 18.30.050(c)(3) a, b, e, f and g; and, therefore, the rezoning is approved. The motion carried: 7-0.

Councilmember Payton moved, seconded by Councilmember Hall to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 **(Ordinance No. 28, 2020)**

24. A public hearing to consider establishment of the Greeley West Multifamily Preliminary PUD (Planned Unit Development) on 12.44 acres of land located west of 38th Avenue, east of 42nd Avenue, and directly south of Greeley West Park

The Mayor reiterated that there would be no presentation for this item as it was presented with Item No. 23.

There were no questions from Council for staff.

Mayor Gates opened the public hearing at 6:59 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Hall to approve the PUD. The motion carried: 7-0

25. COVID-19 Update

Dan Frazen, Emergency Manager, discussed the data in the situation report provided to Council before this meeting; reported that Colorado will begin receiving vaccines by mid- to late December; noted that a new, free drive-thru testing center has been opened at the Youth Sports Complex adding that no prescription is required to receive a test; and highlighted the new City of Greeley COVID Dashboard and its functionality.

In response to a question from Mayor Gates, Mr. Frazen explained that this was the first full day the new testing center has been open and the crowds were relatively small.

Roy Otto, City Manager, explained that the City is looking into a model that Fort Collins has implemented for decreasing costs for delivery of foods from restaurants to try to ease the burden of COVID-19 on businesses. He added that he will report back to Council on this within the upcoming written Friday COVID Update.

In response to a question from Councilmember Payton, Mr. Otto explained that the application period for the Weld County COVID business recovery program has closed. He added that Greeley businesses have received roughly double what the City provided into the fund.

Councilmember Butler expressed his desire to be updated about what comes from Special Session of the Colorado Legislature.

26. Appointment of applicants to the Citizen Budget Advisory Committee, Greeley Urban Renewal Authority, and Rodarte Community Center Advisory Board

Citizen Budget Advisory Committee – Ron Adams, Laura Fischer, and Antonio Garcia

Greeley Urban Renewal Authority – Jediah Cummins and Stephanie Lucero

Rodarte Community Center Advisory Board – Yvette Flores

27. Scheduling of Meetings, Other Events

Mr. Otto explained that a finalist for the Deputy City Manager position will be in town in the coming week adding that he will be setting up times for Councilmembers to meet with the finalist as they would like.

28. 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 Clark to approve the above authorizations, and the motion carried: 7-0

29. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:13 p.m.

John Gates, Mayor

Jerry Harvey, Assistant City Clerk

Council Agenda Summary

December 15, 2020

Agenda Item Number

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

Title:

Introduction and first reading of an ordinance authorizing an Intergovernmental Agreement with Greeley-Evans District 6 regarding land exchange and resources for a reconfiguration of non-potable irrigation facilities and a portion of the Boomerang South 9 Golf Course. Because the subject of the IGA is a land exchange whereby Greeley will initiate the dispossession of approximately 25 acres in exchange for possession of a like amount and other consideration, this item requires approval by ordinance

Summary:

A mutual opportunity has arisen between the Greeley-Evans School District 6 and the City of Greeley. District 6 acquired the interior property at Boomerang with the intent to construct a Pre-K -8th grade campus. District 6 has proposed to coordinate with the City for relocation of several golf course fairways, irrigation facilities and non-potable system infrastructure, and to organize a mutually agreeable trade of real property, all resulting in more safe and efficient operations and land uses for both parties.

Background: The City's strategic work plan previously identified cross-departmental water infrastructure and efficiency projects that could be undertaken collaboratively to further the strategic goals of the City. One such project under progressive evaluation has been the non-potable water storage and conveyance facilities at the Boomerang Links Golf Course "South 9". For more than 20 years, the Water and Sewer Department has suspected that the ponds located on the South 9 leaked significantly. A 2017 analysis estimated that more than 250 acre-feet of water are wasted through pond seepage and inefficient systems. Lined storage and water conveyance can correct these inefficiencies and eliminate unnecessary pumping costs. There are annual assessment costs on the water currently being used inefficiently, and those assessments have a much better return on investment when the water is put to beneficial use for domestic drinking water or used more efficiently for outdoor irrigation. The efficiency improvements will limit the loss and waste of water that could otherwise be preserved in storage. Most of the water saved will be from the Greeley Loveland Irrigation System (GLIC), and the efficiency savings will be left in storage and available for potable treatment at the Boyd WTP for delivery to homes and businesses in the City.

The City has been seeking an opportunity, as far back as 2006, to coordinate land uses of the interior property adjacent to Boomerang in order to consolidate City land area and to re-build the leaky South 9 ponds. District 6 acquired the section's interior property from Banner mid-year in 2020 and announced plans to build a new school on a portion of the property. This planned development has been a catalyst for

discussions about the most effective land use configuration and reconsideration of the vision of years prior for non-potable water storage and conveyance upgrades and a land swap. Key staff from District 6, the City and design consultants have arrived at a general understanding that such an undertaking could be mutually beneficial and economical for the community. To accomplish the goals of the City and District 6, an intergovernmental agreement (IGA) has been developed.

IGA Terms: Through an IGA, the District will provide significant funding to the City while facilitating the relocation and play-improvement of three-and-a-half golf fairways, greens, ditches and ponds. When the fairways and greens have been relocated, the City and District 6 will conduct a nearly even swap of approximately 25± acres; to become a part the District 6's new school. This land swap would bring the additional benefit to the City of ownership and access of the existing pond area located adjacent to 4th Street, which will then be re-purposed for a lined non-potable water storage site. The project contributes to two Water and Sewer Department Strategic Work Plan goals; first it contributes to the implementation of a non-potable irrigation water system that can better serve this area of the city; and it increases conservation of city water resources that can be kept in storage at Boyd lake for other uses. Water and Sewer is incrementally developing infrastructure, water and storage in the non-potable system, and the new regional pump station and storage in this area will advance that goal. New golf fairways will have lined water features, be equal or better in play than the current course configuration, more water wise and safer for all.

The core terms of real property exchange in the subject IGA require Council's approval by Ordinance. The dispossession of real property by state law (C.R.S. § 31-15-713(1)(b)) requires an ordinance rather than a resolution.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$7,583,930
What is the annual impact?	\$0
What fund of the City will provide Funding?	301 – Public Improvement and 406 – Water Capital Replacement
What is the source of revenue within the fund?	Operating Transfer from General Fund balance (Fund 301) and Water Rates (Fund 406)
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	No – Contribution defined by terms of IGA
Additional Comments:	W&S is accelerating non-potable pump station replacement, Golf is accelerating irrigation system replacement and District 6 is providing \$1,763,664 for the construction of 3.5 new fairways and greens and water features. See Additional Appropriations.

Legal Issues:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

Additional appropriations budget request also before City Council on 12/15 for action to approve the expenditure of District 6 funds along with additional funds from the Water Enterprise and General Fund to support the accelerated capital project elements.

Applicable Council Priority and Goal:

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

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

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for January 5, 2021.

Attachments:

Ordinance
District 6 City of Greeley IGA
Trade Property Map Exhibit
Presentation

THE CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2020

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF GREELEY
TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH
GREELEY-EVANS SCHOOL DISTRICT 6 REGARDING RELOCATION OF A
PORTION OF BOOMERANG LINKS GOLF COURSE, RECONFIGURATION
OF NON-POTABLE IRRIGATION FACILITIES, AND LAND EXCHANGE**

WHEREAS, the City of Greeley (“City”) owns a parcel of land located at 7309 West 4th Street (the “City Property”) known as the Boomerang Links Golf Course (“Golf Course”); and,

WHEREAS, Greeley-Evans School District 6 (“District”) owns a vacant parcel of land adjacent and interior to the City Property (“District Property”) with plans to develop a K-8 school (“District Project”); and

WHEREAS, the District has identified an interest, as part of the District Project, in reconfiguring and improving access to the District Property; and

WHEREAS, the City has identified an opportunity, in alignment with the District Project, to make needed improvements to the Golf Course including reconfiguration and improvement of the recreation facilities and non-potable irrigation system infrastructure (“Golf Course Project”); and

WHEREAS, to facilitate the District Project and the Golf Course Project, the City and the District wish to exchange portions of the City Property (“City Exchange Property”) and District Property (“District Exchange Property”), as depicted on **Exhibit A**, (“Land Exchange”); and

WHEREAS, the District has agreed as part of the Land Exchange to compensate the City in the amount of \$1,763,664 toward the construction of the Golf Course Project; and

WHEREAS, the City has determined that, upon completion of the Golf Course Project, the City Exchange Property will not be needed for any public purpose and so may be conveyed, by exchange, to the District; and

WHEREAS, the City and the District have agreed to negotiate an Intergovernmental Agreement (“IGA”) to outline the terms and conditions of the Land Exchange and obligations related to the District Project and the Golf Course Project; and

WHEREAS, it is in the best interest of the citizens of the City to enter into an IGA with the District.

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

Section 1. The Greeley City Council authorizes the Mayor to execute the IGA, attached hereto and incorporated herein as **Exhibit B**.

Section 2. The Greeley City Council hereby ratifies all actions taken (not inconsistent with the provisions of this ordinance) by the officers, agents, and employees of the City in connection with the actions described above.

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

PASSED AND ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2020.

ATTEST: THE CITY OF GREELEY, COLORADO

City Clerk Mayor

Attachment: Exhibit A – Boomerang Land Exchange Map
Exhibit B – Boomerang IGA

INTERGOVERNMENTAL AGREEMENT FOR
EXCHANGE OF REAL PROPERTY BY
CITY OF GREELEY AND WELD COUNTY SCHOOL DISTRICT 6

THIS INTERGOVERNMENTAL AGREEMENT (the “Agreement”) is made and entered into this ____ day of December, 2020 (the “Effective Date”), by and between the **City of Greeley, a Colorado home rule municipality (the “City”)**, and **Weld County School District 6 (the “District”)**, a Colorado public school district, for the exchange of real property located in Weld County, Colorado

RECITALS

WHEREAS, in accordance with C.R.S. §31-15-101 and Article XX of the Colorado Constitution, the City is a home rule municipality with the power to acquire and dispose of real property on terms and conditions that it may determine and approve; and

WHEREAS, in accordance with C.R.S. §22-32-110(1)(b) and (e), the District is a political subdivision and body corporate with the power to purchase and sell real property on such terms and conditions as it may determine and approve; and

WHEREAS, under C.R.S. §29-1-2013, the City and the District may contract with one another to provide any function, service, or facilities; and

WHEREAS, the City owns real property located in Weld County, Colorado, which is part of the Boomerang Links Golf Course and is more particularly described on Exhibit A, attached hereto and incorporated by reference herein (the “City Property”); and

WHEREAS, the District owns real property located in Weld County, Colorado, which is part of a new PK-8 School and is more particularly described on Exhibit B, attached hereto and incorporated by reference herein (the “District Property”); and

WHEREAS, the District desires to acquire the City Property from the City for District purposes, including, but not limited to, providing better access to the new PK-8 School via 71st Avenue and 4th Street (the “School Project”); and

WHEREAS, the City desires to acquire the District Property from the District for City purposes, including, but not limited to, relocating portions of the Boomerang Links Golf Course (the “Golf Course Relocation”) and non-potable water transmission and storage facilities to better meet the needs of the City (the “Water Facilities Relocation”), together the “City Improvements”; and

WHEREAS, a party conveying property under this Agreement may herein be referred to as “Conveying Party” and a party receiving property under this Agreement may herein be referred to as “Receiving Party”; and

WHEREAS, the City and the District acknowledge and agree that an exchange of the properties is in each party's best interest; and

WHEREAS, the City and the District desire to enter into this Agreement to define the rights and obligations of each with respect to the exchange of the properties.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated by this reference, the sufficiency of which is acknowledged, the parties agree as follows:

1. Property.

a. Subject to the terms of this Agreement, the City agrees to convey to the District, and the District agrees to accept from the City, the City Property.

b. Subject to the terms of this Agreement, the District agrees to convey to the City, and the City agrees to accept from the District, the District Property.

2. Additional Consideration.

a. As additional consideration for the City Property and to offset the costs associated with the City Improvements, the District will pay the City the amount of \$1,763,644 at the Closing (the "Purchase Price").

b. In the event that the cost of the Golf Course Relocation is less than \$1,763,644, the City shall reimburse the District the cost difference upon the completion of the Golf Course Relocation.

c. In the event that the cost of the Golf Course Relocation exceeds \$1,763,644, the parties shall meet and confer in good faith about sharing in the cost of the overage, taking into account the benefits provided to the District by the Water Facilities Location. If the parties cannot agree on a cost-sharing arrangement, the matter shall be submitted to a mutually acceptable mediator for resolution. The cost of the mediator shall be divided evenly between the parties.

3. Property Information. Within thirty (30) days after the Effective Date, Conveying Party shall deliver to Receiving Party the following documents:

a. Copies of existing plans and specifications (if any), all utility agreements and reservations related to the property, existing surveys and plats, development agreements/plans, building plans, together with any other information or documents relating to the property that are reasonably requested by Receiving Party or that are in Conveying Party's possession or control.

b. All (i) licenses, permits, approvals, entitlements issued, approved or granted by all governmental authorities in connection with the property, (ii) covenants, conditions and

restrictions, easement agreements and other agreements or documents benefitting and/or burdening the property, and (iii) licenses, leases, consents, easements, rights of way and approvals obtained from private parties to make use of utilities and/or to provide vehicular and pedestrian ingress and egress for the property.

c. A title insurance commitment from Land Title Guarantee Company (“Title Company”), and copies of all documents referenced in the title commitment, in the name of Receiving Party, insuring its property in accordance with the standards set forth herein.

d. All environmental reports and information in Conveying Party’s possession or control, including, without limitation, any and all Phase I and Phase II Environmental Studies, and all related studies, reports and documents concerning the property.

e. All available soils/geotech reports and information in Conveying Party’s possession or control concerning the property.

4. Inspection.

a. During the period beginning on the Effective Date and ending one hundred eighty (180) days after the Effective Date (the “Due Diligence Period”), Receiving Party, its agents, employees, and contractors, shall have the right to enter upon the applicable property at all reasonable times for the purpose of doing any survey, Phase I or Phase II Environmental Studies, geotechnical or investigation as may be required by such party in its discretion to determine that such property is suitable for its intended purpose. Neither party shall permit any liens or encumbrances to arise against a property in connection with or as a result of such inspections, studies, or investigations.

b. Receiving Party has the right to terminate this Agreement, for any reason or no reason at all, by written notice to Conveying Party given on or before the expiration of the Due Diligence Period.

5. Survey. During the Due Diligence Period, Receiving Party may obtain, at Receiving Party’s expense, and may cause to be delivered to Conveying Party and Title Company an ALTA survey of the applicable property that is in a form acceptable to Title Company and is certified to Receiving Party, Conveying Party, and Title Company (“Survey”).

6. Platted Parcel.

a. During the period beginning on the Effective Date and ending two hundred seventy (270) days after the Effective Date (the “Government Approval Period”), Conveying Party shall cause the applicable property to be a separately platted parcel. The Governmental Approval Period includes the time for expiration of all applicable protest, appeal, and referendum periods without a protest, appeal, or referendum being filed (or if a protest, appeal, or referendum has been filed, then on the date that such protest, appeal, or referendum has been resolved on terms satisfactory to Receiving Party).

b. Conveying Party shall pursue all necessary approvals of the property as a separately platted parcel (the “Governmental Approvals”), including the recordation of a final plat or similar document in the real property records of Weld County, Colorado at its sole expense. Receiving Party shall cooperate with Conveying Party in its efforts to obtain the Governmental Approvals and will timely execute any and all applications, consents, and other documents reasonably requested by Conveying Party in connection therewith, at no cost to Receiving Party. Conveying Party will provide sufficient advance notice to Receiving Party of all meetings necessary to obtain Governmental Approvals to give Receiving Party an opportunity to attend such meetings; provided, however, that in no event will Receiving Party’s presence be a condition to Conveying Party attending or scheduling such meetings, and in no event will Conveying Party be required to delay or postpone any such meetings based on the availability of Receiving Party. Conveying Party will also deliver to Receiving Party copies of all submittals necessary to obtain Governmental Approvals contemporaneously with Conveying Party’s submittal thereof and copies of any comments or other correspondence received from the promptly upon Conveying Party’s receipt thereof.

7. Possession. The City shall deliver possession of the City Property to the District at Closing. The District shall deliver possession of the District Property to the City at Closing.

8. “As-Is” Conveyance. Each party acknowledges and agrees that the other party is conveying the applicable property in an “as is” condition, “where is” and “with all faults,” and without any warranty, express or implied.

9. Closing

a. Closing shall be held on or before the date that is fifteen (15) days after the expiration of the Government Approval Period, at a time and place mutually agreed to by the parties (the “Closing Date”). However, Closing is expressly contingent upon (i) the City Council of the City of Greeley approving the conveyance of the City Property by ordinance, in its discretion, on or before fifteen (15) days prior to Closing and (ii) the Board of Education of the District approving the conveyance of the District Property, in its discretion, on or before fifteen (15) days prior to the Closing.

b. The City and the District will cooperate with the Title Company (the “Closing Company”) to enable the Closing Company to prepare and deliver documents required for Closing to the City and the District and their designees. The parties shall furnish any additional information and documents required by Closing Company that are reasonably necessary to complete the conveyance of the properties. The parties shall sign and complete all customary and reasonably required documents at or before Closing.

c. Subject to each party’s compliance with the terms of this Agreement, Conveying Party shall execute and deliver a special warranty deed to Receiving Party at Closing conveying the applicable Property free and clear of all taxes and liens, except those exceptions accepted by Receiving Party.

10. Title Policy. As a condition to each party's obligation to close, Title Company shall deliver to Receiving Party at Closing an owner's policy of title insurance issued by Title Company as of the date and time of the recording of the documents set forth in the "Closing" Section, in a mutually acceptable amount, insuring Receiving Party as the owner of good, marketable, and indefeasible fee simple title to the applicable property, subject only to the specific exceptions in the title commitment that the Title Company has not agreed to insure over or remove and that Receiving Party has accepted. Notwithstanding the foregoing, Conveying Party shall remove all monetary liens affecting the applicable property as of Closing (except those caused by or with the written approval of Receiving Party).

11. Closing Costs. Each party shall pay its portion of the closing costs as follows:

Type of Cost	Paid By
Title Policy Premium	Conveying Party
Extended Coverage Endorsement	Receiving Party
Documentary, transfer, excise, sales tax and similar fees	Conveying Party
Recording Fees	Receiving Party
Title Company Fee	Split 50/50
Other Costs Not Specified	Local Custom

12. Prorations. Taxes and assessments if any will be prorated at Closing based on the most recent mill levy and most recent assessed valuation. All other income and ordinary operating expenses for or pertaining to the applicable property, including, but not limited to, public utility charges, maintenance and service charges, will be prorated to the Closing Date.

13. Risk of Loss. Risk of loss to a property due to fire, flood, or any other cause before the Closing Date, shall remain with Conveying Party. If a property is damaged before the Closing Date, then Receiving Party may terminate this Agreement by written notice to Conveying Party given within five (5) days after Receiving Party learns of the damage.

14. Term and Termination.

a. Subject to earlier termination as provided in the "Inspection" Section and the "Risk of Loss" Section, the term of this Agreement shall be from the Effective Date until the Closing Date or November 30, 2021, whichever first occurs.

b. In addition to termination as provided in the "Inspection" Section and the "Risk of Loss" Section, either party may terminate this Agreement for cause upon the material breach of this Agreement by the other party that is not cured within fifteen (15) days of receiving written notice of the breach. Upon such termination the parties will have no further obligations hereunder.

c. Termination of this Agreement shall terminate the rights and obligations of the parties except for such rights and obligations that have accrued prior to the date of termination.

15. Miscellaneous.

a. Governing Law/Venue. The laws of the State of Colorado shall govern the performance and interpretation of this Agreement. Venue for any dispute concerning the Agreement or to enforce any provision herein shall be exclusively in the federal court located in Colorado or the state court located in Weld County, Colorado.

b. No Assignment. This Agreement may not be assigned by either party without the other party's prior written consent.

c. Amendments to Agreement. No changes, alterations or modifications to any of the provisions hereof shall be effective unless contained in a written agreement signed by both parties.

d. Notices. All notices, requests, consents and other communications required or permitted under this Agreement shall be (as elected by the person giving such notice) (i) hand delivered by messenger or courier service, (ii) pre-paid first-class certified mail, return receipt requested, or (iii) emailed addressed to the respective party at the address set forth in this Section. Each such notice shall be deemed delivered (i) on the date delivered if by personal delivery, (ii) on the date received if by electronic mail; or (iii) three (3) days after postmark if mailed as provided in this Section.

To City: The City of Greeley
 Attn: Lindsay Kuntz, Real Estate Manager
 1000 10th Street
 Greeley, CO 80631
 Email: lindsay.kuntz@greeleygov.com

To District: Weld County School District 6
 Attn: Kent Henson
 1025 9th Avenue
 Greeley, CO 80631
 Email: khenson1@greeleyschools.org

e. Counterparts. This Agreement and any amendments may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. For purposes of executing this Agreement, facsimile or scanned signatures shall be as valid as the original.

f. Waiver. A failure to assert any rights or remedies available to a party under the terms of this Agreement, or a waiver of the right to remedies available to a party by a course of dealing or otherwise shall not be deemed to be a waiver of any other right or remedy under this Agreement, unless such waiver of such right or remedy is contained in a writing signed by the party alleged to have waived his other rights or remedies.

g. Execution of Agreement. This Agreement contains the entire understanding of the parties and supersedes all prior understandings, agreements, or representations by or between the parties, whether oral or written, that in any way relate to the subject matter of this Agreement.

h. No Third-Party Beneficiaries. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the parties.

i. Binding Agreement. This Agreement shall be binding upon and for the benefit of the parties hereto, their successors and assigns.

j. Severability. If any provision of this Agreement is ruled to be invalid or illegal, such ruling shall have no effect upon the remaining provisions, which shall be considered legally binding and given full effect.

k. Exhibits. “Exhibits” shall mean those exhibits that are identified in this Agreement and are attached to this Agreement or will be attached to this Agreement when complete information becomes available. Exhibits are specifically made a part of this Agreement by this reference.

l. Additional Documents or Actions. The parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

CITY

DISTRICT

By: _____

By: _____

Attest:

Attest:

Exhibit A

Exhibit B

4817-9808-8658, v. 2



WUSD RE-6 K-8 SCHOOL
PRELIMINARY LAND TRANSFER EXHIBIT

Ordinance authorizing an IGA with School District 6 Regarding the Relocation of a Portion of the Boomerang Links Golf Course, Reconfiguration of Non-Potable Irrigation Facilities, and the Associated Land Exchange

Introduction and 1st Reading on 12/15/2020
2nd Reading and Public Hearing on 01/05/2021

Presented by Sean Chambers, Water & Sewer Director
with Support by Real Estate, CPRD and Community Development

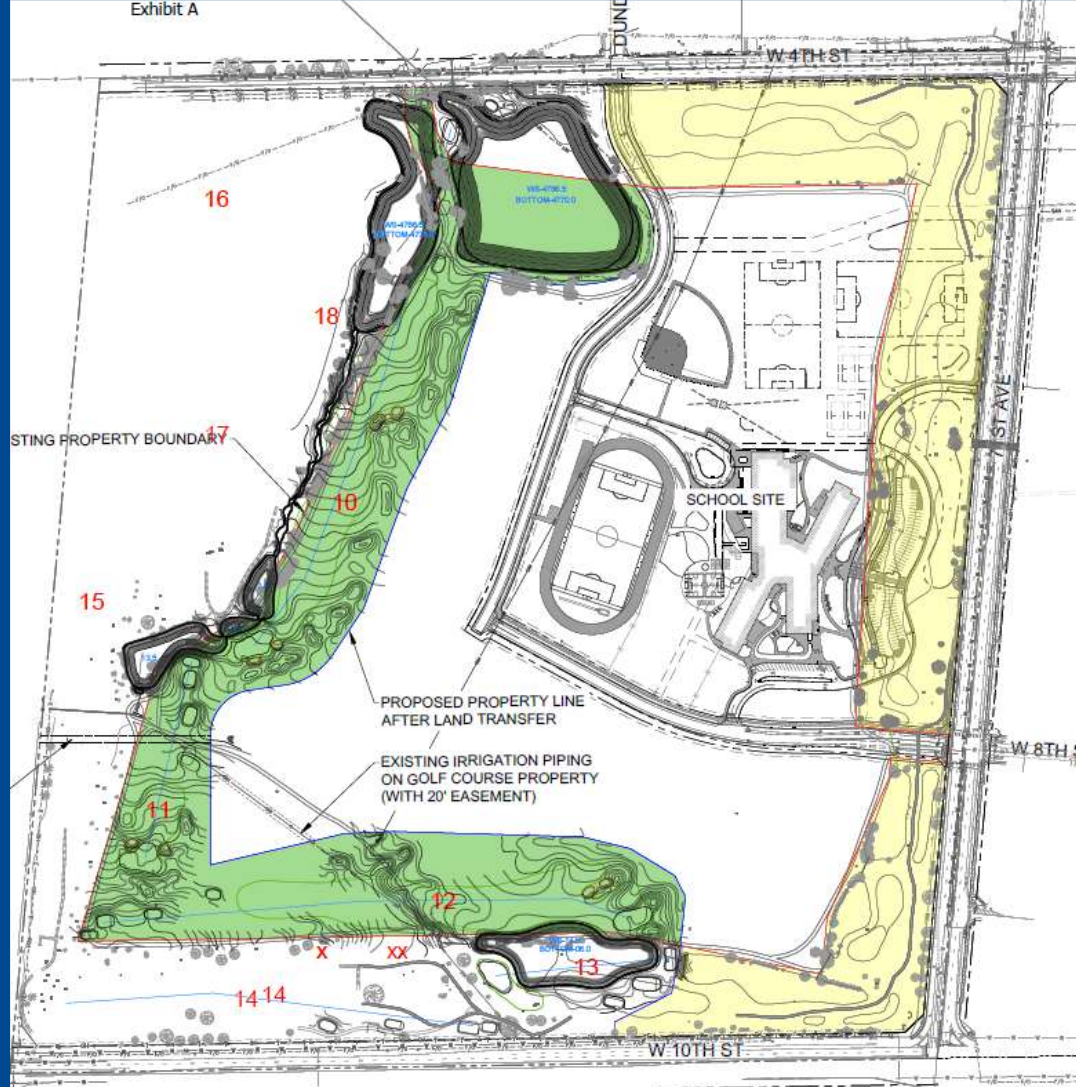
Overview of IGA Collaboration Goals



Existing property boundary configuration

Goals

- More efficient non-potable water storage and conveyance for Boomerang Golf and the District 6
- Improved school site access for District 6
- Improved golf course safety for all
- Improve water storage and complete replacement of the Boomerang non-potable pump station best situated to provide for regional service
- Keep City whole for the costs associated with moving golf course to accommodate District 6
- Support new D-6 campus
- Improved infrastructure



Property Trade Areas: **Green** goes from D-6 to City
Yellow goes from City to D-6

Summary of Transaction

- **Current Boomerang Golf Operations are ongoing in full 18 hole configuration pending the completion of 3.5 new fairways and greens in the area shown in Green**
- **D-6 contributes to relocation to keep City whole**
- **Raw water conveyance, storage and pump stations will be reconfigured, lined and upgraded to minimize loss of irrigation water**
- **When new golf links and new non-potable water facilities are operational, the old facilities will be decommissioned and property transferred in trade to District 6**
- **The Parties receive mutual benefit from the trade of approximately 25 acres each**

City of Greeley Aspects of the Construction

- **Construction of 3.5 new fairways, including over lot grading, shaping, water hazard update, irrigation system installation, and establishment of turf surfaces is planned for Q1-2021 through Q-1 – 2022**
 - Phase 1 Environmental by District 6 and Geotechnical sampling and analysis on future golf course and non-potable infrastructure sites completed in Q4 – 2020
 - License Agreement between the parties allows the parties to access, perform diligence and prepare for construction activities
 - District 6 by IGA contributing ~ \$1.76M to the reconstruction that allows the City and District to exchange lands that maximize uses, water efficiency and public purposes
 - W&S Dept. had budgeted more than \$300,000 for major irrigation water conveyance improvements
 - Improvements decrease leakage and waste on Boomerang, and thereby keep water in storage at Boyd Lake where it can serve other potable or non-potable demands.
 - W&S Dept. is contributing \$360K W.E.T.T.* budget resources to the raw water conveyance efficiency upgrades on the new golf links
- * = Water Efficiency Tactical Team

City of Greeley Non-Potable Construction

These actions advance the strategic goal of an improved city-wide non-potable network

- Water & Sewer is in coordination with CPRD and Golf Course Consultant on Water Conveyance Design and Water Efficiency aspects of design and construction
- Water & Sewer will oversee the construction of new non-potable storage and a replacement pump station
 - New non-potable storage pond to be relocated
 - USACE determination on existing golf course pond near 4th St. maintenance shop as non-jurisdictional
 - A rebuilt and lined micro-storage reservoir will be served by raw water from 2 non-potable sources
 - Poudre River non-potable water resources from Greeley rights via 71st St. Pump Station
 - Big Thompson water resources from Boomerang Lateral Ditch of the Greeley Loveland Irrigation Company (GLIC)
 - W&S will serve future irrigation demands at school site and other properties with non-potable water
 - W&S Dept. budgeted for a total replacement of the Boomerang pump station in 2022
 - W&S has requested additional appropriation to expedite the pump station replacement
 - W&S has requested additional appropriation to develop reconfigured non-potable storage

Tointon Academy of Pre-Engineering PK-8 school

Greeley-Evans School District 6 is designing a new Pre-K through 8th grade school to accommodate approximately 900 students.

Classes and curriculum will include the basic principles of engineering, and students will have the opportunity to explore careers in engineering-related fields.

The school will be located near the Boomerang Golf Course.

The Design Advisory Groups for this new school has been meeting since April, and the preliminary design of the school is completed and detailed design is ongoing.

The proposed IGA would create enhanced access, non-potable water for irrigation, and other efficiencies for the District 6 Campus

- Long Term Non-Potable Water Rate

District 6 School Overview



Artist rendering of Tointon Academy Pre K-8 Campus



Staff Recommendation

Multi-disciplinary team of Greeley staff have worked in collaboration to develop and refine the terms of the proposed agreement with Greeley-Evans District 6

- Water & Sewer Dept. Engineering, Non-Potable, and Utility Finance Staff
- CPRD Leadership, Golf Course Operations and Golf Course consultants
- Real Estate
- Community Development and Planning

The Staff team concludes the proposed project is of mutual benefit to the City of the Greeley and its Citizens

Staff Recommends Approval the Ordinance authorizing the IGA with District 6 Regarding the Relocation of a Portion of the Boomerang Links Golf Course, Reconfiguration of Non-Potable Irrigation Facilities, and the Associated Land Exchange

Council Agenda Summary

December 15, 2020

Agenda Item Number

[Title](#)

Pulled Consent Agenda Items

Council Agenda Summary

December 15, 2020

Agenda Item Number

Key Staff Contact: Anissa Hollingshead, City Clerk, 970-350-9742

Title:

Public hearing and final reading of an Ordinance re-authorizing various Boards and Commissions for three years

Summary:

Section 2-8 of the City Charter provides that Council is to review its appointed advisory groups every three years and determine whether the board or commission continues to serve the purpose for which it was created and decide whether or not to authorize its continuance.

This provision was added to the Charter in 2001 and a staggered schedule was developed for reviewing one-third of the groups each year. Reauthorization has been approved for all groups since the addition of this Charter amendment.

The early process for triennial reviews included a Work Session meeting between Council and each Board to discuss Board accomplishments, goals and continued relevance. After several cycles of meeting with Council every three years, boards began preparing a written report for Council's review instead of the verbal report at a Work Session. Currently, Council receives an update of Board activity and plans through the quarterly Department Updates. Any programs or issues a Board or the Council would like discussed has been and can continue to be scheduled as needed.

The attached Ordinance re-authorizes the groups scheduled for a triennial review in 2020. An Ordinance is appropriate for the re-authorization because each group was initially authorized in the same fashion. This Ordinance was introduced at the December 1, 2020, Council meeting.

Fiscal Impact:

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

Legal Issues:

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

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

Other Issues and Considerations:

None.

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

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2020

AN ORDINANCE RE-AUTHORIZING VARIOUS BOARDS AND COMMISSIONS FOR THREE YEARS

WHEREAS, in November, 2001, Greeley voters approved an amendment to the Home Rule Charter, in Section 2-8 Appointive Boards and Commissions, to require that City Council review its advisory groups every three years to determine whether the board or commission continues to serve the purpose for which it was created and decide whether or not to authorize its continuance; and

WHEREAS, Ordinance No. 59, 2002, was adopted by City Council October 15, 2002, to implement this Charter amendment and thereby created a triennial review schedule for appointive boards and commissions; and

WHEREAS, City Council is prepared to re-authorize these appointive groups for a three-year period.

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

Section 1. The following groups are hereby re-authorized for a period of three years from January 1, 2021, to expire December 31, 2023:

- 1) Human Relations Commission
- 2) Museum Board
- 3) Parks & Recreation Advisory Board
- 4) Judicial Review Board

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

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 15TH DAY OF DECEMBER, 2020.

ATTEST:

CITY OF GREELEY, COLORADO

City Clerk_____
Mayor

Council Agenda Summary

December 1, 2020

Agenda Item Number

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

Title:

Public hearing and final reading of an ordinance authorizing the City of Greeley to enter into an Intergovernmental Agreement concerning water services for seventeen customers with the City of Evans

Summary:

Currently, the City of Greeley provides potable water to 17 customers that are now in the Evans service area. It is the interest of both Greeley and Evans to transfer these customers to Evans in exchange for raw water dedication in the amount of 8 units of CBT and 0.5 shares of GLIC to Evans. This will provide large cost and staff time savings to Greeley by no longer needing to repair and maintain the aging infrastructure associated with the delivery of water to these customers. The Water and Sewer Board recommended City Council approval at their November 18, 2020 Board meeting. This item was introduced at the December 1, 2020 Council Meeting

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
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?	
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	Presentation and IGA detail the raw water dedication that is intended to transfer to Evans along with the transfer of perpetual obligation to provide water service. The permanent transfer of assets is off set by the elimination of an annual transfer that has been required for these unique customers.

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
Exhibit A
PowerPoint

CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2020

AN ORDINANCE OF THE CITY OF GREELEY AUTHORIZING THE CITY TO ENTER
INTO AN INTERGOVERNMENTAL AGREEMENT CONCERNING WATER SERVICES
FOR SEVENTEEN CUSTOMERS WITH THE CITY OF EVANS.

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 and Evans entered into that certain intergovernmental agreement dated April 21, 1998 (“1998 Treated Water Service IGA”), which set the terms and conditions by which the parties entered into a long term contract for Greeley’s treatment of Evans’ raw water and delivery of treated water; and

WHEREAS, Greeley and Evans entered into that certain intergovernmental agreement dated October 1, 2002 (“2002 Sewer Service IGA”), which set the terms and conditions by which Evans provides wastewater treatment services to certain customers within the territorial bounds of Greeley, inside of the Ashcroft Draw drainage basin; and

WHEREAS, Greeley and Evans are not hereby amending the 1998 Treated Water Service IGA, nor the 2002 Sewer Service IGA; and

WHEREAS, the seventeen (17) specific water customers identified by street address below (“Seventeen Customers”), reside within the boundaries of Evans, but are currently listed as Greeley potable water service customers; and

WHEREAS, Greeley currently provides potable water service to five (5) of the Seventeen Customers and Evans currently provides potable water service to twelve (12) of the Seventeen Customers; and

WHEREAS, Evans is undertaking a road-widening project along 47th Avenue, which may impact water transmission infrastructure used to service some of the Seventeen Customers; and

WHEREAS, Greeley desires to transfer the Seventeen Customers to Evans and disconnect the Seventeen Customers from its own potable water distribution infrastructure; and

WHEREAS, Evans desires to accept the Seventeen Customers and connect them to its own distribution infrastructure, and requires the dedication of raw water to support the increased potable water demand generated by the Seventeen Customers; and

WHEREAS, the Parties desire to enter into an agreement (“2020 Greeley-Evans Customer Transfer IGA”) whereby Evans will accept the Seventeen Customers, along with the water distribution infrastructure used to service them, and in exchange, and in satisfaction of Evans’ raw water requirements, Greeley will transfer to Evans eight (8) Colorado Big Thompson (CBT) Units and a one-half (.5) Greeley & Loveland Irrigation Company (GLIC) Share for the purpose of servicing the Seventeen Customers, along with the right to claim dry-up acreage over four and four-tenths (4.4) acres of land within the GLIC system; and

WHEREAS, Greeley and Evans have reduced their understandings, and the terms and conditions of the 2020 Greeley-Evans Customer Transfer IGA, to writing; and

WHEREAS, pursuant to Greeley Municipal Code § 2.07.040, the 2020 Greeley-Evans Customer Transfer IGA must be approved by City Council ordinance; and

WHEREAS, pursuant to Greeley Municipal Code § 2.07.020(b), the 2020 Greeley-Evans Customer Transfer IGA must be signed by the Mayor and attested by the City Clerk; and

WHEREAS, it is in the best interest of the citizens of Greeley for the parties to enter into the 2020 Greeley-Evans Customer Transfer IGA.

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

Section 1. The City Council hereby approves the 2020 Greeley-Evans Customer Transfer IGA, attached hereto and incorporated herein as Exhibit A, and authorizes the appropriate City officials to execute the same.

Section 2. The City Council hereby delegates authority to Water & Sewer staff and City Attorney’s Office staff to enter into minor amendments to the 2020 Greeley-Evans Customer Transfer IGA after execution, provided the material substance remains unchanged, and authorizes staff to perform all terms and conditions contemplated by the 2020 Greeley-Evans Customer Transfer IGA upon its final execution.

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

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

THE CITY OF GREELEY, COLORADO

Attest:

By: _____
Mayor

By: _____
City Clerk

EXHIBIT A TO
AN ORDINANCE OF THE CITY OF GREELEY AUTHORIZING THE CITY TO ENTER
INTO AN INTERGOVERNMENTAL AGREEMENT CONCERNING WATER SERVICES
FOR SEVENTEEN CUSTOMERS WITH THE CITY OF EVANS.

**INTERGOVERNMENTAL AGREEMENT CONCERNING WATER SERVICES FOR
SEVENTEEN CUSTOMERS**

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

THIS INTERGOVERNMENTAL AGREEMENT CONCERNING WATER SERVICES (“Agreement”) is made and entered into this_ day of_, 2020, by and between the City of Greeley, Colorado, a home rule municipality (“Greeley”), and the City of Evans, Colorado, a home rule municipality (“Evans”). Greeley and Evans are collectively referred to as the Parties.

Recitals

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

WHEREAS, Greeley and Evans entered into that certain intergovernmental agreement dated April 21, 1998 (“1998 Treated Water Service IGA”), which set the terms and conditions by which the parties entered into a long term contract for Greeley’s treatment of Evans’ raw water and delivery of treated water.

WHEREAS, by this Agreement, Greeley and Evans are not amending the 1998 Treated Water Service IGA; and,

WHEREAS, Greeley and Evans entered into that certain intergovernmental agreement dated October 1, 2002 (“2002 Sewer Service IGA”), which set the terms and conditions by which Evans provides wastewater treatment services to certain customers within the territorial bounds of Greeley, inside of the Ashcroft Draw drainage basin; and,

WHEREAS, by this Agreement, Greeley and Evans are not amending the 2002 Sewer Service IGA; and,

WHEREAS, the seventeen (17) specific water customers identified by street address below (“Seventeen Customers”), reside within the boundaries of Evans, but are currently listed as Greeley potable water service customers; and,

WHEREAS, Greeley currently provides potable water service to five (5) of the Seventeen Customers; and,

WHEREAS, Evans currently provides potable water service to twelve (12) of the Seventeen Customers; and,

WHEREAS, Evans is undertaking a road-widening project along 47th Avenue, which may impact water transmission infrastructure used to service some of the Seventeen Customers; and,

WHEREAS, Greeley desires to transfer the Seventeen Customers to Evans and disconnect the Seventeen Customers from its own potable water distribution infrastructure; and,

WHEREAS, Evans desires to accept the Seventeen Customers and connect them to its own distribution infrastructure, and requires the dedication of raw water to support the increased potable water demand generated by the Seventeen Customers; and,

WHEREAS, the Parties desire to enter into an agreement whereby Evans will accept the Seventeen Customers, along with the water distribution infrastructure used to service them, and in exchange, and in satisfaction of Evans' raw water requirements, Greeley will transfer to Evans eight (8) Colorado Big Thompson (CBT) Units and a one-half (.5) Greeley & Loveland Irrigation Company (GLIC) Share for the purpose of servicing the Seventeen Customers, along with the right to claim dry-up acreage over four and four-tenths (4.4) acres of land within the GLIC system; and,

THEREFORE, to effectuate the foregoing, the Parties desire to enter into this Agreement.

Agreement

NOW, THEREFORE, in consideration of the mutual agreements, covenants, promises, representations, and warranties hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Recitals.** The Recitals are incorporated into the Agreement as if fully set forth herein.
2. **Transfer of Water Customers.** Upon the successful transfer of 8 CBT Units, One-Half GLIC Share (defined below), and 4.4 Acre Dry-Up Interest (defined below), Evans hereby agrees to accept the transfer of the Seventeen Customers and assume responsibility for providing potable water service to the Seventeen Customers identified by the property addresses as follows:

1. 3636 37th Street
2. 4350 37th Street
3. 3710 37th Street
4. 4355 37th Street
5. 3920 37th Street
6. 4367 37th Street
7. 3600 49th Street
8. 3630 49th Street
9. 3610 49th Street
10. 3631 49th Street
11. 3620 49th Street
12. 3750 54th Street Road
13. 3215 47th Avenue
14. 3220 47th Ave.
15. 3230 47th Ave.
16. 3240 47th Ave.
17. 3435 47th Ave.

Simultaneously, Evans shall also connect the Seventeen Customers to its potable water distribution and metering infrastructure ("Infrastructure"), and Greeley shall abandon its potable water distribution and metering infrastructure, described in Exhibit A. Upon the transfer of said Seventeen Customers to Evans, Greeley's legal obligations to

comply with state and federal drinking water standards, including 42 U.S.C. §§ 300f-300j27, C.R.S. § 25-1.5-202 *et seq.*, and 5 C.C.R. § 1002-11 *et seq.*, and all other legal obligations related to the provision of potable water, and Evans shall assume the same. Greeley and Evans shall coordinate in good faith to minimize any interruption in service to the Seventeen Customers, and to ensure that Evans' potable water infrastructure is fully connected and operational with respect to the Seventeen Customers by the date of Closing described in Section 4 below

3. **Water Exchange.** As consideration for Evans's agreement to provide water service to the Seventeen Customers, and to provide a viable water supply to Evans to satisfy such obligation, Greeley agrees to convey to Evans water interests, free and clear of liens or encumbrances, as follows:

- a. Eight (8) Colorado Big Thompson (CBT) Units; and,
- b. A one-half (.5) GLIC share of the 16 shares included in GLIC Certificate No. 3124 ("One-Half GLIC Share") and corresponding conveyance of a right to claim the benefits of 4.4 acres of dry-up ("4.4 Acre Dry-Up Interest") from a dry-up covenant burdening land within the GLIC system, which shall be a portion of the Restrictive "Dry Up" Covenant recorded with the Weld County Clerk and Recorded on July 2, 2002 (Reception No. 2966329). The Parties agree the identification of said 4.4 acres is for the purposes of allocating dry-up acreage and not for identifying the location of historically irrigated acreage.

Greeley makes no representations nor guarantees concerning the yield of the CBT Units, nor One-Half GLIC Share. Greeley makes no representations nor guarantees concerning the condition or suitability of the Infrastructure.

4. **Obligations at Closing.** The date of Closing, at or before which the transfer of the Seventeen Customers, 8 CBT Units, One-Half GLIC Share, and 4.4 Acre Dry-Up Interest shall occur, shall be ninety (90) days after mutual execution of this Agreement, or such other date and time as agreed upon by the Parties. At or before Closing:
- a. Evans shall have connected the Seventeen Customers to its potable water distribution system, and Greeley shall have disconnected the same and abandoned those portions of its potable water distribution system specific to the delivery of potable water to the Seventeen Customers.
 - b. Greeley shall deliver, cause to be delivered, or cooperate in the delivery to Evans the following documents, in a form acceptable to both Parties, duly executed and acknowledged where appropriate:
 - i. Special Warranty Deed conveying title to the One-Half GLIC Share to Evans;

- ii. Stock Assignment Letter for the One-Half GLIC Share, Greeley shall also undertake any act required by GLIC, including surrendering the original stock Certificate No. 3124 to GLIC, to effectuate the transfer;
 - iii. Order from the Northern Colorado Water Conservancy District transferring the allotment contract interest in 8 CBT Units to Evans;
 - iv. Assignment of the 4.4 Acre Dry-Up Interest to Evans;
 - v. Any other documents contemplated under Section 7 of this Agreement; and
 - c. Evans shall deliver, cause to be delivered, or cooperate in the delivery to Greeley the following documents, in a form acceptable to both Parties, duly executed and acknowledged where appropriate:
 - i. Acknowledgement of Transfer of Customers for the Seventeen Customers;
 - ii. Order from the Northern Colorado Water Conservancy District decreasing an allotment contract held by Greeley by 8 CBT Units, or a reissuance of an allotment contract held by Greeley accomplishing the same; and
 - iii. Any other documents contemplated under Section 7 of this Agreement.
5. **Notice.** Greeley and Evans shall give any notice to one another, required under this Agreement using the contact information listed below. Such notice is adequate if (a) hand-delivered or (b) provided by certified mail, return receipt requested; or (c) on the date and at the time shown on the electronic mail (email) if emailed, with no undeliverable notice received within two (2) days. Greeley and Evans shall promptly notify the other party if the appropriate contact information for notice changes.

For the City of Greeley: City of Greeley Water and Sewer Department

Attn: Director of Water and Sewer
 1001 11th Avenue, Second Floor
 Sean.Chambers@greeleygov.com
 Greeley, Colorado 80631

With copy to: City of Greeley City Attorney's Office
 Attn: Environmental and Water Resources
 1100 10th Street, Suite 401
 Aaron.goldman@greeleygov.com
 Greeley, Colorado 80631

For the City of Evans: City of Evans Public Works Department
 Attn: Assistant City Manager
 1100 37th Street

Evans, Colorado 80620

With copies to: Evans City Attorney
Attn: Scotty P. Krob
8400 E. Prentice Ave, Penthouse
Greenwood Village, CO 80111

6. **Effective Date.** This Agreement shall be effective on the date that it is executed by the authorized signatory.
7. **Additional Documents or Action.** The Parties agree to cooperate in drafting and executing any additional documents and taking any additional action reasonably necessary to carry out the terms of this Agreement, including but not limited to executing required documentation for conveyance of water interests; notification by Greeley and Evans to the Seventeen Customers of a transfer of service to Evans; Evans's inclusion of the Seventeen Customers into Evans's database of water service customers; installation, where necessary, of water meters by Evans.
8. **Liability.** Greeley and Evans are public entities, as that term is defined pursuant to the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq. Nothing in this Agreement should be construed to limit or alter the benefits and responsibilities to which either Greeley or Evans is entitled pursuant to the Colorado Governmental Immunity Act. Greeley and Evans respectively shall defend any and all claims for injuries or damages, in accordance with the requirements and limitations of the Colorado Governmental Immunity Act, that occur as a result of the negligent or intentional acts or omissions of their own officers, agents, employees, contractors, or assigns in connection with the performance of this Agreement. Greeley and Evans respectively shall be responsible for all liability for injuries or damages caused by any negligent acts or omissions of their own officers, employees, agents, contractors, and assignees in connection with the performance of this Agreement. Greeley and Evans respectively shall provide adequate workmen's compensation insurance for all its own employees, agents and assigns engaged in activities and functions upon the property of the other party. Upon request from the other party, Greeley and Evans shall each furnish to the other current certificates of insurance stating that the coverages outlined above are in full force and effect.
9. **Default and Termination; Waiver.** In the event either Greeley or Evans fails to comply with the terms and conditions of this Agreement, such failure constitutes a default of this Agreement and the non-defaulting party may give notice of the perceived default. The defaulting party is then entitled to a period of fourteen (14) days from receipt of the notice within which to cure the default. Upon the cure of any such default during this period, this Agreement remains in full force and effect. If any declared default remains uncured after the fourteen-day cure period described above, or after any extension of the cure period mutually agreed to by the parties, the non-defaulting party may terminate this Agreement upon notice to the other party. The failure of either

Greeley or Evans to declare a default does not establish a precedent nor constitute an implied waiver of any subsequent breach of the terms and conditions in this Agreement. Any such waiver of breach must be made explicitly in writing.

10. **Jurisdiction and Venue.** This Agreement shall be governed by and enforced in accordance with the laws of the State of Colorado. Proper venue for any dispute arising out of this Agreement is the Weld County District Court.
11. **Third Party Beneficiaries.** The terms and conditions of this Agreement, and all rights of action related thereto, are strictly reserved to Greeley and Evans. Nothing in this Agreement should be construed to allow any claim, right, or cause of action by any person or entity not a party to this Agreement. Any person or entity other than Greeley or Evans that receives a service or benefit under this Agreement is an incidental beneficiary only.
12. **Counterparts.** The parties may execute this Agreement in counterparts, each of which and the combination of which when signed by both Greeley and Evans may be deemed original and together constitute a single contract.
13. **No Integrated System.** No term or condition of this Agreement or any Exhibits thereto shall be interpreted as creating an "integrated system" within the meaning of the Colorado Primary Drinking Water Regulations, 5 C.C.R. § 1002-11. This Agreement shall not be interpreted as creating an "integrated system" as that term is used in C.R.S. § 37-92-301(4)(b).
14. **No Public Utilities Commission Control.** Each Party agrees that it shall not assert nor support any statement, policy, petition, rulemaking, or legislation that would attempt to subject Evans or Greeley to the rate-making authority or jurisdiction of the Colorado Public Utilities Commission.
15. **Severability and Waiver.** If any term or condition of this Agreement is invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality, or unenforceability will not affect any other term or condition of this Agreement or invalidate or render unenforceable such term or condition in any other jurisdiction. Any single failure to exercise or partial exercise of any right, remedy, power, or privilege under this Agreement shall not preclude any other or further exercise thereof or the exercise of any other right, remedy, power, or privilege.
16. **Assignment.** No Party, without the prior written consent of the other Party, may assign, transfer, or delegate any or all of its rights or obligations under this Agreement. No assignment will relieve the assigning Party of any of its obligations hereunder. Any attempted assignment, transfer, or other conveyance in violation of the foregoing will be null and void. This Agreement will be binding upon and will inure to the benefit of the Parties and their respective successors and permitted assigns.

17. **Survival.** In addition to any right or obligation of the Parties in this Agreement which, by its nature, should survive termination of this Agreement, the following Sections shall also so survive: 5, 8, 9, 10, 11, 13, 14, 15, 16, and this Section 17.

IN WITNESS WHEREOF, the City of Greeley and the City of Evans have authorized and executed this Intergovernmental Agreement Concerning Water Services for Seventeen Customers on the date set forth above.

THE CITY OF GREELEY,
a Colorado home rule municipality

By: _____
City Manager

By: _____
Chairman of the Water & Sewer Board

Approved as to Legal Form:

As to Availability of Funds:

By: _____
City Attorney

By: _____
Director of Finance

Attest:

By: _____
Mayor

By: _____
City Clerk

THE CITY OF EVANS
a Colorado home rule municipality

Attest:

By: _____
Mayor

By: _____
City Clerk

Approved as to Substance:

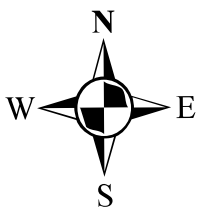
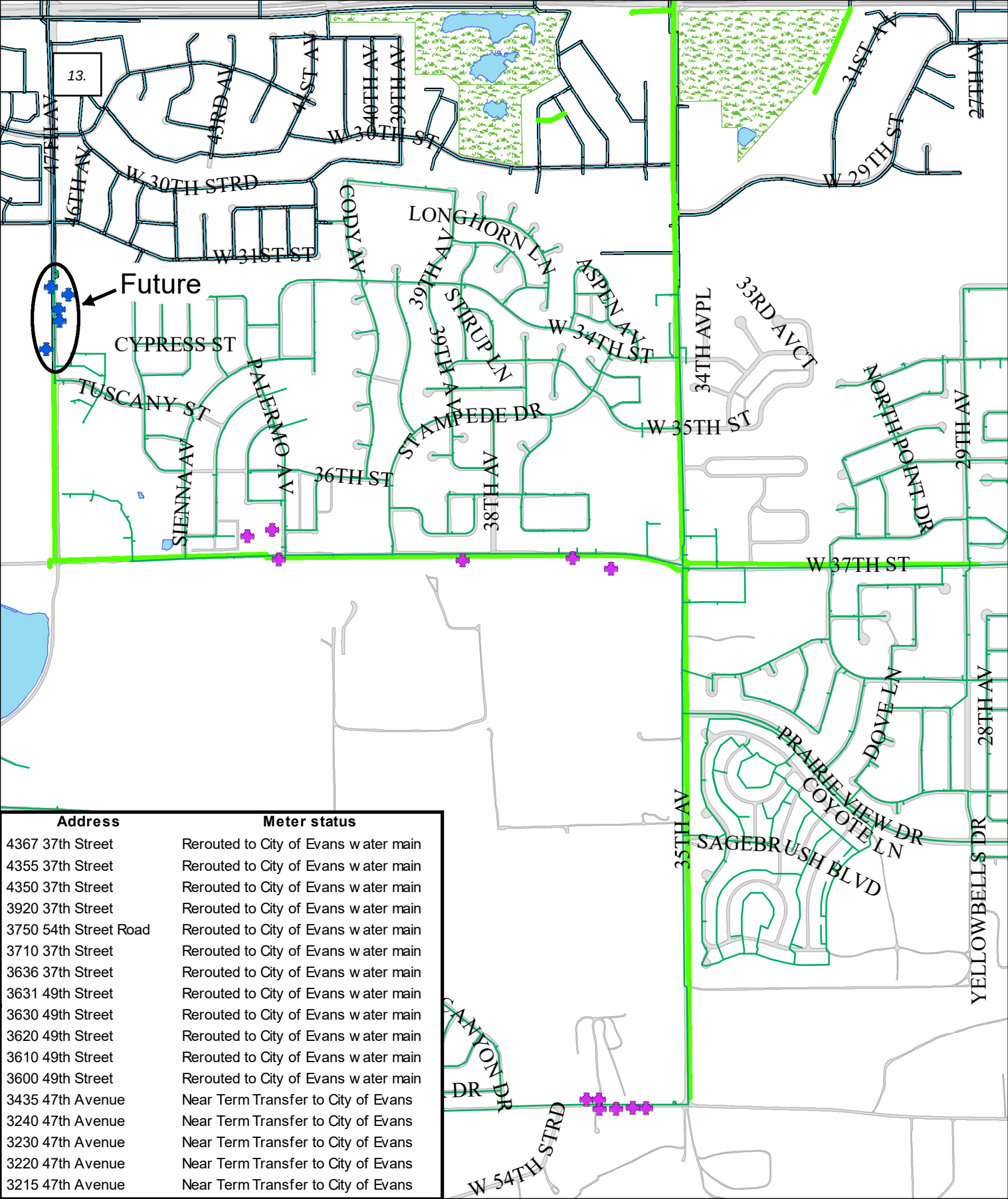
Approved as to Legal Form:

By: _____

By: _____

City Manager

City Attorney



Meter Transfers

File: Completed_and_Future_Meter_Transfers_3
 Date: 11/12/2020
 By: Tony Braun



- Legend**
- Future Removal from COG System
 - Removed from COG System
 - Water_Lines
 - COG Abandoned Water Mains
 - COG Active Water Mains

Information contained on this document remains the property of the City of Greeley. Copying any portion of this map without the written permission of the City of Greeley is strictly prohibited. This document is not intended to be used for the preparation of construction documents or surveying or navigation purposes.

IGA Transfer of 17 water service customers between cities of Greeley and Evans

Presented to Greeley City Council

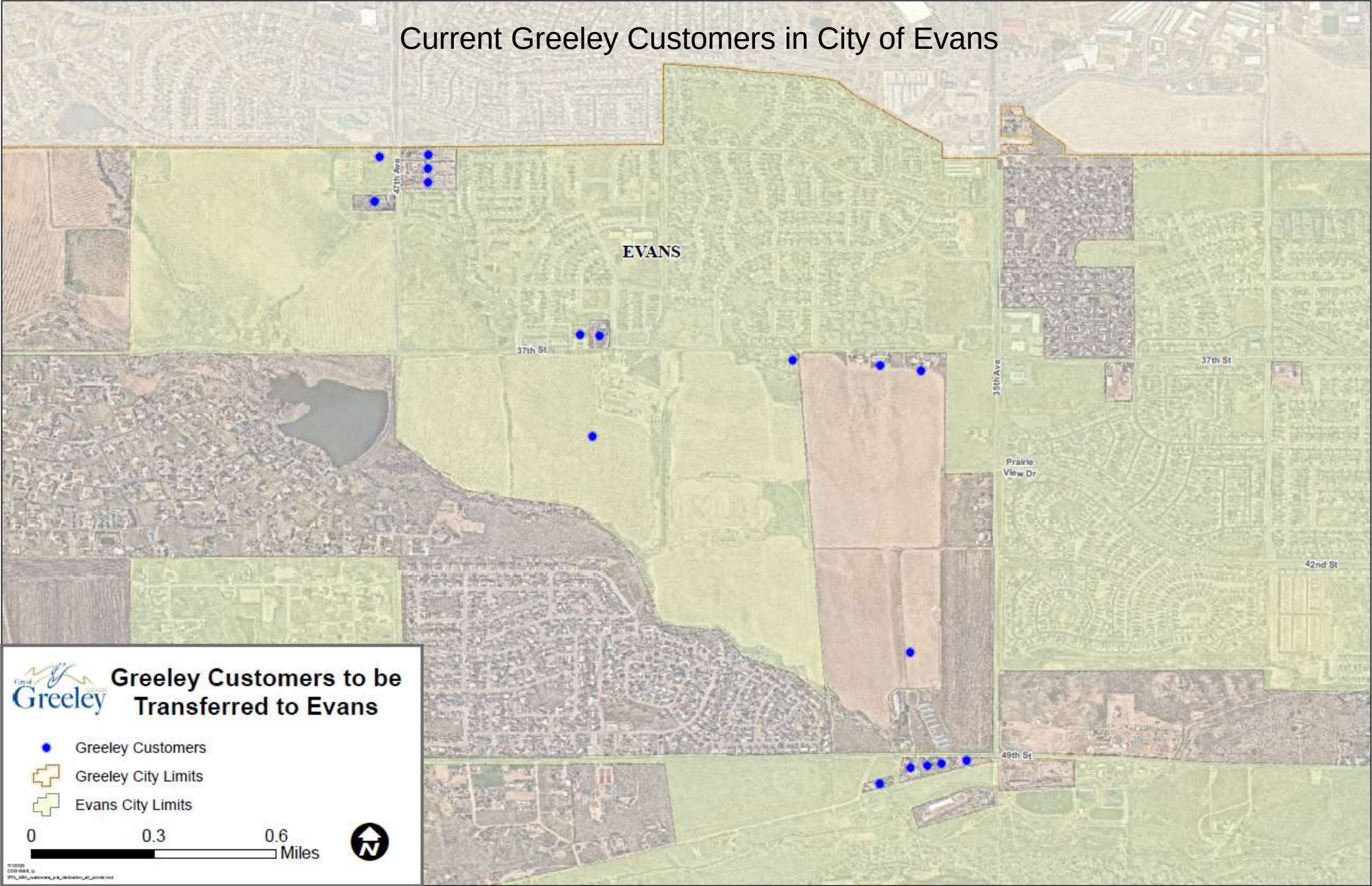
By Greeley Water & Sewer Dept.

December 1, 2020
&
December 15, 2020

Background and History

- 17 customers were issued Greeley taps in the 1960's through 1990
 - 37th Street, 49th Street, and 47th Avenue
 - At the time the customers were closer to Greeley's service area than Evans
- These customers are now within Evans service area
 - 5 of the 17 customers are connected to Greeley's system
 - 12 customers are currently being provided water by Evans
 - No raw water dedication has been provided to Evans
 - Greeley makes an annual transfer of raw water to Evans based upon use

Current Greeley Customers in City of Evans



Background

- Infrastructure to service these customers is aging
- Evans is planning to replace and widen 47th Avenue where 5 of these customers are located
- Cities negotiated an agreement to connect these customers to Evans system while under construction in exchange for raw water dedication
 - Opportunity to transfer 12 other customers
 - Similar situations



Benefit to Greeley

- No longer providing service to customers outside of our service area
- No longer responsible for the maintenance and repair
- If we kept the 47th Avenue customers it would cost \$2,400,000+
 - 20,000' of 8 inch waterline
 - Liability of maintaining and repairing infrastructure under a major roadway

IGA Terms

- Transfer the 17 customers to Evans and permanently disconnect from Greeley's obligation to serve and from our water distribution infrastructure.
- Greeley to provide a raw water dedication of 9.07 acre-feet to Evans for perpetual service of these accounts. Water from two types of right owned by Greeley.
 - 0.5 shares of GLIC (0.5 Share GLIC x \$165,000/share = \$82,500)
 - GLIC = Greeley Loveland Irrigation Company
 - 8 units of C-BT (8 Units CBT @ \$60,000/unit = \$480,000)
 - C-BT = Colorado Big Thompson Project
 - Total Value of Transfer Water = \$562,500.00 value

Recommended Action

Water & Sewer Dept. staff recommends Council approve by Ordinance the IGA with Evans Concerning Water Services for Seventeen Customers

Note: At their November 18, 2020 regular meeting of the Board, the Greeley Water & Sewer Board Approved and Recommended to City Council for Approval the IGA Between City of Greeley and City of Evans Concerning Water Services for Seventeen Customers

Questions

Council Agenda Summary

December 15, 2020

Agenda Item Number

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

Title:

Public hearing and final reading of an ordinance authorizing the sale of City-owned property consisting of approximately 40.377 acres and located in the East half of Section 16, Township 7 North, Range 66 West of the 6th P.M. in Weld County ("Danielson II Farm")

Summary:

In 2017, the City of Greeley purchased a 40.377-acre farm in Weld County (known as the "Danielson II Farm") along with 1.5 shares of the stock in the Water Supply and Storage Company ("WSSC Water Rights"). Since 2017, the City has leased the Danielson II Farm, along with the WSSC Water Rights, to a tenant farmer in order to maintain the beneficial use of the WSSC Water Rights on the historically irrigated land. In 2020, the City received an offer to purchase the Danielson II Farm. As part of the sale, Greeley would enter into a 10-year primary leaseback of the WSSC Water Rights, which may be extended for up to 5, 1-year terms to the buyer for continued irrigation on the Danielson II Farm.

The Water and Sewer Board authorized the sale at its November 18, 2020 meeting and recommended that City Council authorize the same. This ordinance was introduced at the December 1, 2020 Council Meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$242,000 in revenue
What is the annual impact?	None
What fund of the City will provide Funding?	407 – Water Acquisition Fund
What is the source of revenue within the fund?	Cash-in-Lieu
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:

Section 17-4(c) of the City Charter requires that any sale of real property, including the sale of real property acquired by the Water and Sewer Department with enterprise funds, be approved by City Council. Section 31-15-713(b) of the Colorado Revised

Statutes authorizes the City Council to sell and dispose of, by ordinance, any real property that is not being used or held for a governmental purpose.

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 as presented.

Attachments:

Ordinance
Purchase Contract

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2020

**AN ORDINANCE AUTHORIZING THE SALE OF CITY-OWNED REAL PROPERTY
LOCATED IN THE EAST HALF OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 66
WEST OF THE 6th P.M. IN WELD COUNTY, COLORADO**

WHEREAS, the City of Greeley, acting by and through its Water and Sewer Board, purchased certain real property in October 2017, consisting of approximately 40.377 acres and located in the East half of Section 16, Township 7 North, Range 66 West of the 6th P.M. in Weld County (“Danielson II Farm”), along with one and one-half shares of capital stock in the Water Supply and Storage Company (“WSSC Water Rights”); and

WHEREAS, the City has leased the Danielson II Farm and WSSC Water Rights back to a tenant farmer since their acquisition, in order to sustain the historical use of the water rights on the farm; and

WHEREAS, the City recently received an offer to purchase the Danielson II Farm, which offer was determined to be fair market value for the property; and

WHEREAS, in conjunction with the anticipated sale of the Danielson II Farm, the City may lease certain of the WSSC Water Rights back to the prospective purchaser for continued use on the property, until such water rights are needed for municipal purposes; and

WHEREAS, the City of Greeley Water and Sewer Board authorized the anticipated sale of the Danielson II Farm at its November 18, 2020 regular board meeting, and recommended that the City Council authorize the same; and

WHEREAS, Section 17-4(c) of the City Charter requires that any sale of real property, including the sale of real property acquired by the Water and Sewer Department with enterprise funds, be approved by City Council; and

WHEREAS, Section 31-15-713(b) of the Colorado Revised Statutes authorizes the City Council to sell and dispose of, by ordinance, any real property that is not being used or held for a governmental purpose.

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

Section 1. The City Council determines that the 40.377 acres, more or less, commonly known as the Danielson II Farm, is not being used nor held for a governmental purpose, and that the Danielson II Farm is surplus property unnecessary to retain for any governmental purpose.

Section 2. The City Council authorizes the sale of the Danielson II Farm, in accordance with the terms and conditions of the CONTRACT TO BUY AND SELL REAL ESTATE (LAND), attached hereto and incorporated herein as Exhibit A (“Purchase Contract”).

Section 3. The City Council authorizes the Director of the Water and Sewer Department, or his designee, to make minor amendments to the Purchase Contract documents, including, but not limited to, corrections to property descriptions and contract extensions, and to undertake all necessary action to close on the divestment.

Section 4. Upon the satisfaction of all Purchase Contract terms, including any amendments thereto, the City Council authorizes the Mayor to execute a deed conveying the Danielson II Farm to the anticipated purchaser.

Section 5. This ordinance shall take effect immediately after its final publication.

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

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

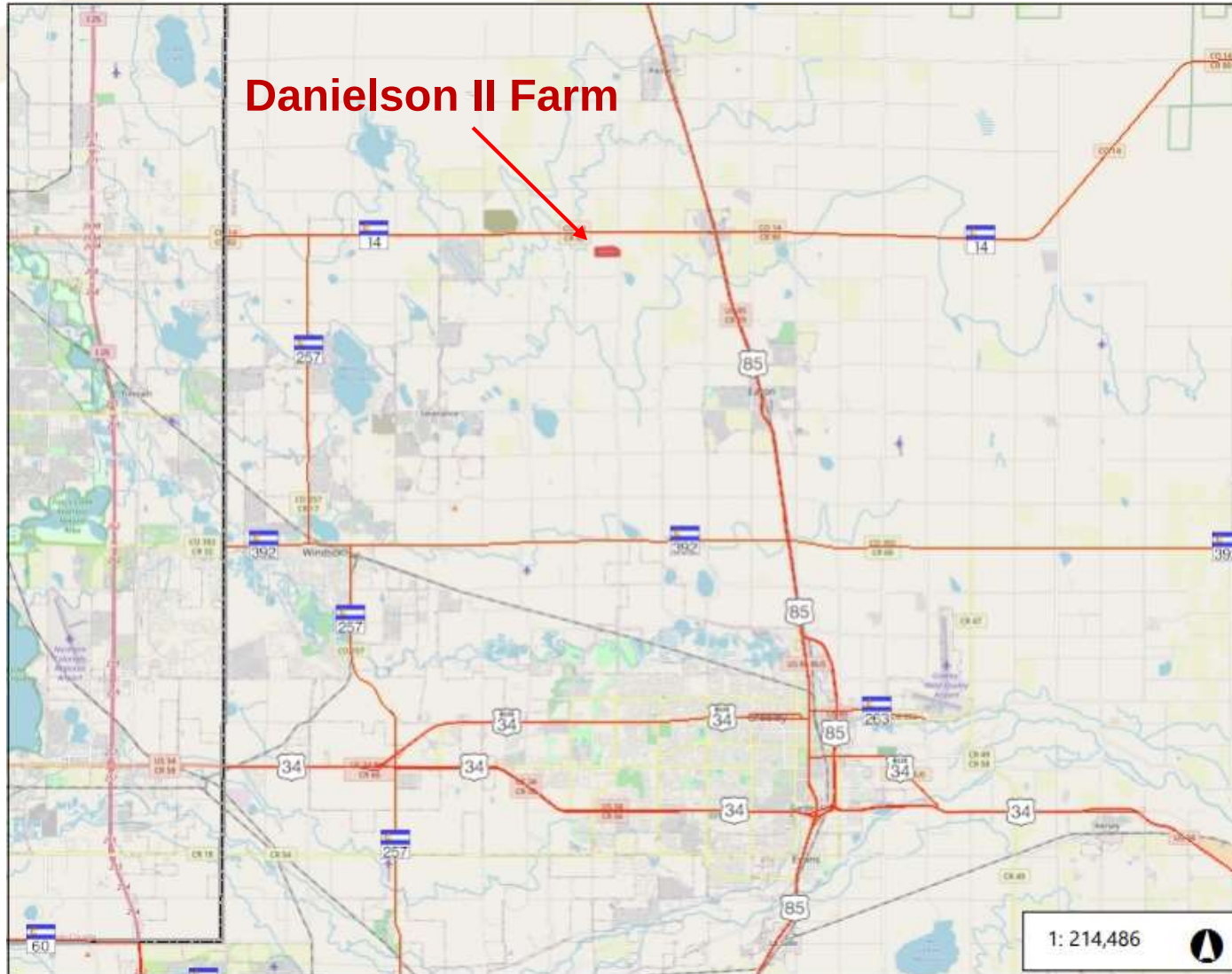
Agreement for the Divestment of Danielson II Farm Property

Presented to Greeley City Council

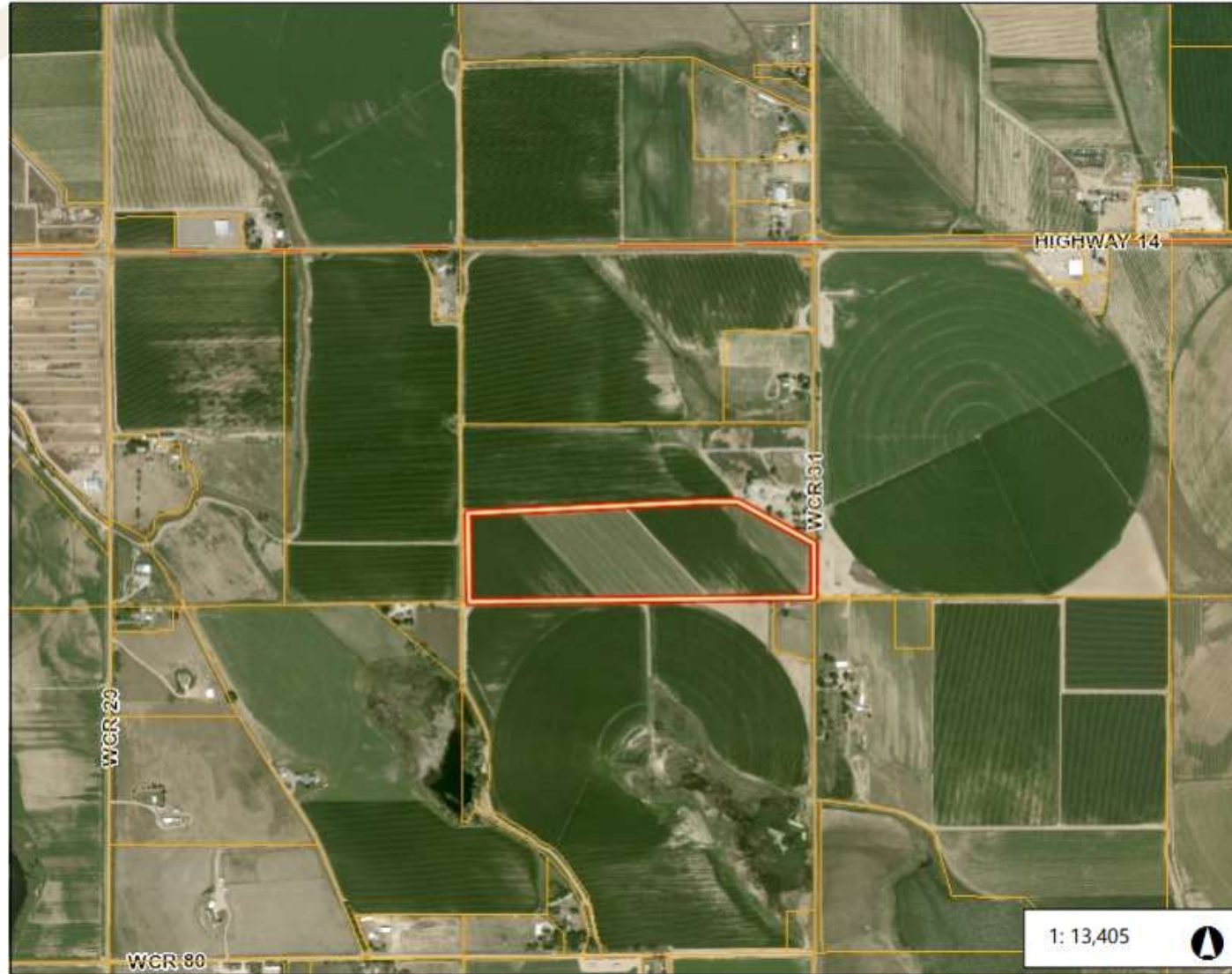
By Greeley Water & Sewer Dept.

December 15, 2020

Danielson II Farm Property Location



Danielson II Farm Property Aerial



Danielson II Farm Property Divestment

- Greeley acquired 40 +/- acres of farm land with 1.5 shares of Water Supply and Storage Company (WSSC) \$1,241,920.00 in 2017.
 - \$1,012,500 for water
 - \$229,420 for land (valued at \$5,700 per acre)
- 2020 dry land property appraisal: \$242,000 (\$6,000/Acre)
 - Offer from Tim Kerbs, \$242,000
- Benefits of divestment:
 - Reduces maintenance overhead for City of Greeley
 - W&S Dept. can seek to re-appropriate sale proceeds for additional investments in water rights
 - Land is maintained in agricultural use

Danielson II Farm Property Divestment

- Buyer is a farmer and will continue to use the property for agriculture
- \$10,000 earnest money
- No brokerage commission
- Buyer pays for diligence
- City obtains dry-up and revegetation covenants
- Leaseback
 - 10 year primary lease of water rights
 - Lease may be extended for up to 5, 1-year terms

Recommended Action

Staff Recommends Approval of the Ordinance and Agreement for Divestment of the Danielson II Farm Property

Note: At its Nov. 18, 2020 regular meeting, the Greeley Water and Sewer Board approved the sale agreement and recommended to City Council the authorization for sale of the Danielson II Farm Property

Questions?

Council Agenda Summary

December 15, 2020

Agenda Item Number

Key Staff Contact: John Karner, Finance Director, 350-9732

Title:

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

Summary:

This is the fourth additional appropriation ordinance modifying the 2020 budget. This appropriation ensures that existing commitments in progress at 2019 year end can be completed in 2020, designates funds for additional commitments, and appropriates new grants that have been awarded. This ordinance was introduced at the December 1, 2020 Council Meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$ 23,163,409
What is the annual impact?	\$ 23,163,409
What fund of the City will provide Funding?	See Ordinance
What is the source of revenue within the fund?	Fund Balance, CARES Act, Operating Transfers, Grants, Intergovernmental Agreement, Expense Reimbursement, Insurance & Damage Recoveries, Registration Fees, Cash In Lieu, and Private Contributions.
Is there grant funding for this item?	Yes, Items 1, 2, 3, 12, 18C, 18D 18E,18F, 18G, 18I, 18J, 18K, 18L, 18N, 18O, 18Q, 19, 20, 22, 23, 26, 32, 33, 35, 41, 42, 43, 44, 47, 48, 49, 50, 51, 52, 54, 56, & 56
If yes, does this grant require a match?	Yes, Item 3, 12, 32
Is this grant onetime or ongoing?	Onetime
Additional Comments:	Total appropriations made by this ordinance are \$23,163,409. The following funding sources will be used to cover the appropriations made by this ordinance.

Fund Balance	\$ 7,912,678
CARES Act	4,849,987
Grants for Transit Buses & Operations	3,982,609
Operating Transfers	2,353,074
Intergovernmental Agreement	1,819,664
Grant	1,341,860
Expense Reimbursement	572,591
Private Contributions	180,557
Damage & Insurance Recoveries	143,189
Registration Fees & Cash In Lieu	7,200
Grand Total	\$ 23,163,409

Legal Issues:

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

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

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

Decision Options:

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

Council's Recommended Action:

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

Attachments:

Ordinance
Detail Supporting Schedule
PowerPoint

THE CITY OF GREELEY
ORDINANCE NO.____, 2020

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

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

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

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

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

Fund	Total
001 General Fund	\$ 11,618,912
103 Community Development	292,429
104 Streets & Roads	173,542
106 Sales & Use Tax	1,891
108 Designated Revenue	(821,135)
112 NEAHR Grants	418,155
113 Weld Drug Task Force Equitable Sharing	82,000
200 General Debt Service	(840,674)
301 Public Improvement	3,189,226
303 Public Art	77,245
304 Food Tax	592,716
312 Transportation Development	450,000
318 Quality of Life	4,162
321 Keep Greeley Moving	8,887
401 Sewer	127,840
404 Water	2,409,818
406 Water Capital Replacement	3,594,950
407 Water Rights Acquisition	1,500,000
408 Cemetery	9,361
409 Municipal Golf Courses	17,279
410 Downtown Parking	10,986
411 Stormwater	15,706
502 Equipment Maintenance	30,785
503 Information Technology	111,917
504 Health	1,618
505 Workers' Compensation	1,127

Fund	Total
507 Liability	76,412
513 Information Technology Acquisition	2,278
607 Community Memorials	5,976
Grand Total	\$ 23,163,409

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

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

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

ATTEST:

THE CITY OF GREELEY

City Clerk

BY _____

Mayor



City of Greeley
2020 Appropriation No. 4
City Council Meetings: December 1st & 15th

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
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Coronavirus Aid, Relief, and Economic Security Act (CARES ACT)

The Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, is a \$2.2 trillion economic stimulus bill passed by the 116th U.S. Congress and signed into law by President Donald Trump on March 27, 2020 in response to the economic fallout of the COVID-19 pandemic in the United States.

The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

Expenditures that meet this criteria have been submitted or are planned to be submitted for CARES ACT reimbursement and are grouped in total in the applicable funds.

TOTAL CARES ACT			-	4,849,987	4,849,987	-
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001 General Fund

1 CARES ACT	General Fund: CARES ACT Expenditures: Salaries, Benefits, Worker's Compensation, Paid Leave, Personal Protective Equipment (PPE), Equipment & Cleaning Supplies. In addition, the City is partnering with Weld County to contribute to the Weld County Recovery Fund with a contribution of \$372,914 (Total of \$745,828 for 2020) that will be reimbursed by the CARES Act. These funds will be partnered with the total allotment provided by Weld County in the amount of \$2,314,061. These funds will support local businesses affected by the disruption of services and the workforce during the current crisis.	-	4,175,060	4,175,060	-
2 Grant	The Transit Division is requesting to use Federal Transit Administration CARES Act funding to balance out the Transit budget overages due to COVID and other unexpected expenditures. Due to COVID, wages, benefits, and overtime have increased. Additional interior bus cleanings were required, and extra buses needed to be added to routes because of the reduced capacity & social distancing practices. Planning services were increased to comply with the federally mandated safety plan requirements, and higher than normal snow removal costs were needed in the early spring of 2020 at the Greeley Evans Regional Transportation Center. The Transit Division received a grant from the Federal Transit Administration under the 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act in the amount of \$7.2 million to cover all operating expenses incurred after January 20, 2020. The CARES funding requires no local match and was made available to support capital, operating, and other expenses in response to COVID.	-	620,100	620,100	-
3 Grant	The Transit Division is requesting funding for four replacement fixed-route buses and seven paratransit vehicles that have exceeded their useful lives. These vehicles are operating at a higher cost due to increased maintenance. Although these vehicles were originally requested for replacement in 2021 through the City budget process, lower general fund revenues necessitated the postponement of their replacements. Staff has worked with the North Front Range Metropolitan Planning Organization (NFRMPO), the Colorado Department of Transportation (CDOT), and the Federal Transit Administration (FTA) to secure the additional funding necessary to procure with no local match requirements. Funding for these vehicles will be provided by a variety of grants and toll credit sources to support the transit and transportation projects impacted by COVID. Grant and toll credit sources will cover 100% of the replacement costs (\$3,362,509). Congestion Mitigation and Air Quality (CMAQ Grants) will fund \$2,077,244 with \$431,826 funded by the Toll Credit Program, and the remaining \$853,349 funded from the 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act.	-	3,362,509	3,362,509	-
4 Private Contributions	\$5,000 in grant funds are anticipated to be received from the Greeley Area Recovery Fund Grant to pay for Licensees State Fees. This request is to account for the increased charges and reimbursement.	-	5,000	5,000	-
5 Contingency Funds	Contracted services related to the Keep Greeley Moving renewal scheduled for 2021.	60,000	-	60,000	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
15.						
6	Cash In Lieu	This request is to appropriate a cash-in-lieu payment to remove Russian Olive trees on the property that were acquired near the Fox Run subdivision. After several years of working with the developer to get the property into an acceptable condition, the only remaining issue is the presence of several Russian Olive trees. To realize a timely closing on the property acquisition, City staff agreed to allow the developer to make a cash-in-lieu payment for the removal of these trees. The work can only be done when the ground is frozen due to their presence in a wetland area. The work is to be performed during the 2020-2021 winter season.	-	6,000	6,000	-
7	Expense Reimbursement	Charges for the Ice Haus, originally approved in the 2020 as part of the supplemental process, need to be capitalized, requiring the expenditures to be allocated to the General Fund. The Greeley Ice Haus has an approximately 1,800 sq. ft. storefront room located in the front of the facility (off of 8th Avenue). The original purpose of the room was a full-service pro shop, a venture that is not viable in current market conditions. The room has been occupied by GTV8 as well as the newly formed Communications and Engagement Department in recent years but is now vacant. With over 20,000 daily admissions and 1,400 program participants annually, Recreation would like to create an off-ice training area for programming for participants. This off-ice training area would include a puck shooting area for hockey players, a jump area and mirrors for figure skaters, and other areas to stretch and prepare for events and competitions. Included in this request is the addition of rubberized flooring so that skaters can enter the area off of the main lobby while still wearing ice skates. Conservation Trust Fund dollars (only available for parks and recreation projects) would be utilized to provide one-time dollars to pay for the equipment and flooring and installation. This area will allow for additional social distancing, be extremely popular for participants, and will generate revenue for the facility.	-	89,150	89,150	-
8	Expense Reimbursement & Insurance Recoveries	This request is to transfer funds from the insurance recoveries and expense reimbursement accounts as a result of insurance reimbursements. This request also includes a partial reimbursement for the Residential Treatment Program for Emerald Ash Borer. There were damages to City property which resulted in trees that need to be removed on 10th Street for private residences. The damages were to City vehicles that occurred in our parking lot by vandalism and rogue tree branches. These funds will replace money already spent to repair the damaged vehicles and to pay the traffic control provider.	-	10,757	10,757	-
9	Contingency Funds	This request is to utilize contingency funds for Communications & Engagement contracted services (\$43,375) and the funding of positions based upon the Finance Assessment which may include the addition of a Deputy Finance Director position or other positions (\$169,868). Additionally, \$81,000 is being requested for potential executive search recruitments for Fire, Public Works, and Deputy City Manager Positions.	294,243	-	294,243	-
10	Private Contributions	Great Western Petroleum has donated funds to be used for the enhancement of the emergency management capabilities of the Greeley Fire Department. Funding from this donation will be used to purchase communications equipment for the new Assistant Emergency Manager who will start in early 2021. This equipment includes a radio, batteries, and a charger.	-	5,000	5,000	-
11	Private Contributions	Through the Fire Department's completion of a survey regarding COVID-19 the Colorado Rural Health Center gave Greeley Fire a Grant for \$2,147.43 which will be used to off-set expenditures associated with COVID-19.	-	2,147	2,147	-
12	Grant	The Emergency Management Performance Grant (EMPG) was given to the Greeley Fire Department to help fund the Emergency Operations Center's response to the pandemic. The funds will be used to purchase remote work stations for the Emergency Operations Center. Funds will also be used to purchase technology equipment for the backup Emergency Operations Center in the new Fire Station 6. This grant requires matching funds, which will come from CARES funding.	-	7,529	7,529	-
13	Private Contributions	PDC Energy has donated funds for the purchase of gas detectors for all front line fire apparatus. These detectors provide constant air monitoring on emergency scenes to protect citizens and fire personnel. There are currently four gas detectors that will be replaced with this funding.	-	10,000	10,000	-
14	Expense Reimbursement	This request is to appropriate the funds received for personnel expenditures associated with deployment for hurricane Laura. Greeley Fire deployed one fire personnel with Colorado Task Force 1 to assist with hurricane Laura search and rescue efforts. Reimbursements will be from Urban Search & Rescue (US&R).	-	8,132	8,132	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
15.						
15	Private Contributions	Funding from JBS will be used to help cover the costs associated with personal protective equipment and personnel testing equipment. Personal protective equipment is critical for safety amidst COVID-19, which has created additional expenses related to personal protective equipment and personnel testing not part of the original budget.	-	61,410	61,410	-
16	Private Contributions	Atmos Energy has donated funds to be used towards trench and collapse rescue gear. In 2020, the safety standards for this equipment have changed. Our outdated gear will be replaced to meet current standards. This new equipment will provide a greater level of safety in open trenches and structural collapses.	-	7,000	7,000	-
17	Expense Reimbursement	This appropriation details the expenditures and reimbursements for multiple deployments of Greeley Fire personnel to various wildland fires throughout the state. Reimbursements include personnel, benefits, fuel, lodging, food, and other related expenditures. Expenditure reimbursement for wildland fire mitigation is part of an agreement between the City of Greeley and the State of Colorado, who will provide reimbursement for all costs associated with the deployments.	-	388,406	388,406	-
18A	Insurance Recoveries	Accident Repairs to Vehicles: By the end of 2020, the Greeley Police Department should receive approximately \$60,000 in insurance recoveries. The Greeley Police Department is provided insurance reimbursements to cover the repair costs when cruisers are damaged in accidents.	-	60,000	60,000	-
18B	Expense Reimbursement	Auto Theft Prevention Overtime & Equipment: The Greeley Police Department has been awarded funding from the Colorado State Patrol for auto theft prevention. Funding will be used to cover expenditures for overtime and equipment. By the end of the year, \$20,000 will have been spent on overtime and \$43,729 for equipment.	-	63,729	63,729	-
18C	Grant	Cameron Peak Fire Traffic Control: The help of the Greeley Police Department was requested to assist with traffic control during the wildfires this fall. The Greeley Police Department will be reimbursed by Colorado Homeland Security and Emergency Management for the required overtime. We anticipate working nearly 1,500 hours, which would equate to \$100,000.	-	100,000	100,000	-
18D	Grant	COVID-19 Related Police Department Expenditures: The Greeley Police Department was awarded \$135,000 from the Justice Assistance COVID Grant (JAG), which will pay for safety equipment. This includes personal protective equipment, cleaning supplies, sanitizer, and related safety items for our first responders. \$15,000 of these funds will be spent in 2020.	-	15,000	15,000	-
18E	Grant	Data Driven Approach to Crime & Traffic Safety Overtime: The Greeley Police Department has been awarded funding from the Colorado Department of Transportation for our Data Driven Approach to Crime and Traffic Safety (DDACTS) project. The requested use of these grant funds is for overtime expenditures which will total \$75,000 at year-end.	-	75,000	75,000	-
18F	Grant	Drug Task Force Investigative Expenditures: The Weld County Drug Task Force (WCDF) receives funds from the High Intensity Drug Trafficking Award (HIDTA). This year, awards totaled \$100,195 for 2020. These grant funds are used for investigations personnel, overtime, building leases, and vehicle leases in conjunction with our drug task force.	-	100,195	100,195	-
18G	Expense Reimbursement	Evidence Auction Sales: This request is to appropriate funds that have been received for auction sales. Items in evidence can be sold at these auctions. The Greeley Police Department has received \$10,000 more than what was budgeted in 2020.	-	10,000	10,000	-
18H	Grant	Gang Investigations Overtime: The Greeley Police Department's Gang Unit has received funds from the Colorado Division of Criminal Justice to pay for related overtime. Expenditures will amount to approximately \$20,000 by the end of 2020.	-	20,000	20,000	-
18I	Grant	Investigation of Unlicensed Marijuana: The Greeley Police Department was awarded \$261,663 by the Department of Local Affairs in regards to the Gray & Black Marijuana Enforcement Grant. This grant is to provide financial assistance through reimbursement for the expenses related to the investigations of unlicensed marijuana cultivation. \$225,140 of these grant funds were spent in 2020.	-	225,140	225,140	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
15.						
18J Grant		License Plate Reader: The Greeley Police Department was awarded \$82,460 for the Justice Assistance Grant (JAG). These funds will not only be used to purchase a license plate reader, they will also be used to reimburse the Weld County Sheriff's Office portion of the grant as the sub-recipient.	-	82,460	82,460	-
18K Grant		Overtime Expenditures: Click It or Ticket: The Greeley Police Department has received the Click it or Ticket Grant from the Colorado Department of Transportation in the amount of \$7,625. Funding has been awarded and used in full to offset overtime expenditures.	-	7,625	7,625	-
18L Grant		Overtime Expenditures: High Visibility Enforcement: The Greeley Police Department has been awarded a High Visibility Enforcement (HVE) grant from the Colorado Department of Transportation. By the end of 2020, approximately \$22,000 of the grant will be used for overtime expenditures.	-	22,000	22,000	-
18M Operating Transfer: Weld Drug Task Force Equitable Sharing		Equitable & Non-Equitable funds will need to be appropriated to purchase police supplies and equipment purchases.	-	82,000	82,000	-
18N Grant		Salaries, Equipment, Supplies & Volunteer Expenditures: The Greeley Police Department's Victim Assistant Unit (VAU) has received funds from the Victims of Crime Act Assistance (VOCA). These funds are used to pay for one full-time and two-part time employees. They are also used to purchase equipment and supplies for our coordinators and volunteers. The Greeley Police Department has received \$130,185 but needs to appropriate \$83,673.	-	83,673	83,673	-
18O Grant		Sims Ammunition: The Greeley Police Department was awarded \$3,022 for the Peace Office Standards and Training (POST) grant. These funds were used to pay for sims ammunition.	-	3,022	3,022	-
18P Registration Fees		Special Weapons and Tactics (SWAT) Course Materials: The Greeley Police Department hosted a Special Weapons and Tactics (SWAT) for sniper and basic training. Outside agencies are required to pay \$100 for registration. The Greeley Police Department pays for the equipment and materials for the course. \$1,200 has been received in registration fees, which we are requesting to use to cover the related training expenditures.	-	1,200	1,200	-
18Q Grant		Training Expenditures: The Greeley Police Department was awarded a grant from the Internet Crimes Against Children (ICAC) for \$4,089. These funds were used to offset training expenditures.	-	4,089	4,089	-
18R Intergovernmental Agreement		Victim Services Contributions: Currently, there are 11 jurisdictions that use our Victims Services unit and pay an annual fee. In 2020, we have received \$16,000 in contribution fees. This request is to allocate those funds.	-	16,000	16,000	-
001 General Fund			354,243	9,729,333	10,083,576	-
103 Community Development						
19 Fund Balance / Grant / Private Contributions		Grant funds are being distributed for the Community Development Block Grant and HOME programs along with income derived from these programs. The following properties are part of the HOME project: 1334 29th Street Road, 1338 29th Street Road, 1342 29th Street Road, 1346 29th Street Road, 208 30th Avenue, 212 30th Avenue	184,457	107,972	292,429	-
103 Community Development			184,457	107,972	292,429	-
104 Streets & Roads						
20 CARES ACT		Streets & Roads Fund: CARES ACT Expenditures: Personal Protective Equipment (PPE), Paid Leave & Cleaning Supplies	-	169,535	169,535	-
21 Expense Reimbursement		Public Works will assist the #3 Ditch Company to burn their section of the ditch as they do not have a water truck. This request is for funds related to the rental cost of the water truck and employee overtime to be received from the #3 Ditch Company. This was not a budgeted item due to not knowing the ditch company would request the Division to help again this year. This is the second year the division has done this.	-	4,007	4,007	-
104 Streets & Roads			-	173,542	173,542	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
15.						
106 Sales & Use Tax						
22	CARES ACT	Sales & Use Tax Fund: CARES ACT Expenditures: Paid Leave	-	1,891	1,891	-
106 Sales & Use Tax			-	1,891	1,891	-
108 Designated Revenue						
23	CARES ACT	Designated Revenue Fund: CARES ACT Expenditures: Paid Leave	-	4,375	4,375	-
24	Fund Balance	Weld County School District 6, as a Designated Access Provider, applied with the City requesting Public, Educational, and Government Access (commonly referred to "PEG") grant funds. These funds will be used to purchase and install specialized equipment necessary to produce local content associated with educational programming. This will ensure the local content is consistent with the expectations of the City's cable franchise agreement. Local content has been identified within the application as Board of Education meetings. These grant funds will pay for a NewTek TriCaster TC410 Plus BASE Bundle (\$13,490.00) as well as installation, configuration, and testing of the system (\$2250.00).	15,740	-	15,740	-
25	Fund Balance	This request is to distribute funds for the proper allocation of sales tax administrative expenditures.	17,000	-	17,000	-
108 Designated Revenue			32,740	4,375	37,115	-
112 NEAHR Grants						
26	Grant	This grant was awarded by the State to the City of Greeley as the Fiscal Agent for the Northeast Colorado All Hazards Region. This will allow the funds to be expended and later requested as reimbursements from the State of Colorado. The State Department of Public Safety has awarded the City of Greeley, as the Fiscal Agent, the 2020 Northeast Colorado All Hazards Region (NEAHR) grant in the amount of \$418,155. The expenditures are designated by the Regional Homeland Security Coordinator and the Grant Steering Committee. This appropriation will allow the use of these funds to later be requested as reimbursements from the State of Colorado. All fiscal agent expenditures will be reimbursed via a State Pass-Through grant from the Colorado Department of Public Safety.	-	418,155	418,155	-
112 NEAHR Grants			-	418,155	418,155	-
200 General Debt Service						
27	Operating Transfer: Designated Revenue	In 2019 Certificates of Participation (COP) were issued for the construction of two Fire Stations and a fire engine for \$10.9 million. Debt was budgeted in 2020 with the inclusion of principal payments. Interest payments only are scheduled on the debt until 2024 when principal payments will then be paid. This request aligns the budget by reducing the interest and principal payments accordingly.	-	(858,250)	(858,250)	-
28	Operating Transfer: Public Improvement	This request will move the funds from the Public Improvement escrow account to the Debt Service escrow account. This transfer of funds will allow the City to close out the Greeley Certificates of Participation (2019 Cost of Issuance Account) held with Zions Bank. All costs of issuance have been paid and the City will utilize the remaining balance of \$17,576 toward future interest payments.	-	17,576	17,576	-
200 General Debt Service			-	(840,674)	(840,674)	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
15.						
301 Public Improvement						
29	Intergovernmental Agreement / Operating Transfer: General Fund	In collaboration with School District 6 with funding provided by the District, Boomerang Links Golf Course will be re-aligned on 4 fairways to accommodate the construction of a new K-8 campus. This is a new project predicated on the desire of Weld School District to utilize existing Boomerang golf course property along 4th Street and 71st Avenue (Fairways #10, 11, 12, and a portion of #13). The City will ultimately exchange land to make the Boomerang Links Golf Course "whole" and this project will construct new tee boxes, fairways, greens, and cart paths on "new" land being exchanged with District 6. The project will also entail new irrigation on all 9 holes on the south end of the course (#10-#18) and the City will fund the portion of the course not impacted by the new construction (a portion of #13 and #14-#18) plus management of the course when construction is completed. Weld School District is providing funding (\$1,763,664) towards the reconstruction of the golf course and 4 new fairways as part of the intergovernmental agreement. Funding from the General Fund in the amount of \$1.0 million was saved that was originally allocated for the Police records building. This request will use those funds along with an addition \$85,366 from the General Fund's fund balance towards the completion of the remaining irrigation on 5 other fairways along with maintenance of the new turf and fairways. [See Fund 406 for the related portion of this request]	-	2,849,000	2,849,000	-
30	Intergovernmental Agreement	This request is to utilize private funds to expand the parking lot at Centennial Library. With the construction of the new #2 Fire Station at Centennial Park and the demolition of the original building, there is an opportunity to expand the south side parking lot at the Centennial Library. The High Plains Library District (HPLD) will pay for the parking lot expansion while utilizing the same contractor for the Fire Station project. Funding is from an Intergovernmental Agreement between the City of Greeley and the High Plains Library District/Centennial Library. Total project cost is \$140,000.	-	40,000	40,000	-
31	Fund Balance	This request is to appropriate funds to build a second salt shed at 4th Street and 35th Avenue. Funds will be utilized from the 2019 sale of recycled asphalt, which are currently held in Public Improvement Fund (301) fund balance. This second salt shed will result in reduced response times to the western part of the City during the snow season. Trucks are currently traveling over 2 additional miles to 11th Avenue and A Street to reload salt.	82,650	-	82,650	-
32	Fund Balance / Grant	The City of Greeley was awarded a grant from the state that will allow the replacement of severely degraded concrete panels around the Greeley Evans Transit bus barn. The concrete panels have made snow maintenance difficult and are a safety concern for drivers and staff. An Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) for grant funding was approved by Council in 2018, but the funds were not appropriated. The City was also awarded a funding advancement from CDOT for the Surface Transportation and Economic Recovery (FASTER) grant for \$160,000. Funds totaling \$40,000 will be utilized from the 2019 sale of recycled asphalt.	40,000	160,000	200,000	-
301 Public Improvement			122,650	3,049,000	3,171,650	-
303 Public Art						
33	CARES ACT	Public Art Fund: CARES ACT Expenditures: Paid Leave	-	833	833	-
34	Operating Transfer: Liability	This request is to appropriate funding for a replacement of a damaged sculpture, 'Winds of Change'. The sculpture was unexpectedly damaged by a vehicle that lost control. The original artist who created the sculpture has agreed to build a replacement for the same location. Additional funding will be needed: \$22,412 for demolition, and \$42,200 for the sculpture replacement. \$11,800 is also being requested for contingency.	-	76,412	76,412	-
303 Public Art			-	77,245	77,245	-
304 Food Tax						
35	CARES ACT	Food Tax Fund: CARES ACT Expenditures: Paid Leave	-	1,716	1,716	-
36	Fund Balance	Additional funds are needed to complete the two scheduled sanitation system upgrades. One of the sanitation system upgrades is to help with disinfection at the Family FunPlex and Recreation Center pools. The second sanitation system upgrade is for the Centennial pool. Both projects entail mandatory upgrades to mechanical systems that support the Colorado and Weld County Health Code requirements. It will also allow the systems to adapt to an impending Universal Model Aquatics Code for swimming pools.	85,000	-	85,000	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
15.						
37	Fund Balance: Project Savings	This request is to provide funding for a new central irrigation control platform (Baseline Irrigation Control). The City of Greeley Parks Division has been operating the Rain Bird® Maxicom Central Irrigation Control platform for approximately 15 years. Over the last five years, there have been minimal upgrades to the software or operating components. Because of this shift, the Maxicom controllers and components have become hard to find and are cost-prohibitive to repair. Less than 50% of our controllers interface properly, and the central computer alone has had 3 catastrophic failures this season. The original intent was to spread the replacement over 5 years, but because of the demise of Maxicom, the immediate replacement is necessary to support irrigation activities and maximum water efficiency. Savings of \$250,000 from the Youth Sports Irrigation project and \$50,000 from the Bittersweet Irrigation project will provide funding for the request.	300,000	-	300,000	-
38	Fund Balance: Project Savings	As a result of project savings, funds are requested to expedite highly scored projects currently planned for 2022-2023 to 2021: Due to asset condition, it is suggested that the Fire Station 5 Roof be moved forward. The roof is 22 years old and has reached the end of its useful life. The replacement of this roof will protect interior assets, restore skylights, and extend the life of the structure. To ensure public safety, funds are requested to move the funding forward to replace the netting at the Ice Haus, since the netting has aged and caused safety concerns. For improved project coordination, the acceleration of the Rodarte Center Restroom Remodel, currently scheduled for 2023 will take place during the kitchen remodel in 2020. Completing both of these projects together will allow fewer interruptions, but will potentially reduce project cost.	186,000	-	186,000	-
39	Fund Balance: Project Savings	This request advances the necessary design fees associated with the Rodarte Center's kitchen remodel from 2021 to 2020. Construction will be slated for 2021. This remodel will ensure compliance with the required health codes. Due to the complexity of the project, it is necessary to appropriate funds to engage licensed designers as soon as possible. Mechanical engineers, structural engineers, electrical engineers, and an architect with commercial kitchen design experience are required for a project of this nature to produce a safe & fully operating commercial kitchen.	20,000	-	20,000	-
304	Food Tax		591,000	1,716	592,716	-
312 Transportation Development						
40	Operating Transfer: General Fund	To ensure safety and improve traffic flow, a new traffic signal will be installed at 20th St & 50th Avenue. A traffic signal is warranted at the location and is currently on the Road Development unfunded list. Ahead of the Aims Welcome Center completion in December of 2021, this signal will be designed and constructed next year to improve traffic flow through this intersection. General fund contingency funds are being requested due to the insufficient funding in road development.	-	450,000	450,000	-
312	Transportation Development		-	450,000	450,000	-
318 Quality of Life						
41	CARES ACT	Quality of Life Fund: CARES ACT Expenditures: Paid Leave	-	4,162	4,162	-
318	Quality of Life		-	4,162	4,162	-
321 Keep Greeley Moving						
42	CARES ACT	Keep Greeley Moving Fund: CARES ACT Expenditures: Paid Leave	-	8,887	8,887	-
321	Keep Greeley Moving		-	8,887	8,887	-
401 Sewer						
43	CARES ACT	Sewer Fund: CARES ACT Expenditures: Information Technology, Paid Leave, Personal Protective Equipment (PPE) & Cleaning Supplies	-	127,840	127,840	-
401	Sewer		-	127,840	127,840	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
15.						
404 Water						
44	CARES ACT	Water Fund: CARES ACT Expenditures: Paid Leave, Personal Protective Equipment (PPE), Thermometers, Disinfecting & Cleaning Supplies	-	159,818	159,818	-
45	Fund Balance	This request is to appropriate funding to cover expenses as a result of the Cameron Peak Fire. The Cameron Peak Fire has burned 200,000+ acres of Greeley's Poudre River watershed, where half of Greeley's water supplies are diverted. Mitigation work needs to be done to protect Greeley's water supply and water supply infrastructure. Mitigation work will involve the installation of sediment basins at Chambers, Barnes, Comanche, Hourglass, and Peterson reservoirs. Wattles and log jam debris prevention structures will also need to be installed to minimize erosion. Aerial mulching will be required on as many acres as possible to minimize further erosion and sedimentation impacts.	750,000	-	750,000	-
404 Water			750,000	159,818	909,818	-
406 Water Capital Replacement						
29	Fund Balance	This request is to provide funding for construction to replace and relocate non-potable infrastructure at Boomerang. This will accommodate a more efficient system in support of the land exchange between School District 6 and the City of Greeley. A 2018 assessment of the golf course's non-potable system found that 240 acre-feet or more of water is wasted each irrigation season and could be recaptured through infrastructure improvements. While rebuilding the system poses a significant opportunity for water conservation, a subsequent cost-benefit analysis revealed the project to be cost-prohibitive without funding partners. The recent purchase by Greeley - Evans School District 6 of 88 acres within the Boomerang South Golf Course has presented an opportunity for Water and Sewer to revisit this important project. A majority of the requested project budget will be spent on constructing the new pump station, excavating a new storage pond, and lining all ponds. Project design is scheduled to be complete this year with existing funding. Construction will begin in 2021. [See Fund 301 for the related portion of this request]	3,594,950	-	3,594,950	-
406 Water Capital Replacement			3,594,950	-	3,594,950	-
407 Water Rights Acquisition						
46	Operating Transfer: Water	Appropriate funding in the Water Acquisition fund allows the City to effectively develop raw water supplies. This request is to transfer Water Operating Reserves to the Water Acquisition fund to enable cash-funding of the capital program. After modeling anticipated 2020 revenues and capital funding expenditures, it was determined that a \$1.5 million transfer from the Water Operating fund to the Water Acquisition fund is necessary to balance out the funds and support cash-funding of the 407 capital program. The 2020 Water Operating ending fund balance is estimated to be \$18.4 million, well above the target reserve of \$4.6 million.	-	1,500,000	1,500,000	-
407 Water Rights Acquisition			-	1,500,000	1,500,000	-
408 Cemetery						
47	CARES ACT	Cemetery Fund: CARES ACT Expenditures: Protective Shield Guards, Personal Protective Equipment (PPE), Equipment & Cleaning Supplies	-	9,361	9,361	-
408 Cemetery			-	9,361	9,361	-
409 Municipal Golf Courses						
48	CARES ACT	Municipal Golf Courses Fund: CARES ACT Expenditures: Paid Leave, Personal Protective Equipment (PPE) & Equipment	-	17,279	17,279	-
409 Municipal Golf Courses			-	17,279	17,279	-
410 Downtown Parking						
49	CARES ACT	Downtown Parking Fund: CARES ACT Expenditures: Paid Leave	-	10,986	10,986	-
410 Downtown Parking			-	10,986	10,986	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
15.						
411 Stormwater						
50	CARES ACT	Stormwater Fund: CARES ACT Expenditures: Paid Leave	-	15,706	15,706	-
411 Stormwater			-	15,706	15,706	-
502 Equipment Maintenance						
51	CARES ACT	Equipment Maintenance Fund: CARES ACT Expenditures: Information Technology, Personal Protective Equipment (PPE), Disinfecting & Supplies	-	30,785	30,785	-
502 Equipment Maintenance			-	30,785	30,785	-
503 Information Technology						
52	CARES ACT	Information Technology Fund: CARES ACT Expenditures: Paid Leave & Information Technology	-	106,730	106,730	-
53	Expense Reimbursement	This request is properly allocate funds so that Information Technology can pay for two software licenses. The first request is to transfer funds from Economic Health & Housing to Information Technology for their Office 365 Dynamic Subscription. The second request is to transfer funds from Public Works to Information Technology for their field capturing software (Utilisync).	-	5,187	5,187	-
503 Information Technology			-	111,917	111,917	-
504 Health						
54	CARES ACT	Health Fund: CARES ACT Expenditures: Paid Leave & Thermometers	-	1,618	1,618	-
504 Health			-	1,618	1,618	-
505 Workers' Compensation						
55	CARES ACT	Workers' Compensation Fund: CARES ACT Expenditures: Paid Leave	-	1,127	1,127	-
505 Workers' Compensation			-	1,127	1,127	-
513 Information Technology Acquisition						
56	CARES ACT	Information Technology Acquisition Fund: CARES ACT Expenditures: Paid Leave	-	2,278	2,278	-
513 Information Technology Acquisition			-	2,278	2,278	-
607 Community Memorials						
57	Fund Balance	The City received a grant from the State Historical Fund in January of 2020, to hire a consultant to develop a Historic Resource Survey Plan. The plan includes prioritizing, funding, and conducting historic resource surveys in Greeley east of 35th avenue. This is an area with the highest concentration of buildings over 50 years old. This will guide future historic preservation surveys to document and identify historic resources and areas in Greeley. The grant totaled \$15,000, with a cash match of \$5,987. This request is to appropriate the cash match that was not included in the third appropriation. No intergovernmental agreements or resolutions have been needed, only a simple contract with the state.	5,976	-	5,976	-
607 Community Memorials			5,976	-	5,976	-
Total (Less Additional Operating Expenditures Between Funds)			5,636,016	15,174,319	20,810,335	-

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
15.						
Operating Transfers						
18M	Fund Balance	Police Supplies & Equipment - Operating Transfer of Fund Balance: Weld Drug Task Force Equitable Sharing to General Fund	82,000	-	82,000	-
27	Fund Balance	2019 COP Alignment - Operating Transfer of Fund Balance: Designated Revenue to General Debt Service	(858,250)	-	(858,250)	-
28	Fund Balance	2019 COP Principal Payment - Operating Transfer of Fund Balance: Public Improvement to General Debt Service	17,576	-	17,576	-
29	Fund Balance	Boomerang Fairway Redevelopment with District 6 - Operating Transfer of Fund Balance: General Fund to Public Improvement	1,085,336	-	1,085,336	-
34	Damage Recoveries	Winds of Change Sculpture Replacement - Operating Transfer of Damage Recoveries: Liability to Public Art	-	76,412	76,412	-
40	Contingency Funds	New Traffic Signal: 20th St & 50th Ave - Operating Transfer of Contingency Funds: General Fund to Transportation Development	450,000	-	450,000	-
46	Fund Balance	Water Rights Acquisition Fund Cash Balancing - Operating Transfer of Fund Balance: Water to Water Rights Acquisition	1,500,000	-	1,500,000	-
Total Additional Operating Expenditures Between Funds			2,276,662	76,412	2,353,074	-
Grand Total			7,912,678	15,250,731	23,163,409	-

2020 4th Appropriation

December 1st & 15th, 2020

John Karner | Finance Director

Presented by
Robert Miller | Budget & Compliance Manager



Fourth Appropriation - 2020

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

Appropriation by Fund

Fund	2020 Budget	Ordinance	2020 Revised Budget
001 General Fund	\$ 123,067,706	\$ 11,618,912	\$ 134,686,618
103 Community Development	1,840,419	292,429	2,132,848
104 Streets & Roads	10,997,114	173,542	11,170,656
105 Conservation Trust	1,234,619	-	1,234,619
106 Sales & Use Tax	82,176,100	1,891	82,177,991
108 Designated Revenue	3,946,639	(821,135)	3,125,504
112 NEAHR Grants	775,104	418,155	1,193,259
113 Weld Drug Task Force Equitable Sharing	-	82,000	82,000
200 General Debt Service	7,516,849	(840,674)	6,676,175
301 Public Improvement	30,582,041	3,189,226	33,771,267
303 Public Art	958,338	77,245	1,035,583
304 Food Tax	13,078,330	592,716	13,671,046
312 Transportation Development	21,051,993	450,000	21,501,993
318 Quality of Life	13,836,699	4,162	13,840,861
321 Keep Greeley Moving	18,178,776	8,887	18,187,663
401 Sewer	7,258,867	127,840	7,386,707

Appropriation by Fund

Fund	2020 Budget	Ordinance	2020 Revised Budget
404 Water	21,441,383	2,409,818	23,851,201
406 Water Capital Replacement	35,469,825	3,594,950	39,064,775
407 Water Rights Acquisition	23,709,633	1,500,000	25,209,633
408 Cemetery	785,809	9,361	795,170
409 Municipal Golf Courses	2,254,601	17,279	2,271,880
410 Downtown Parking	313,681	10,986	324,667
411 Stormwater	2,878,767	15,706	2,894,473
502 Equipment Maintenance	3,455,237	30,785	3,486,022
503 Information Technology	6,212,637	111,917	6,324,554
504 Health	15,757,426	1,618	15,759,044
505 Workers' Compensation	1,707,753	1,127	1,708,880
507 Liability	1,651,044	76,412	1,727,456
513 Information Technology Acquisition	3,950,973	2,278	3,953,251
607 Community Memorials	1,095	5,976	7,071
Grand Total	456,089,458	23,163,409	479,252,867
All Funds	\$ 602,304,100	\$ 23,163,409	\$ 625,467,509

Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

“The CARES Act provides fast and direct economic assistance for American workers, families, and small businesses, and preserve jobs for our American industries.” The City is partnering with Weld County to contribute to the Weld County Recovery Fund with an additional contribution of \$372,914 for a total of \$745,828 in 2020 to support local businesses affected by the disruption of services and the workforce during the current crisis. Additional items reimbursed include Personal Protective Equipment (PPE), Information Technology, Thermometers, Protective Shield Guards & Cleaning Supplies. All related salaries and benefits due to COVID will also be reimbursed as part of the CARES ACT.

Fund	Ordinance
001 General Fund	\$ 4,175,060
104 Streets & Roads	169,535
106 Sales & Use Tax	1,891
108 Designated Revenue	4,375
303 Public Art	833
304 Food Tax	1,716
318 Quality of Life	4,162
321 Keep Greeley Moving	8,887
401 Sewer	12

CARES Act

Fund	Ordinance
404 Water	159,818
408 Cemetery	9,361
409 Municipal Golf Courses	17,279
410 Downtown Parking	10,986
411 Stormwater	15,706
502 Equipment Maintenance	30,785
503 Information Technology	106,730
504 Health	1,618
505 Workers' Compensation	1,127
513 Information Technology Acquisition	2,278
Grand Total	\$ 4,849,987

Grants for Transit Buses & Operations

Request	Funding Source	Ordinance
Transit Vehicle Replacements: 4 Replacement Fixed-Route Buses & 7 Paratransit Vehicles	Grant: Congestion Mitigation & Air Quality (CMAQO), \$2,077,334; Toll Credit Program, \$431,826; & CARES Act, \$853,349	\$ 3,362,509
Transit Operating Expenditures	Grant: Federal Transit Administration (CARES)	620,100
Total		\$ 3,982,609

General Fund: Police & Fire

Request	Ordinance
Police Grants	\$ 820,204
Police Expense Reimbursements, Insurance Recoveries & Private Contributions	150,929
Fire Grants, Expense Reimbursements & Private Contributions	489,624
Total	\$ 1,460,757

Water Funds

Request	Funding Source	Ordinance
Boomerang Water Efficiency	Water Capital Replacement: Fund Balance	\$ 3,594,950
Water Rights Acquisition Fund Cash Balancing	Water Fund: Fund Balance	1,500,000
Cameron Peak Fire Mitigation	Water Fund: Fund Balance	750,000
Total		\$ 5,844,950

Required Operating Transfers		Ordinance
Water Rights Acquisition Fund Cash Balancing	Water Fund to Water Rights Acquisition Fund	\$ 1,500,000
Total		\$ 1,500,000

Capital Projects

Request	Funding Source	Ordinance
Boomerang Fairway Redevelopment with School District 6	Operating Transfer: Project Savings / Intergovernmental Agreement	\$ 2,849,000
Baseline Controller; Capital Improvement Prioritization; Rodarte Kitchen Design	Fund Balance: Project Savings	506,000
New Traffic Signal: 20th St & 50th Ave	Operating Transfer: Contingency Funds	450,000
Transit Barn Concrete Replacement	Public Improvement: Fund Balance & Grant (\$160,000)	200,000
Pool Sanitation Upgrade	Public Improvement: Fund Balance	85,000
Bestway Salt Shed	Public Improvement: Fund Balance	82,650
Winds of Change Sculpture Replacement	Damage Recoveries: Liability Fund	76,412
Library Parking Lot Expansion	Intergovernmental Agreement	40,000
Total		\$ 4,289,062

Required Operating Transfers To Debt Service Fund		Ordinance
2019 Certificates of Participation	General Debt Service: Alignment	\$ 17,576
Total		\$

General Fund

Request	Funding Source	Ordinance
Communications & Engagment Services, Finance Assesement Position(s) & Executive Recruitment	Fund Balance: Contingency Funds	\$ 294,243
Ice Haus Capital Expenditures	Operating Transfer: Conservation Trust	89,150
Tax Renewal Survey & Content	Fund Balance: Contingency Funds	60,000
Vehicle Repair & Emerald Ash Borer	Expense Reimbursement & Insurance Recoveries	10,757
Fox Run Tree Removal	Cash In Lieu	6,000
Reimburse State Licensing Fees	Private Contributions: Greeley Area Recovery Fund	5,000
Total		\$ 465,150

Required Operating Transfers to Fund Capital Projects		Ordinance
Boomerang Fairway Redevelopment with School District 6	To Public Improvement Fund: Contingency Funds \$85,336 & Police Records Building Savings \$1,000,000	\$ 1,085,336
New Traffic Signal: 20th St & 50th Ave.	General Fund: Contingency Funds	450,000
Total		\$ 1,535,336

Special Funds

Request	Funding Source	Ordinance
Northeast Colorado All Hazards Region Grant (NEAHR)	NEAHR Grant	\$ 418,155
HOME Program & Community Development Block Grant (CDBG)	Community Development Block Grant (CDBG) Fund Balance / Grant / Private Contributions: United States Department of Housing and Urban Development	292,429
Distribution of Sales Tax Administrative Charges	Designated Revenue: Fund Balance	17,000
Video Production System	Public, Educational, and Government Access (PEG): Fund Balance	15,740
Historic Resource Survey Plan	Community Memorials: Fund Balance	5,976
#3 Ditch Burning Assistance	Expense Reimbursement	4,007
Ice Haus Capital Expenditures	Operating Transfer: Conservation Trust	-
Total		\$ 753,307

Summary

- Total Appropriated Amount: \$23,163,409
- Affirmation of Prior Commitments
- Maintain Transparency & Accounting Standards
- Demonstrates Transparency of Restricted Funds

Supplemental Information

Appropriation by Funding Sources

Funding Sources	Amount
Fund Balance	\$ 7,912,678
CARES ACT	4,849,987
Grants for Transit Buses & Operations	3,982,609
Operating Transfers	2,353,074
Intergovernmental Agreement	1,819,664
Grant	1,341,860
Expense Reimbursement	572,591
Private Contributions	180,557
Damage & Insurance Recoveries	143,189
Registration Fees & Cash In Lieu	7,200
Grand Total	\$ 23,163,409

Appropriation by Categories

CATEGORY	Amount	Transfers	TOTAL
Water Funds	\$ 5,844,950	\$ 1,500,000	\$ 7,344,950
CARES ACT	4,849,987	-	4,849,987
Capital Funds	4,289,062	17,576	4,306,638
Grants for Transit Buses & Operations	3,982,609	-	3,982,609
General Fund	1,925,907	1,535,336	3,461,243
Internal Funds	5,187	76,412	81,599
Special Revenue Funds	753,307	(776,250)	(22,943)
Debt Service Funds	(840,674)	-	(840,674)
Grand Total	\$ 20,810,335	\$ 2,353,074	\$ 23,163,409

General Fund: Police Detail

Request	Funding Source	Ordinance
Investigation of Unlicensed Marijuana	Grant: Gray & Black Marijuana Enforcement	225,140
Drug Task Force Investigative Expenditures	Grant: High Intensity Drug Trafficking Award (HIDTA)	100,195
Cameron Peak Fire Traffic Control	Grant: Colorado Homeland Security & Emergency Management Reimbursement	100,000
Salaries, Equipment, Supplies & Volunteer Expenditures	Grant: Victims of Crime Advocate (VOCA)	83,673
License Plate Reader	Grant: Justice Assistance (JAG)	82,460
Police Supplies & Equipment	Fund Balance: Operating Transfer: Weld County Drug Task Force	82,000
Data Driven Approach to Crime & Traffic Safety Overtime	Grant: Colorado Department of Transportation (CDOT)	75,000
Auto Theft Prevention Overtime & Equipment	Expense Reimbursement: Colorado State Patrol Reimbursement	63,729
Accident Repairs to Vehicles	Insurance Recoveries	60,000

General Fund: Police Detail

Request	Funding Source	Ordinance
Overtime Expenditures: High Visibility Enforcement	Grant: High Visibility Enforcement (HVE)	22,000
Gang Investigations Overtime	Grant: Project Safe Neighborhood (PSN) Gang	20,000
Victim Services Contributions	Intergovernmental Agreement: Outside Agency Contributions	16,000
COVID-19 Related Police Department Expenditures	Grant: Justice Assistance (JAG)	15,000
Evidence Auction Sales	Expense Reimbursement	10,000
Overtime Expenditures: Click It or Ticket	Grant: Click It or Ticket (CIOT)	7,625
Training Expenditures	Grant: Internet Crimes Against Children (ICAC)	4,089
Sims Ammunition	Grant: Peace Office Standards & Training (POST)	3,022
Special Weapons and Tactics (SWAT) Course Materials	Registration Fees	1,200
Total		\$ 97

General Fund: Fire Detail

Request	Funding Source	Ordinance
Wildland Mitigation	Expense Reimbursement: State of Colorado	388,406
Personal Protective & Testing Equipment	Private Contributions: JBS	61,410
Gas Detectors	Private Contributions: PDC Energy	10,000
Hurricane Laura Deployment	Expense Reimbursement: Urban Search & Rescue (US&R)	8,132
Emergency Operations Center: Technology & Work From Home Stations	Grant: Emergency Management Performance	7,529
Shoring Equipment	Private Contributions: Atmos Energy	7,000
Communications Equipment	Private Contributions: Great Western Petroleum	5,000
COVID-19 Related Fire Department Expenditures	Private Contributions: Colorado Rural Health Center	2,147
Total		\$ 489,624

Internal Funds

Request	Funding Source	Ordinance
Software Purchases: Utilisync / Economic Health & Housing O365 Dynamic Subscription	Expense Reimbursement	5,187
Total		\$ 5,187

Required Operating Transfers	Ordinance
Winds of Change Sculpture Replacement: Public Art	76,412
Total	\$ 76,412

Special Funds: Transfers

Required Operating Transfers	Ordinance
Police Supplies & Equipment: General Fund	\$ 82,000
2019 Certificates of Participation: General Debt Service	(858,250)
Total	\$ (776,250)

Debt Service

Request	Funding Source	Ordinance
2019 COP Principal Payment	Designated Revenue: Fund Balance	\$ 17,576
2019 COP Alignment	Designated Revenue: Fund Balance	(858,250)
Total		\$ (840,674)

Council Agenda Summary

December 15, 2020

Agenda Item Number

Key Staff Contact: Maria E. Gonzalez Estevez, Human Resources Director, 970-888-1857

Title:

Public hearing and final reading of an ordinance amending §2.04.070 of the Greeley Municipal Code establishing the salary for the Mayor and the salary for members of the Greeley City Council.

Summary:

City of Greeley Charter §2.6 requires that (a) the compensation for the City Council (including Mayor and City Council members) be set by ordinance; and (b) the compensation of any City Council member cannot be increased or decreased during the City Council member's term. In accordance with this Charter provision, City Council compensation is set by §2.04.070 which also requires a review of City Council compensation once every four-years. Since the most recent review of City Council compensation was completed in 2016, the matter must be reviewed again by January 2021.

The Human Resources Department completed a review of City Council compensation (including the position of Mayor) across 9 comparable Colorado communities as outlined below.

City	Year Updated	Mayor	Council Members
Greeley Current	2016	\$18,000	\$12,000
Arvada	2020	\$18,000	\$13,800
Boulder	2020	\$12,205	\$12,205
City of Brighton	2020	\$16,800	\$14,400
City and County of Broomfield	2020	\$13,200	\$9,600
City of Fort Collins	2020	\$15,360	\$10,236
City of Loveland	2020	\$12,000	\$7,200
Longmont	2020	\$18,000	\$14,400
Thornton	2015	\$24,000	\$18,000
Westminster	2020	\$17,736	\$12,672

Based on this review, the Human Resources Department is recommending adjustments in City Council compensation as provided below:

City	Year Updated	Mayor	Council Members
Greeley Current	2016	\$18,000	\$12,000
Average		\$16,367	\$12,501
Greeley Proposed	2020	\$18,000	\$12,600

- Mayor – No increases
- Council member – from \$1000 monthly to \$1,050 monthly

In accordance with the City Charter requirement that no compensation adjustments occur within the current City Council member's term, the following schedule reflects the implementation period based on each City Council member's current term. Any adjustments approved by the Council would take effect following the seating of the newly elected City Council member:

Area	Year
Ward I	2023
Ward II	2021
Ward III	2021
Ward IV	2023
At Large	2021
At Large	2023

This ordinance was introduced at the December 1, 2020 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	2021 \$150 2022 \$1,800 2023 \$1,950 2024 \$3,600 TOTAL \$7,500
What fund of the City will provide Funding?	General Fund
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:

Upon action by the City Council, any adjustments to City Council compensation will be implemented in accordance with §2-6 of the City Charter.

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

Decision Options:

- 1) Approve 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 approve the ordinance.

Attachments:

Ordinance

Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. _____ 2020

AN ORDINANCE AMENDING SECTION 2.04.070 OF THE GREELEY
MUNICIPAL CODE ESTABLISHING THE SALARY FOR THE MAYOR
AND THE SALARY FOR MEMBERS OF THE GREELEY CITY COUNCIL

WHEREAS, Section 2-6 of the Greeley Municipal Charter authorizes the Greeley City Council to set the compensation of the Mayor and members of City Council by ordinance;

WHEREAS, Section 2-6 of the Greeley Municipal Charter prohibits the Greeley City Council from increasing or decreasing the compensation of any member of the Council during their term; and

WHEREAS, Section 2.04.070 of the Greeley Municipal Code sets the compensation for the Mayor and members of City Council and provides that the City Council shall review the compensation every four years; and

WHEREAS, the Human Resources Department has reviewed the compensation paid to elected officials in the surrounding communities and has determined that an increase in compensation for the City Council members is warranted; and

WHEREAS, the City Council finds that Section 2.04.070 of the Greeley Municipal Code should be amended to increase the level of compensation paid to Council members; and

WHEREAS, pursuant to Section 2-6 of the Greeley Municipal Charter, the increase in compensation for Council members shall not be effective during the current terms of the existing Council members; and

WHEREAS, the City Council finds that 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 THE CITY OF GREELEY, COLORADO:

Section 1. Section 2.04.070 of the Greeley Municipal Code is hereby amended as follows:

2.04.070 Compensation - Mayor and Members of City Council

- A. The Mayor shall receive one thousand five hundred dollars (\$1,500.00) per month and each council member shall receive one thousand fifty dollars (~~\$1,000~~ 1,050.00) per month for each month served as a member of the City Council. In the event the Mayor or member of City Council serves for less than a full month, he or she shall receive the pro rata share of his or her monthly salary representing the actual time served during that month.

- B. The Mayor and members of City Council, during their term as a member of City Council, are authorized to participate at their own expense in any fringe benefit program available to City employees.
- C. The City Council shall review the compensation of the Mayor and members of City Council at least once in the four (4) year period following the effective date of this ordinance.
- D. The compensation set forth herein shall be effective for those terms beginning after the effective date of this ordinance.

Section 2. The ordinance shall become effective five (5) days after its final publication as provided by Article 3-16 and 3-17 of the Greeley Municipal Charter.

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

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor



Council Compensation Review

Presented December 15, 2020

Context

- **Council compensation is set by ordinance and the Code provision, section 2.04.070, also requires a review of Council's compensation once every four-year period**
- **Review the current compensation and compare it to other municipalities**
- **Council Members make decisions for their successors**

When will the changes take effect

Area	Year
Ward I	2023
Ward II	2021
Ward III	2021
Ward IV	2023
At Large	2021
At Large	2023

When will the changes take effect

- **No increase proposed for the Mayor**
- **Ward II, Ward III and At Large will have a one month increases after the election in 2021**
- **Ward I, At Large, and Ward IV will be increased in 2023**

Compensation Data

City	Year Updated	Mayor	Council Members
Greeley Current	2016	\$18,000	\$12,000
Arvada	2020	\$18,000	\$13,800
Boulder	2020	\$12,205	\$12,205
City of Brighton	2020	\$16,800	\$14,400
City and County of Broomfield	2020	\$13,200	\$9,600
City of Fort Collins	2020	\$15,360	\$10,236
City of Loveland	2020	\$12,000	\$7,200
Longmont	2020	\$18,000	\$14,400
Thornton	2015	\$24,000	\$18,000
Westminster	2020	\$17,736	\$12,672



Compensation Proposal

City	Year Updated	Mayor	Council Members
Greeley Current	2016	\$18,000	\$12,000
Average		\$16,367	\$12,501
Greeley Proposed	2020	\$18,000	\$12,600

Financial Impact

Year	\$
2021	\$150
2022	\$1,800
2023	\$1,950
2024	\$3,600
TOTAL	\$7,500



Council Agenda Summary

December 15, 2020

Agenda Item Number

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

Brittany Hathaway, Planner, 970-350-9823

Title:

Public hearing and final reading of an ordinance to consider a change of zone from I-L (Industrial Low Intensity) to R-M (Residential Medium Density) for approximately 0.870 acres located at 134, 140 and 148 14th Avenue, known as the 14th Avenue Rezone, and changing the official zoning map to reflect the same

Summary:

The City of Greeley is considering a request to rezone .87 acres of property from I-L (Industrial Low Intensity) to R-M (Residential Medium Density). The subject sites are located at 134, 140 & 148 14th Avenue and are currently undeveloped.

On the 1949 zoning map, the northern lot addressed 134 14th Avenue was zoned "F" (Industrial District) and the southern lot addressed 140 & 148 14th Avenue was zoned "E" (Commercial District). On the 1958 zoning map, the properties addressed 140 & 148 14th Avenue were zoned to "F" (Industrial District). The properties remain zoned Industrial to this day with the current designation being I-L (Industrial Low Intensity).

Residential uses were allowable within the I-L zone until adoption of the 1976 Development Code. The applicant (City of Greeley) requests to rezone to R-M with the intention of selling the lots for private development of single-family or two-family residential uses, ensuring compatibility with the surrounding neighborhood.

The Planning Commission considered this request on November 24, 2020 and unanimously recommended approval to 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?	
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:

Two motions are recommended:

A) A motion that, based on the application received and the project summary and accompanying analysis, the proposed rezone from I-L (Industrial Low Intensity) to R-M (Residential Medium Density) meets Development Code Sections 18.30.050(c)(3) b, e, f, g and h; and, therefore, the rezoning is approved.

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

Attachments:

Ordinance

Draft Planning Commission Minutes (November 24, 2020)

Planning Commission Summary (Staff Report) (November 24, 2020)

PowerPoint Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2020

CASE NO. ZON2020-0003

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM I-L (INDUSTRIAL LOW INTENSITY) TO R-M (RESIDENTIAL MEDIUM DENSITY) FOR APPROXIMATELY 0.870 ACRES LOCATED AT 134, 140 AND 148 14TH AVENUE, KNOWN AS THE 14TH AVENUE 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 s referred to as I-L (Industrial Low Intensity) to R-M (Residential Medium Density) zoning for 0.870 acres, in the City of Greeley, County of Weld, State of Colorado:

See attached legal description

Section 2. The boundaries of the pertinent zoning district 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 _____, 2020.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

Legal Description

A parcel of land, being inclusive of Lot 7, Block 1, Billings and Sylvester Subdivision recorded April 9, 1910 as Reception No. 154105 of the Records of Weld County, and inclusive of Lot 1, Block 1, Billings Subdivision recorded January 4, 1905 as Reception No. 99897 of the Records of Weld County and a portion of 14th Avenue Right of Way, 2nd Street Right of Way and 20' Alley Rights of Way, located in the Northeast Quarter (NE1/4) of Section Six (6), Township Five North (T.5N.), Range Sixty-five West (R.65W.) of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the intersection of the Easterly Right of Way of 14th Avenue and Southerly Right of Way of BNRR and assuming the Easterly Right of Way line of 14th Avenue, between the Southerly Right of Way of BNRR and the South line of Lot 7, Block 1, Billings and Sylvester Subdivision, as bearing South 00°30'00" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 462.48 feet with all other bearings contained herein relative thereto;

THENCE South 00°30'00" West a distance of 412.44 feet to the North line of said Lot 7 and to the POINT OF BEGINNING;

THENCE North 89°59'17" East along the North line of said Lot 7 a distance of 203.17 feet to the centerline of a 20' Alley;

THENCE South 00°05'01" West along said centerline a distance of 61.07 feet to the center line of a 20' Alley;

THENCE North 89°43'17" West along said center line a distance of 122.85 feet to the East line of said Lot 1, extending North to the centerline of said 20' Alley;

THENCE South 00°10'31" East along said East line a distance of 194.49 feet to the centerline of 2nd Street;

THENCE South 89°48'44" West along said centerline a distance of 119.83 feet to the centerline of 4th Avenue;

THENCE North 00°05'01" East along said centerline a distance of 255.31 feet to the North line of said Lot 7, extended West to the centerline of said 4th Avenue;

THENCE North 89°59'17" East along said North line a distance of 38.63 feet to the POINT OF BEGINNING.

Said described parcel of land contains 37,898 Square Feet or 0.870 Acres, more or less ($\pm$), and is Acres, more or less ($\pm$), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.



PLANNING COMMISSION Proceedings

November 24, 2020
(Zoom Webinar and viewable on City of Greeley YouTube)
1:15 p.m.

I. Call to Order

Chair Yeater called the meeting to order at 1:15 p.m.

II. Roll Call

Chair Yeater, Commissioners Andersen, Briscoe, Franzen, Modlin and Romulo were present. Commissioner Schulte was absent.

III. Approval of minutes for meeting held on November 10, 2020

Commissioner Andersen moved to approve the minutes dated November 10, 2020. Commissioner Romulo seconded the motion. The motion carried 6-0. (Commissioner Schulte was absent.)

IV. A public hearing to consider a request to rezone property located at 134, 140 and 148 14th Avenue, including adjacent right-of-way to the centerline of the roadway, totaling approximately 0.870 acres, from I-L (Industrial Low Intensity) to R-M (Residential Medium Density)

Project Name: 14th Avenue Rezone
 Case No.: ZON2020-0003
 Applicant: City of Greeley
 Location: 134, 140 and 148 14th Avenue
 Presenter: Brittany Hathaway, Planner III

Brittany Hathaway addressed the Commission and introduced the item as a request to rezone 0.870 acres of City-owned property from Industrial Low Intensity to Residential Medium Density. Ms. Hathaway described the zoning of properties surrounding the site and noted that the surrounding area consists primarily of residences in an industrial zone. She pointed out other nearby properties, including a church and the Island Grove Apartments.

Ms. Hathaway reported that the properties were platted in 1905 and 1910 and that homes in the neighborhood date back to the 1940s. She added that the City is requesting to rezone the property to Residential Medium to allow for private development of affordable housing in the area. Ms. Hathaway stated that it is uncertain how the City came to own the property, adding that the property was possibly dedicated some time ago as a right-of-way for Island Grove Park. Ms. Hathaway presented photographs of the site.

Ms. Hathaway described the rezone criteria, explaining that the parcels initially zoned in 1949 and 1958 had homes that were eventually demolished. She reported that the property has remained vacant for over 15 years. Ms. Hathaway advised that the request complies with the goals and criteria of the Imagine Greeley Comprehensive Plan and that no negative impact to the surrounding area is anticipated. She added that any future development would be subject to development review to ensure compatibility with City codes. Staff recommended approval.

Commissioner Andersen asked how it came to be that the City is unaware when it acquired the property. Ms. Hathaway advised that Joel Hemesath, Public Works Director, was present and might be able to better respond. Mr. Hemesath addressed the Commission and said that he was not familiar with the property acquisition and did not have records. He added that Lindsay Kuntz, who was also present, might have information. Ms. Kuntz, City Real Estate Manager, addressed the Commission and advised that it was difficult to pinpoint when the property was acquired, but stated that she was able to find documentation supporting the reason for the acquisition. She reported that it appeared to relate to a right-of-way expansion, but that documents were not readily available to confirm. Commissioner Andersen recalled that the lots had been used for parking for the Greeley Stampede and believed the City might have been looking at acquisition at one time.

Commissioner Franzen asked if there was currently a letter of intent or purchase contract for the lots. Ms. Kuntz advised that there is not a letter of intent currently in place. She added that there has been discussion around the affordable housing effort and efforts of the Greeley Urban Renewal Authority (GURA). Ms. Kuntz stated that if the City were to dispose of the property, it could do so with an agreement with GURA or other partnering agency or the property could be listed on the open market.

Commissioner Romulo pointed out that the area on the zoning map appeared to be a bit of a patchwork and that the proposed rezone seemed to contribute to more of that. Referencing the master plan for the area, she asked whether there is an intention for broader change than just these properties. Ms. Hathaway advised that as the owner of the property, the City desired to establish residential zoning to prohibit further industrial zoning in the future. She added that each property owner would be required to request a rezone of their property and that the City could not do that on their behalf. Ms. Hathaway informed the Commission that this area had been identified for a neighborhood study, but COVID put a pause on things.

Brad Mueller, Community Development Director, addressed the Commission and advised that it is generally thought to be poor practice to have “spot zoning,” adding that was not the case in this instance. He added that the zoning request is not detrimental to the larger

goals of the area and that it moves toward the current vision of the City. In response to an observation by Commissioner Romulo that the City appears to be starting with this property with plans toward rezoning a larger area in the future, Mr. Mueller advised that the City controls these properties as the owner, but does not have the direct ability to require property owners to rezone. He added that owners may be encouraged to rezone, but that it is difficult for the City to force a rezone.

Chair Yeater directed a question to Mr. Hemesath and asked if there was a conceptual plat in place. Further, he asked, with respect to 134 14th Avenue, how realistic it was to put in a multi-family development and whether the City might need to rezone again. Mr. Hemesath stated that another rezone would not be necessary and that the plat could be adjusted depending on the number of units and setback requirements. Chair Yeater asked whether a conceptual plat had been created. Mr. Hemesath advised that this is remnant property for which the City has no use and seemed a good parcel for affordable housing. He added that the City is looking to find someone to further develop the property. Ms. Hathaway added that the lots have already been platted and that staff would work with a developer at the pre-application phase.

Commissioner Andersen expressed her understanding that Residential Medium zoning does not allow commercial use. She referenced a couple of businesses in the area, including a hair salon and tamale business and asked whether those types of businesses would be precluded in a residential zone. Ms. Hathaway explained that property zoned Industrial Light can have mixed uses and that if the owner tamale place wanted to change to residential, they would be required to request a rezone. She added that the Residential Medium zone would preclude commercial businesses.

Chair Yeater opened the public hearing at 1:33 p.m. The clerk reported that no comments had been received by email or in the Zoom chat. The public hearing was closed at 1:33 p.m.

Commissioner Andersen moved that, based on the application received and the project summary and accompanying analysis, the Planning Commission finds that the proposed rezone from I-L (Industrial Low Intensity) to R-M (Residential Medium Density) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) b, e, f, g and h; and, therefore, recommends approval of the rezone to the City Council. Commissioner Franzen seconded the motion. The motion carried 6-0. (Commissioner Schulte was absent).

IV. Staff Report

Mr. Mueller sought to answer a question posed by Commissioner Modlin prior to the meeting pertaining to a previous worksession about revisions to the Landscape Code. He noted that Marian Duran was present and prepared to respond. Mr. Modlin questioned the requirement to plant trees in the front yard when lots are smaller and there is less space. Mr. Duran advised that while there is a requirement to have one tree in the front yard and one tree in the right-of-way, the City and owners can work with consultants to make sure that trees can fit a particular site. She added that one of the goals is to maintain the City's Tree City USA designation. Commissioner Modlin noted that it becomes important to understand the limited space and know the size of the canopy when selecting trees. Chair Yeater pointed out that it is not uncommon for a tree to outgrow its space and it eventually

PLANNING COMMISSION SUMMARY

ITEM: Rezone from I-L (Industrial Low Intensity) to R-M (Residential Medium Density)

FILE NUMBER: ZON2020-0003

PROJECT: 14th Avenue Rezone

LOCATION: 134, 140 & 148 14th Avenue

APPLICANT: City of Greeley

CASE PLANNER: Brittany Hathaway, Planner III

PLANNING COMMISSION HEARING DATE: November 24, 2020

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 to rezone property located at 134, 140 and 148 14th Avenue, including adjacent right-of-way to the centerline of the roadway, totaling approximately 0.870 acres (37,898 square feet) from I-L (Industrial Low Intensity) to R-M (Residential Medium Density) (*see Attachments A, B, C, and D*).

A. REQUEST

The applicant is requesting approval of a rezone (*see Attachment A*).

B. STAFF RECOMMENDATION

Approval.

C. LOCATION

Abutting Zoning:

North: I-L (Industrial Low Intensity)

South: I-L (Industrial Low Intensity) and C-L (Commercial Low Intensity) on the south side of 2nd Street.

East: I-L (Industrial Low Intensity)

West: R-H (Residential High Density) and C-L (Commercial Low Intensity) on the west side of 14th Avenue.

Surrounding Land Uses:

North: Single-family residences

South: Single-family residences and Our Lady of Peace Catholic Church

East: Single-family residences

West: Single-family residence and Island Grove Village Apartments

Site Characteristics:

The site areas are flat and undeveloped and primarily covered with dirt and gravel. An unpaved alley bifurcates 134 14th Avenue and 140 14th Avenue. There is also a solid fence that borders the north side of 134 14th Avenue. Attached sidewalks exist along 14th Avenue and 2nd Street.

D. BACKGROUND

The properties were originally platted as part of the City of Greeley Union Colony Plat. Public streets and alleys were dedicated with the Billings Subdivision circa 1905 (Reception No. 99897), which also included the properties addressed 140 and 148 14th Avenue. The most recent subdivision was the Billings and Sylvester Subdivision circa 1910 (Reception No. 154105), which included the property addressed 134 14th Avenue.

Similar to the Sunrise neighborhood, the Billings neighborhood has a mix of residential and industrial uses with primary zoning being I-L (Industrial Low Intensity). The subject properties are primarily surrounded by residential uses with the exception of the Our Lady of Peace Catholic Church located on the south side of 2nd Street.

Properties along 14th Avenue, both north and south of the subject properties, have a development pattern with a mix of residential, institutional, and industrial uses (*see Attachments A and B*).

The subject sites have been industrially zoned since the 1940s-50s. If the properties were to be rezoned, the City of Greeley would make the properties available for private development of infill residential uses as allowed in the R-M (Residential Medium Density) zone district. Due to surrounding uses being single-family and multi-family, the proposed zoning would conform to existing development patterns. Prior to development, in addition to building permits, a subdivision may also be required pending site layout and proposed development.

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: Significant development/redevelopment has not occurred in this area over many decades. The neighborhood has remained stable, with residential uses in the immediate vicinity of the subject properties despite opportunities for industrial and commercial development due to existing industrial zoning.

Rezoning to R-M is compatible with the existing neighborhood, offering a transition between single-family residential and multi-family residential uses along 14th Avenue.

This criterion is not applicable to this request.

- 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 northern lot addressed as 134 14th Avenue has been zoned industrial since 1949. The lot adjacent to 2nd Street, addressed 140 & 148 14th Avenue, has been zoned industrial since 1958. The properties have been vacant for well over 15 years.

Despite the industrial zoning, much of the Billings neighborhood has remained residential. There appears to be little interest in assembling smaller parcels into larger lots, which would be needed to develop land for industrial uses. The rezoning from I-L to R-M would allow for potential affordable housing options and infill development.

This request 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 and the site is not located within a floodplain

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 proposed rezoning is necessary in order to allow for the expansion of historical residential uses within an industrial area.

The City of Greeley's "Strategic Housing Plan" encourages the correction of such zoning mismatches in order to promote housing choice, a variety of housing, and reinvestment in existing neighborhoods.

This request complies with this criterion.

- 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: City services such as water, sewer, police, and fire are already available to the site. Sidewalks exist along the west and south sides of the property.

The City's plans for the property would result the development of residential uses where industrial uses would currently be permitted. As such, the proposed rezoning should not negatively impact the neighborhood, rather it would ensure compatibility with established residential uses. If the property were rezoned, plans for infill development would be reviewed by staff for compliance with Development Code criteria.

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?**

The following City of Greeley Imagine Greeley Comprehensive Plan policies apply to this request:

Education, Health, and Human Services:

- **EH-4.3 Infill Compatibility:** Discourage land use changes, zoning changes, and/or new developments that will negatively impact the safety of students while attending school, travelling to and from a school, or diminish residential population in areas that are served by neighborhood schools.

Growth & City Form:

- **GC-4.1 Priority Infill/Redevelopment Areas:** Following the guidance of adopted neighborhood plans and studies, use incentives and infrastructure investments to support infill development and redevelopment in priority locations, such as designated redevelopment and urban renewal areas.
- **GC-6.3 Neighborhood Character:** Maintain, enhance, and protect the character of established neighborhoods while recognizing the need for established neighborhoods to evolve to meet city needs.
- **GC-6.5 Neighborhood Reinvestment:** Monitor and address conditions that contribute to distress, disinvestment and blight in older areas of the community through neighborhood plans and their implementation.

Staff Comment: The proposed rezone supports the conservation of an existing neighborhood by ensuring conflicting use patterns are limited. Approval of the rezone would protect adjacent residential uses by preventing the subject properties from redevelopment into more intense industrial uses, which could impact the character of the neighborhood and quality of life.

The proposed rezone would also allow for new infill development of single-family or two-family uses to meet City needs for affordable housing options.

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 Summary: Staff does not anticipate any adverse effects due to the rezone request.

The proposal complies with this criterion.

E. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject properties are known as Lot 7 of Block 1, Billings and Sylvester Subdivision and Lot 1 of Block 1, Billings Subdivision.

2. HAZARDS

Staff is unaware of any potential hazards that presently exist on 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 if the site is rezoned.

4. FLOODPLAIN

The proposed rezone boundary 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

The existing drainage patterns are expected to continue to follow the existing lay of the land. Drainage patterns would be examined in greater detail through any future land use requests.

6. TRANSPORTATION

There are no proposed changes to the properties access. No additional impacts are anticipated to be generated by the proposed rezone.

F. SERVICES

1. WATER

Water services are available and can adequately serve the subject property.

2. SANITATION

Sanitation services are available and can adequately serve the subject property.

3. EMERGENCY SERVICES

The subject site is serviced by the City of Greeley Fire and Police. The closest fire station, Fire Station #1, is located approximately 1.2 miles from the subject site.

4. PARKS/OPEN SPACES

No parks or regional open space areas are proposed with this rezone request. Park dedication is required at the time of subdivision, when not previously identified by zoning.

The subject site is approximately 0.2 miles south of the Island Grove Park.

5. SCHOOLS

The proposed rezone is within the Greeley-Evans School District boundary. The closest District 6 Schools are Jefferson High School, approximately 2 miles to the north, Franklin Middle School approximately 2.5 miles to the west, and Billie Martinez Elementary School approximately 0.2 miles to the south.

The proposed rezone should not have any impact on the school district.

G. NEIGHBORHOOD IMPACTS

1. VISUAL

No visual impacts are anticipated with this rezone request. Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts.

2. NOISE

No noise impacts are 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 surrounding property owners on November 12, 2020 per Development Code requirements. Signs were posted on the site on November 10, 2020. No comments have been received.

I. MINERAL ESTATE OWNER NOTIFICATION

Mineral notice is not required for the rezone request.

J. 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 I-L (Industrial Low Intensity) to R-M (Residential Medium Density) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) b, e, f, g and h; and therefore, recommend approval of the rezone to the City Council.

ATTACHMENTS

Attachment A – Zoning/Vicinity Map

Attachment B – Photo Aerial

Attachment C – Narrative

Attachment D – Property Boundary Map

17.

Zoning/Vicinity Map 14th Avenue Rezone

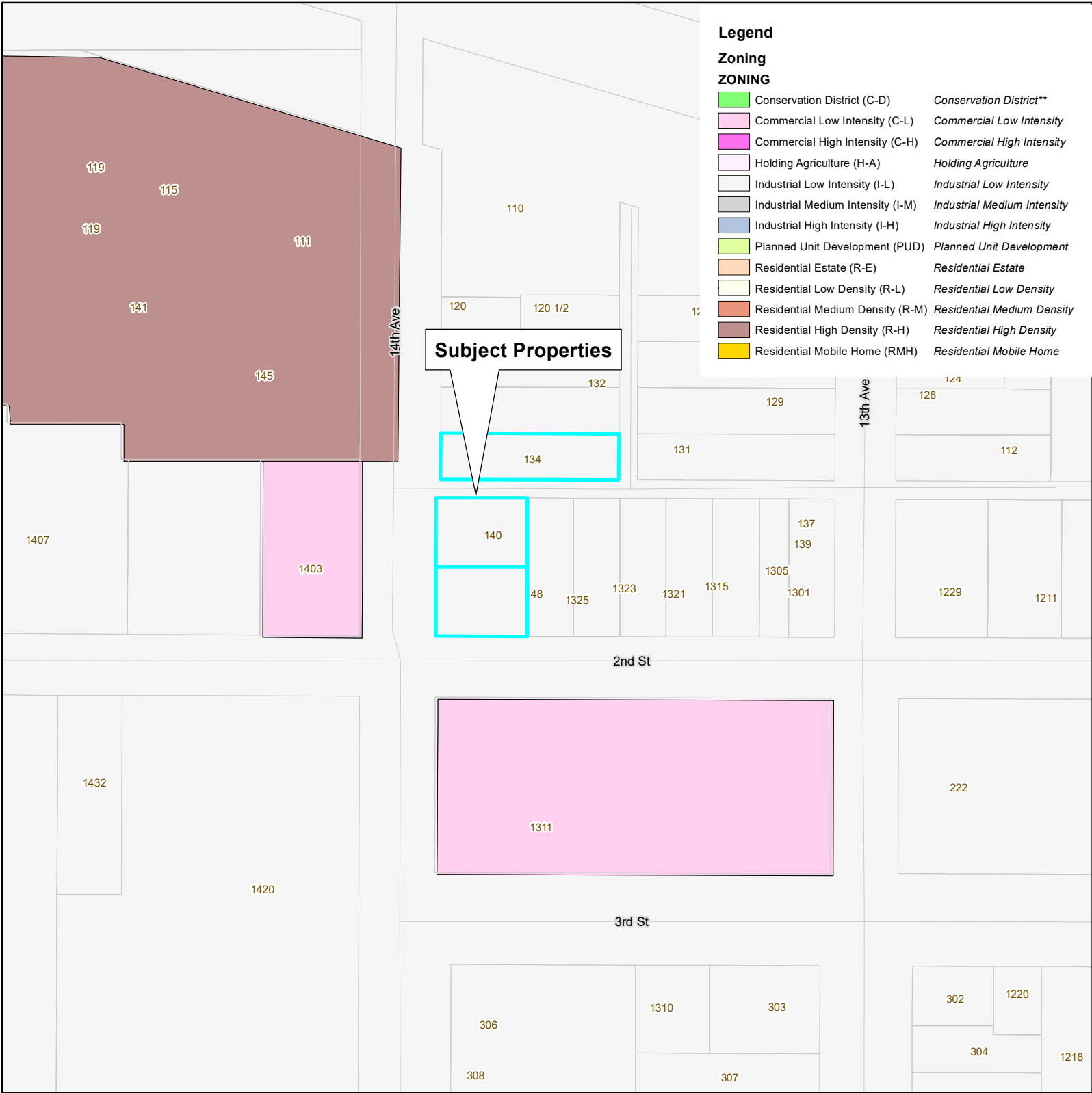
Legend

Zoning

ZONING

	Conservation District (C-D)	Conservation District**
	Commercial Low Intensity (C-L)	Commercial Low Intensity
	Commercial High Intensity (C-H)	Commercial High Intensity
	Holding Agriculture (H-A)	Holding Agriculture
	Industrial Low Intensity (I-L)	Industrial Low Intensity
	Industrial Medium Intensity (I-M)	Industrial Medium Intensity
	Industrial High Intensity (I-H)	Industrial High Intensity
	Planned Unit Development (PUD)	Planned Unit Development
	Residential Estate (R-E)	Residential Estate
	Residential Low Density (R-L)	Residential Low Density
	Residential Medium Density (R-M)	Residential Medium Density
	Residential High Density (R-H)	Residential High Density
	Residential Mobile Home (RMH)	Residential Mobile Home

Subject Properties



ZON2020-0003

Aerial Map 14th Avenue Rezone

Subject Properties

ZON2020-0003

14th Avenue – Rezone Project Narrative

The City of Greeley owns three adjacent properties in North Greeley located south of Island Grove Regional Park and the Colorado and Southern Railroad on the east side of 14th Avenue and addressed as 134 14th Avenue (acquired 01 01 1900), 140 14th Avenue (acquired 11/15 1994), and 148 14th Avenue (acquired 11 14 1994). All properties are currently vacant. An east/west alley separates 134 14th Avenue from the other two properties. The properties were originally platted as part of the City of Greeley Union Colony Plat. Later, public streets and alleys were dedicated in 1905 (Billings Subdivision) and in 1910 (Billings and Sylvester Subdivision).

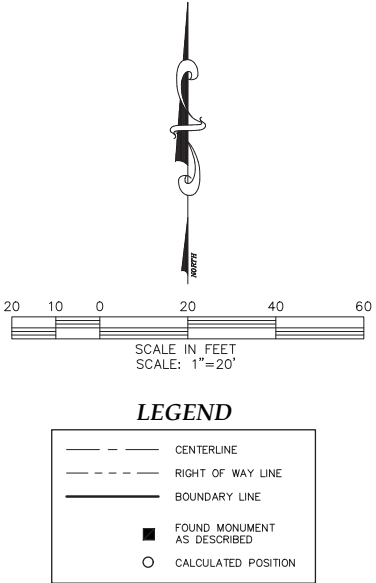
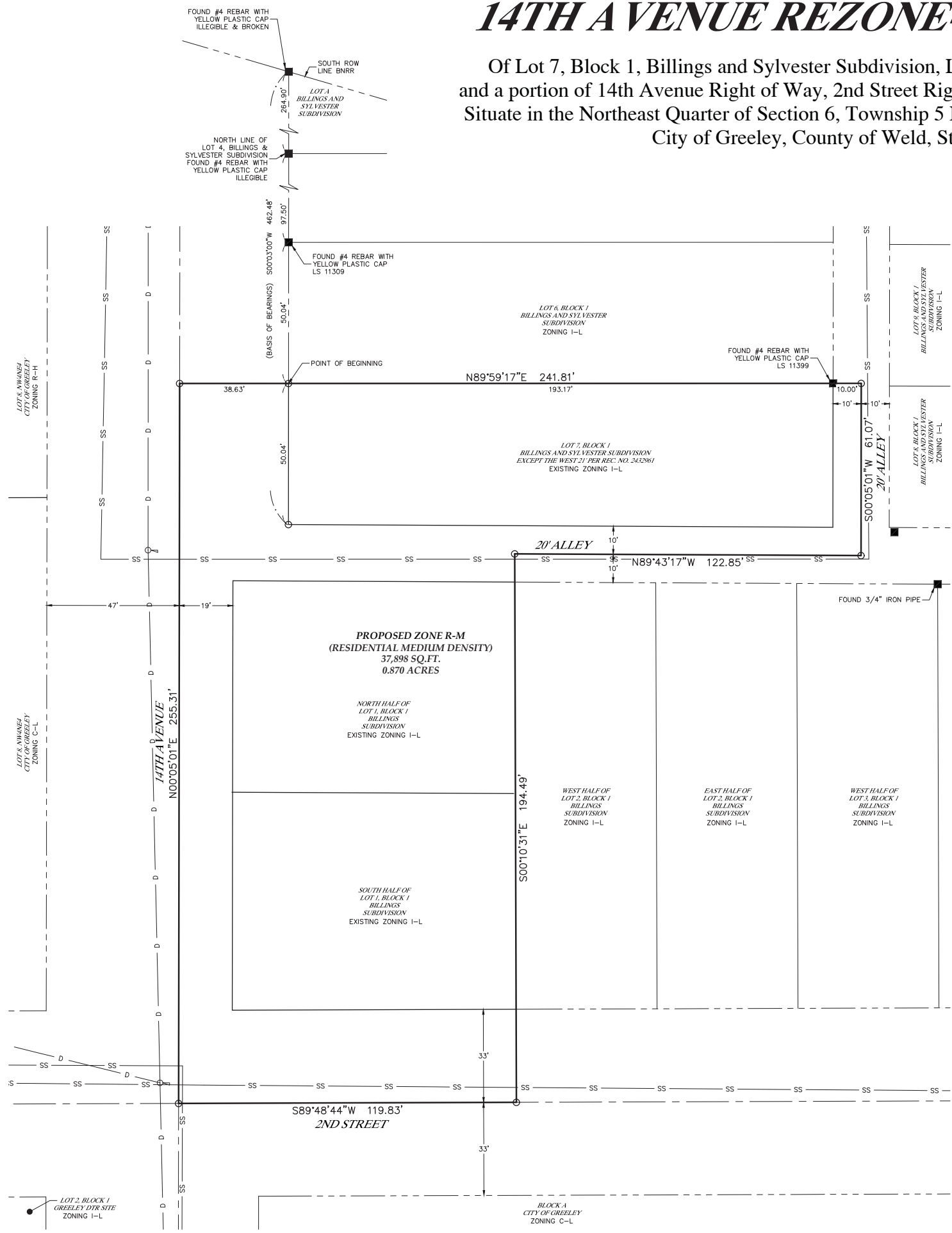
The purpose for the City owning these properties is not clear from available records but their location adjacent to 14th Avenue, and its function as a major entry way to Island Grove Park, give rise to the presumption that the lots were purchased in order to expand that right-of-way for vehicular traffic. It is likely that the amount of right-of-way needed would have encroached into the lots such that a full taking of the property was necessary. Since that time, and development of the roadway, the lots have remained as remnant parcels.

The City has determined that it has no public purpose to retain these remnant parcels. Further, the City recently completed a Strategic Housing Plan, which identified the need for affordable housing that could be addressed with both infill and new development. The replat of these lots and rezone from Industrial Low Intensity (“I-L”) to Residential Medium Density (“R-M”) will allow the City to position the lots in a way that will optimize their potential for redevelopment for private residential use in support of the City’s Housing Plan. Adjacent properties are in residential use, further complemented by area parks and a neighborhood elementary school. Converting the lots to a compatible use will provide a more productive use of the property and remove its potential to remain as a potential nuisance site in its current vacant state.

14TH AVENUE REZONE- REZONE MAP

Of Lot 7, Block 1, Billings and Sylvester Subdivision, Lot 1, Block 1, Billings Subdivision and a portion of 14th Avenue Right of Way, 2nd Street Right of Way and 20' Alley Right of Way, Situate in the Northeast Quarter of Section 6, Township 5 North, Range 65 West of the 6th P.M., City of Greeley, County of Weld, State of Colorado

Attachment D



PROPERTY DESCRIPTION

A parcel of land, being inclusive of Lot 7, Block 1, Billings and Sylvester Subdivision recorded April 9, 1910 as Reception No. 154105 of the Records of Weld County, and inclusive of Lot 1, Block 1, Billings Subdivision recorded January 4, 1905 as Reception No. 99897 of the Records of Weld County and a portion of 14th Avenue Right of Way, 2nd Street Right of Way and 20' Alley Rights of Way, located in the Northeast Quarter (NE1/4) of Section Six (6), Township Five North (T.5N.), Range Sixty-five West (R.65W.) of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Intersection of the Easterly Right of Way of 14th Avenue and Southerly Right of Way of BNRR and assuming the Easterly Right of Way line of 14th Avenue, between the Southerly Right of Way of BNRR and the South line of Lot 7, Block 1, Billings and Sylvester Subdivision, as bearing South 00°30'00" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 462.48 feet with all other bearings contained herein relative thereto;

THENCE South 00°30'00" West a distance of 412.44 feet to the North line of said Lot 7 and to the POINT OF BEGINNING;

THENCE North 89°59'17" East along the North line of said Lot 7 a distance of 203.17 feet to the centerline of a 20' Alley;

THENCE South 00°05'01" West along said centerline a distance of 61.07 feet to the center line of a 20' Alley;

THENCE North 89°43'17" West along said center line a distance of 122.85 feet to the East line of said Lot 1, extending North to the centerline of said 20' Alley;

THENCE South 00°10'31" East along said East line a distance of 194.49 feet to the centerline of 2nd Street;

THENCE South 89°48'44" West along said centerline a distance of 119.83 feet to the centerline of 4th Avenue;

THENCE North 00°05'01" East along said centerline a distance of 255.31 feet to the North line of said Lot 7, extended West to the centerline of said 4th Avenue;

THENCE North 89°59'17" East along said North line a distance of 38.63 feet to the POINT OF BEGINNING.

Said described parcel of land contains 37,898 Square Feet or 0.870 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the Easterly Right of Way line of 14th Avenue, between the Southerly Right of Way of BNRR and the South line of Lot 7, Block 1, Billings and Sylvester Subdivision, as bearing South 00°30'00" West, as monumented as shown on this plat, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 462.48 feet with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

SURVEYOR'S CERTIFICATE

I, Christopher A. DePaulis, a Colorado Licensed Professional Land Surveyor, do hereby state that this Rezoning Plat was prepared under my personal supervision, and that the foregoing plat is an accurate representation thereof, all this to the best of my knowledge, information, belief, and in my professional opinion.

PRELIMINARY

Christopher A. DePaulis – On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38105

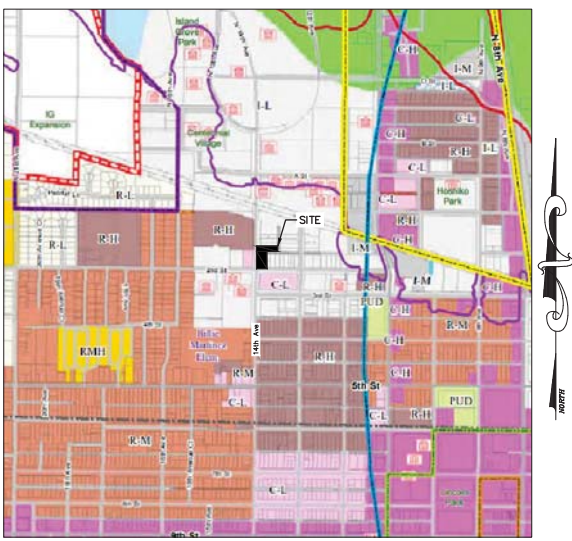
NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

TITLE COMMITMENT NOTE

This survey does not constitute a title search by King Surveyors to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, King Surveyors relied upon the following Property Information Binders as prepared by Land Title Guarantee Company to delineate the aforesaid information.

- Property Information Binders Number F0125177174, dated July 8, 2020
- Property Information Binders Number F0125178051, dated July 29, 2020



DATE:	8/6/2020
FILE NAME:	20200342REZ
SCALE:	1"=20'
DRAWN BY:	CSK
CHECKED BY:	CAD

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@Kingsurveyors.com



DATE:	
REVISIONS:	

14TH AVENUE REZONE - REZONE MAP
FOR
CITY OF GREELEY
1000 10TH STREET
GREELEY, CO 80631

PROJECT #:
20200342

17.

14th Avenue Rezone

ZON2020-0003

Greeley City Council
December 15, 2020

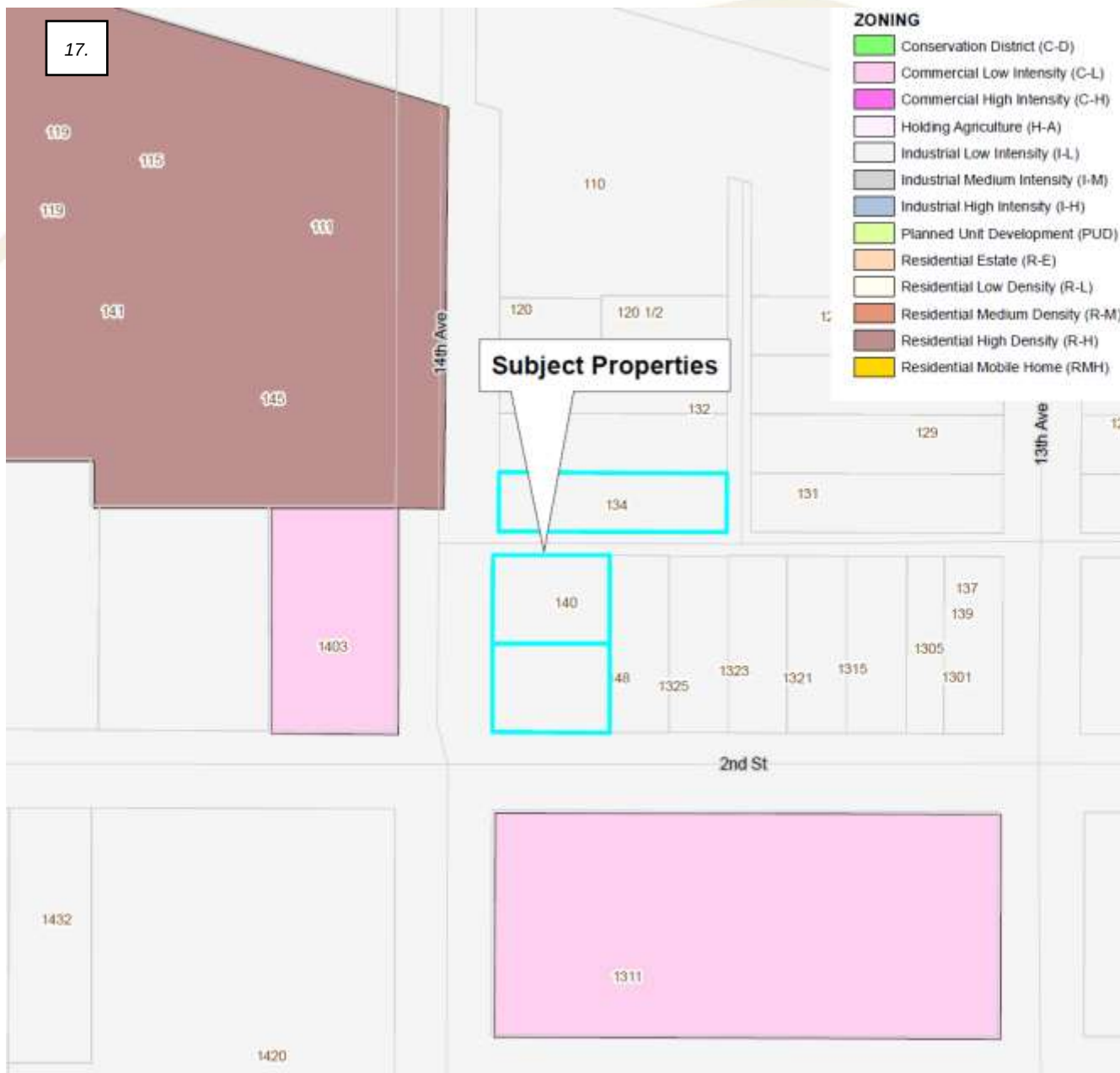
Brittany Hathaway, Planner III

Request

- **Rezone approximately .87 acres (combined) from I-L (Industrial Low Intensity) to R-M (Residential Medium Density)**

Surrounding Zoning:

- **North: I-L**
- **South: I-L & C-L on the south side of 2nd Street.**
- **East: I-L**
- **West: R-H & C-L on the west side of 14th Avenue.**



Surrounding Area



Surrounding Land Uses:

- **North: Single-family residences**
- **South: Single-family residences and Our Lady of Peace Catholic Church**
- **East: Single-family residences**
- **West: Single-family residence and Island Grove Village Apartments**

History of the Area and Subject Sites

- Sites were platted in 1905 and 1910 as part of the Billings and the Billings & Sylvester Subdivisions
- 134 14th Avenue (north lot) has been zoned Industrial since c. 1949
- 140-148 14th Avenue (south lot) has been zoned Industrial since c. 1958
- Homes in the immediate vicinity date back to 1915-1940.

CDOT Facility in 1939 – 2nd Street in the background.



REELEY, WEST AND SOUTH FRONT OF SHOP.



Site Characteristics

Looking east



Looking south towards 2nd Street



The site areas are flat and undeveloped and primarily covered with dirt and gravel.

Looking northeast



Additional Photos

Looking south



Applicable Rezone Criteria

Sections 18.30.050(c)(3) b, e, f, g, and h	
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?	<i>Yes</i> <i>Lots have been zoned Industrial since 1949 and 1958 . The lots have been vacant for well over 15 years. Development trends in the immediate area are primarily residential.</i>
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?	<i>Yes</i> <i>The proposed rezoning is necessary in order to allow for the expansion of historical residential uses within an industrial area.</i> <i>The City of Greeley's "Strategic Housing Plan" encourages the correction of such zoning mismatches in order to promote housing choice, a variety of housing, and reinvestment in existing neighborhoods.</i>
What is the potential impact of the proposed rezoning upon the immediate neighborhood and the city as a whole?	<i>The proposed rezoning should not negatively impact the neighborhood, rather it would ensure compatibility with established residential uses.</i> <i>City services such as water, sewer, police and fire are already available to the site. Sidewalks exist along west and south sides of the property.</i>
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?	<i>Yes</i> <i>Complies with E-H 4.3, G-C 4.1, G-C 6.3 and G-C 6.5 of the Imagine Greeley Comprehensive Plan.</i>
What is the potential impact of the proposed rezoning upon an approved Zoning Suitability Plan for the property?	<i>Staff does not anticipate any adverse effects due to the rezone request.</i>

Public Notice

- **38 letters sent to property owners within 500 feet**
- **Signs posted on the properties**
- **Notice in the newspaper**
- **No citizen comments or inquiries to date**

Recommendation

Planning Commission - unanimously recommended approval on November 24, 2020.

Motion:

Based on the application received and the Project Summary and accompanying analysis, the City Council finds that the proposed rezone from I-L (Industrial Low Intensity) to R-M (Residential Medium Density) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) b, e, f, g and h; and therefore, approve the request.

Council Agenda Summary

December 15, 2020

Agenda Item Number

Key Staff Contact: Roy Otto, City Manager

Title:

University of Northern Colorado Update

Summary:

The University of Northern Colorado's President, Andy Feinstein, will be present to provide Council with an update on various operations and programs.

Attachments:

None

Council Agenda Summary

December 15, 2020

Agenda Item Number

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

Title:

COVID-19 Update

Summary:

There will be a brief update to Council regarding COVID-19.

Council Agenda Summary

December 15, 2020

Agenda Item Number

Title

Scheduling of Meetings, Other Events

Summary

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Worksession Schedule regarding any upcoming meetings or events.

Attachments

Council Meeting/Worksession Schedule
Council Meetings/Other Events Calendar

City Council Meeting Scheduling

Current as of 12/11/2020

This schedule is subject to change

Date	Description	Sponsor	Placement/Time
December 22, 2020 Worksession Meeting	Cancelled (11/17/2020 Council Meeting)		
January 5, 2021 Council Meeting	Ordinance - Intro - Landscape Code Update	Brad Mueller	Consent
	Ordinance - Intro - Miscellaneous Code Update	Brad Mueller	Consent
	Ordinance - Intro - Municipal Code Recodification	Anissa Hollingshead	Consent
	Ordinance - Intro - Amendments to the Greeley Municipal Code regarding Economic Nexus and the Obligation of Remote Sellers to Collect & Remit Sales Tax	John Karner	Consent
	COVID-19 Update	Roy Otto	Regular
	Ordinance - Final - IGA with SD6 regarding land exchange and reconfiguration of irrigation facilities at the Boomerang South 9 Golf Course	Sean Chambers	Regular
January 12, 2021 Worksession Meeting	Natural Areas and Trails Strategic Plan Presentation	Andy McRoberts	0.75
	Impact Fee Discussion Update	Brad Mueller	
	Housing Options/'Missing' Middle Types	Brad Mueller	0.75
	Long Range Water Storage and Terry Ranch Diligence Update	Sean Chambers	0.50
January 19, 2021 Council Meeting	Ordinance - Final - Landscape Code Update	Brad Mueller	Regular
	Ordinance - Final - Miscellaneous Code Update	Brad Mueller	Regular
	Ordinance - Final - Municipal Code Recodification	Anissa Hollingshead	Regular
	Ordinance - Final - Amendments to the Greeley Municipal Code regarding Economic Nexus and the Obligation of Remote Sellers to Collect & Remit Sales Tax	John Karner	Regular
	Boards & Commissions Appointments	Anissa Hollingshead	Regular
January 26, 2021 Worksession Meeting	Review of the Council Strategic Work Plan		
	Annual Review of the City Manager	Maria Gonzalez Estevez	Executive Session

December 14, 2020 - December 20, 2020

December 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		

January 2021						
Su	Mo	Tu	We	Th	Fr	Sa
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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 14

Tuesday, December 15

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, December 16

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

4:00pm - 6:00pm Barbara Kirkmeyer Thank-you (Event Room, 1150 O Street, Greeley) - Council Master Calendar

Thursday, December 17

7:30am - 8:30am DDA (Zasada/Butler)

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

Friday, December 18

Saturday, December 19

Sunday, December 20

December 21, 2020 - December 27, 2020

December 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		

January 2021						
Su	Mo	Tu	We	Th	Fr	Sa
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24	25	26	27	28	29	30
31						

Monday, December 21

Tuesday, December 22

6:00pm - **Cancelled** City Council Worksession Meeting

Wednesday, December 23

Thursday, December 24

7:30am - Poudre River Trail (Hall) 

Friday, December 25

Saturday, December 26

Sunday, December 27

December 28, 2020 - January 3, 2021

December 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		

January 2021						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday, December 28

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

6:00pm - 7:00pm Youth Commission (Butler) ☺

Tuesday, December 29

Wednesday, December 30

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

Thursday, December 31

Friday, January 1

Saturday, January 2

Sunday, January 3

January 4, 2021 - January 10, 2021

January 2021						
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						

February 2021						
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						

Monday, January 4

Tuesday, January 5

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, January 6

Thursday, January 7

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

6:00pm - MPO (Gates/Payton)

Friday, January 8

Saturday, January 9

Sunday, January 10

Council Agenda Summary

December 15, 2020

Agenda Item Number

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

December 15, 2020

Agenda Item Number

[Title](#)

Adjournment