

Greeley City Council Agenda

Regular Meeting
Tuesday, April 2, 2024 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631
via Zoom at: <https://greeleygov.zoom.us/j/85706217450>

NOTICE:

City Council Meetings are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

Members of the public are also invited to choose how to participate in Council meetings in the manner that works best for them.

Watch Meetings:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on GTV8 on cable television.



Meetings are livestreamed on the City's website, Greeleygov.com as well as YouTube at [Youtube.com/CityofGreeley](https://www.youtube.com/CityofGreeley)

For more information about this meeting or to request reasonable accommodations, contact the City Clerk's Office at 970-350-9740 or by email at cityclerk@greeleygov.com.

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at <https://greeleyco.portal.civicclerk.com/>

Comment in real time:

During the public input portion of the meeting and public hearings:



In person attendees can address the Council in the Chambers.



The public can join the Zoom Webinar and comment from the remote meeting.

Submit written comments:



Email comments about any item on the agenda before Noon on the day of the meeting to cityclerk@greeleygov.com



Written comments can be mailed or Dropped off at the City Clerk's office at City Hall, at 1000 10th St. Greeley, CO 80631



Mayor

John Gates

Councilmembers

Tommy Butler - Ward I

Deb DeBoutez - Ward II

Johnny Olson - Ward III

Dale Hall - Ward IV

Brett Payton - At-Large

Melissa McDonald - At-Large



City Council Regular Meeting Agenda

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

via Zoom at: <https://greeleygov.zoom.us/j/85706217450>

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

Consent Agenda

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

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

9. A motion to approve the City Council Meeting Proceedings of March 5, 2024
10. Introduction and first reading of an ordinance Amending Chapter 1 of Title 16 of the Greeley Municipal Code to address Automated Enforcement Systems, also known as camera radar to detect speeding violations
11. Introduction and first reading of an ordinance amending Title 2, Chapter 11 of the Greeley Municipal Code relating to authority to issue summons and complaints
12. Introduction and first reading of an ordinance amending Title 8, Chapter 13 and Title 14, Chapter 6 of the Greeley Municipal Code relating to alcohol

End of Consent Agenda

13. Pulled Consent Agenda Items
14. Public hearing and second reading of an ordinance to amend Title 20, Chapters 2, 3, and 5 of the Greeley Municipal Code relating to water and sewer service
15. Public hearing and second reading of an ordinance amending Title 1, Chapter 12 and Title 2, Chapter 12 of the Greeley Municipal Code relating to code compliance and chronic public nuisances
16. Public hearing and second 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 2024 and for funds held in reserve for encumbrances through December 31, 2023
17. A motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances
18. Scheduling of Meetings, Other Events
19. Adjournment



Council Agenda Summary

Title:

Recognitions and Proclamations

Summary:

Mayor Gates will present a proclamation

Days of Remembrance Proclamation

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

Attachments:

Days of Remembrance Proclamation

What's Great About Greeley Presentation



DAYS OF REMEMBRANCE PROCLAMATION

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators, 1933 - 1945. Jews were the primary victims, with 6 million Jews murdered. In addition, Roma, disabled people, Poles, gay men, Jehovah's Witnesses, Catholics and Protestants, Soviet POWs, and political dissidents also suffered terrible oppression and death under Nazi tyranny; and

WHEREAS, a well-educated community is necessary to promote the ability to respond effectively to hateful speech and to prevent actions based upon hate; and

WHEREAS, hate crimes more than doubled between 2014 and 2022, with additional sharp increases in anti-Jewish and anti-Muslim incidents following 2022 up to the present time; and

WHEREAS, in recognition that hatred, racism, bigotry, and intolerance challenge our society today, the State of Colorado requires that each school district Board of Education and charter school include a course in Holocaust and Genocide studies as a requirement for high school graduation; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, organizations, and governments; and

WHEREAS, we the people of Greeley, Colorado, should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

WHEREAS, we the people of Greeley, Colorado, should actively rededicate ourselves to the principles of democracy in a just society; and

Whereas, the Days of Remembrance have been set aside for the people of Greeley, Colorado, to remember victims of the Holocaust and to reflect on the importance of respect regarding other people.

NOW THEREFORE, I, John Gates, Mayor of the City of Greeley, Colorado, do hereby proclaim the week of Sunday, April 14, 2024, through Sunday, April 21, 2024 as Days of Remembrance in memory of the victims of the Holocaust and in honor of the survivors, as well as the rescuers and liberators, and further proclaim that we, as citizens of the City of Greeley, Colorado, should work to promote human dignity and confront hate whenever and wherever it occurs

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 2nd day of April 2024.

John Gates, Mayor



City Council Meeting
April 2, 2024

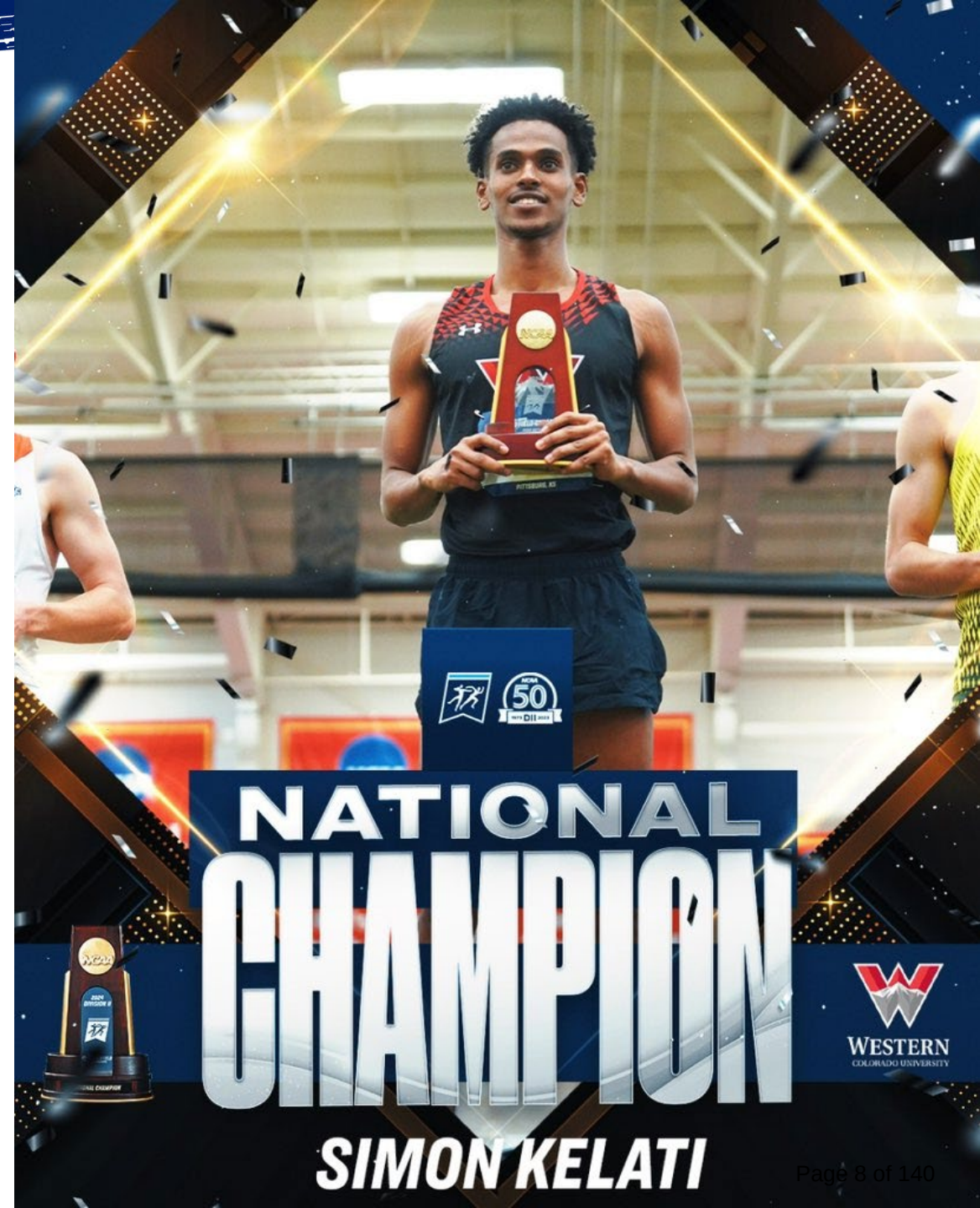
An aerial photograph of a city, likely Denver, with a large white banner overlaid in the center. The banner has a torn, paper-like edge. The background shows a vast cityscape, green parks, and distant mountains under a clear sky.

***In all ways, we will transmit
this City not only, not less, but
greater and more beautiful than
it was transmitted to us.***

- Athenian Oath

Simon Kelati Won NCAA Division II Men's Indoor 3,000-meter race

- 2019 Greeley Central graduate
- Finish was personal-best time of 7 minutes, 57.32 seconds



Trevor Reid Received the 2024 Community Health Champion Media Award from The Colorado Community Health Network

- Nominated by Sunrise Community Health



UNC Designated as a Hispanic Serving Institution by the U.S. Department of Education

- Received designation 18-months early
- Designation was a key action in UNC's 10-year strategic plan



UNC Student-Athletes Recognized for Efforts on the Field and On the Course

- Jerome Campbell – Big Sky Track Athlete of the Week
- Kai Wagner – Peak Performer of the Week by TicketSmarter Summit League
- Louise Dahl – MyGreeley.com Student Athlete of the Week







Council Agenda Summary

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 as a public hearing on this evening's agenda.

As this meeting is being conducted in a hybrid format, citizen input will be accepted first from those in the City Council Chambers, and then from the virtual meeting audience via the meeting's webinar.

Written comments submitted for any item on the agenda will be placed in the public record and provided to the Council for their review and should include the name and city of residence of the person submitting the comments for the record.



Council Agenda Summary

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

Title

Initiatives from Mayor and Councilmembers

Summary

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

Initiatives will generally fall into three categories:

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

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

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council	•Next grant application expected May 2023	•The RAISE grant was submitted on February 28, 2024. Discussions continue with CDOT for next steps in the process	Paul Trombino
03-2023	Butler	Campaign Contribution Limits	February 7, 2023 Council Meeting	•Presented at Nov 28 Work Session	•Intro/1st Rdg Ordinance scheduled for May 7, 2024. Council Meeting; 2nd Rdg Ordinance scheduled for May 21, 2024.	Stacey Aurzada/ Heidi Leatherwood
04-2023	Hall	Pumpkin Ridge - Bridge	March 7, 2023 Council Meeting	•PW report provided to Council on March 24, 2023. Neighborhood meeting planned on June 29, 2023. •Included Raymond's 9/1/2023 Council Update	•A Neighborhood meeting was held on December 13th with residents of Pumpkin Ridge. Approx. 28 people attended. PW proposed constructing a low-rise crossing at the current sidewalk location. Work is anticipated to occur in 2024. •Update included in the January 5, 2024 Council Report ; •Will remain on this list until the foot bridge is complete	PW
08-2023	DeBoutez	Public Nuisance Ordinance	May 9, 2023 Council Work Session	•Presented at December 12, 2023, Work Session	•1st Rdg Code Updates scheduled for March 19 and Public Hearing and second Rdg April 2	Brian McBroom
11-2023	Clark/Butler	Artificial turf and landscape standards	August 1, 2023 Council Meeting	•Come back to Council with a draft ordinance	•Council consensus: Staff to bring back minor updates to the front yard landscaping regulations for consideration •Due to current legislation artificial turf amendments may be delayed other landscaping amendments may be presented late first quarter	Brian McBroom

1-2020	Hall	Follow-up on the Poudre River Trail-Narrows Project	August 1, 2023 Council Meeting	•The grant application, which will be submitted in October, will complete baseline river modeling in addition to an alternative alignment analysis which will also look at the existing alignment, with high level cost estimates for each alternative. The scope will also include a 30% design of the preferred alignment. Working with existing consultants, we've established an estimated cost for the design process to get to a 30% of roughly \$150,000. •Unless a new alignment comes out of the design process, utilizing the existing alignment or an alternative on the north side of the river identified by past studies will likely exceed \$2 million to completed	•It was submitted in fall of 2023 and we will hear from Colorado Parks and Wildlife District Wildlife Manager (DWM) early in the process as they do a site visit as a first pass before awarding. This grant will fund the design for improvements at the Narrows location along the Poudre Trail.	Diana Frick
12-2023	Butler	Funding Options Regarding the Greeley-Evans Transit	October 3 Council Meeting	Staff to bring back information for funding and ridership of the Greeley Evans Transit	•Transit/Mobility Update Report Sent to CMO 01/29/2024- Work Session scheduled for April 9, 2024	Paul Trombino
13-2023	Hall	City Grants	12/20/2023	Provide report identifying the grants that were received so Councilmember Hall can provide to CML	• This report will be incorporated in the Finance Quarterly Update at the May 14 Work Session	Finance/HH
14-2023	Butler	Charter Review	12/19/2023	Asked Staff to start process of Charter review	•Setup monthly meetings with stakeholder's •Target date to bring options to Council is late April	CAO/CCO
1-2024	DeBoutez	Oil and Gas 101	January 16, 2024 City Council Meeting	Asked that staff prepare an educational presentation with the following data: Number of: oil wells, plugged, abandoned, active; also monitoring wells status, long range plans and underground pipeline monitoring	•Work Session tentatively scheduled for April 23, 2024	CD
2-2024	Butler	Ballot Language for the Police Sergeant initiative	January 16, 2024 City Council Meeting	Asked CAO staff to create more descriptive language for the police sergeant ballot question for 2024	CAO sent to councilmember Butler and now he will need to raise the issue of putting the ordinance on the agenda as part of his initiative. CAO will work with him as it gets closer to the election; early fall.	CAO



Council Agenda Summary

April 2, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to approve the City Council Meeting Proceedings of March 5, 2024

Summary:

A meeting of the City Council was held in the City Council's Chambers on March 5, 2024.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	No

Legal Issues:

Legislative

Other issues and Considerations:

None

Strategic Focus Area:



High-Performance Government

Decision Options:

- 1) Approve the motion; or
- 2) Amend the motion and approve as amended; or
- 3) Deny the motion; or
- 4) Continue consideration of the motion to a future date.

Council's Recommended Action:

Approve the motion.

Attachments:

1. City Council Proceedings March 5, 2024 -draft

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
March 5, 2024

1. Call to Order

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

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

Heidi Leatherwood, City Clerk called the roll.

The following were present:

Councilmember Butler

Councilmember DeBoutez

Mayor Pro Tem Hall

Councilmember Payton

Councilmember Olson

Councilmember McDonald

Mayor Gates

4. Approval of the Agenda

No changes were requested.

5. Recognitions and Proclamations

Proclamations:

Mayor Gates read the Kiwanis 76th Annual Stars of Tomorrow Proclamation at 6:02 p.m.

Margie Martinez, Tom Miller, Bob O'Conner, Sharon Eberhard, Verniece Thomas, Val Martensen, Ann Stelling, Les Race, and Steve Moreno were present in Council Chambers to accept.

Mayor Gates read the National Developmental Disabilities Awareness Month

Proclamation at 6:05 p.m. and Debbie Fatomiloye and team were present in Council Chambers to accept.

What's Great About Greeley

Councilmember Hall presented the *What's Great about Greeley?* presentation at 6:08 p.m.

6. Citizen Input

1. Michael Gomez asked to speak with City Manager Raymond Lee regarding a complaint against a public transit driver. Mayor Gates asked Mr. Gomez to provide his contact information to Deputy Public Works Director Will Jones.
2. Margie Martinez spoke about the painting of the fire hydrants.
3. Jeff Cayton spoke about the current immigrant concern and financial effect it would have on the surrounding cities.
4. Todd Loschen addressed the speeding and traffic concerns in his neighborhood. He asked if there is any mitigation that can be provided to prevent this from occurring in his neighborhood. Mayor Gates added that the police are aware and on patrol to address problems as they occur.

7. Reports from Mayor and Councilmembers

1. Councilmember DeBoutez congratulated Mayor Gates and city staff on the success of the State of the City. She also informed the council that March is Women's History Month, and, in the future, she would like to hopefully sponsor a proclamation with Councilmember McDonald to recognize this. Mayor Gates said he would welcome this proclamation.
2. Councilmember McDonald thanked former City Attorney Doug Marek for his service and provided brief comments on the relationship they have developed.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

9. **A motion to approve the City Council Meeting Proceedings of February 6, 2024, and City Council Work Session Proceedings of February 13, 2024**
10. **A motion to move the March 12, 2024, Council Work Session to Thursday, March 14, 2024**
11. **A resolution appointing Tyra Litzau to the position of Director of Finance and Ex-Officio City Treasurer**
12. **A resolution approving an amendment to the Downtown Development Authority Voluntary Sales Tax Agreement**

End of Consent Agenda

Councilmember Butler moved to approve the Consent Agenda Items 9-12. Councilmember Payton seconded the motion. The motion passed 7-0 at 6:26 p.m.

Mayor Gates welcomed the Director of Finance and Ex-Officio Tyra Litzau to the City of Greeley and leadership staff.

13. Pulled Consent Agenda Items

None.

14. Public hearing and second reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from HA - (Holding Agriculture) to PUD (Planned Unit Development) changing the underlying land use designations for approximately 8.51 acres of property located on the parcel North of W. 19th Street Road, East of 82nd Avenue (Mountain Vista PUD)

Councilmember Payton requested recusal and the mayor asked council for any objection. With no objection, Councilmember Payton left the room at 6:28 p.m.

Community Development Director Brian McBroom introduced the item with a presentation at 6:29 p.m.

The applicant requested approval of an Ordinance by the Greeley City Council to rezone 8.51 acres from H-A (Holding Agriculture) to PUD (Planned Unit Development) allowing Multi-Family Dwellings. The PUD has development standards specifying that the multi-family dwellings must be row homes with attached garages, no more than 73 units on the site, and enhanced landscaping and buffering between the proposed development and the single-family neighborhood to the south and east. The PUD is proposed to be developed as one planning area.

Applicant Larry Buckendorf gave a presentation at 6:33 p.m. He closed the presentation by asking the council to rely on the qualified professionals that have evaluated the project by the code standards and determined the project meets all the criteria of the code standards.

Councilmember DeBoutez asked what the current vacancy rate for multi-family housing is and what is the market for this type of housing. Mr. Buckendorf replied that they are operating at 94% capacity and over 2,000 units in the greater Greeley community.

Mayor Pro Tem Hall asked about a gas well in the Mountain Vista area and what would have been done for this development if the gas well was not at this location. Mr. Buckendorf answered that this development might have been commercial or single-family housing if there was not a gas well.

Councilmember Hall asked if Mr. Buckendorf had a plan to add speed bumps in the street and if he has been in contact with Public Works to assess this. Mr. Buckendorf replied that adding speed bumps should not be a problem. Journey Homes & Crow Creek Construction, Project Manager, Joel Hemesath who has expertise in Public Works can address adding speed bumps and have a conversation with the Public Works Department if needed.

Councilmember Butler asked if these properties were sold as townhomes, what would the cost be. Mr. Buckendorf replied that they would sell for the mid 300's.

Councilmember Butler asked if the reason for the plan to rent is a more economical way than selling them. Mr. Buckendorf confirmed renting is better economically because with the water requirements and development costs it is more expensive.

Councilmember Butler asked the reason for doing this as a Planned Unit Development (PUD) verses doing it a multi-family. Was the PUD plan so that you can add additional restrictions on the property or what was the overall reasoning behind the PUD plan.

Mr. Buckendorf responded in a in a straight zoning scenario, we wouldn't have had the liberty to be more restricted than what they are currently.

Councilmember McDonald asked for clarification on whether Raindance and Boomerang are townhomes or are they rentals. Mr. Buckendorf confirmed they are rentals.

Councilmember McDonald asked with inventory already so low for single family housing, how did you come to this decision to have it as multifamily versus single homes. Mr. Buckendorf responded they have tried to do several layouts with single family housing, and it does not work. It's not economically viable. I would argue that if we went in there and put in 349 5,000 to 5,300 square foot lots, we probably get some significant push back there as well. But it, the site just doesn't lend it to good traffic patterns for single family residential uses. It just is not economically viable to do single family residential houses there.

Councilmember Olson asked if the Condo Defect Law didn't exist, would it be possible that potential ownership could be an option for these developments. Mr. Buckendorf replied yes but there are multiple points that are considered when making that decision and with the environment right now he would refrain from doing so.

The public hearing opened at 6:59 p.m.

Mayor Gates addressed individuals present for the public hearing, City Council will make a one-time exception based on the circumstances surrounding the item and will allow pooling of public comment from individuals willing to donate their time for a max amount time of 15 minutes.

1. Rossy Young donated three minutes to Marty Neibauer.
2. Philip Strain donated three minutes to Bill Younk.
3. Suzanne Strain donated three minutes to Bill Younk.
4. Charee Voelz donated three minutes to Greg Voelz.
5. Kandy Wolf donated three minutes to Marty Neibauer.
6. Ms. Harro donated three minutes to Marty Neibauer.
7. Mark McIntire donated three minutes to Bill Younk.
8. Robin McIntire donated three minutes to Bill Younk.
9. Pam Zimmerman donated three minutes to Marty Neibauer.

10. Rick Maize donated three minutes to Shelley Remley.
11. Mike Remley donated three minutes to Shelley Remley.
12. Gina Holzmeister donated three minutes to Shelley Remley.

Greg Voelz asked to have his slide deck on screen as he presented.

Deputy City Manager Don Tripp and City Clerk Heidi Leatherwood asked for confirmation on the presentation being presented and Mayor Gates confirmed it is allowed to be presented during the public comment time segment.

Greg Voelz, resident, spoke in opposition asking the council to respect the Planning Commission recommendation and not approve because the requirements of a PUD has not been met. He added that it does not meet the requirements of the Imagine Greeley Comprehensive Plan (IGCP) due to the lack of parks in the area.

Robert Maize spoke about spot zoning and singling out a relatively small parcel of land for use different from that around the of the surrounding area and is in opposition to this PUD.

Earl Miller spoke in opposition asking to consider that this project does not support quality of life and fit the criteria of the Greeley Comprehensive Plan.

Barry Harding spoke in opposition and how the project fails to meet re-zoning criteria.

Karen Zach spoke in opposition due to the PUD does not meeting the PUD criteria. She asked the council to consider that the planning commission has already not passed this PUD.

Bill Younk, resident, spoke in opposition and believed there will be a lot of traffic congestion. He also asked that the traffic patterns in the 83rd Ave area and his concern as future growth occurs and it becomes a safety concern.

Shelly Remley, resident, spoke in opposition concerned about decreased home values, and the application concerns regarding the utility report that have not been answered.

Marty Neibauer spoke in opposition to the PUD and would like to see less rentals. He informs the council that this PUD is going to change the character of the neighborhood, and this is a form of Spot Zoning. Mr. Neibauer also spoke about the concern of affordability and traffic concerns.

Neal Kingman spoke in opposition and asked the council to follow the Planning Commission recommendation. He also mentioned the concern of affordability and the median home price in Greeley.

With no further speakers, the public hearing closed at 8:07 p.m.

Council asked if this met the criteria for the Greeley Comprehensive Plan. Community Development Director Brian McBroom confirmed it does.

Offered a time to rebut, Larry Buckendorf informed the council that this has met the criteria, and the property was zoned appropriately.

Councilmember DeBoutez asked about the mention of the non-potable system and if this project can connect to this system. Mr. McBroom confirmed that the non-potable system can be an option, but it is not yet available, but the developers have committed to doing so.

Councilmember DeBoutez also asked about adding a park in this area and how that conversation gets started to do so. Mr. McBroom replied to the plan dedication is typically required with each development for each development.

Councilmember DeBoutez asked for clarification on the Water & Sewer concerns for this area. Mr. McBroom asked Civil Engineer II David Harrold for assistance in answering this question. Mr. McBroom then informed council an initial preliminary analysis was done at the 100-unit size staff believes there is sufficient capacity for both water and sewer available. Additional details would be provided should the rezoning be approved, and the project would proceed to the Site Plan stage.

Councilmember DeBoutez asked about the traffic concerns and whether the city engineers can help develop a plan to add gates as a form of traffic control. City Engineer Steve Younkin replied that staff does not recommend gates in communities as they restrict traffic control which could affect emergency management and traffic networks.

Mayor Pro Tem Hall stated that he is considering the Planning Commission vote and whether this development is compatible with the neighborhood. With those considerations he is in opposition to this development.

Councilmember Butler commented on the idea that this can help grow the housing in the area and supports the plan.

Councilmember DeBoutez spoke about the need for housing in the area and it supports the 7 goals that the council has set.

Councilmembers DeBoutez moved to adopt the ordinance and publish it by title only. Councilmember Butler seconded the motion. The motion failed 2-4 at 8:23 p.m. with Councilmember Payton recused.

Councilmember Payton returned to Council Chambers at 8:24 p.m.

15. **Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at**

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

Councilmember Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed with a voice vote 7-0 at 6:49 p.m.

16. Scheduling of Meetings, Other Events

None.

17. A motion to go into Executive Session for the purpose of completing the annual performance review of the following City Council Appointees – City Manager and Municipal Judge

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Section 24-6-402(4)(f) and Greeley Municipal Code Section 2.151(6)(a):
To discuss personnel reporting to the City Council.

Councilmember Olson moved to approve the motion. Councilmember McDonald seconded the motion. The motion passed 7-0 at 8:26 p.m.

The mayor added that the Council will not be returning to the meeting after the adjournment of the Executive Session.

18. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 8:27 p.m.

17. Executive Session

The Executive Session was called to order at 8:31 p.m. for the purpose of completing the annual performance review of the City Council Appointees – City Manager and Municipal Judge

Present at this executive session were the following persons:

All members of City Council ,
Chief Human Capital Officer Kimberly Southern-Weber, and President of Brinkman Consulting Inc., Heidi Brinkman.

Mayor Gates cautioned each participant to confine discussion to the stated purpose and reminded that no formal action may occur in Executive Session. If at any point any participant believed that the discussion was going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

The meeting concluded at 9:09 p.m.

The recordings will be retained as provided in the City's records retention policy and in conformity with the Colorado Open Meetings Law for a period of 90 days.

Approved:

John Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk



Council Agenda Summary

April 2, 2024

Key Staff Contact: Adam Turk, Police Chief

Title:

Introduction and first reading of an ordinance Amending Chapter 1 of Title 16 of the Greeley Municipal Code to address Automated Enforcement Systems, also known as camera radar to detect speeding violations

Summary:

The Greeley Police Department and Public Works presented available traffic-calming technologies to Greeley City Council at the May 23, 2023, work session. Public works and the Police department researched various technologies and contacted surrounding jurisdictions who have or continue to utilize technology to address traffic and quality of life concerns. Greeley City Council directed staff to proceed with a photo radar camera pilot program.

The police department has completed research and a request for proposal to procure technology to implement the pilot photo radar program. Prior to securing the technology, the municipal code needs to be amended via an ordinance. The City of Greeley is sponsoring a photo radar ordinance amending the Greeley Municipal Code, Title 16, Chapter 1, Traffic Code, by adding Article XX, Automated Enforcement Systems, which authorizes the city manager to use automated enforcement systems.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$8,500 per month or \$102,000 for the first year
What is the annual impact?	Unknown
What fund of the City will provide Funding?	General Fund
What is the source of revenue within the fund?	All Sources
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:

N/A

Strategic Focus Area:



Safe and Secure Communities

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for April 16, 2024.

Attachments:

1. Ord No.6, 2024 with Appendix A

CITY OF GREELEY, COLORADO

ORDINANCE NO. 6, 2024

**AN ORDINANCE AMENDING THE GREELEY MUNICIPAL CODE, TITLE 16,
CHAPTER 1, TRAFFIC CODE, BY ADDING ARTICLE XX, AUTOMATED
ENFORCEMENT SYSTEMS**

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to address changes in policies and effect different approaches to obtain public safety measures within the City; and

WHEREAS, the State of Colorado has adopted Senate Bill 23-200 which modified C.R.S. §42-4-110.5 and provisions relating to Automated Enforcement Systems used throughout the state; and

WHEREAS, the Greeley Police Department has advocated that the City engage in the utilization of Automated Enforcement Systems throughout the City in order to enhance public safety by the issuance of citations to persons driving in excess of the speed limit and thereby also reducing the number of accidents which occur due to traffic speeding violations; and

WHEREAS, the City Council has considered the merits of utilizing Automated Enforcement Systems within the City of Greeley in order to enhance public safety and has determined that the City should utilize Automated Enforcement Systems; and

WHEREAS, in order to establish use of Automated Enforcement Systems throughout the City, the Greeley Municipal Code must be amended.

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

Section 1. Greeley Municipal Code, Title 16, Chapter 1, is hereby amended by the addition of Article XX as described in Appendix A , attached hereto and incorporated herein.

Section 2. This ordinance shall take effect on the fifth day after its final publication, as provided by Section 3-16 of the Greeley City Charter.

**PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF
_____, 2024.**

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

APPENDIX A
CITY OF GREELEY, COLORADO
ORDINANCE NO. 6, 2024

ORDINANCE AMENDING CHAPTER 1 OF TITLE 16
GREELEY MUNICIPAL CODE

Article XX. Automated Enforcement Systems.

Sec. 16-650. Authority.

(a) The city manager is authorized to use automated enforcement systems otherwise known as camera radar to detect violations of section 16-351, "Speed limits" within school zones, residential neighborhoods, along any street that borders a municipal park, and along any automated vehicle identification corridor which has been so identified by city council.

(b) The city manager shall by administrative rule designate those employees who are authorized to enforce speeding violations detected through the use of camera radar pursuant to this code. All peace officers employed by the police department are authorized to enforce speeding violations detected through the use of camera radar.

Sec. 16-651. Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

Automated Vehicle Identification Corridor means a street or portion thereof which has been designated by city council as an area which data has shown has a high incidence of speeding, reckless driving, accidents, or community complaints.

Camera means a device capable of capturing visual images, and includes, without limitation, cameras which capture images by the effect of light on chemicals on a film and cameras which capture images by converting light into electromagnetic or optical data which are stored on magnetic tape, computer memory disks or other storage media.

Camera radar means a device used for speed enforcement consisting of a camera and a radar unit or other speed measurement device that can be programmed to automatically produce a photographic image which depicts a vehicle which has exceeded the speed limit, the driver of the vehicle, and which also indicates the vehicle's speed and the date and approximate time of day and approximate location of the violation.

Notice of Violation means a notice mailed to a registered owner of a vehicle involved in any traffic violation detected by camera radar advising that a violation has been detected, or a similar notice mailed to the operator of the vehicle identified by a registered owner of said vehicle.

Photo Radar Referee shall mean an employee of the city designated by the city manager to review and adjudicate disputes associated with notices of violation generated by camera radar. The terms "Photo Radar Referee" and "Referee" shall be synonymous for the purposes of this Article.

Residential neighborhood means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is 35 miles per hour or less.

Sec. 16-652. Signage.

- (a) Prior to utilization of camera radar for enforcement of speeding violations within a school zone, residential neighborhood, or along any street that borders a municipal park, there must be posted an appropriate temporary or permanent sign in a conspicuous place not fewer than 300 feet before the area in which the camera radar system is to be used notifying the public that the camera radar device is in use immediately ahead.
 - (1) The requirements of subsection (a) shall not be deemed satisfied by the posting of a permanent sign or signs at the borders of the city, nor by the posting of a permanent sign in an area in which the camera radar system is to be used, but this subsection (a)(1) shall not be deemed a prohibition against the posting of such permanent signs.
- (b) Prior to utilization of camera radar for enforcement of speeding violations in any automated vehicle identification corridor as identified by city council, the city must:
 - (1) Post a permanent sign in a conspicuous place not fewer than 300 feet before the beginning of the corridor and a permanent sign not fewer than 300 feet before each camera within the corridor thereafter or a temporary sign not fewer than 300 feet before any mobile camera radar system;
 - (2) Illustrate, through data collected within the past five years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor; and
 - (3) Coordinate with the department of transportation and the Colorado State Patrol.

Sec. 16-653. Notice of Violation.

- (a) When a peace officer or employee of the city, based on evidence obtained in whole or in part by means of camera radar has probable cause to believe that a vehicle has been driven in violation of section 16-351 "Speed limits," the peace officer or employee of the city may issue, or cause to be issued through a contractor designated by the city, a notice of violation charging the person in whose name the vehicle is registered based on the license plate or any other identification of the vehicle with the speed limit violation. If, however, the vehicle is registered in more than one person's name, the notice of violation shall be issued to the registrant whom the issuing officer or employee determines, under all the facts and circumstances, is the person most likely depicted in the image produced by the camera radar.
- (b) The notice of violation shall contain the name and address of the driver; the license number of the vehicle involved in the violation; a citation of the code section alleged to have been violated; a brief description of the violation, the date of the violation; the approximate place of the violation; the amount of the prescribed penalty; and the date the notice of violation is issued. The notice of violation shall also contain the signature, or a reasonable facsimile thereof, of the peace officer or employee of the city issuing the notice.

- (c) A copy of a notice of violation issued under this section must be personally served upon the person charged with the speeding violation; or in lieu of such personal service, by leaving a copy of the notice of violation at the charged person's usual place of abode with some person over the age of 18 years residing therein; or by mailing a copy by first-class mail to the charged person's last known address within thirty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state, or within sixty days after the violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.
- (d) The notice of violation shall direct the driver to a website portal where, prior to a date and time specified on the notice, the driver can pay the penalty or submit evidence to dispute the identity of the driver; or request a hearing before the photo radar referee to dispute the notice of violation within the time specified in the notice.
- (e) The photo radar referee shall review all relevant documentation on file with the city in the case, including, but not limited to, the notice of violation, photographs, reports, and written statements, if any. All documents may be submitted electronically. In lieu of the police officer's or city employee's personal appearance at the hearing, the referee may consider the notice of violation and any other written report by the police officer or city employee who issued the citation. Any hearing held before the photo radar referee shall be recorded pursuant to Section 2-1039 of this code.
- (f) Where the referee finds that the violation has not been established, the notice of violation shall be dismissed. Where the referee finds that the violation has been established, the referee shall uphold the notice of violation and order the driver to pay the penalty assessment within seven days of the date of the decision of the referee.
- (g) Any person not satisfied with the decision of the photo radar referee may, by written request provided to the city within ten days of the decision, request that his/her citation be referred to the Greeley Municipal Court for adjudication before a municipal court judge who shall serve as the administrative appeal hearing officer at a de novo hearing.
- (h) Failure to pay the fine or contest the notice of violation within the time period specified in the notice shall result in a civil penalty assessment notice for the amount owed. Failure to pay the civil penalty assessment notice within the time period specified in such notice shall result in the registered owner's waiver of any right to contest the violation or the amount of the prescribed civil penalty and shall result in a final order of liability entered against the registered owner of the vehicle.
- (i) Final orders of liability and orders issued by the administrative appeal hearing officer may be appealed in accordance with Section 2-1041 of this code.

Sec. 16-654. Presumption in reference to automated camera radar penalty assessment notices.

- (a) Proof that a particular vehicle was exceeding the legal speed limit in violation of section 16-351, "Speed limits," as detected by camera radar together with proof that the particular vehicle is registered in the charged person's name, shall raise the evidentiary presumption and constitute *prima facie* evidence in any prosecution of a violation of that section, of the fact that the charged person was the person driving the vehicle depicted in the photograph. However, such evidence and presumption may be rebutted by presentation of any probative

and competent evidence that the charged person was not the driver shown in the photograph. If the image is not of sufficient quality to permit reasonable identification of the driver of the vehicle, the presumption shall not arise.

- (b) In any proceeding in municipal court to adjudicate a violation of section 16-351, "Speed limits" detected through the use of camera radar:
 - (1) The photograph and related data produced by camera radar concerning the violation shall be admissible in court as *prima facie* evidence of the speed of the vehicle depicted in the photograph, provided that the peace officer, or employee of the city who activated the camera radar prior to the photograph being taken testifies as to the placement of the camera radar and the accuracy of the scene depicted in the photograph, and further testifies that the person tested the radar unit of the camera radar for proper calibration within a reasonable period of time both before and after the taking of the photograph. In order to be so admissible in court, the photograph must be of sufficient quality to permit identification of the driver of the vehicle.
 - (2) Testing and operation in accordance with the manufacturer's specifications shall be, without limitation, sufficient foundation for introduction of the evidence.

Sec. 16-655. Penalty

- (a) The penalty for speeding less than 25 miles per hour over the applicable speed limit in violation of section 16-351 "Speed limits", if evidence produced by camera radar constituted an indispensable element of the proof, shall be \$40. Such fine may be doubled for traffic infractions occurring within school zones and construction zones.
- (b) The penalty for speeding 25 miles per hour or more over the applicable speed limit in violation of section 16-351 "Speed limits", if evidence produced by camera radar constituted an indispensable element of the proof, shall be \$200. Speeding violations of 40 miles per hour or more over the speed limit may also be referred to the police department for investigation as to whether other applicable charges are appropriate.
- (c) If a notice of violation, civil penalty assessment notice, or final order of liability is personally served, in addition to any fine assessed under this section, the city may also charge the actual costs of service of process that shall be no more than the amount usually charged for civil service of process.
- (d) The city shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessment pursuant to this section unless the registered owner is personally served with either the notice of violation, civil penalty assessment notice, or the final order of liability.

Sec. 16-656. Revenue

In order to improve safety in neighborhoods, all revenue collected that is in excess of the Automated Enforcement Systems expenses shall be utilized for the City of Greeley's Neighborhood Traffic Safety Program to install permanent traffic calming measures that serve to improve safety on neighborhood, local and collector streets.

Sec. 16-657. Confidentiality and Exemption from Disclosure

All photographs and video collected by use of camera radar shall be treated as confidential and exempt from disclosure and inspection pursuant to the Colorado Open Records Act. The city manager shall not release or permit the inspection or copying of images that are evidence required to prove a violation taken by camera radar for other than law enforcement purposes, unless directed to do so by subpoena from a court of competent jurisdiction, or as part of litigation or threatened litigation involving the city. Such images shall however, be available to the owner of any vehicle and to the driver of any vehicle depicted in any such image. Images taken by camera radar shall be purged on a regular schedule adopted by the city manager.

Secs. 16-658-668. Reserved.



Council Agenda Summary

April 2, 2024

Key Staff Contact: Adam Turk, Police Chief

Title:

Introduction and first reading of an ordinance amending Title 2, Chapter 11 of the Greeley Municipal Code relating to authority to issue summons and complaints

Summary:

The Police Department has civilian employees that investigate traffic accidents and alcohol establishments. Currently, those civilian employees do not have the authority in the Code to issue summons and complaints for misdemeanor offenses. For example, a sworn officer must be on scene to issue a summons and complaint for Careless Driving, a common traffic offense issued after an accident. This requires the time of a sworn officer at an accident scene when the officer is not otherwise needed.

Also, it is the responsibility of multiple departments in the City to respond to code violations. This ordinance will authorize employees to issue and serve summons and complaints for violations of the code the city employee is delegated responsibility to enforce. The recommended changes would ensure compliance with the code and protect the health, safety and welfare of the city and its inhabitants.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	NA
Is there grant funding for this item?	NA

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

Strategic Focus Area:



Safe and Secure Communities

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for April 16, 2024

Attachments:

1. Ord No. 7, 2024 with Appendix A

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 7, 2024**

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 11
OF THE GREELEY MUNICIPAL CODE
RELATING TO AUTHORITY TO ISSUE SUMMONS AND COMPLAINTS**

WHEREAS, the City of Greeley, Colorado (“City”) is a home rule municipality, and pursuant to Article XX, Section 6 of the Colorado constitution has the right to enact, administer and enforce ordinances; and

WHEREAS, city employees may be authorized by municipal ordinance to file summons and complaints; and

WHEREAS, it is the responsibility of multiple departments in the City to respond to code violations; and

WHEREAS, department directors and employees should be authorized to issue summons and complaints for violations of the code that the city employee is delegated responsibility to enforce of the Greeley Municipal Code; and

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

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

Section 1. Section 2-975 of Article III, Procedures of Chapter 11, Municipal Court of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 2. This ordinance shall become effective five (5) days following its final publication as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF _____, 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
CITY OF GREELEY, COLORADO
ORDINANCE NO. 7, 2024

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 11
OF THE GREELEY MUNICIPAL CODE**

Section 1. Section 2-975 of Article III, Procedures of Chapter 11, Municipal Court of Title 2, Administration and General Government, shall be amended as follows:

Sec. 2-975. ~~Filing of actions or summonses.~~ Issuance and service of summons, complaint and process.

(a) Any action or summons brought in the municipal court to recover any fine or enforce any penalty or forfeiture under any ordinance shall be filed in the name of the city, by and on behalf of the people of the state.

(b) Sworn members of the police department, together with the city attorney, deputy city attorney or assistant city attorney, and University of Northern Colorado peace officers are authorized to issue a summons and complaint for any violation of this Code.

(c) The following officers and employees of the city are authorized to issue and serve summons and complaints, so long as the violation relates to that portion of the Code for which the official or city employee is delegated the responsibility to enforce:

(1) The police chief.

(2) The fire chief.

(3) The city manager.

(4) The director of community development.

(5) The director of public works.

(6) The director of finance.

(7) The director of culture, parks and recreation.

(8) The director of water and sewer.

Where the authority to issue a summons and complaint is given to the city manager or department director, this grant shall allow the manager or department director to delegate this authority to other employees or officials within the department. This delegation shall be in writing.



Council Agenda Summary

April 2, 2024

Key Staff Contact: Adam Turk, Police Chief

Title:

Introduction and first reading of an ordinance amending Title 8, Chapter 13 and Title 14, Chapter 6 of the Greeley Municipal Code relating to alcohol

Summary:

Greeley Liquor Licensing Authority issues licenses and permits for the sale or service of alcoholic beverages, conducts hearings and investigations, suspends or revokes licenses, sets fees, along with many other responsibilities. The recommended amendments to the Greeley Municipal Code would update liquor licensing and hearing requirements, including the requirement of posting notice of the duty of a Licensee to report disturbances at licensed premises. The Ordinance will also update the Code after the passage of Proposition 125 on November 8, 2022, which modified the fermented malt beverage off-premise retailer license to allow the sale of wine products. The recommended changes will protect the health, safety and welfare of the city and its inhabitants.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	NA
Is there grant funding for this item?	NA

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

Strategic Focus Area:



Safe and Secure Communities

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or

- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for April 16, 2024.

Attachments:

1. Ord No. 8, 2024 with Appendix A

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 8, 2024**

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 13 AND TITLE 14, CHAPTER 6
OF THE GREELEY MUNICIPAL CODE RELATING TO ALCOHOL**

WHEREAS, the Greeley Liquor Licensing Authority issues licenses and permits for the sale or service of alcohol beverages; conducts hearings and investigations; suspends or revokes such licenses and permits; sets certain fees as provided by law; as well as many other responsibilities and duties set forth in Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes; and

WHEREAS, as of March 1, 2023, state law, through the voter-approved passage of Proposition 125 on November 8, 2022, modified a fermented malt beverage off-premise retailer license to also allow the sale of wine products; and

WHEREAS, staff recommends updating licensing and hearing requirements, including the requirement of posting notice of the duty to report disturbances at licensed premises; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would encourage economic stability and growth, and protect the health, safety and welfare of the city and its inhabitants.

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

Section 1. Section 8-435 of Article I, Local Licensing Authority; Definitions of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations shall be amended as shown in Appendix A.

Section 2. Sections 8-462, 8-466 – 8-472, of Article II, Licenses of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 3. Sections 8-492 and 8-497 of Article III, General Provisions; Unlawful Acts of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 4. Article V, Alcohol Tastings of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 5. Section 14-179 of Chapter 6, Offenses Against Public Peace of Title 14, Criminal Conduct and Offenses, shall be amended as shown in Appendix A.

Section 6. This ordinance shall become effective five (5) days following its final publication as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 2024.

ATTEST

THE CITY OF GREELEY, COLORADO

By:_____
City Clerk

By:_____
Mayor

APPENDIX A
CITY OF GREELEY, COLORADO
ORDINANCE NO. 8, 2024

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 13 AND TITLE 14, CHAPTER 6
OF THE GREELEY MUNICIPAL CODE**

Section 1. Section 8-435 of Article I, Local Licensing Authority; Definitions of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-435. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcohol means malt, vinous or spirituous liquors and fermented malt beverages, as those terms are defined by state law.

Applicant means one making an application for a license under this chapter, and includes:

- (1) If an individual, that person making the application;
- (2) If a partnership, all the partners of the partnership which is making the application;
- (3) If a corporation, any officer, director, manager or stockholder therein making the application; or
- (4) If a limited liability company, any member therein making the application.

Authority or licensing authority means the hearing officer appointed by the city council by resolution.

Fermented malt beverage has the same meaning as set forth in the Colorado Beer Code (C.R.S. § 44-4-101 et seq.).

Hearing officer means the individual, licensed to practice law in the state, appointed by the city council, to carry out the duties as described in section 8-434 and other rules, regulations, policies and procedures as may be established.

Illegal gambling means to authorize or permit on the licensed premises any gambling, or use of any gambling machine or device, or the use of any machine which may be used for gambling, or the use of any simulated gambling device, which is not authorized and legally operated pursuant to C.R.S. Title 44, Articles 30, 32 and 40.

Licensed, licensee and licensed premises means persons or premises issued a license or permit pursuant to C.R.S. Title 44, Articles 3, 4 and 5.

Malt, vinous, and spirituous liquor has the same meaning as set forth in the Colorado Liquor Code (C.R.S. § 44-3-101 et seq.).

Manager means and includes that person who manages, directs, supervises, oversees and administers the acts, transactions and acts of servants of the establishments governed by this chapter.

Person includes a natural person, partnership, association, company, corporation, limited liability company, organization or manager, agent, servant, officer or employee of any of them.

Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other definite areas as approved by the Authority.

(b) All other words and phrases used in this chapter shall have the meanings attached by the state statutes regulating the sale of alcohol, or if not otherwise defined by law, as are used in their common, ordinary and accepted sense and meaning.

Section 2. Sections 8-462, 8-466 – 8-472, of Article II, Licenses of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-462. Penalty guidelines.

Violations of any provisions of this chapter shall result in penalties according to the generally accepted and practiced state penalty guidelines provided below. Nothing in the following guidelines is meant to restrict the licensing authority from issuing a lesser penalty, a higher penalty, or additional penalties as allowed by this chapter or state law, up to an including suspension of revocation of a license or the imposition of a fine in lieu of suspension as provided under the provisions of C.R.S. § 44-3-601.

Code Violation	Suspension
<i>Sale or Service to a Minor:</i>	
First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional
Within 1 Year	suspension as stated in first incident above
<i>Purchase of Alcohol from Someone Other Than a Wholesaler:</i>	
First Incident 1 Charge	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	10 days total, 5 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Sale or Service to <u>an</u> Intoxicated Patron Person:</i>	

First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as state in first incident above
<i>Failure to Meet Food Requirement (H and R/Brew Pubs):</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations, with 30 days to comply
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Video Poker Gambling:</i>	
First Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Permitting Illegal Gambling:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations

Third Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Failure to Maintain Adequate Books/ <u>and</u> Records:</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Sale <u>or</u> Service After Legal Hours:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Permitting Disturbances:</i>	
First Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Violations on Follow-Up Inspections:</i>	
For each incident	3 days total, 1 served and 2 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Failure to Report Manager Corporate, Financial <u>or</u> Trade Name Change:</i>	
First Incident	5 days total, all 5 held in abeyance for a period of one year from date of hearing, pending no further violations

Second Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Underage Employee Selling or Serving:</i>	
First Incident 1 Charge	7 days total, 2 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	14 days total, 4 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
3 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Shake a Day (Dice or Dice Cup Pools):</i>	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Altered Alcohol:</i>	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations

Sec. 8-466. Aggravating and mitigating factors considered at show cause hearings.

(a) In all cases where a violation of the applicable state or local laws is found at a show cause hearing, the Authority shall consider evidence and statements in mitigation and in aggravation of the violation prior to determining the appropriate penalty. These factors may include, but are not limited to:

(1) The seriousness of the violation;

(2) Corrective action taken by the licensee after the violation;

(3) Prior violations at the licensed premises by the licensee or the licensee's employees and the effectiveness of prior corrective action;

(4) Whether the licensee substantially benefitted, monetarily or otherwise, from committing the violation;

(5) Whether the violation is part of a pattern or practice of violations;

- (6) Whether the violation was discovered, and later substantiated through investigation, as a result of a complaint or multiple complaints;
- (7) The violation demonstrably resulted in harm, not just the potential for harm;
- (8) The violation was willful, not negligent;
- (9) The owner or management personnel engaged in the violation and/or directed an employee to violate the law;
- (10) Previous sanctions imposed against the licensee; and
- (11) Other factors making the situation with respect to the licensee or the licensed premises unique.

Sec. 8-4667. Buildings to meet standards.

(a) No license shall be issued, renewed or transferred unless the building in which the business or licensed activity is conducted meets all of the requirements of the zoning, building, electrical, plumbing, fire, mechanical, housing and dangerous building codes of the city.

(b) A special event permit allowing alcohol on the premises may be issued under circumstances where the premises do not comply with requirements of the Uniform Fire Code, if the following requirements are satisfied:

(1) The special event permit applicant shall arrange for a fire watch, comprised of a minimum of two persons, to be conducted during the entire time of the special event occurrence.

Arrangements for hire and payment of fire watch personnel shall be the responsibility of the applicant.

(2) If the chief of the city fire department, or designee, requires that a fire watch for a particular special event be staffed by more than two persons, the applicant must arrange for a fire watch in accordance with the directions of the fire chief or designee.

(3) The fire watch for any special event occurring on premises which are not strictly in compliance with the Uniform Fire Code must be staffed by persons who are state-certified firefighters with direct radio contact with county 911 emergency dispatch.

(4) The special event permit applicant must finalize arrangements for the required fire watch prior to issuance of the liquor license.

Sec. 8-468. Modification of premises.

(a) No licensee shall physically change, alter or modify the licensed premises from that shown in the plans and specifications submitted at the time the licensee obtained the original license until written approval to do so has been received from the Authority and the state licensing authority, pursuant to the regulations adopted by the State.

(b) Requests for changes, alterations or modifications of the licensed premises shall be on such forms as are provided by the state licensing authority and, in addition, on such forms as may be provided by the City, if any. The request shall be accompanied by plans and specifications, which shall be sufficient to advise the Authority of the scope and nature of the proposed request and must include the identification of areas where alcohol will be served and stored.

Sec. 8-469. Change of location.

No license issued by the Authority shall be transferred to another location howsoever proximate without the approval of the Authority. The policies and procedures for such transfer of location of licensed premises shall be the same as those for the issuance of new licenses, except information and investigation regarding the applicant shall not be required. An application fee as provided in section 8-527 shall be charged.

Sec. 8-46770. Continuation of existing licenses.

...

Sec. 8-46871. Optional premises licenses.

...

Sec. 8-46972. Promotional associations and common consumption areas.

...

Secs. 8-4703 – 8-491. Reserved.

Section 3. Sections 8-492 and 8-497 of Article III, General Provisions; Unlawful Acts of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-492. Licensee to report disorderly conduct.

(a) A licensed establishment must be conducted in a decent, orderly and respectable manner, and shall not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the sensitivities of the average citizen, or to the residents of the neighborhood in which the establishment is located.

(b) All licensees and permit holders, and any agent, manager or employee thereof, shall immediately report to the police department any unlawful or disorderly act, conduct or disturbance committed in or on the licensed premises.

(c) Each licensee and permit holder shall post and keep visible at all times to the public in a conspicuous place on the premises, a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (½) inch in height, which shall read as follows:

"WARNING: The Greeley Police Department must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment."

(d) It shall not be a defense to a prosecution of a licensee or permit holder under this Section that the licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct or disturbance was committed; however, no agent, servant or employee of the licensee shall be personally responsible for failing to report an unlawful or disorderly act, conduct or disturbance hereunder if such agent, servant or employee was absent from the premises at the time such activity was committed.

(e) Failure to comply with the requirements of this Section shall be considered by the Licensing Authority in any action relating to the issuance, revocation, suspension or nonrenewal of a license or the cancellation, revocation, or suspension of a temporary or special events permit. A violation of this Section shall also constitute a misdemeanor offense, punishable as provided in chapter 9 of title 1 of this Code.

Sec. 8-497. Prohibiting open containers of alcohol in certain public areas.

(a) No person within the city limits shall possess an opened container of alcohol or consume alcohol in public, except upon premises licensed for consumption of the ~~liquor or beverage~~ alcohol involved or as authorized in this chapter.

(b) For purposes of this section, the term "open container" means any container other than an original closed container as sealed or closed for sale to the public by the manufacturer or bottler of the liquor or beverage or as defined by the state liquor enforcement division. If an original container has been unsealed, undone, or opened in any manner, it is an open container for purposes of this section.

(c) For purposes of this section, the term "in public" means:

(1) In or upon any public highway, street, alley, walk, parking lot, building, ~~park~~, or other public property or place, whether in a vehicle or not; or

(2) In or upon a city park, except as permitted in section 8-499; or

~~(23)~~ In or upon those portions of any private property upon which the public has an express or implied license to enter or remain; or

~~(34)~~ In or upon any other private property without the express or implied permission of the owner or person in possession and control of such property or such person's agent.

(d) It is unlawful for any person to serve, consume or possess an open container of alcohol when on, in or using, by conveyance or otherwise, the premises of the Jesus Rodarte Cultural Center.

(e) This section shall not apply to the serving or consumption of alcohol within the premises of the Union Colony Civic Center, Greeley Recreation Center, Greeley Active Adult Center, Greeley Ice Haus or the Greeley History Museum when the serving or consumption of alcohol is in conjunction with an event under the control of an authorized licensee or at authorized social gatherings (such as banquets, luncheons, wedding receptions) held within the confines of those facilities.

(f) Violations. Notwithstanding any other part of this chapter, a violation of this section shall be punishable as a misdemeanor offense.

Section 4. Article V, Alcohol Tastings of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-554. Alcohol tasting authorized; permit required.

(a) Alcohol tastings on the licensed premises of a retail liquor store licensee, or of a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee are authorized to be conducted within the city in accordance with C.R.S. § 44-3-301(10), and subject to the provisions of this article.

(b) The authority is authorized to issue alcohol tasting permits in accordance with the requirements of this article.

(c) It shall be unlawful for any person to conduct alcohol tastings within the city without having first received a permit issued in accordance with this section.

(d) Retail liquor store licensees, and liquor-licensed drugstore licensees, and fermented malt beverage and wine retailer licensees desiring to conduct alcohol tastings shall submit a tasting permit application to the city clerk accompanied by the fee stated in section 8-434.

(e) Submittal requirements. Annually, the licensee shall submit a completed alcohol tasting permit application obtained from the city clerk's office, including the following:

(1) Licensee information, including, but not limited to, name, address, contact information and license number;

(2) Verification that the licensee and employee who will be conducting the tastings have completed a seller/server training program that meets the standards established by the state licensing authority and is qualified to conduct an alcohol tasting.

(f) No alcohol can be provided as samples during a tasting until 48 hours after the licensee has provided written notice of the tasting to the police department and the city clerk's office. Such notice must contain the specific days and hours on which the alcohol tasting will occur. In this regard, there is no limitation on the number of days which a licensee may specify in each notice.

(g) Renewal of tasting permits shall be concurrent with the renewal of licenses for retail liquor store licensee, or of a liquor-licensed drugstore licensee or of a fermented malt beverage and wine retailer licensee. A licensee's initial tasting permit shall expire on the same date as the date that the licensee's retail liquor store or liquor-licensed drugstore or fermented malt beverage and wine retailer license expires. The initial tastings permit application fee shall not be prorated or refunded if the permit expires in less than a year.

(h) Alcohol tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during operating hours.

(i) An alcohol tasting permit shall only be issued to a retail liquor store licensee or a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee whose license is valid, not subject to a current or pending enforcement action by the city or the state and in full force and effect.

Sec. 8-555. Limitations on alcohol tastings.

Alcohol tastings within the city shall be subject to the following limitations:

(1) Alcohol tastings shall be conducted only on a licensed premises by a person who has completed a seller/server training program that meets the standards established by the state licensing authority and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee or an employee of a licensee;

(2) The alcohol used in tastings must be purchased through a licensed wholesaler, licensed brew pub, licensed distillery pub or winery licensed pursuant to C.R.S. § 44-4-403, at a cost that is not less than the laid-in cost for such alcohol;

(3) The size of an individual sample shall not exceed one ounce of malt, vinous or fermented malt beverages or one-half of one ounce of spirituous liquor;

(4) The licensee shall not serve more than four individual samples of alcohol to a patron during a tasting;

- (5) Alcohol tastings shall not exceed a total of five hours in duration per day, which need not be consecutive;
- (6) Alcohol tastings shall be conducted only during the operating hours in which the licensee on whose premises the alcohol tastings occur is permitted to sell alcohol, and in no case earlier than 11:00 a.m. or later than 9:00 p.m.;
- (7) The licensee shall prohibit patrons from leaving the licensed premises with a sample;
- (8) The licensee shall promptly remove all open and unconsumed alcohol samples from the licensed premises, destroy the samples immediately following the completion of the alcohol tasting, or store any open containers of unconsumed alcohol in a secure area outside the sales area of the licensed premises for use at a tasting conducted at a later time or date;
- (9) The licensee shall not serve a person who is under 21 years of age, who is visibly intoxicated or is a habitual drunkard;
- (10) The alcohol samples used in the tastings shall be served in clear, open containers and shall be provided to a patron free of charge;
- (11) The licensee may conduct tastings on no more than 156 days per year. Alcohol tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed 104 days per year;
- (12) The licensee shall maintain on the licensed premises a log of all alcohol consumed as tastings on forms obtained from the authority, to be submitted to the city clerk each year with the alcohol tasting permit renewal application, and during all operating hours the log shall be subject to inspection by the police department, the county health department, the state licensing authority and any other federal, state, county or city agency which is permitted or required by law to inspect licensed premises; and
- (13) No manufacturer of alcohol shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at an alcohol tasting, and the licensee shall bear the financial and all other responsibility for an alcohol tasting.

Sec. 8-556. Violations.

- (a) A violation of this article or C.R.S. § 44-3-301(10) by a retail liquor store licensee or a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee, whether by the licensee, licensee's employees, agents or otherwise, shall be the responsibility of the licensee conducting the alcohol tasting.
- (b) Retail liquor store licensees, and liquor-licensed drugstore licensees, and fermented malt beverage and wine retailer licensees conducting an alcohol tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to those licensees, including the hearings described in section 8-460.
- (c) Nothing in this chapter shall affect the ability of a state winery licensed pursuant to C.R.S. § 44-3-402 or 44-3-403 to conduct an alcohol tasting pursuant to the authority of C.R.S. § 44-3-402(2) or 44-3-403(2)(e).

Section 5. Section 14-179 of Chapter 6, Offenses Against Public Peace of Title 14, Criminal Conduct and Offenses, shall be amended as follows:

Sec. 14-179. Illegal sales of alcoholic beverages.

(a) A person commits a violation of this section if he sells, serves, distributes or otherwise transfers an alcoholic beverage:

(1) To any person who is:

a. Under the age of 21 years; or

b. Is visibly intoxicated; or

c. Is a habitual drunkard.

(2) Upon premises which are properly licensed pursuant to C.R.S. title 44, art. 3 or 4, ~~at any time which is not authorized by state statutes, or~~

(3) ~~For~~ for money or any other thing of value or service ~~of value~~ without a valid liquor license issued pursuant to C.R.S. title 44, art. 3 or 4.

(b) It shall be an affirmative defense to a violation of subsection (a)(1)a of this section that the defendant was the parent or legal guardian of the person to whom the alcoholic beverage was sold, served, distributed or otherwise transferred.



Council Agenda Summary

Title:

Pulled Consent Agenda Items

Summary:

Pulled Consent Agenda items will be considered in the order they appeared on the consent agenda.



Council Agenda Summary

April 2, 2024

Key Staff Contact: Sean Chambers, Water & Sewer Director

Title:

Public hearing and second reading of an ordinance to amend Title 20, Chapters 2, 3, and 5 of the Greeley Municipal Code relating to water and sewer service

Summary:

In September 2021, the Greeley City Council amended Title 24 of the Greeley Municipal Code (Development Code). The updates to Title 24 were wide ranging and modernized the Development Code requirements to adapt to a more diverse housing market. To align with the updates to the Development Code, Title 20, Chapters 2, 3, and 5 of the Greeley Municipal Code relating to water and sewer service need to be updated. The updates aligning Title 24 and Title 20 primarily relate to allow for more flexible provisions for water and sewer tap configurations and service line extensions for accessory units. Given that code needed to be updated, staff utilized this opportunity to update provisions within Title 20 for signature authority, define the process for sewer service transitioning from septic to public sewer, clarified raw water dedication and credit administration, and reorganized code sections. The Water and Sewer Board approved and recommended to City Council the revisions to Title 20 on January 17, 2024.

While not a component of the code revisions, the Water and Sewer Board also endorsed a graduated Plant Investment Fee (PIF) based on the size of the residential lot. The PIF is updated through the annual Rate Resolution that the Water and Sewer Board adopts each December.

A motion to introduce the ordinance and schedule the public hearing and second reading was approved with a 7-0 vote at the February 20, 2024 Council Meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	No

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

Strategic Focus Area:



High-Performance Government



Infrastructure and Mobility

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:

1. Ord No. 3 , 2024 with Exhibit A
2. Item 14 - Water and Sewer Development Code Update Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 3, 2024

**AN ORDINANCE AMENDING TITLE 20, CHAPTERS 2, 3, AND 5 OF THE GREELEY
MUNICIPAL CODE RELATING TO WATER AND SEWER SERVICE**

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

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board ("Board") to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, various Sections within Title 20 of the Greeley Municipal Code set forth the requirements and regulations related to the initiation and use of water and sewer services from the City; and

WHEREAS, City Water and Sewer staff and legal counsel previously prepared and presented to the Board various corrections and modifications to Title 20 that relate to the initiation and use of water and sewer service based on recommended policy changes; and

WHEREAS, after receiving and incorporating its feedback, City Water and Sewer staff and legal counsel presented Appendix A, attached hereto and incorporated herein, on January 17, 2024 to the Board and the Board approved and recommended City Council adopt the same.

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

Section 1. That Section 20-19 contained in Chapter 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 2. That Section 20-87 contained in Chapter 3 Article II of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 3. That Section 20-88 contained in Chapter 3 Article II of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 4. That Section 20-120 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 5. That Section 20-121 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 6. That Section 20-154 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 7. That Section 20-159 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 8. That Section 20-160 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 9. That Section 20-161 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 10. That Section 20-251 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 11. That Section 20-252 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 12. That Section 20-253 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 13. That Section 20-254 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 14. That Section 20-257 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 15. That Section 20-260 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 16. That Section 20-261 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 17. That Section 20-262 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 18. That Section 20-263 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 19. That Section 20-264 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 20. That Section 20-267 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 21. That Section 20-269 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 22. That Section 20-295 contained in Chapter 3 Article IV Division 1 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 23. That Section 20-299 contained in Chapter 3 Article IV Division 1 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 24. That Section 20-322 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 25. That Section 20-323 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 26. That Section 20-324 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 27. That Section 20-326 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 28. That Section 20-327 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 29. That Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be relocated from Article V to Article IV as Division 3 and amended as shown on Appendix A.

Section 30. That Section 20-355 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 31. That Section 20-361 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 32. That Section 20-365 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 33. That Section 20-665 contained in Chapter 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 34. That Section 20-666 contained in Chapter 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 35. That Section 20-667 contained in Chapter 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 36. That Section 20-668 contained in Chapter 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 37. That Section 20-670 contained in Chapter 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 38. Except as explicitly modified on Exhibit A, all other provisions of Title 20 of the Greeley Municipal Code shall remain in full force and effect.

Section 39. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 2024

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
CITY OF GREELEY, COLORADO
ORDINANCE NO. 3, 2024

**ORDINANCE AMENDING TITLE 20, CHAPTERS 2,3, AND 5 OF THE GREELEY
MUNICIPAL CODE RELATING TO WATER AND SEWER SERVICE**

Section 1. That Section 20-19 contained in Chapter 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-19. ~~Enterprise defined~~ Definitions.

~~For the purposes of this chapter, the term "enterprise" means a government-owned business operated according to the accepted principles and procedures established by the governmental accounting standards board for an enterprise fund operation, authorized to issue its own revenue bonds and receiving under ten percent of annual revenue in grants from all state and local governments combined. The following words, terms, and phrases, when used in chapters 2 and 3 of this title, shall have the meanings ascribed to them in this section, except where otherwise defined in a specific article or the context clearly indicates a different meaning:~~

Building drain means the building and all of the plumbing and piping that conveys sanitary sewage from the building to a point five feet outside the foundation wall.

Building sewer means that portion of the sanitary sewer line that extends from five feet outside the foundation wall to the public sewer, including the sewer tap on the public sewer or other point of discharge.

Director, unless otherwise specified, means the director of the city water and sewer department or their authorized designee.

Discharge means any person that discharges or causes the discharge of domestic wastewater directly or indirectly to the publicly owned treatment works (POTW).

Enterprise means a government-owned business operated according to the accepted principles and procedures established by the governmental accounting standards board for an enterprise fund operation, authorized to issue its own revenue bonds and receiving under ten percent of annual revenue in grants from all state and local governments combined.

Individual (private) wastewater disposal system means a septic tank or similar self-contained receptacle or facility that collects and/or treats or otherwise disposes of domestic wastewater and which is not connected to the POTW.

Industrial wastewater or nondomestic wastewater means water carrying wastes from any process or activity of industry, manufacturing, trade, or business; from development of any natural resource; or from animal operations or contaminated stormwater or leachate from solid waste facilities.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Off-premises sewer means a gravity public sanitary sewer constructed to serve a property that is not contiguous to an existing sewer and which crosses other private property or properties. The term "off-premises sewer" does not include a sewer in the interior or on the perimeter of the property initially served.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity, or their legal representatives, agents or assigns. The term "person" includes all federal, state and local government entities.

Public sanitary sewer means a sewer in which all owners of abutting properties have equal rights, which is placed in a public right-of-way or dedicated easement, which was constructed according to city specifications for public sanitary sewers applicable at the time of its installation or accepted as substantially equivalent in writing by the city.

Publicly owned treatment works (POTW) means the treatment works as defined by section 212 of the Act (33 USC 1292) that is owned by the city. The term "publicly owned treatment works (POTW)" includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic or nondomestic wastewater and any conveyances that carry such wastewater but excludes the building drain and building sewer.

Sanitary sewer means a pipe, conduit and appurtenances to which stormwaters, surface waters and groundwaters are not intentionally admitted, for the collection, transportation, pumping and treatment of domestic and nondomestic wastewater.

Storm sewer means a sewer designed to carry only stormwaters, surface runoff, street wash waters and drainage.

Stormwater means stormwater runoff, snow melt runoff and surface runoff and drainage.

Section 2. That Section 20-87 contained in Chapter 3 Article II of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-87. Appeals.

If ~~any person or entity~~ wishes to appeal any decision of the director ~~of water and sewer~~ pursuant to the provisions of this title, that person ~~or entity~~ shall file a written request with the director asking that the director's decision be reduced to writing and submitted for review by the water and sewer board, such review shall be considered as soon as reasonably possible. Appeals of decisions by the water and sewer board, excluding matters pertaining to the minimum water and sanitary sewer rates, shall be submitted in writing to the city clerk and considered by the city council.

Section 3. That Section 20-88 contained in Chapter 3 Article II of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-88. Violations; penalties.

Any person ~~or entity~~ convicted of violating any provision of this title related to the tapping of water or sewer mains, installing water service lines, meters, or other infrastructure, and taking and using water or sewer service through any of the same, shall be punishable as provided in chapter 9 of title 1 of this Code.

Section 4. That Section 20-120 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-120. Tapping for water without authority unlawful.

It is unlawful for any person ~~or entity~~ to make a service connection with any water pipe or main of the waterworks without authorization from the director ~~of water and sewer~~, or for any person ~~or entity~~ so authorized to install a tap or other service connection to the waterworks contrary to the provisions of this title.

Section 5. That Section 20-121 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-121. Certain water usage, turning on water unlawful.

(a) It is unlawful for any person ~~or entity~~ to use water through a tap or other service connection with any water pipe or main of the waterworks in a manner contrary to the provisions of this title.

(b) It is unlawful for any person ~~or entity~~ to turn on water service to a property, or to otherwise use water through a tap or other service connection to a property, when the director ~~of water and sewer~~ has directed that water service to such property be turned off.

(c) The director ~~of water and sewer~~ has the authority to designate water enforcement officials for the city.

Section 6. That Section 20-154 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-154. Service line failure; computation of charges.

If any person ~~or entity~~ discovers a leak or other failure in its service line, and the director ~~of water and sewer~~ finds that such leak or service line failure directly caused artificially elevated charges in a particular billing period, the ~~customer~~ person may be charged based upon its average consumption for the same period in the two years immediately preceding the leak or service line failure, and accordingly billed at the current rates.

Section 7. That Section 20-159 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-159. Extra charges for connections to public water; computation.

(a) ~~All~~Any persons ~~desiring~~requesting water service for a buildings located on property abutting a public water line shall ~~be required to~~ pay an extra charge to reimburse the person that built the public water line if all of the following circumstances exist:

- (1) The section of the public water line ~~on which that~~ abuts the property ~~abuts~~ was constructed ~~in accordance with~~ according to city specifications and requirements and with prior approval by the city, at the expense of ~~one or more private~~ another persons;
- (2) The section of the public water line was constructed along the entire frontage of the property of the person ~~who~~ that paid for such construction;
- (3) The person ~~against whom the~~ to be assessed the extra charge ~~is to be assessed~~ applied for water service within ten years of the completion of the construction; and
- (4) The ~~building property~~ to be served with water service ~~is located on land which~~ was owned at the time of construction by a person ~~who~~ that did not participate in the cost of construction;
- (5) The person to be assessed the extra charge, or their predecessor in interest, was notified through certified mail by the person requesting reimbursement of the opportunity to share in the cost of constructing the public water line prior to such construction; and
- (6) A document was recorded against the property to be served that provides notice of the extra charge that may be assessed if the property receives future water service.

(b) If circumstances consistent with subsections (a)(1)-(6) above exist, an extra charge will be assessed. The amount assessed will be based on the section of public water line that abuts the subject property and calculated by prorating the construction cost, without interest or other charges, against the frontage of all property abutting the section of public water line involved.

Section 8. That Section 20-160 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code be renumbered and deleted/repealed as follows:

Sec. 20-1601. ~~Computation of extra charges~~ – Reserved.

~~As to each property for which water service is applied for, the extra charge with respect to that application for service will be computed with reference to the construction costs of the section of public water line on which the property abuts. In each case, the extra charge will be computed by prorating the construction cost, without interest or other charges, against the frontage of all property abutting on the section of public water line involved.~~

Section 9. That Section 20-161 contained in Chapter 3 Article III Division 2 of Title 20 of the Greeley Municipal Code be renumbered and amended to read as follows:

Sec. 20-1640. Private payment for public water; reimbursement.

~~Private~~ Any persons who that pays for the constructions of sections of a public water lines and who desire may request partial reimbursement for such payment shall deliver by submitting a written document request to the director of water and sewer setting forth. The request for reimbursement must be submitted within 12 months of the city's acceptance of the public water line and include documentation establishing: (i) the total construction cost, with including proof of payment, (ii) the frontage of the property abutting on the section of public water line involved, including the initial property served, and setting forth (iii) the name and address of an individual, bank or other organization the person authorized to receive payments from the city pursuant to this section. The director may approve a request for reimbursement o Only if the public water lines was constructed by with prior approval of the director of water and sewer or designee and completed within 12 months of approval and in strict accordance with city standard specifications for water line construction will be considered for reimbursement. The director may not consider or issue reimbursement for any section of the public water line that was constructed within the public right-of-way that abuts the initial property. As extra charges are paid to the city pursuant to sections ~~20-122 and 20-123~~ 20-159, the city shall transmit such payments to such authorized ~~individual, bank or other organization~~ person. The city shall have no responsibility to see that such ~~individual, bank or other organization~~ person properly deals with such funds. The city shall not recognize any recipients or claimants other than the named ~~individual, bank or other organization~~ person.

Section 10. That Section 20-251 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-251. Initiation of water service; service commitment agreements.

- (a) ~~Any person or entity seeking water service from the city shall make a request for such service within the associated land use or development application process required by title 24 of this Code. If the person or entity seeking water service is not pursuing a land use or development application, the request shall be made in writing to the director of water and sewer. It is unlawful for a person or entity to take and use water service from the city without first obtaining authorization from the director of water and sewer.~~
- (b) Requests for water service made through the land use or development application process required by title 24 of this Code shall be forwarded to the ~~director of water and sewer~~. All requests for water service shall include the information necessary to determine all applicable fees and rates for such service. The ~~director of water and sewer~~ shall not authorize any such water service until all required information is received and all required fees are paid.
- (c) All applicants granted authorization for water service to nonresidential lots and residential lots with more than four units within the city limits shall execute a service commitment agreement to be recorded with the county clerk and recorder setting forth the details and parameters of the potable and non-potable components of such service, including the ~~person or entity to whom~~ which service is granted, the date upon which service shall commence, the specific location at which the tap(s) or service connection(s) shall be made, the permitted size of the tap(s) or service connection(s), a description of the

property to which service will be provided, the permissible uses of water on the property, and the annual allotment associated with the water service.

(d) All applicants granted authorization for water service to large parcel single-family residential lots, as described in section 20-257, ~~that are required to install a separate and additional landscape irrigation tap and service line for the service of non-potable water~~ shall execute a service commitment agreement to be recorded with the county clerk and recorder setting forth the details and parameters of ~~the any~~ non-potable component of such service, including the person ~~or entity to whom~~ to which service is granted, the date upon which service shall commence, the specific location at which the tap(s) or service connection(s) shall be made, the permitted size of the tap(s) or service connection(s), a description of the property to which service will be provided, the permissible uses of water on the property, and the annual allotment associated with the non-potable component of the water service.

Section 11. That Section 20-252 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-252. Taps and service lines required; potable and non-potable service.

(a) Except as provided in (a)(1) through (3) below, Each detached residential building, multi-unit residential building, and nonresidential building on a single lot shall be served by a minimum of one separate water tap and service line for the service of potable water. Buildings with mixed residential and nonresidential uses shall be served by separate potable water taps for the residential and non-residential components of the development.

(1) An accessory dwelling as defined under section 24-403(b) does not require a potable water tap and service line separate from the principal dwelling if it complies with all standards established under that section and any other requirement under title 24.

(2) A mobile home or similar small-format dwelling unit as defined under section 24-1301 does not require a potable water tap and service line separate from other units if all units sharing a potable water tap and service line are located within the same mobile home community, or other small format housing project, and comply with all standards and requirements established under title 24 for such communities or projects.

(3) A nonresidential accessory building or structure as defined under section 24-1301 does not require a potable water tap and service line separate from the primary nonresidential building or structure if it complies with all standards and requirement under title 24.

(b) A separate and additional landscape irrigation tap and service line shall be required for the service of non-potable water to all residential detached estate lots with an area of 13,000 square feet or more.

(c) A separate, ~~and~~ additional landscape irrigation tap and service line shall be required for the service of ~~non-potable~~ water to the irrigated common space associated with all nonresidential lots and residential lots with more than four units ~~within the city limits~~, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels,

and motels); The landscape irrigation tap shall use non-potable water if such irrigated common space totals two acres in area or more.

(d) ~~The director of water and sewer, or his designee,~~ has the authority to grant a temporary or permanent variance to the landscape irrigation tap requirements in this section upon a finding, in their sole discretion, that immediate connection of the subject property to the non-potable water system is not feasible; or that the subject property can be served by a single tap due to minimal landscaping irrigation demand. The grant of such a variance may include any terms and conditions deemed appropriate by the director ~~or his designee~~ in their sole discretion.

Section 12. That Section 20-253 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-253. Service line extensions prohibited.

(a) Except as provided under Section 20-252, it is unlawful for a person or entity to extend a service line from one building or lot to serve any other another buildings, lots or premises contrary to the requirements of this section. Notwithstanding the foregoing, the director of water and sewer has the discretionary authority to grant variances when appropriate for accessory uses on the same property or an adjoining lot, or lot. Upon written request, the director may grant a variance for any new or existing service line extension upon a finding in their sole discretion that separating or installing a new separate water tap and service line is not feasible. If granted, a variance shall not alter the maintenance responsibility of the extended or shared service line. The extended or shared service line shall not constitute a public water line and the director shall not perform any maintenance or repair on an extended or shared service line.

(b) A prohibited service line extension that was installed prior to September 1, 2019, may remain in effect so long as it does not create a sanitation, public health or public nuisance problem. If, in the discretion of the director of water and sewer, a prohibited service line extension creates a sanitation, public health or public nuisance problem, the subject property owner shall separate the compound tap at their own expense. Unless the director grants a variance, all existing service line extensions must be separated at the expense of the building or lot owner to which the service line was extended, including all fees applicable to the initiation of water service. Plant investment fees that would otherwise be due and payable for a new water tap and service line shall be waived if there is no increase in water service to the subject building or lot.

(c) ~~—The owner of a property to which a new water service line is installed after the associated separation of a compound tap shall be required to pay all fees applicable to the initiation of water service to the subject property, including, without limitation, the costs required to install another water tap and service line. Plant investment fees that would otherwise be due and payable for a new water service line installed pursuant to this section shall be waived upon a written finding of the director of water and sewer that there will be no increase in water service to the subject property.~~

(d) ~~—The use of a common service line by abutting property owners shall not alter the maintenance responsibility of the users of the common service line. The common service shall not constitute a public~~

~~responsibility and the director of water and sewer shall not perform maintenance or repair on the separate or combined service lines that may serve abutting properties.~~

Section 13. That Section 20-254 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-254. Water rights dedication; amounts and criteria.

(a) All applicants for water service within the city limits shall (i) dedicate to the city water rights, if any, that the city, in its sole discretion, can use in its potable water supply system or non-potable irrigation system and (ii) if the applicant cannot satisfy the raw water dedication requirements through the dedication of water rights, shall furnish to the city a cash-in-lieu fee (or satisfy the same pursuant to subsection (e)) to fulfill all or the remainder of the dedication requirement associated with a request for water service as a prerequisite to and as part of the consideration for city water service to the subject lot. All water rights approved for dedication shall be conveyed to the city on or before the date the final plat for the development is approved. All cash-in-lieu fees shall be due and payable to the city no later than the date on which the building permit is issued.

(b) The city has determined (i) that the water rights represented by shares of stock in the Greeley and Loveland Irrigation Company and the Seven Lakes Reservoir Company, and rights in the Loveland and Greeley Reservoir Company (Lake Loveland) can be used within its potable water supply system and non-potable irrigation system and (ii) that the water rights represented by units of Colorado-Big Thompson Project Water can be used within its potable water supply system. The water rights represented by shares of stock in the Greeley Irrigation Company can only be used within non-potable irrigation systems. Therefore, the city will accept such water rights only in satisfaction of the raw water dedication requirements associated with non-potable water service on property historically irrigated by the subject water rights. The city shall use the following yield values to determine the amount of raw water transferred by an applicant toward the satisfaction of any raw water dedication requirement:

Company	Yield/Share
The Greeley & Loveland Irrigation Company	8 acre-feet/share
The Seven Lakes Reservoir Company	8 acre-feet/share
The Loveland and Greeley Reservoir Company (Lake Loveland)	20 acre-feet/right
Colorado-Big Thompson Project Water (C-BT)	0.75 acre-feet/unit
Greeley Irrigation Company (Greeley No. 3 Canal)	10.3 acre-feet/share

(c) Except for water rights represented by units of Colorado-Big Thompson Project Water, the city will not accept the dedication of any water rights under subsection (b) for use within its potable water supply system unless the director of water and sewer determines that the subject water rights meet the requisite criteria under Colorado law for conversion of the water to municipal use by the city, including, without limitation, that: (i) the water rights have a history of use on the property being developed; (ii) the property being developed was historically and consistently irrigated under the ditch system from which such water rights are being dedicated; (iii) the owner and all lienholders of the property being developed execute a restrictive covenant in a form acceptable to the city requiring the cessation of irrigation on the historically irrigated property with the subject water rights except under conditions authorized by the city; and (iv) the applicant provides any documents and materials reasonably required by the city to ensure consistency with any prior decrees, including but not limited to, decrees

adjudicating changes of the Greeley and Loveland Irrigation Company, the Seven Lakes Reservoir Company, the Loveland and Greeley Reservoir Company (Lake Loveland), and the Greeley Irrigation Company water rights.

(d) An applicant for water service may dedicate any water rights identified in subsection (b) as usable within the city non-potable irrigation system, including water rights that satisfy the requirements of subsection (c), in satisfaction of the applicant's raw water dedication requirement associated with non-potable service. An applicant may request that the city accept or permit the use of (i) water rights other than the water rights identified in subsection (b) or (ii) water rights that do not satisfy the requirements of subsection (c) in satisfaction of the applicant's raw water dedication requirement associated with non-potable service. The city, in its sole discretion, may accept or permit the use of such water rights based on certain terms and conditions set by the director ~~of water and sewer~~ but only in satisfaction of the raw water dedication requirement associated with non-potable water service on property that has been historically irrigated by the subject water rights.

(e) On or before December 31, 2099, an applicant for water service, ~~who~~that is also the registered owner of a certificate issued by the department to evidence one or more raw water dedication credits, may redeem such credit(s) in whole or in part (but only in whole numbers) toward the satisfaction of any cash-in-lieu fee obligation associated with the applicant's request for water service in accordance with sections 20-255, 20-256, 20-257, and 20-260. One raw water dedication credit represents the equivalent of, but not an interest in, one acre-foot of raw water that an applicant would otherwise have to satisfy by furnishing to the city a cash-in-lieu fee.

(f) Applicants for water service to residential lots with four units or less within the city limits shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city any applicable cash-in-lieu fee in accordance with section 20-255 in the amount of three acre-feet per acre, or fraction thereof, of property to which water service will be provided. Streets, rights-of-way, driveways, sidewalks, outbuildings, and any other part of the lot that has been or will be developed shall be included in the calculation of the total gross acreage of the property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage ~~provided that~~if irrigating such area is legally prohibited by plat or deed.

(g) Applicants for water service to nonresidential lots and residential lots with more than four units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with section 20-256 in the amount of the water service demand for the subject lot. The potable water service demand for nonresidential lots and residential lots with more than four units shall be determined by multiplying the total units proposed by the applicant by the average unit use, as set forth in the business category and water use table below. The potable water service demand for industrial lots and commercial lots of a type not specifically identified in the business category and water use table below shall be determined by the director ~~of water and sewer~~ on a case-by-case basis, utilizing the projected volume of total water use by the subject lot.

Business Category and Water Use

Category	Units	Average Unit Use (Gallons Per Unit Per Year)
Auto service and repair	SF	12
Car wash	Bay	1,350,000
Childcare	SF	47
Church	SF	4.5
Grocery store	SF	20
Gas station without car wash	SF	93
Hospital	SF	21
Hotel/motel	Room	30,300
Medical office	SF	25
Office	SF	14
Recreation with pool	SF	122
Recreation without pool	SF	25
Residential (greater than 4 units)	Unit	35,500
Restaurant (outdoor seating areas 50%)	SF	188
Retail	SF	16
School	SF	11
Warehouse	SF	5
Industrial and other commercial	Demand determined on case-by-case basis	
"SF" = Square feet of gross floor space within the building area		

(h) Applicants for water service to nonresidential lots and residential lots with more than four units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), for which a separate and additional landscape irrigation tap and service line is required in accordance with section 20-252, shall also dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with section 20-256 in the amount of the landscape irrigation demand for the subject lot. Landscape irrigation demand shall be determined based on (i) the total gross acreage of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table below. Landscape plans with more than 75 percent high water use vegetation are assumed to be entirely high water use and shall be calculated as such. Streets, rights-of-way, driveways, sidewalks, outbuildings and any other impervious part of the lot that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage provided that if irrigating such area(s) is legally prohibited by plat or deed.

Landscape Water Use	
Water Use	Dedication Requirement
High water use (>14 gals/sf annual use)	3 acre-feet/acre
Medium water use (10—14 gal/sf annual use)	2.33 acre-feet/acre
Low water use (<10 gals/sf annual use)	1.67 acre-feet/acre
No irrigation	No raw water requirement for landscape

(i) Any owner of a privately owned non-potable irrigation system that seeks to connect such system to the city non-potable system shall be considered an applicant for water service under this title 20. All such applicants shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee, in the amount of the landscape irrigation demand for the subject lot(s), as determined in accordance with the methodology in subsection (h). The acceptance and connection of any such system to the city non-potable system is subject to approval by the director of water and sewer, and to any terms and conditions deemed appropriate by the director or his designee in their sole discretion.

Section 14. That Section 20-257 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-257. Exception for large parcel single-family residential.

(a) The water rights dedication and cash-in-lieu fee requirements set forth in sections 20-254 through 20-256 shall not apply to applications for water service to a large parcel single-family residential lot, defined as a parcel of property exceeding one acre that contains only one detached single-family residence.

(b) All applicants for water service to a large parcel single-family residential lot shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with subsection (c) in the amount of the water service demand for the subject lot. The water service demand for large parcel single-family residential lots shall be determined by (i) the total gross acreage, or fraction thereof, of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table in section 20-254(h) above. Landscape plans with more than 75 percent high water use vegetation are assumed to be entirely high water use and shall be calculated as such. Streets, rights of way, driveways, sidewalks, outbuildings and any other part of the lot that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed. set at 3 acre-feet of water, except in instances where the property is irrigated by a private non-potable system. If the property is irrigated by a private non-potable system, then the potable water service demand shall be set at 60,000 gallons of water.

(c) Any applicant for large parcel single-family residential water service pursuant to this section that cannot satisfy the requirement of subsection (b) through the dedication of water rights shall furnish to the city a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(d) The cash-in-lieu fee for large parcel single-family residential water service pursuant to this section shall be set by resolution of the water and sewer board and calculated as the cash equivalent of the calculated water service demand using the fair market value of water per acre-foot.

Section 15. That Section 20-260 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-260. Raw water surcharge and supplemental cash in lieu of raw water; exception.

- (a) A customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of potable or non-potable water used in excess of such allotment, as set forth in its service commitment agreement.
- (b) Nonresidential ~~and large multi-unit residential~~ customers ~~who~~that initiated water service prior to ~~the enactment of the ordinance codified in this section~~ March 15, 1989, and have not executed a service commitment agreement shall be entitled to an annual allotment in accordance with the raw water dedicated or cash in lieu of raw water it paid upon initiation of service. Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.
- ~~(c) Large parcel single-family residential customers shall be entitled to an annual allotment equal to the water service demand calculated in accordance with section 20-257. Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.~~
- ~~(d) The raw water surcharge applicable to customers pursuant to this section under (a) and (b) shall be set by resolution of the water and sewer board. Any customer whose metered water use in a calendar year exceeds its annual allotment may also furnish to the city a separate supplemental cash-in-lieu fee to increase its annual allotment. Any such supplemental cash-in-lieu fee shall be calculated using the fair market value of water per acre-foot, as set by the water and sewer board and in place when the raw water surcharge payment is due and payable, and shall result in a corresponding increase to the annual allotment for that customer, whether as determined in accordance with this section or as set forth in its service commitment agreement.~~
- (d) The raw water surcharge applicable to customers pursuant to this section shall be set by resolution of the water and sewer board. Any customer whose metered water use in a calendar year exceeds its annual allotment may also furnish to the city a separate supplemental cash-in-lieu fee to increase its annual allotment. Any such supplemental cash-in-lieu fee shall be calculated using the fair market value of water per acre-foot, as set by the water and sewer board and in place when the raw water surcharge payment is due and payable, and shall result in a corresponding increase to the annual allotment for that customer, whether as determined in accordance with this section or as set forth in its service commitment agreement. If a customer pays the supplemental cash-in-lieu fee, the raw water surcharge due and payable under section (a) or (b) will be reduced by an amount equal to the supplemental cash-in-lieu fee paid.
- (e) Any customer who initiates or modifies its water service on or after the enactment of the ordinance codified in this section March 15, 1989, and whose metered water use in a calendar year exceeds the annual allotment set forth in its service commitment agreement in any two consecutive calendar years shall be required to pay a supplemental cash-in-lieu fee to increase its annual allotment in the amount of the average volume of water used above the annual allotment over the two consecutive calendar years, as described in subsection (d) of this section. After a customer pays the supplemental

cash-in-lieu fee, the raw water surcharge due and payable under section (a) and (b) will be reduced by an amount equal to the supplemental cash-in-lieu fee paid.

(f) Any customer whose metered water use during its first full calendar year of water service exceeds its annual allotment shall be exempt from the raw water surcharge and supplemental cash-in-lieu fee requirements of this section for that first year only.

Section 16. That Section 20-261 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-261. Credit for raw water supplies dedicated or cash in lieu of raw water paid; existing taps.

(a) An applicant for water service shall not be required to dedicate raw water or pay a cash-in-lieu fee if the raw water dedication or cash in lieu of raw water requirement for the subject property was satisfied in full prior to ~~the enactment of the ordinance codified in this section~~ March 15, 1989.

Notwithstanding the foregoing, any such applicant that seeks to initiate new water service, change the type of water service, or expand or change the use of a nonresidential development shall be subject to the water rights dedication and cash-in-lieu fee requirements set forth in sections 20-254 through 20-257.

(b) Any customer that seeks to abandon an existing water tap in favor of a smaller or larger tap to serve the same property shall be entitled to a credit against the water rights dedication and cash-in-lieu fee requirements set forth in sections 20-254 through 20-257. Such credit shall be equal to the raw water previously dedicated or cash-in-lieu fee previously paid for development of the subject property. If there are no records to evidence the previous dedication of water rights or payment of cash-in-lieu fee for the subject property, such credit for nonresidential customers shall be equal to the then current cash-in-lieu fee value associated with the abandoned tap, but shall not include credit for any fire flow diameter associated with the abandoned tap. All other customers shall receive a 3 acre-feet per acre credit, except customers with a tap size of 2" or greater. For a tap size of 2" or greater the customer will receive a credit equal to the customer's annual average water use for the proceeding five years of actual use.

(c) Any credit issued for an abandoned tap pursuant to this section shall not exceed the cash-in-lieu fee due and payable for the replacement tap; the city shall not be required to provide cash refunds for any such credit.

Section 17. That Section 20-262 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-262. Plant investment fees for water service; inside and outside the city.

(a) All applicants for water service, whether inside or outside the city limits, shall furnish to the city a water plant investment fee as a prerequisite to, and as a part of the consideration for, city water service to the subject property. The water plant investment fee for residential shall be based on the single-family residential lot type and nonresidential and multi-unit residential shall be based on the diameter of the potable water tap as a prerequisite to, and as a part of the consideration for, city water service to the subject property. The water plant investment fee shall be the minimum amount set by resolution of the

water and sewer board, unless subsequently increased by resolution of the city council. The diameter of a service line water tap installed for non-potable service or fire suppression purposes shall not be considered when calculating plant investment fees due pursuant to this section.

(b) Upon approval of the director ~~of water and sewer~~, plant investment fees may be based on the volume of a customer's annual allotment rather than the diameter of the potable water tap. When the director ~~of water and sewer~~ authorizes a plant investment fee based on the volume of a customer's annual allotment, then the schedule of tap fees set by resolution of the water and sewer board shall be applied in accordance with the size of service line.

(c) ~~The plant investment fee associated with a request for water service shall be reduced by up to 50 percent for the following residential lot types to which separate and additional landscape irrigation taps and service lines are installed and connected to the city non-potable system. Reductions are not aggregated for the installation of taps and service lines for both common space and house-to-house non-potable water service.~~

Plant Investment Fee Reduction Percentages			
Residential Building Type	Lot Size	Common Space Non-Potable	House to House Non-Potable
Row House	>1,000 s.f.	50%	N/A
Detached House (Small Format)	1,500 — 3,000 s.f.	50%	50%
Detached or Multi-Unit House (Small Lot)	3,000 — 4,500 s.f.	40%	50%
Detached or Multi-Unit House (Medium Lot)	4,500 — 6,000 s.f.	30%	50%
Detached or Multi-Unit House (Standard Lot)	6,000 — 13,000 s.f.	25%	50%
Detached House (Estate Lot)	>13,000 s.f.	N/A	50%

Section 18. That Section 20-263 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-263. Installation costs for water service.

(a) In addition to the water plant investment fee requirement set forth in section 20-262, an applicant for water service shall pay for all meters, labor and other materials required to tap the potable and non-potable water systems, ~~to install service pipes, and to trench and repair the street,~~ as such costs are determined by the director ~~of water and sewer~~.

(b) All costs shall be paid by the applicant in advance of such work and no later than the time at which a building permit is issued by the city for the subject property.

Section 19. That Section 20-264 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-264. Water plant investment fee credits and exchange; renovations.

(a) Any customer that seeks to abandon an existing potable water tap in favor of a smaller or larger tap to serve the same property shall be entitled to a credit against the water plant investment fee requirement set forth in section 20-262, unless the abandoned tap has been inactive for a period of 10 or more consecutive years at any time. Such credit shall be equal to the then current plant investment fee value associated with the abandoned tap but shall not include credit for any fire flow diameter associated with the abandoned tap. Any credit issued for an abandoned tap pursuant to this section shall not exceed the water plant investment fee due and payable for the replacement tap; the city shall not be required to provide cash refunds for any such credit.

(b) Any tap abandoned pursuant to this section shall be turned off at the main, and the costs associated with turning off the abandoned tap shall be borne by the person or entity requesting the change of service.

(c) Any customer that renovates one or more residential units that were constructed prior to January 20, 1959, and is accordingly required to replace an existing tap that serves such residential units to comply with the current minimum tap size requirements established by the water and sewer board shall not be required to furnish an additional water plant investment fee if the renovation does not increase the number or size of the residential units, and the use of the subject property is not changed.

Section 20. That Section 20-267 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be deleted/repealed as follows:

~~Sec. 20-267. Transfer of water rights upon annexation— Reserved.~~

~~Any petitioners requesting annexation of their property to the city shall agree, as a prerequisite to receiving approval of such annexation and on behalf of themselves and all successors in interest to the property to be annexed, to comply with this chapter at no cost to the city, before receiving the approval of the annexation.~~

Section 21. That Section 20-269 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-269. Meters required for water service; specifications and exceptions.

(a) It is unlawful for any person ~~or entity~~ to take, receive, or use any water from the city waterworks for any purpose whatsoever, unless such water is measured through a meter. This requirement shall not apply to residential fire sprinkling lines which ~~are two inches or less in diameter and which~~ serve only the fire suppression system.

(b) Failure to install a meter before water is used is punishable under chapter 9 of title 1 of this Code and shall result in the water being turned off to the property until a meter is installed and all penalties and fines are paid in full.

(c) All meters installed shall be of a type, size and design approved by the director ~~of water and sewer~~. There shall be only one meter for each water tap installed, and each meter shall be of the same

size as the associated water tap. The director of water and sewer shall have the discretion to adjust meter size requirements based on AWWA standards.

(d) Each meter shall be placed under the direction of the director of water and sewer, and each new meter shall be installed outside in a code meter pit/vault. Each meter shall be supplied with a stopcock on the inlet side of the yoke. Existing meters inside buildings must have a stopcock on both sides of the meter. All meters shall be located where accessible for inspection and/or repair at any time during business hours. Meters previously installed inside buildings shall be relocated outside to code meter pits/vaults when the building is remodeled, plumbing systems are modified, accessibility becomes limited, or as otherwise directed by the director of water and sewer.

Section 22. That Section 20-295 contained in Chapter 3 Article IV Division 1 of Title 20 of the Greeley Municipal Code be deleted/repealed as follows:

Sec. 20-295. Definitions – Reserved.

(a) — Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251—1387.

Building drain means all of the building/plumbing/piping that conveys sanitary sewage from the building to a point five feet outside the foundation wall.

Building sewer means that portion of the sanitary sewer line that extends from five feet outside the foundation wall to the public sewer, including the sewer tap on the public sewer or other point of discharge.

City means the City of Greeley, Colorado.

Direct discharge means discharge of treated or untreated wastewater directly to state waters.

Director, unless otherwise specified, means the director of the city water and sewer department or his authorized designee.

Discharge means any person who discharges or causes the discharge of domestic wastewater directly or indirectly to the publicly owned treatment works (POTW).

Domestic wastewater means a combination of liquid wastes (sewage) which may include chemicals, household wastes, human excreta, animal or vegetable matter in suspension or solution or other solids in suspension or solution which are discharged from a dwelling, building or other structure.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, the processing of food by-products, the processing of agricultural products and the handling, storage and sale of produce.

Individual (private) wastewater disposal system means a septic tank or similar self-contained receptacle or facility that collects and/or treats or otherwise disposes of domestic wastewater and which is not connected to the POTW.

Industrial wastewater or nondomestic wastewater means water carrying wastes from any process or activity of industry, manufacturing, trade or business, from development of any natural resource or from animal operations, or contaminated stormwater or leachate from solid waste facilities.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Off-premises sewer means a gravity public sanitary sewer constructed to serve a property that is not contiguous to an existing sewer and which crosses other private property or properties. The term "off-premises sewer" does not include a sewer in the interior or on the perimeter of the property initially served.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity, or their legal representatives, agents or assigns. The term "person" includes all federal, state and local government entities.

Public sanitary sewer means a sewer in which all owners of abutting properties have equal rights, which is placed in a public right-of-way or dedicated easement, which was constructed according to city specifications for public sanitary sewers applicable at the time of its installation or accepted as substantially equivalent in writing by the city.

Publicly owned treatment works (POTW) means the treatment works as defined by section 212 of the Act (33 USC 1292) that is owned by the city. The term "publicly owned treatment works (POTW)" includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic or nondomestic wastewater and any conveyances that carry such wastewater but excludes the building drain and building sewer.

Sanitary sewer means a pipe, conduit and appurtenances to which stormwaters, surface waters and groundwaters are not intentionally admitted, for the collection, transportation, pumping and treatment of domestic and nondomestic wastewater.

Storm sewer means a sewer designed to carry only stormwaters, surface runoff, street wash waters and drainage.

Stormwater means stormwater runoff, snow melt runoff and surface runoff and drainage.

~~Subdivider or developer means any person who develops plans to improve, or who improves, undeveloped land for the purpose of industrial, commercial or residential use; or who redevelops land or property for industrial, commercial or residential use.~~

~~User means any person who contributes, causes or permits the contribution of wastewater into the city's POTW.~~

~~(b) — The following abbreviations, when used in this article, shall mean:~~

~~CWA means Clean Water Act, 33 USC 1251—1387.~~

~~EPA means U.S. Environmental Protection Agency.~~

~~POTW means publicly owned treatment works.~~

~~USC means United States Code.~~

Section 23. That Section 20-299 contained in Chapter 3 Article IV Division 1 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-299. Connection to sanitary sewer and service line required.

(a) The owner of any houses, buildings or property used for human occupancy, employment, recreation or other purposes situated within the city and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required, at his their expense, to install suitable toilet facilities therein and connect such facilities directly with a proper public sanitary sewer in accordance with the provisions of this article within 90 days ~~after date~~ of receiving official notice to do so, ~~provided that~~ if the public sanitary sewer is within 400 feet of the property. Except as provided in (a)(1) through (3) below, each detached residential building, multi-unit residential building, and nonresidential building on a single lot shall be served by a minimum of one sanitary sewer line. Where a public sanitary sewer is not available, the owner shall connect the building sewer to an individual wastewater disposal system that complies with applicable plumbing codes and county health department codes and regulations.

(1) An accessory dwelling as defined under section 24-403(b) does not require a sanitary sewer line separate from the principal dwelling if it complies with all standards established under that section and any other requirement under title 24.

(2) A mobile home or similar small-format dwelling unit as defined under section 24-1301 does not require a sanitary sewer line separate from other units if all units sharing the sanitary sewer line are located within the same mobile home community, or other small format housing project, and comply with all standards and requirements established under title 24 for such communities or projects.

(3) A nonresidential accessory building or structure as defined under section 24-1301 does not require sanitary sewer line separate from the primary nonresidential building or structure if it complies with all standards and requirements under title 24.

(b) If a public sanitary sewer is constructed within 400 feet of a property that is served by an individual wastewater disposal system, the owner of the property shall connect, at their expense, to the POTW in accordance with the provisions of this article within 90 days of receiving notice to do so. Upon connection, the owner shall then abandon any septic tanks, cesspools and similar private sewage disposal facilities and fill them with suitable material as required by county department of public health and environment at their expense.

Section 24. That Section 20-322 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-322. ~~Conditions invoking reimbursement~~Extra charges for connections to public sewer; calculation.

(a) Property benefiting from sanitary service can be either contiguous or noncontiguous to the existing public sanitary sewer system. Noncontiguous development requires the construction of an off-premises sewer. The measurement of the off-premises sewer shall be from the point it departs the initially served property to the point of connection to the existing public system. ~~All~~ Any persons desiring requesting sanitary sewer service for property abutting or in the drainage area of an off-premises sanitary sewer line shall ~~be required~~ pay an extra charge to reimburse the ~~party person~~ that built the sanitary sewer, if all of the following circumstances exist:

(1) The off-premises sewer was constructed according to city specifications and requirements and with prior approval by the city, at the expense of one or more privateanother persons;

(2) The person ~~against whom the reimbursement is to be assessed~~ the extra charge requests approval ~~applied for an additional sewer line extensions or services that connects to the off-premises sewer either directly or indirectly within five ten years of the completion of the construction. The initial five-year period may be renewed for an additional five-year period by action of the water and sewer board upon petition by the person or persons who paid for such initial construction. The petition for renewal shall be prior to the lapse of a five-year period, or such renewal shall not be allowed;~~

(3) The property to be served by the sanitary sewer service was owned at the time of construction of the off-premises sewer by a person ~~or persons who~~ that did not share the cost of construction;

(4) ~~The property owners against whom the reimbursement may~~ person to be assessed the extra charge, or their predecessors in interest, were notified through certified mail by ~~the initial developer~~ the person requesting reimbursement of their opportunity to share in the cost of ~~construction of the off-premises sewer prior to such construction; and~~

(5) ~~A document is~~was recorded for each property against whom the reimbursement is to be assessed ~~the property to be served that provides notice of the reimbursement due~~extra charge that will be assessed if that property receives future sewer service.

(b) If circumstances consistent with subsections (a)(1)-(5) above exist, then an extra charge will be assessed. The amount assessed will be based on the total area of the property to be served by the off-premises sewer and calculated by prorating the construction costs against the area to be served based either on the frontage, flow capacity, drainage area or other equitable basis. If allocated on a drainage area basis, then the costs shall be allocated on a gross acreage and include all rights-of-way, stormwater facilities, parks and other private land that may be dedicated to a public purpose within each tract. The extra charge shall be due prior to the approval of plans for construction of additional sewer extensions or when service taps are requested, whichever comes first.

Section 25. That Section 20-323 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code be renumbered and deleted/repealed as follows:

Sec. 20-3234. ~~Computation of reimbursement for connections to public sewer.~~ – Reserved.

~~The area subject to the reimbursement procedure described in section 20-322 shall consist of land tracts that the director determines benefit from the off-premises sewer. The director shall proportionally allocate costs to the land area on a frontage, flow capacity, drainage area or other equitable basis if all conditions of section 20-322 are met. The director shall calculate the allocations on gross acreage if allocated on a drainage area basis and shall include all rights-of-way, stormwater facilities, parks and other private land that may be dedicated to public purposes within each tract. In each case, the director shall compute reimbursement by prorating the construction cost, without additional charges other than interest, against the property served by the off-premises sewer. The reimbursement shall be paid prior to the approval of plans for construction of additional sewer extensions or when service taps are requested, whichever comes first. The interest shall apply to the first five-year period, and it shall be equal to that of five-year U.S. treasury bills at the time of construction.~~

Section 26. That Section 20-324 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code be renumbered and amended to read as follows:

Sec. 20-3243. Reimbursement procedure for private payment.

~~Private~~A ~~persons who~~that ~~pays to construct sections of public sanitary~~ an off-premises sewer and who desire may request partial reimbursement for such payment shall deliver by submitting a written document request to the director setting forth. The request for reimbursement must be submitted within 12 months of the city's acceptance of the public sanitary sewer and include documentation establishing: (1) the total construction cost, including proof of payment, (ii) the total area to be served by the public sanitary sewer, including the initial property served, and (iii) the name and address of an individual, ~~bank or other organization~~the person authorized to receive payments from the city pursuant to this article. The director shall consider for may approve a request for reimbursement only those if the public sanitary sewer ~~lines~~ was constructed with his prior approval and in strict accordance with city standards and specifications for sanitary sewer line construction. The director may not consider or issue reimbursement for the prorated cost of the sanitary sewer attributable or allocated to the initial property

served. As extra charges are paid to the city pursuant to sections 20-322 and 20-323, the city shall transmit such payments to such authorized ~~an individual, bank or other organization~~person. The city shall not recognize any recipients or claimants other than the authorized ~~an individual, bank or other organization~~person. The city shall have no other organizational involvement and shall have no responsibility to see that such ~~an individual, bank or other organization~~person properly manages such funds.

Section 27. That Section 20-326 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-326. Sewer plant investment fee credits and exchange; renovations.

(a) Any customer that seeks to abandon an existing water tap in favor of a smaller or larger tap to serve the same property shall be entitled to a credit against the sewer plant investment fee requirement set forth in section 20-325, unless the abandoned tap has been inactive for a period of 10 or more consecutive years at any time. Such credit shall be equal to the then current sewer plant investment fee value associated with the abandoned tap but shall not include credit for any fire flow diameter associated with the abandoned tap. Any credit issued for an abandoned tap pursuant to this section shall be capped at the sewer plant investment fee due and payable for the replacement tap; the city shall not be required to provide cash refunds for any such credit.

(b) An additional sewer plant investment fee shall not be required in the following circumstances:

(1) ~~Any~~ When a customer that renovates one or more residential units that were constructed prior to January 20, 1959, and is accordingly required to replace an existing water tap that serves such residential units to comply with the current minimum tap size requirements established by the water and sewer board, shall not be required to furnish an additional sewer plant investment fee if provided that the renovation does not increase the number or size of the residential units, and the use of the subject property is not changed;or

(2) When a customer corrects an unlawful service line extension under section 20-253 and is accordingly required to construct a new water tap and service line, provided that the use of the subject property is not changed.

Section 28. That Section 20-327 contained in Chapter 3 Article IV Division 2 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-327. Installation costs; advance payment required.

In addition to paying the plant investment fees provided for in section 20-325, the applicant for sanitary sewer service shall pay for all labor and materials required to installing the tap onto the sewer main, ~~to install the service pipes and lines, and to perform all trenching and street repairs.~~ All costs shall be paid by the applicant in advance of such work and no later than the time at which a building permit is issued by the city for the subject property.

Section 29. That Article V of Chapter 3, Title 20 of the Greeley Municipal Code shall be relocated and established as Division 3 of Article IV and amended to read as follows:

~~ARTICLE V~~Division 3. – Restrictions and Requirements.

Section 30. That Section 20-355 contained in Article V of Chapter 3, Title 20 of the Greeley Municipal Code shall be relocated from Article V to Division 3 of Article IV and deleted/repealed to read as follows:

Sec. 20-355. ~~Registration of water wells-~~ Reserved.

~~The owner of any water wells within the city shall register such well with the water and sewer department. The owner shall provide the following information for each well: location; depth; casing, if any; production in gallons per minute; the date of completion; the type of use; and whether the well has been permitted by the state engineer.~~

Section 31. That Section 20-361 contained in Article V of Chapter 3, Title 20 of the Greeley Municipal Code shall be relocated from Article V to Division 3 of Article IV and amended to read as follows:

Sec. 20-361. Maintenance of public and private sewers.

(a) The property owner, at ~~his~~their expense, shall install the service line from the ~~property line~~ public sanitary sewer to the structure to be served in accordance with section 20-~~322~~299. The property owner shall hold the city harmless for any loss or damage that may directly or indirectly result from installing service line or the malfunction of any private sewer.

(b) The owner of any property connecting to the public sanitary sewer shall be responsible for maintaining the service line from the public sanitary sewer tap to the structure to be served. The owner shall keep the service line for which ~~he is~~they are responsible in good condition and shall repair or replace at ~~his~~their expense any portions thereof which, in the reasonable opinion of the director, no longer function properly. The owner shall complete all repairs or replacements within 30 days after notification of the need for same by the director. The owner shall be responsible for returning the public right-of-way and the street to acceptable city standards as determined by the city.

(1) Failure to maintain the service line is a code violation pursuant to chapter 10 of title 1 of this Code. Should the director determine that the owner of any property has failed to maintain the service line (including repair or replacement when needed), the director ~~or the director's designee~~ may issue a notice of violation in accordance with chapter 10 of title 1 of this Code.

(2) If the director determines that the failure of the property owner to maintain the service line (including repair or replacement when needed) poses an imminent risk to the health, safety or welfare of the community, the director may take action necessary to limit such risk, including, but not limited to, making entry on the property pursuant to section 20-85 or causing the shut-off or disconnection of the water supply.

(c) If the owner desires to disconnect ~~his~~their premisesproperty from the public sanitary sewer, he shall ~~not be permitted to remove that portion of the service line between the main and the property line, but at his expense shall excavate, sever and tightly cap the service line from the property line to the premises, but shall leave in place all of the service line from the main to such cap~~ then the owner shall remove and abandon the service line in accordance with the city's adopted design and construction standards. The city shall not approve any new services to ~~replace existing services~~the property until the old service lines are excavated and properly capped. Such cap shall be sufficient to prevent the escaping of sewer gas or the infiltration of water and tree roots has been properly abandoned.

Section 32. That Section 20-365 contained in Article V of Chapter 3, Title 20 of the Greeley Municipal Code shall be relocated from Article V to Division 3 of Article IV and deleted/repealed as follows:

Sec. 20-365. ~~Connection to available public sewer required~~ - Reserved.

~~The owner of an individual wastewater disposal system shall connect at his expense to the POTW in accordance with the provisions of this chapter when the public sanitary sewer runs within 400 feet of the owner's property line. Such owner shall then abandon at his expense any septic tanks, cesspools and similar private sewage disposal facilities and fill them with suitable material as required by county department of public health and environment.~~

Section 33. That Section 20-665 contained in Chapter 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-665. Condition of fire hydrants; interference prohibited.

All public fire hydrants shall be under the control of and shall be kept in repair by the director of water and sewer. In case of fire, the member of the fire department and such other persons as the director of water and sewer shall authorize shall have free access to ~~such~~all public and private fire hydrants. No other person shall open or operate any public fire hydrant without permission of the director of water and sewer or draw therefrom or obstruct the approach thereto.

Section 34. That Section 20-666 contained in Chapter 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-666. Testing hydrants; defects.

The water and sewer director shall make periodic tests of all public fire hydrants and keep such records of testing and flushing as required by the approved city records retention schedule.

Section 35. That Section 20-667 contained in Chapter 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-667. Additional fire hydrants.

Each year the city council shall budget funds, as it deems necessary, to install additional public fire hydrants in areas of the city determined to be deficient in public fire hydrants according to current fire safety standards and as displayed on the official map provided for at section 20-670.

Section 36. That Section 20-668 contained in Chapter 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-668. Fire protection fee established.

There is created a fire protection fee which will be collected from each individual who is within the zone of influence of a public fire hydrant provided by the city in its effort to enhance fire protection. The zone of influence of a public fire hydrant shall include those properties to be served by that public fire hydrant as set forth by the fire department, as mandated by the uniform fire code and the resolutions of the city council, as adopted by the city council from time to time. Individuals whose properties are located within the redevelopment district boundary as established by the planning commission and adopted by the city council are exempt from the payment of the fire protection fee.

Section 37. That Section 20-670 contained in Chapter 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-670. Map of hydrants.

The city manager is directed to keep an official map which will have displayed on it those public and private fire hydrants which have been installed ~~by the city~~ to meet current fire safety standards and the properties which are within the zone of influence of those hydrants. The official map will also have represented on it those hydrants required to be placed by the current fire code and city council resolutions.

Municipal Code Title 20 Revisions Second Reading



**Erik Dial, Deputy Director of Utility Finance
and Customer Service
City Council Meeting - April 2, 2024**

Agenda



- Code clean up items
- Raw water dedication
- Plant Investment Fees
- Request City Council adoption of ordinance



Code Cleanup Items

Updated water and sewer requirements to match the updated Development Code (Title 24)

- Development Code recognized changes in residential development trends
Water and Sewer requirements were structured for the traditional single-family residential development style
- Aligned water code with development code language for water service configurations



Code Cleanup Items

- Clarified signature responsibilities
- Raw water credit and surcharge administration
Credits determined by when the tap was installed – aligning raw water requirements at that time with the credit given
- Defined how connections to public sewer occur when a property's septic fails and they are within 400 feet of a sewer main

Code Cleanup - Raw Water Dedication

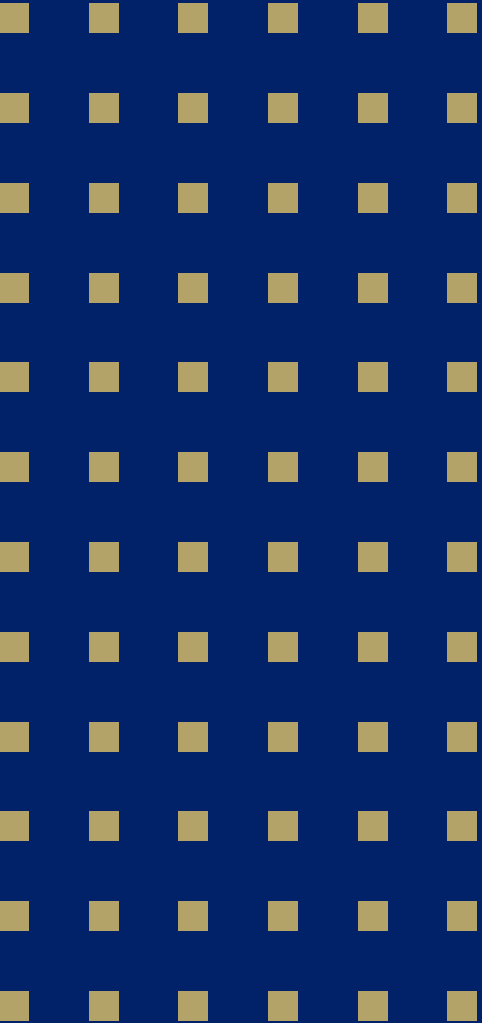


Currently, the raw water requirement for single-family homes is three (3) acre-feet/acre

- Three (3) acre-feet/acre criteria does not collect enough raw water for small lots
- Change the minimum water dedication for a single-family tap to 60,000 gallons

Redefine large lot water dedication

- Reduce large lot definition from one (1) acre to 0.5 acre
- Any lot 0.5 acre or more dedicates 1.5 acre-feet

A decorative graphic on the left side of the slide, consisting of a grid of small gold squares arranged in 6 columns and 12 rows.

Plant Investment Fees

Plant Investment Fees

Residential Lot Type	Lot Size (Square Feet)	Potable Irrigation	Common Space Non-Potable	House to House Non-Potable
Row House	>1000	50%	50%	50%
Small Format	1,000-2,999	50%	50%	50%
Small Lot	3,000-4,499	60%	60%	50%
Medium Lot	4,500-5,999	70%	70%	50%
Standard Lot	6,000-13,000	100%	75%	50%
Estate Lot	>13,000	100%	100%	50%

Modified Water PIF to limit the financial disincentive for separate lots in dense development

- Encourages ownership
- Better for billing and collections
- Adopted annually by Water and Sewer Board in the Rate Resolution

Water & Sewer Board Action

The Water and Sewer Board approved and recommended that City Council adopt the associated changes to Title 20 of the Greeley Municipal Code per the proposed Ordinance included in the Council packet.



Recommended Action



Adopt the ordinance and publish with reference to title only.

Questions?





Council Agenda Summary

April 2, 2024

Key Staff Contact:

Title:

Public hearing and second reading of an ordinance amending Title 1, Chapter 12 and Title 2, Chapter 12 of the Greeley Municipal Code relating to code compliance and chronic public nuisances

Summary:

Ordinance No 4, 2024 is the outcome of staff work associated with Council Initiative 08-2023. A work session was conducted with the City Council on December 12th and the code amendments attached to this agenda item were considered and approved on First Reading on March 19, 2024. At that time, a Public Hearing was also scheduled for the April 2, 2024, City Council meeting. A summary of the code changes is as follows:

- Title 1 - Chronic Public Nuisance Violations
- Section 1-293
- Removes requirement of conviction or finding of liability for a public nuisance violation before pursuing a chronic public nuisance action.
- Standard: 3 public nuisance activities within 120 days or 5 public nuisance activities within 12 months, 2 drug-related within 30 days, 1 public nuisance activity at a vacant or abandoned property.
- Adds Special Offender – Chronic Public Nuisance Violator – misdemeanor offense if commits new public nuisance violation as a Chronic Public Nuisance Violator.
- Section 1-297 – Requires notice to property owner before city files an action.
- Section 2-1042 – failure to comply with the order of an Administrative Hearing Officer shall constitute a misdemeanor.
- Section 2-1043 – makes interfering with an abatement order a misdemeanor offense.
- Section 2-1044 – permits a code inspector right of entry without a warrant under specific, objective conditions.
- Title 2 - Procedure for Chronic Public Nuisances
- Section 2-1045 - Reduces the threshold for declaring a chronic public nuisance, consistent with Section 1 above.
- Section 2-1049 – allows city to stipulate to alternative remedies.
- Section 2-1050 – allows for mitigating factors when a property owner has been a victim of property crimes by tenants of a chronic nuisance property or has otherwise taken steps to prevent chronic public nuisance activities on site.

A staff presentation is also attached. Staff recommends that Ordinance No. 4, 2024 be approved by the City Council after the Public Hearing on April 2, 2024.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
---	----

What is the source of revenue within the fund?	NA
Is there grant funding for this item?	NA

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

Strategic Focus Area:



Community Vitality



Quality of Life



Safe and Secure Communities

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:

1. Ord No. 4, 2024 with Appendix A
2. Item 15 - Public Nuisances Code Amendments Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 4, 2024

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 12 and TITLE 2, CHAPTER 12 OF
THE GREELEY MUNICIPAL CODE RELATING TO CODE COMPLIANCE**

WHEREAS, the City of Greeley, Colorado (“City”) is a home rule municipality, and pursuant to Article XX, Section 6 of the Colorado constitution has the right to enact, administer and enforce ordinances; and

WHEREAS, it is the responsibility of multiple departments in the City to respond to code violations, requiring a coordinated response to community and neighborhood concerns; and

WHEREAS, strengthening the provisions and the penalties of public nuisance violations will further discourage persistent violations of the Greeley Municipal Code; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would ensure compliance with the code to meet neighborhood and community expectations, encourage economic stability and growth, and protect the health, safety and welfare of the city and its inhabitants.

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

Section 1. Chapter 12, Chronic Public Nuisance Violations, of Title 1, General Provisions, shall be amended as shown in Appendix A.

Section 2. Sections 2-1035, 2-1042, 2-1043, 2-1044 of Article III, Procedures for Administrative Code Violations, Chapter 12, Administrative Hearing Process, of Title 2, Administrative and General Government, shall be amended as shown in Appendix A.

Section 3. Sections 2-1045, 2-1049, 2-1050, 2-1051 of Article V, Procedures for Chronic Public Nuisance Violations, Chapter 12, Administrative Hearing Process, of Title 2, Administrative and General Government, shall be amended as shown in Appendix A.

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

**PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF _____
_____, 2024.**

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
ORDINANCE NO. 4, 2024

**ORDINANCE AMENDING TITLE 1, CHAPTER 12 AND TITLE 2, CHAPTER 12 OF
THE GREELEY MUNICIPAL CODE**

Section 1. Chapter 12, Chronic Public Nuisance Violations, of Title 1, General Provisions, shall be amended to read as follows to read as follows:

Sec. 1-291. Purpose; cooperative compliance efforts.

The purpose of this chapter is to promote the health, safety and welfare of the residents of the city by encouraging and promoting compliance with this Code. Recurring violations on parcels of property in the city can result in the creation of public nuisances, which seriously threaten the health, peace and safety of neighboring residents and undermine the quality of life of the residents of the city. In furtherance of this policy, the city shall provide enforcement mechanisms to reduce chronic violations of the Code and State statutes as further outlined in this chapter.

Sec. 1-292. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Chronic public nuisance property means a parcel of real property or a unit within a complex for which activities have resulted in a conviction of or finding of liability for public nuisance violations, against a person or business owning or occupying the property two times within a 12-month period, or three times within an 18-month period. For the purposes of counting only, multiple violations occurring on the same day count as one violation.

Chronic public nuisance violator means a person or business who or which has been convicted of or found liable for two public nuisance violations within a 12-month period, or three public nuisance violations within an 18-month period. For the purposes of counting only, multiple violations occurring on the same day shall be counted as one violation. A chronic public nuisance violator can be a property owner, agent, or tenant.

Drug-related activity means an activity at a property in violation of C.R.S. Title 18, Article 18, Part 4, including the unlawful manufacture, cultivation, growth, production, delivery, sale, storage, possession, use, or giving away of any controlled substance.

Public nuisance violation means a conviction or finding of liability under any nontraffic laws of the city, county, or the state, that harms the health, safety, or welfare of the residents of the city.

Person of interest means any person owning or claiming any legal or equitable interest or right of possession in the property, tenants and occupants of the property, and managers and agents for any person claiming a legal or equitable interest in the property.

Public nuisance activity means any violation under the nontraffic laws of the city, county, or the state, that harms the health, safety, or welfare of the residents of the city, and that occurs or exists on a property.

Vacant or abandoned building means any building that has not been lawfully occupied for 60 days, demonstrates signs of neglect and has been wholly or partially boarded up and does not show any evidence of ongoing or substantial construction activity pursuant to a valid building permit.

Sec. 1-293. Violations.

(a) Chronic public nuisance property. A parcel of real property or a unit within a complex for which public nuisance activities occurred, three times within a 120 day period, or five times within a 12 month period, or two drug-related activities within 30 days, or a public nuisance activity at a vacant or abandoned property. For the purposes of counting only, multiple violations occurring on the same day count as one violation.

(b) Chronic public nuisance violator. A person or business who or which public nuisance activities occurred, three times within a 120 day period, or five times within a 12 month period, or two drug-related activities within 30 days, or a public nuisance activity at a vacant or abandoned property. For the purposes of counting only, multiple violations occurring on the same day shall be counted as one violation. A chronic public nuisance violator can be a property owner, agent, or tenant.

(c) Special offender – chronic public nuisance violator. It is a violation to commit a public nuisance activity as a Chronic Public Nuisance Violator. Any person in violation commits a misdemeanor offense and shall be punishable pursuant to Chapter 9 of Title 1 of this code.

(d) All violations under this chapter shall be strict liability violations requiring no culpable mental state of any type or degree.

Sec. 1-2934. Penalties.

(a) Chronic public nuisance violations; shall be subject to a fine of not less than \$1,000.00 and the property and violator will be placed on the chronic public nuisance databases. When a property or violator is currently designated a chronic public nuisance, any subsequent violations shall be subject to a fine of not less than \$1,000.00.

Sec. 1-2945. Chronic public nuisance databases.

(a) Chronic public nuisance violator database.

(1) Maintenance of database. The city shall maintain a database of the name of any property owner, agent or tenant who has been declared a chronic violator pursuant to section 1-295. The database shall be available to the general public.

(2) Removal from database. The city shall remove the name of a property owner, agent, or tenant from the chronic violator database when the city learns or is notified that the property owner, agent, or tenant has not been convicted or found liable for any public nuisance violations within 12 months of placement on the database.

(b) Chronic public nuisance property database.

(1) Maintenance of database. The city shall maintain a database of the addresses of each property parcel or unit within complexes that has been declared to be a chronic public nuisance property pursuant to section 2-1045. The database shall be available to the general public.

(2) Removal from database. The city shall remove the address from the database when the city learns or is notified of one of the following events:

a. That the parcel or unit has not been the location of a conviction or finding of liability for any public nuisance violations within 12 months of the placement on the database; or

b. That the parcel or unit has been transferred in a documented transaction, subject to the requirements outlined in section 2-1048.

Sec. 1-2956. Action against chronic public nuisance violator/chronic public nuisance property.

An action against a chronic violator or chronic violation property shall be in the nature of an administrative proceeding. All issues of fact and law in such actions shall be heard by the

Administrative Hearing Officer pursuant to procedures set forth in chapter 12 of title 2 of this Code. Because such actions may affect the marketability of real property, the city may record with the county clerk and recorder a notice of lis pendens against the real property involved to fully inform and protect the interests of any bona fide innocent third-party purchaser.

Sec. 1-297. Required procedures for commencement of chronic public nuisance action.

(a) Before the city files an action for a chronic public nuisance violation, the city must provide notice of the public nuisance activities and a warning to the property of an impending complaint unless the requisite number of public nuisance activities have been adjudicated in the administrative hearing process or the municipal court.

(b) The notice shall be served in accordance with section 2-1029. If no contact is made by a person of interest to the city by a date set in the notice, the city may file an action for a chronic public nuisance violation.

(c) A person of interest may be given the opportunity to enter into a settlement agreement with the city prior to filing a complaint. The terms of the agreement would require the person of interest to take corrective action to abate and avoid nuisance conditions.

(d) If the person of interest does not comply with the conditions of the settlement agreement, the city may file an action for a chronic public nuisance violation.

Sec. 1-296g. Remedies under other laws unaffected.

Nothing in this chapter shall be construed as limiting the city or any other person from pursuing any other remedies available at law or in equity, including referral to the county district attorney for consideration of charges pursuant to C.R.S. § 16-13-301 et seq.

Section 2. Sections 2-1035, 2-1042, 2-1043, 2-1044 of Article III, Procedures for Administrative Code Violations, Chapter 12, Administrative Hearing Process, of Title 2, Administrative and General Government, shall be amended to read as follows to read as follows:

Sec. 2-1035. Abatement orders; ~~emergency abatement.~~

(a) Issuance of abatement orders: If the administrative hearing officer determines that the Code violation should be abated by the city, the administrative hearing officer shall issue an order for abatement by the city of the violation, charged to the owner of the property. A copy of such order shall be served on the owner of the property pursuant to this chapter.

(1) Every abatement order shall set forth the reasons for its issuance; shall be reasonably specific in its terms; shall describe in reasonable detail the acts and conditions authorized, required or prohibited; and shall be binding upon the parcel, the parties to the action, their attorneys, agents and employees and any other person named as a party-defendant in the action and served with a copy of the order.

(b) Notice after abatement completed by city: Within 45 calendar days of the date that the property is abated pursuant to an abatement order, the city shall serve notice to the owner of the property of the following:

(1) The abatement action has taken place;

(2) The owner has been charged a reasonable amount for the abatement, together with an administrative fee set in accordance with chapter 2 of Title 1, plus 20 percent of the costs for

abating the violation, inspections, and other expenses, to cover the city's costs for performing the abatement and to encourage citizen compliance with the Code; and

(3) That the owner has the right to move the administrative hearing officer for reconsideration of the abatement charges.

~~(e4)~~ If the owner does not move for reconsideration of the abatement charges, the costs of abatement shall become final and shall be collected in accordance with this chapter.

~~(d5)~~ If the owner moves for reconsideration, and the abatement charges are upheld by the administrative hearing officer, the costs of abatement shall become final and shall be collected.

~~(ec)~~ Emergency abatement order: If the city determines that a Code violation is a cause of imminent danger to the public health, safety, or welfare, the city may request an ex parte emergency abatement order from the administrative hearing officer, without providing notice to the owner.

(1) If the administrative hearing officer determines that the city has proven that such order is reasonably necessary to avoid imminent danger to the public health, safety, or welfare and that the violation should be abated, he shall issue an order for emergency abatement.

(2) An emergency abatement request by the city shall be reviewed by the administrative hearing officer as soon as possible, preferably within 48 hours ~~2 business days~~.

(3) The purpose of an emergency abatement order shall be to temporarily abate an alleged repeated or chronic violation pending the final determination of the violation at a hearing. An emergency abatement order may be issued by the administrative hearing officer pursuant to the provisions of this section even if the effect of such order is to change, rather than preserve, the status quo.

Sec. 2-1042. Failure to comply with orders of administrative hearing officer.

Failure to comply with any order issued by the administrative hearing officer shall constitute a ~~criminal violation~~ misdemeanor offense of this Code and a respondent who fails to comply may be subject to prosecution before the municipal court and be penalized pursuant to chapter 9 of title 1 of this Code.

Sec. 2-1043. Interference with abatement.

It is unlawful to interfere with an abatement, which is ordered by the administrative hearing officer. This violation shall constitute a misdemeanor offense of this Code and a respondent who fails to comply may be subject to prosecution before the municipal court and be penalized pursuant to chapter 9 of title 1 of this Code.

Sec. 2-1044. Inspection and entry.

(a) A code compliance inspector with reasonable suspicion to believe a public nuisance exists on a property may enter onto it, without a warrant, to inspect and abate any existing public nuisance and prevent the nuisance from recurring provided the code compliance inspector does not enter a building on the property, enter the curtilage of a residential building on the property, or enter an area of the property enclosed by a privacy fence or similar enclosure. If the suspected public nuisance is within a building, the curtilage of a residential building, or enclosed by a privacy fence or similar enclosure, a code enforcement officer may enter such areas only with the consent of the owner, lessee, agent, or occupant, as applicable, or after obtaining a warrant as provided in subsection (c) of this Section.

(b) If entry is refused by the owner, lessee, agent, or occupant, as applicable, or they cannot be located after a reasonable effort, the code enforcement officer shall either personally serve the owner, lessee, agent, or occupant, as applicable, if they are located or, if not located, post on the property in a conspicuous location a written notice of intention to inspect and abate not sooner than 24 hours after the time specified in such notice. The notice shall state that the owner, lessee, agent, or occupant, as applicable, has the right to refuse entry, and if such entry is refused, inspection and abatement may be made only upon issuance of a search warrant by a municipal judge, or by a judge of any other court having jurisdiction.

(c) After the expiration of the 24 hour period from the serving or posting of the notice of intent to inspect and abate, the code enforcement officer may appear before a municipal judge or a judge of any other court having jurisdiction and, upon a showing of probable cause by written affidavit, obtain a search warrant entitling the code enforcement officer to enter the building, curtilage area, or fenced area, as applicable, to inspect the property, abate any nuisance, and prevent the nuisance occurring again. Upon presentation of the search warrant and proper credentials to any persons in possession of the property, or possession of the warrant in the case of an unoccupied property, the code enforcement officer may enter the building, the curtilage area, or fenced area, as applicable, and may use such reasonable force as may be necessary to gain entry to inspect the property, abate any nuisance, and prevent the nuisance occurring again.

(d) It is unlawful for any owner, lessee, agent, or occupant of the building or on the property to deny entry to a code enforcement officer or to resist reasonable force used by such officer acting pursuant to a search warrant issued pursuant to this Section.

(e) Whenever a public nuisance exists on a property that constitutes an emergency immediately threatening the life or safety of any person or other exigent circumstance exists, a code enforcement officer may enter any building on the property or any other portion of the property without a search warrant as reasonably necessary to abate the public nuisance constituting the emergency and prevent it from occurring again, and the code enforcement officer may use such reasonable force as is necessary to enter the building or onto the property to do so.

Section 3. Sections 2-1045, 2-1049, 2-1050, 2-1051 of Article V, Procedures for Chronic Public Nuisance Violations, Chapter 12, Administrative Hearing Process, of Title 2, Administrative and General Government, shall be amended to read as follows to read as follows:

Sec. 2-1045. Declaration and procedures for chronic public nuisance violations.

(a) The administrative hearing officer shall declare a property owner, agent, or tenant a chronic public nuisance violator or a property a chronic public nuisance property if:

(1) At a hearing, the city ~~establishes~~ proves the number ~~and time period~~ of public nuisance violations during a time period as required by this chapter 12 of title 1; or

(2) The property owner, business, agent, or tenant fails to appear at a hearing, notice of which was served pursuant to this chapter; or

(3) The property owner, agent, or tenant stipulates to the declaration.

(b) A finding of liability or conviction of a public nuisance violation is deemed conclusive evidence.

~~(b)~~ (c) All elements of a public nuisance activity, which has not been previously adjudicated, must be established by the city by a preponderance of the evidence.

(d) Upon declaration, the administrative hearing officer shall order:

(1) Placement on the database described in section 1-294; and

- (2) Payment of fines, fees and costs unless the city and the owner, business, agent, or tenant stipulates to orders and remedies, emergency or permanent, that are different from those provided in this chapter or chapter 10 and chapter 12 of title 1; and
- (3) Other remedies or acts necessary for the city to abate the nuisance or to take steps to prevent nuisance activities from occurring on the property.

Sec. 2-1049. Stipulated alternative remedies.

- (a) The city and respondent may voluntarily stipulate to orders and remedies, temporary or permanent, that are different than those provided in this code.
- (b) The administrative hearing officer shall make such stipulations for alternative remedies an order of the court and they shall be enforceable as an order of the court.

Sec. 2-1050. Mitigating factors.

If the owner, lessee, agent, or occupant who is a party-defendant in an action under this Article was the victim of or person harmed by the nuisance activity or activities that form the basis for the public nuisance on the property or for the property becoming a chronic nuisance property, the court may take this fact into consideration as a mitigating factor in determining such party's liability or guilt in such action, but only if the court also finds that:

- (1) The party or someone acting on their behalf promptly reported the nuisance activity or activities to the proper law enforcement agency; and
- (2) At the time the activity or activities occurred, the party, owner or lessee of the property, had reasonably effective means in place to prevent such activity or activities from occurring on the property or to manage them if prevention is not reasonably practicable. These means may include, without limitation, security cameras, security services, fencing, on-site personnel, and any other services, equipment, or facilities that have as their function to prevent, in whole or in part, nuisance activities from occurring or existing on the property.

Sec. 2-1051. Remedies under other laws unaffected.

Nothing in this chapter shall be construed as limiting or forbidding the city or any other person from pursuing any other remedies available at law or in equity, or requiring that evidence or property seized, confiscated, closed, forfeited or destroyed under other provisions of the law be subjected to the special remedies and procedures provided in this chapter.

Secs. 2-1052 2-1049—2-1057. Reserved.



Chronic Public Nuisances Code Amendments

Adam Turk, Chief of Police

Bobbier Cranston, Assistant City Attorney

Brian McBroom, Community Development Director

City Council Meeting – April 2, 2024



Overview



- Council Initiative 08-2023 – May 2023
- Feedback Received at December 12th Work Session
- Draft Code Amendments are Attached
- Purpose: Adoption of Ordinance No. 4, 2024

Feedback Received on December 12th



Strengthen Chronic Public Nuisance Regulations by

- Reducing the threshold for a property to be considered a “chronic public nuisance” by removing the requirement of a conviction or finding of liability for public nuisance violations
- Increasing penalties for chronic public nuisance violations through daily citations
- Legal right of entry guidance
- Elevating chronic public nuisance violations to criminal offenses in certain cases
- Improving the abatement process

Proposed Chapter 12

Code Amendments

Title 1 - Chronic Public Nuisance Violations

- Section 1-293
 - Removes requirement of conviction or finding of liability for a public nuisance violation before pursuing a chronic public nuisance action
 - Standard: 3 public nuisance activities within 120 days or 5 public nuisance activities within 12 months, 2 drug-related within 30 days, 1 public nuisance activity at a vacant or abandoned property
 - Adds Special Offender – Chronic Public Nuisance Violator – misdemeanor offense if commits new public nuisance violation as a Chronic Public Nuisance Violator

Proposed Chapter 12

Code Amendments

Title 1 - Chronic Public Nuisance Violations

- Section 2-1042 – failure to comply with the order of an Administrative Hearing Officer shall constitute a misdemeanor
- Section 2-1043 – makes interfering with an abatement order a misdemeanor offense
- Section 2-1044 – permits a code inspector right of entry without a warrant under specific, objective conditions

Proposed Chapter 12

Code Amendments

Title 2 - Procedure for Chronic Public Nuisances

- Section 2-1045 - Reduces the threshold for declaring a chronic public nuisance, consistent with Section 1 above
- Section 2-1049 – allows city to stipulate to alternative remedies
- Section 2-1050 – allows for mitigating factors when a property owner has been a victim of property crimes by tenants of a chronic nuisance property or has otherwise taken steps to prevent chronic public nuisance activities on site

Code Compliance: Big Picture

- Aligning outcomes to vision such as code amendments to improve front yard landscaping
- Strong people-based approach such as a growing financial assistance program
- Dedicated work to improve neighborhoods and the quality of housing in the city such as these chronic public nuisance amendments

Key Staff

- Clean Safe & Beautiful Team
 - Sgt. Andrew Bird
 - Buxton Demers
 - Ken Haring
 - Bob Fries
 - Will Jones
 - Don Threewitt
- Bobbier Cranston
- Chief Adam Turk
- Brian McBroom

Recommendation and Questions

Staff recommends approval of the proposed ordinance.



**Brian
McBroom**

**Director of
Community
Development**

**Brian.McBroom@
Greeleygov.com**

Thank you!





Council Agenda Summary

April 2, 2024

Key Staff Contact: Caleb Weitz, Budget and Policy Director

Title:

Public hearing and second 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 2024 and for funds held in reserve for encumbrances through December 31, 2023

Summary:

This is the first supplemental appropriation ordinance modifying the 2024 budget. This appropriation ensures that existing commitments that were in progress at 2023 year-end can be completed in 2024, designates resources for additional priorities and commitments, and appropriates funding to support various capital improvement projects.

This appropriation includes 45 requests that are outlined in more detail on the attached Detail Supporting Schedule and totals \$63.7 million. More than half (54 percent) of the requests are re-appropriation of previously approved requests. Listed below are highlights of the requests included in the requested appropriation:

- \$34.4 million to appropriate previously approved requests (Various Funds).
- \$6.6 million to acquire water shares (Water Rights Acquisition Fund).
- \$4.3 million in new grant funding to support the Cameron Peak Fire mitigation (Water Operations Fund).
- \$2.5 million to build two dog parks in identified areas in central & west Greeley (Park Development Fund).
- \$2.4 million to support the creation of a Real Time Information Center (Public Safety Fund).
- \$2.2 million to support the Lead Service Line Inventory & Replacement project (Water Capital Replacement Fund).
- \$1.0 million for legal expenses related to the Bellvue Water Treatment Plant litigation (Water Operations Fund).
- \$1.0 million to purchase the Ferguson Property (Park Development Fund).

A motion to introduce the ordinance and schedule the public hearing and second reading was approved with a 7-0 vote at the March 19, 2024 Council Meeting.

The attached ordinance includes the proposed budget increases to ensure the City meets the requirements of the charter that expenditures do not exceed what has been appropriated by Council. Council may adjust or remove any of the budget requests prior to adoption at the proposed second reading on April 2, 2024.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$63,740,563
What is the annual impact?	\$63,740,563
What fund of the City will provide Funding?	See Ordinance
What is the source of revenue within the fund?	Fund Balance, Expense Reimbursements, Refund of Expenditures, Grants, and Loan Proceeds.
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	Yes: Various Items
Is this grant onetime or ongoing?	One-time
Additional Comments:	Total appropriations made by this ordinance, excluding transfers, are \$63,740,563. The following funding sources will be used to cover the appropriations made by this ordinance. Sources: • Fund Balance - \$42,800,395 • Grant - \$15,528,703 • Expense Reimbursement - \$2,204,600 • Loan Proceeds - \$1,906,866 • Refund of Expenditures - \$1,300,000

Legal Issues:

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

Other issues and Considerations:

None

Strategic Focus Area:



High-Performance Government



Housing For All



Infrastructure and Mobility



Quality of Life



Safe and Secure Communities

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:

1. Ord No. 5, 2024
2. Detail Supporting Schedule
3. Item 16 - 2024 First Appropriation Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 5, 2024

**AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES
AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL
YEAR OF 2024 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT
DECEMBER 31, 2023**

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2024 fiscal year; and

WHEREAS, the revenues received in the City of Greeley in 2023, exceeded the amount of revenues estimated in the 2023 Budget by more than the total amount of the expenditures in the same year.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL 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 2024 budget and amounts held in fund balance reserves from 2023, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2024:

Fund	Amount	Transfers	Total
100 GENERAL FUND	\$ 1,047,808	-	\$ 1,047,808
103 HUD GRANTS FUND	4,499,244	-	4,499,244
104 STREETS AND ROADS	262,132	-	262,132
121 PUBLIC SAFETY .16%	2,633,052	-	2,633,052
140 MUSEUMS	90,000	-	90,000
300 PUBLIC IMPROVEMENT	2,427,000	-	2,427,000
304 FOOD TAX	1,023,954	-	1,023,954
318 QUALITY OF LIFE	3,776,046	-	3,776,046
321 STREET INFRASTRUCTURE	315,905	-	315,905
330 DEVELOPMENT FUNDS	17,403,365	-	17,403,365
410 SEWER	32,500	-	32,500
420 WATER	27,520,211	-	27,520,211
430 STORMWATER	1,650,000	-	1,650,000
500 EMPLOYEE BENEFIT	235,000	-	235,000
510 EQUIPMENT & FLEET	722,346	-	722,346
520 INFORMATION TECHNOLOGY	102,000	-	102,000
Grand Total	\$ 63,740,563	-	\$ 63,740,563

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 take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 2024.

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



City of Greeley 2024 Appropriation City Council Meetings: March 19th & April 2nd

Fund	Item	Department	Funding Source	Type	Description	Fund Balance	Revenue	Expenditures	Net Impact
100 - GENERAL FUND									
	1	FIRE	Fund Balance	R	This request will reappropriate 2023 funding from an Opioid settlement that is being managed by the Greeley Fire Department. Not all of the funding was obligated and needs to be included in the 2024 Budget to support the purchase of additional items.	78,299	-	78,299	-
	2	PW	Fund Balance	R	This request will reappropriate funding for the Mobility Development/Strategic Plan. Although this was budgeted for in 2023, there were delays in obligating the funding. This plan is required by the Federal Transit Administration (FTA) for operating, planning, preventative maintenance, and capital. This plan must be updated every five years for compliance and to qualify for the FTA grant.	400,000	-	400,000	-
	3	HR	Fund Balance	R	This request reappropriate funding to support four (4) positions within Human Resources to meet the 2024 demands of employee recruitment and retention efforts in the City. The positions include two Talent Acquisition Partners, one Talent Acquisition Sourcer, and one Benefits Analyst.	430,120	-	430,120	-
	4	NON-DEPT	Fund Balance	N	This request will appropriate additional funding for polling work related to potential ballot measures for the November 2024 election. The City completed an initial poll in December 2023 and has plans to conduct a second poll in June 2024. This funding request will support additional qualitative public opinion research in the form of focus groups this spring. This work will increase engagement to educate and inform residents of the city's funding needs and to better understand community priorities.	46,460	-	46,460	-
	5	CD	Grant	N	The Community Development department is receiving a grant from History Colorado to complete a reconnaissance and intensive level survey of approximately 544 properties in the Sunrise Neighborhood in Greeley, Colorado. \$92,929 is being awarded in state funding with the requirement of a 5% city match (\$4,892). The 5% match can be covered with existing 2024 Budget.	-	92,929	92,929	-
100 - GENERAL FUND						954,879	92,929	1,047,808	-
103 - HUD GRANTS FUND									
	6	HH	Grant	R	This request will reappropriate the HOME-ARP (American Rescue Plan) federal grant funding in the amount of \$1,481,453. Per the 2023 Grant Ordinance, these funds have already been made available for the department for the intended uses. This appropriation action is simply a ratification.	-	1,481,453	1,481,453	-
	7	HH	Grant	R	This request will reappropriate the federal Community Development Block Grant (CDBG-CV) in the amount of \$170,000. Per the 2023 Grant Ordinance, these funds have already been made available for the department for the intended uses. This appropriation action is simply a ratification.	-	170,000	170,000	-
	8	HH	Grant	R	This request will reappropriate the HOME Investment Partnership Grant for administration of the grant and for affordable housing projects that meet the regulations of the grant. Per the 2023 Grant Ordinance, these funds have already been made available for the department for the intended uses. This appropriation action is simply a ratification.	-	2,449,072	2,449,072	-
	9	HH	Grant	R	This request is to reappropriate Community Development Block Grant (CDBG) funding for activities that will continue into 2024. Per the 2023 Grant Ordinance, these funds have already been made available for the department for the intended uses. This appropriation action is simply a ratification.	-	398,719	398,719	-
103 - HUD GRANTS FUND						-	4,499,244	4,499,244	-
104 - STREETS AND ROADS FUND									
	10	PW	Grant	N	This request will appropriate state grant funding that was awarded in 2022 & 2023, but not completely spent. These are both reimbursable grants and considered new funding. One of the grants is for crime prevention (\$150,000) that does not require a match and remains available for reimbursement. This funding will specifically be used for the Safer Streets Program which is from the Colorado Division of Criminal Justice to facilitate improvements in a key downtown alley. This will improve safety through enhanced lighting, waste collection consolidation, and placemaking efforts. The second grant is the Waste Characterization Study (\$147,895) that requires a local match of \$19,650. To date, \$112,132 remains available. This funding is being reimbursed from the Colorado Department of Public Health & Environment (CDPHE) and is part of the Front Range Water Diversion program. This will be used for a waste characterization study to include sampling process, data analysis, and project management.	-	262,132	262,132	-
104 - STREETS AND ROADS FUND						-	262,132	262,132	-
121 - PUBLIC SAFETY .16%									
	11	POLICE	Fund Balance	N	This request will appropriate \$233,750 for a patrol rifle program. The Greeley Police Department has never had a formal patrol rifle program. SWAT rifles were purchased as far back as 2001. The Greeley Police Department does not have, nor has ever had rifles to issue to all sworn officers. This critical piece of safety equipment is tied to growth, retention, and safe and secure communities. It should be known that historically, the Greeley Police Department has utilized the Federal Government 1033-Exchange program. The Greeley Police Department has used these issued rifles, but they are not in service. The department would like to return all current rifles back to the federal government.	233,750	-	233,750	-
	12	POLICE	Fund Balance	N	The Greeley Police Department is creating a Real Time Information Center (RTIC) to leverage cutting edge technology, data analytics and the collective expertise of our highly skilled professionals to enhance public safety, solve and prevent crimes. This request will appropriate fund balance to support the initial start-up costs in 2024.	2,399,302	-	2,399,302	-
121 - PUBLIC SAFETY .16%						2,633,052	-	2,633,052	-
140 - MUSEUMS									
	13	CPRD	Fund Balance	N	This request will fund the replacement of a new museums collections database and website redevelopment. The current system is not accessible online and is no longer fit for purpose in a modern museum. An online platform will allow the City to increase revenue from sales of image and document re-prints, and will allow the City to showcase the richness of over 80,000 collection items.	90,000	-	90,000	-
140 - MUSEUMS						90,000	-	90,000	-

Detail Supporting Schedule

Fund	Item	Department	Funding Source	Type	Description	Fund Balance	Revenue	Expenditures	Net Impact
301 - PUBLIC IMPROVEMENT									
	14	PW	Fund Balance	N	This request will appropriate funding from the Road Development Fund to repay a federal grant for the 10th Street Improvements project. On October 28, 2022, the Colorado Department of Transportation (CDOT) notified the City that the federal award for the project was withdrawn due to project documentation deficiencies regarding the Federal Buy America Act regulations as outlined in the executed Intergovernmental Agreement (IGA). The amount of funding (\$2,178,420) originally reimbursed to the City must be repaid to CDOT. This request will allow for the first two payments to be made.	1,100,000	-	1,100,000	-
	15	PW	Refund of Expenditures	N	As part of the Ironwood Development Agreement between the City and All Recycling Inc, the City of Greeley agreed to design and construct Apricot Avenue (including street lights, sidewalks, landscape, and irrigation) and to install water & sewer utilities in the Ironwood Business Park to complete the street system. The funding for this work was approved as part of the 2024 GURA budget and will come from the Western Sugar Tax Increment Financing account on a reimbursable basis and will not exceed \$1,300,000.	-	1,300,000	1,300,000	-
301 - PUBLIC IMPROVEMENT						1,100,000	1,300,000	2,400,000	-
304 - FOOD TAX									
	16	PW	Fund Balance	R	This request will reappropriate funding to create one large parking lot at the FunPlex and Twin Rivers Community Park. Funding will also be used to replace the City Center North parking lot.	500,000	-	500,000	-
	17	CPRD	Grant / Fund Balance	R	This request will reappropriate original grant funding in 2021 that was budgeted as part of Trail Capital Maintenance that has since exceeded the 3-year limitation. Approximately 200 linear feet of bank restoration on the Cache la Poudre River and trail reconstruction of the adjacent Poudre River Trail has been undercut by high river flows over the past several years. Additional funds are for staff salaries for grant program management as an in-kind match.	261,977	261,977	523,954	-
304 - FOOD TAX						761,977	261,977	1,023,954	-
305 - SOFTBALL IMPROVEMENT									
	18	CPRD	Fund Balance	N	This request will appropriate funding from the Softball Improvement Fund to accommodate the production and installation of new field signage at the Twin River Sports Complex and to replace a water bottle filler/drinking fountain at the Twin Rivers Softball restroom building that is no longer functional.	27,000	-	27,000	-
305 - SOFTBALL IMPROVEMENT						27,000	-	27,000	-
318 - QUALITY OF LIFE									
	19	CPRD	Fund Balance	R	This request will reappropriate the remaining project fund balance within Quality of Life to complete the construction improvements at Delta Park. This project has taken longer than projected due to COVID-19 and difficulties in gathering public input during the public engagement and design process. The Trust for Public Lands has partnered with the City to complete the design and construction projects in Delta Park.	3,426,046	-	3,426,046	-
	20	CPRD	Fund Balance	N	This appropriation request will fund a design firm to perform outreach and design an updated master plan of Lincoln Park, with an end result of constructing the designed improvements. The previous master plan is over 20 years old and the needs of the community for the park have changed. The goals are to reactivate the space, develop innovative and new amenities, increase the ability to host public events that will draw citizens to downtown, and to improve the overall flow and usability of the park.	350,000	-	350,000	-
318 - QUALITY OF LIFE						3,776,046	-	3,776,046	-
321 - STREET INFRASTRUCTURE IMPROVEMENTS									
	21	PW	Fund Balance	R	This request will reappropriate the 4th Ave Between 22nd & 25th Repair project as it has exceeded the three-year limit. Funding is being requested to support the repair of drainage issues related to a deteriorated road with a missing curb, gutter, and sidewalk. Significant work is required beyond just mill and overlay construction. Funding will support a comprehensive investigation and design to address these concerns.	315,905	-	315,905	-
321 - STREET INFRASTRUCTURE IMPROVEMENTS						315,905	-	315,905	-
334 - ROAD DEVELOPMENT									
	22	PW	Grant	N	This request will appropriate \$2,178,420 in grant funding to support the 83rd Ave project. This grant was originally awarded from the Colorado Department of Transportation (CDOT) for the 10th Street project; however, the funding was withdrawn due to deficiencies regarding the Federal Buy America Act regulations. Staff requested CDOT and the North Range Metropolitan Planning Organization (NFRMPO) to transfer the withdrawn funds to the existing 83rd Avenue project. CDOT and NFRMPO supported the transfer for these federal funds and action was finalized on May 4, 2023. This appropriation allows the funding to be used for needed improvements on the 83rd Ave Corridor.	-	2,178,420	2,178,420	-
	23	PW	Fund Balance	R	This request will reappropriate the 35th Ave Widening: 4th Street to F Street project as it has exceeded the three-year limit. This project will widen 35th Avenue from 4th Street to F Street. The existing roadway is a two-lane rural paved road with limited right turn lanes and no sidewalk and roundabouts at C street and F Street. This project will also include landscaped medians and tree lawns. This project is the third and final capacity project associated with the first round of Keep Greeley Moving.	4,136,383	-	4,136,383	-
	24	PW	Fund Balance	R	This request will reappropriate funding for the O Street 59th Ave Intersection Improvement project as it has exceeded the three-year limit. This project will widen O street to a 4-lane road with sidewalks, medians, and street lights per the Transportation Plan.	7,113,562	-	7,113,562	-
334 - ROAD DEVELOPMENT						11,249,945	2,178,420	13,428,365	-

Detail Supporting Schedule

Fund	Item	Department	Funding Source	Type	Description	Fund Balance	Revenue	Expenditures	Net Impact
335 - PARK DEVELOPMENT									
	25	CPRD	Fund Balance	N	This request will appropriate funding to build two dog parks in identified areas in central and west Greeley. In the original Island Grove Master Plan, a dog park was going to be built at Island Grove. Due to flood mapping and a change in the Master Plan, the original project no longer fits. Though a competitive bid process, a designer will be hired to perform outreach alongside City staff and to fully design and construct documents for 2 new off-leash dog parks. Funding will also be used to bid on the construction.	2,500,000	-	2,500,000	-
	26	CPRD	Fund Balance	N	Utilizing Park Development fund balance, Parks plans to purchase 22 acres of land known as the Ferguson Property to build a new large-scale dog park. Parks was tasked to find suitable land for a large regional-type dog park to complement the existing facilities and create more options for citizens. The site is west of Redtail Park and will also complete a trail connection from Redtail Park to the neighboring Homestead Heights Subdivision, and ultimately connect to the Highway 34 trail and the Sheepdraw Trail. These subdivisions were built before the property dedication ordinance was adopted, so no park sites have been built in this area. An opportunity to purchase land before it becomes developed is rare and a fantastic opportunity to expand offerings in this area.	1,000,000	-	1,000,000	-
335 - PARK DEVELOPMENT						3,500,000	-	3,500,000	-
336 - TRAILS DEVELOPMENT									
	27	CPRD	Fund Balance	N	This request will appropriate funding to support the acquisition costs of future projects in relation to Trails development. These funds will allow the flexibility required to acquire the trail corridors and fund the associated costs for due diligence.	475,000	-	475,000	-
336 - TRAILS DEVELOPMENT						475,000	-	475,000	-
411 - SEWER OPERATIONS									
	28	W&S	Fund Balance	N	This request will appropriate funding to support the needed expertise to complete easement and other real estate acquisitions for a number of capital projects and infrastructure protection. The current Real Estate department does not have sufficient staff to provide the necessary expertise. Staff augmentation will be required through an outside consultant.	32,500	-	32,500	-
411 - SEWER OPERATIONS						32,500	-	32,500	-
421 - WATER OPERATIONS									
	29	W&S	Fund Balance	N	This request will appropriate an additional \$337,00 to fund Water Resources assessments. The City is a 3/8th owner of the ditch and the City has not paid its portion of ownership since 2016 due to the company not invoicing. The assessment is for \$180,000 and was higher than expected due to higher general inflation costs. The City needs to pay its portion in 2024 to be current in its account and for the maintenance agreement negotiations that the City is actively working on to continue. The City is also responsible for a minimum annual payment of \$100,000 each year related to the State Land Board Lease. This lease must be maintenance since its tied to the Terry Ranch contract that closed in 2020. The City is also the only shareholder in the Boyd and Freeman Irrigation Co. (BIC). There is extensive engineering required to expand the ditch capacity. The \$57,000 assessment was not included in the 2024 Budget due to the ditch company holding their annual board meeting after the budget was completed.	337,000	-	337,000	-
	30	W&S	Grants / Fund Balance	N/R	This request will appropriate \$8,660,00 in funds related to the Cameron Peak Fire mitigation efforts (\$1,395,000 was previously appropriated as reimbursable federal funding, \$2,289,000 was previously appropriated as reimbursable state funding, \$349,000 of City funding was previously appropriated, and \$4,300,000 is a new federal award from the United States Forest Service (USFS)). \$676,000 is also being requested from Fund Balance to support the overall mitigation from the ongoing damage that occurred from the Cameron Peak fire.	676,000	7,984,000	8,660,000	-
	31	W&S	Fund Balance	N	This request will appropriate funding to support the needed expertise to complete easement and other real estate acquisitions for a number of capital projects and infrastructure protection. The current Real Estate department does not have sufficient staff to provide the necessary expertise. Staff augmentation will be required through an outside consultant.	102,500	-	102,500	-
	32	W&S	Fund Balance	N	This request will appropriate an additional \$1M to fund the ongoing Bellvue Water Treatment Plant construction defect claims litigation for January through April of this year. The claims litigation was authorized by City Council in 2022.	1,000,000	-	1,000,000	-
421 - WATER OPERATIONS						2,115,500	7,984,000	10,099,500	-
422 - WATER CONSTRUCTION									
	33	W&S	Expense Reimbursement / Fund Balance	N	This request is to appropriate funding for the 2024 easement acquisitions that will purchase land for the next seven miles of pipeline and to begin the easement acquisition process for the remaining pipeline segments to Terry Ranch. In 2023, funding was moved to construction to take advantage of favorable pricing for steel pipe. This request will reload the original budget for land acquisition. Water & Sewer and the Budget Office has addressed the issue that caused difficulty with tracking capital budgets in 2023.	492,400	1,969,600	2,462,000	-
	34	W&S	Fund Balance	N	This request will appropriate an additional \$861,000 to support the F Street and 47th Ave Waterlines project. This project was originally scheduled for design in 2023 with construction in 2026. The project is installing waterlines that will provide water service to the future F Street City Operations Campus for Water, Sewer, Parks, Streets, and others. Funding will also support support a Civil Engineer III to manage the project and to design the water line. The position will then transition to supporting the F Street Building and other Water Line construction and replacement projects in 2025 and beyond.	861,000	-	861,000	-
	35	W&S	Fund Balance	N/R	This request is to appropriate an additional \$800,000 for the Greeley West Non-Potable Expansion project. At the time of the budget development in 2023, it was not yet designed and pricing was based on staff's best estimates. Unfortunately, pricing design came in higher than forecasted. An additional \$250,000 for the Non-Potable Expansion project is also being reappropriated as it was delayed until 2024. The remaining difference includes a transfer of funding to Public Art.	1,060,500	-	1,060,500	-
422 - WATER CONSTRUCTION						2,413,900	1,969,600	4,383,500	-

Detail Supporting Schedule

Fund	Item	Department	Funding Source	Type	Description	Fund Balance	Revenue	Expenditures	Net Impact
423 - WATER CAPITAL REPLACEMENT									
	36	W&S	Fund Balance	N/R	This request is to appropriate \$4,280,345 to support the Distribution Pipeline Replacement, Transmission System Rehabilitation, and the Treated Water Reservoir Rehabilitation projects. Since these are annual projects, this request is to reappropriate the unspent funds from 2023 so that these urgent projects can move forward. Due to the size of the contracts and internal delays, contracts for some urgent projects were not completed in time to encumber the budget in 2023. Included in the total is an additional \$720,000 to support the Transmission System Rehabilitation project due to cost increases.	4,280,345	-	4,280,345	-
	37	W&S	Grant / Loan Proceeds	N	This request will appropriate \$12,572,850 in revenues, consisting of a grant from the Colorado Water Quality Control Division (\$250,000) and part of a loan (\$12,322,850) from the Colorado Drinking Water Revolving Fund Loan Program. The additional \$8M in revenue associated with the loan will be added in the 2025 Budget. These funds will help support the current expenditure budget in 2024 for the Lead Service Line Inventory & Replacement project, including \$2,156,866 in additional expenditures. This project is necessary for identifying and replacing lead pipes being driven by regulations for public water systems.	-	12,572,850	2,156,866	10,415,984
423 - WATER CAPITAL REPLACEMENT						4,280,345	12,572,850	6,437,211	10,415,984
424 - WATER RIGHTS ACQUISITION									
	38	W&S	Fund Balance	N	In addition to the current budget, \$6,600,000 is being appropriated to acquire water shares. Due to limited water right supply, increased competition, and price escalation, the funds are needed this year to acquire the identified available water shares. The conclusion of the Integrated Water Resources Plan (IWRP) identified that continued water acquisition is necessary in order to meet the City's water needs and to support future projected growth.	6,600,000	-	6,600,000	-
424 - WATER RIGHTS ACQUISITION						6,600,000	-	6,600,000	-
432 - STORMWATER CONSTRUCTION									
	39	PW	Fund Balance	N	This request will appropriate funding from the Stormwater Construction fund to support the 12th Street Outfall Phase 1B project. Additional funding is needed due to contaminated soil and additional protection for the river bank. This was not originally identified by original geotechnical testing.	550,000	-	550,000	-
	40	PW	Fund Balance	N	This request will appropriate funding for an emergency design that has been approved by Council and the City Manager's office to address the recurring stormwater-related flooding and sedimentation issues in the Poudre River Ranch neighborhood.	700,000	-	700,000	-
432 - STORMWATER CONSTRUCTION						1,250,000	-	1,250,000	-
433 - STORMWATER CAPITAL REPLACEMENT									
	41	PW	Fund Balance	R	This request will reappropriate funding for the T-Bone Ranch large detention pond project. This project is to clean up invasive vegetation, to remove silt, and to replace the outlet structure. This project was funded in 2023; however, it was not completed due to HOA issues. The pond is now out of compliance and should be dealt with in 2024. This project is ready to proceed as engineering was completed in 2023.	400,000	-	400,000	-
433 - STORMWATER CAPITAL REPLACEMENT						400,000	-	400,000	-
500 - EMPLOYEE BENEFIT									
	42	HR	Expense Reimbursement	N	Aetna, the City's health insurer provides reimbursements for qualified expenditures for employee wellness. This request will appropriate the revenue to support additional employee wellness expenditures in 2024.	-	235,000	235,000	-
500 - EMPLOYEE BENEFIT						-	235,000	235,000	-
512 - FLEET REPLACEMENT									
	43	POLICE	Fund Balance	R	This request will reappropriate funding from 2023 that was unable to be encumbered for an upfit on the Bomb Truck.	56,000	-	56,000	-
	44	PW	Fund Balance	R	This request will reappropriate funding from 2023 in the Fleet Replacement Fund. Cost increases, delays on vehicle orders, and cancellations from vendors prevented the City from obligating these funds.	666,346	-	666,346	-
512 - FLEET REPLACEMENT						722,346	-	722,346	-
521 - IT OPERATIONS									
	45	IT	Fund Balance	R	This request will reappropriate funding from April of 2023 that was originally intended to support a contracted employee through the end of the year. This position will now be hired in 2024 to support a training program that is designed to help employees better understand how to best utilize many of the key software tools throughout the City.	102,000	-	102,000	-
521 - IT OPERATIONS						102,000	-	102,000	-
TOTAL (Less Additional Operating Expenditures Between Funds)						\$ 42,800,395	\$ 31,356,152	\$ 63,740,563	\$ 10,415,984
OPERATING TRANSFERS									
	35	W&S	Operating Transfer		Non-Potable Expansion Projects Operating Transfer of Fund Balance WATER CONSTRUCTION TO PUBLIC ART	-	10,500	-	10,500
						-	10,500	-	10,500
						\$ 42,800,395	\$ 31,366,652	\$ 63,740,563	\$ 10,426,484

2024 Supplemental Appropriation Request

Caleb Weitz, Director of Budget & Policy
Caleb.Weitz@Greeleygov.com | 970-350-9509
City Council Meeting - April 2, 2024





- Supplemental Appropriation Request Overview
- Request Breakout
- Expenditures by Key Focus Area
- Department Expenditure Allocation
- Operating Highlights
- Capital Highlights
- Purpose: Seeking Council approval for increase to 2024 appropriations in various funds

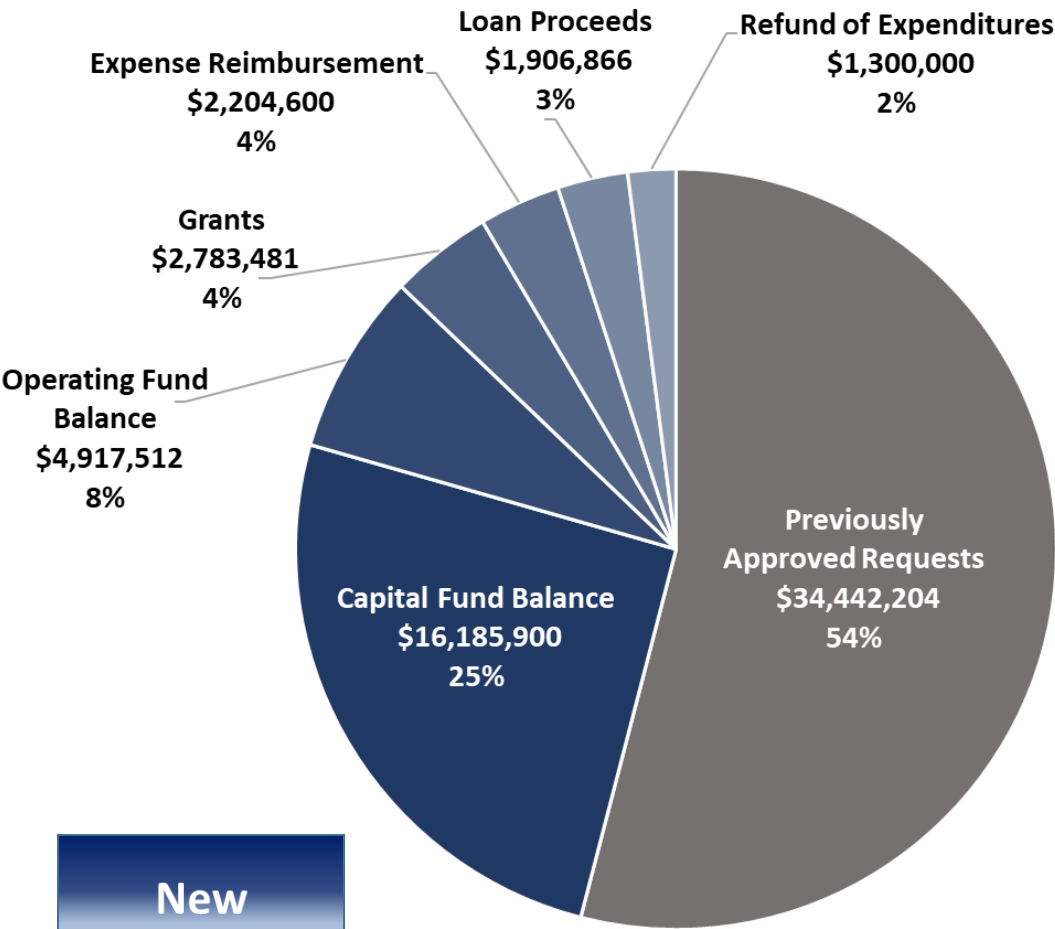
Agenda

Supplemental Appropriation Request Overview

- First Appropriation of 2024
- Appropriation of additional revenues post 2024 budget process
- Support operational & capital needs in 2024
- Reappropriate funding to continue planned capital projects
- Total request: \$63.7M in expenditures

Over half of the total expenditures (\$34.4M) will support reappropriations

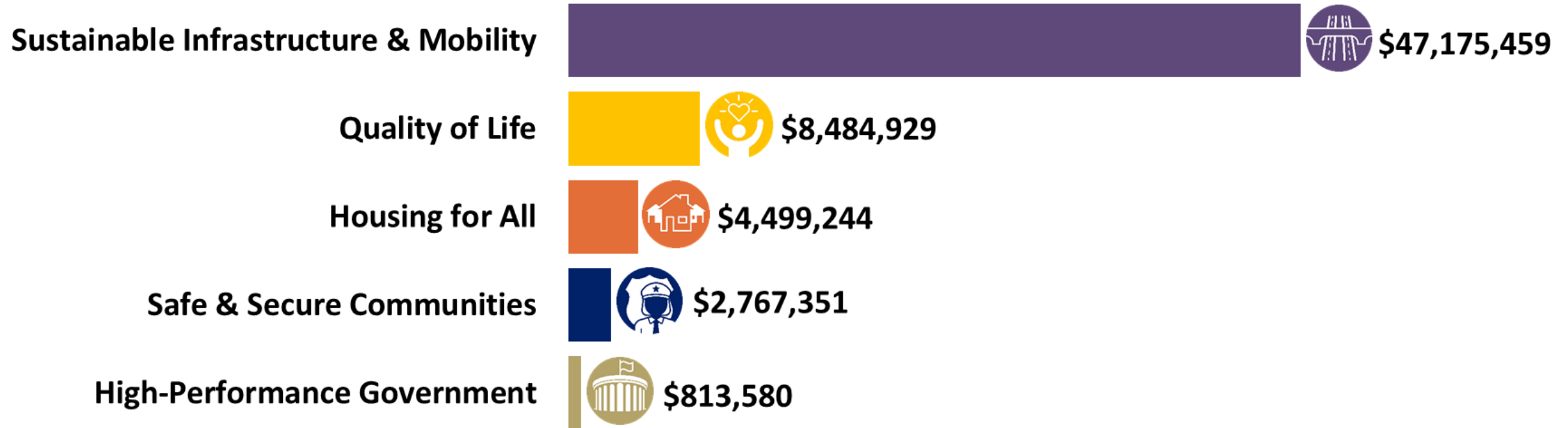
Request Breakout



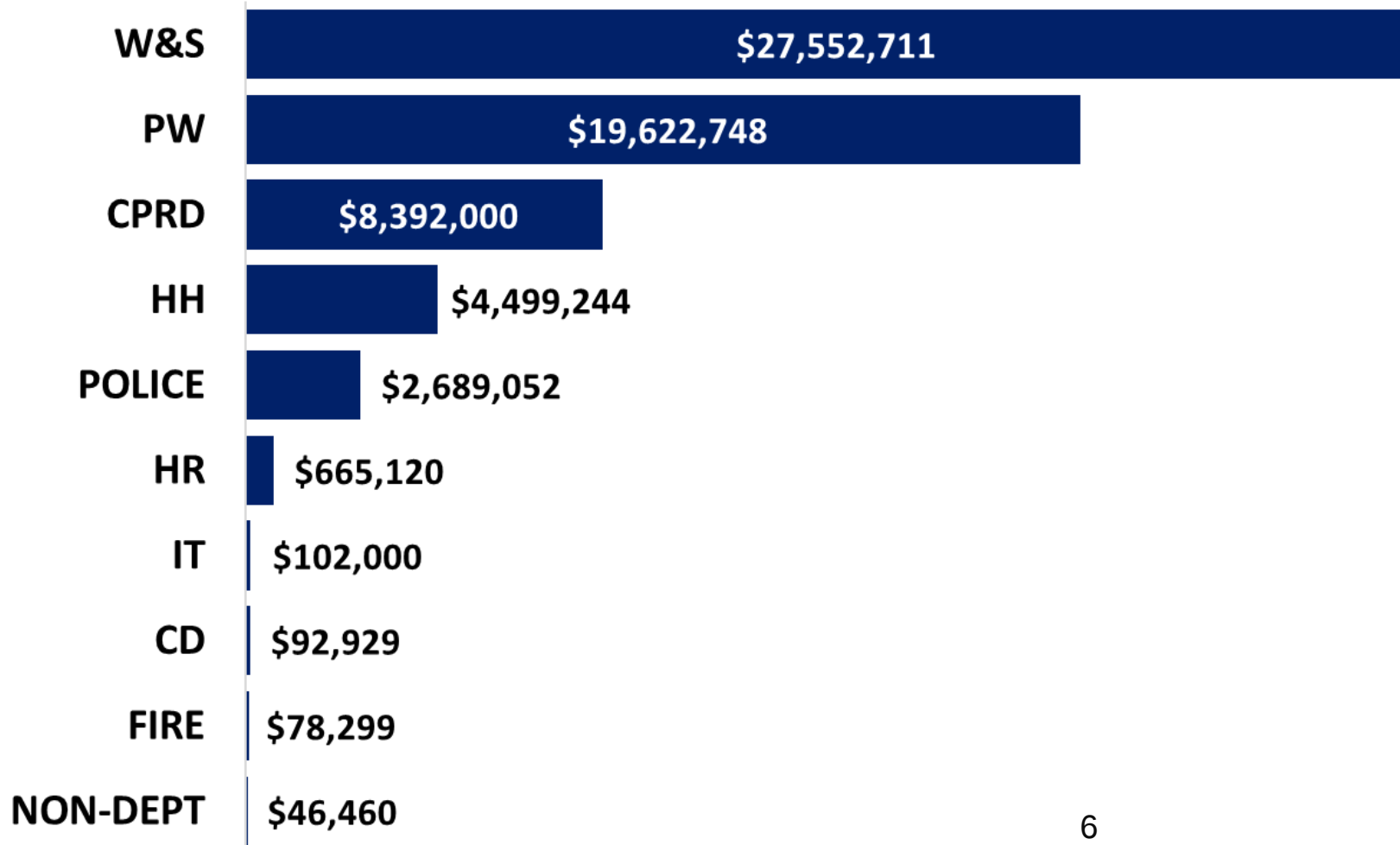
New Requests	
Fund Balance: Operating	\$ 4,917,512
Fund Balance: Capital	16,185,900
Grants	2,783,481
Expense Reimbursement	2,204,600
Loan Proceeds	1,906,866
Refund of Expenditures	1,300,000
Total New Requests	\$ 29,298,359

Previously Approved Requests	
Total Previously Approved Requests	\$ 34,442,204
Total Appropriation (Excluding Transfers) \$ 63,740,563	

Expenditures by Key Focus Area



Expenditures by Department



Operating Request Highlights

New Operating Requests	Amount
 Real Time Information Center (RTIC) [121 - PUBLICSAFETY .16%]	2,399,302
 Bellvue Litigation [421 - WATER OPERATIONS]	1,000,000
 Cameron Peak Fire Mitigation [421 - WATER OPERATIONS]	676,000
 Water Assessments [421 - WATER OPERATIONS]	337,000
 Crime Prevention Through Safer Streets & Waste Characterization & Diversion Study [104 - STREETS AND ROADS FUND]	262,132
 Aetna Reimbursements [500 - EMPLOYEE BENEFIT]	235,000
 Patrol Rifle Program [121 - PUBLICSAFETY .16%]	233,750

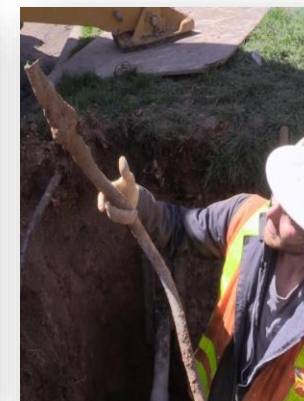
Previously Approved Operating Requests	Amount
 Cameron Peak Fire Mitigation [421 - WATER OPERATIONS]	7,984,000
 HOME Investment Partnership Program Grant [103 - HUD GRANTS FUND]	2,449,072
 HOME ARPA Allocation [103 - HUD GRANTS FUND]	1,481,453
 Fleet Services [512 - FLEET REPLACEMENT]	666,346
 Organizational Priorities [100 - GENERAL FUND]	430,120
 Multi-Modal Mobility Plan [100 - GENERAL FUND]	400,000
 Community Development Block Grant [103 - HUD GRANTS FUND]	398,719
 Community Development Block Grant (CV Award) [103 - HUD GRANTS FUND]	170,000
 IT Training Program Contracted Services [521 - IT OPERATIONS]	102,000



Capital Request Highlights

New Capital Requests	Amount
 Water Acquisition [424 - WATER RIGHTS ACQUISITION]	6,600,000
 Dog Park Design & Construction [335 - PARK DEVELOPMENT]	2,500,000
 Terry Ranch Easement Acquisitions [422 - WATER CONSTRUCTION]	2,462,000
 83rd Ave CDOT Project [334 - ROAD DEVELOPMENT]	2,178,420
 Lead Service Identification & Replacement [423 - WATER CAPITAL REPLACEMENT]	2,156,866
 Waste Transfer Station and Light Industrial Space [301 - PUBLIC IMPROVEMENT]	1,300,000
 10th Street Access Improvements - Phase II [301 - PUBLIC IMPROVEMENT]	1,100,000
 Ferguson Property Purchase [335 - PARK DEVELOPMENT]	1,000,000
 F St and 47th Ave Waterlines [422 - WATER CONSTRUCTION]	861,000
 Non-Potable Expansion Projects [422 - WATER CONSTRUCTION]	810,500
 Transmission & Distribution Rehab Projects [423 - WATER CAPITAL REPLACEMENT]	720,000

Previously Approved Capital Requests	Amount
 O Street 59th Avenue Intersection Improvement [334 - ROAD DEVELOPMENT]	7,113,562
 35th Ave Road Widening: 4th Street to F Street [334 - ROAD DEVELOPMENT]	4,136,383
 Transmission & Distribution Rehab Projects [423 - WATER CAPITAL REPLACEMENT]	3,560,345
 Delta Park Improvements [318 - QUALITY OF LIFE]	3,426,046
 Duran Section Repairs [304 - FOOD TAX]	523,954
 Parking Lot Funding [304 - FOOD TAX]	500,000

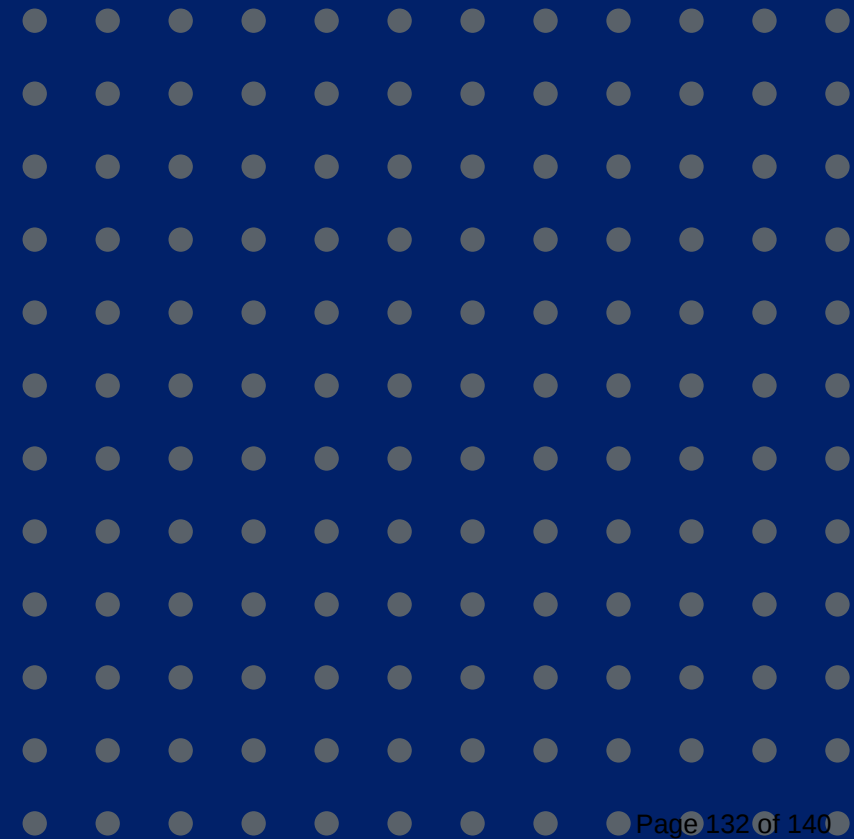


Recommendation

Approve the supplemental appropriation as presented

- Resources will be allocated to support operational needs and the continuation of planned capital projects
- Fund balances will still maintain sufficient balances

Thank you





Council Agenda Summary

Title:

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

Council's Recommended Action:

A motion to approve the above authorizations.



Council Agenda Summary

Title:

Scheduling of Meetings, Other Events

Summary:

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Planning Calendar and Schedule for City Council Meetings and Work Sessions and make any necessary changes regarding any upcoming meetings or events.

Attachments:

Council Meetings and Other Events Calendars

Council Meeting and Work Session Schedule/Planning Calendar

April 1, 2024 - April 7, 2024

April 2024							May 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5	6			1	2	3	4
7	8	9	10	11	12	13		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 1

Tuesday, April 2

6:00pm City Council Meeting (R_CCS_Council Chambers Overflow Room 103; R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar 

Wednesday, April 3

5:30pm - 7:00pm Appreciation Event Honoring City of Greeley B&C Members (2101 10th Ave Greeley CO 80639 (University of Northern Colorado University Center- Longs Peak)) - Council Master Calendar

Thursday, April 4

7:30am - 9:00am Regional Leadership Initiative 2024 Planning (Gates, Hall) Mayor and Mayor Pro Tem only (1001 11th Ave; (Greeley City Council Chambers)) - Council Master Calendar

7:30am - Poudre River Trail (Hall) 

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

6:00pm - 8:30pm North Front Range MPO Meeting (Olson/Payton) 

Friday, April 5

Saturday, April 6

Sunday, April 7

April 8, 2024 - April 14, 2024

April 2024							May 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

Monday, April 8

Tuesday, April 9

6:00pm City Council Work Session Meeting
(R_CCS_Council Chambers Overflow Room 103; R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar 

Wednesday, April 10

Thursday, April 11

6:00pm - 8:00pm Urban/Non-Urban Definitions Stakeholder Meeting (Hall) (Weld County Administration Building Events Center, 1150 O Street, Greeley) - Council Master Calendar

Friday, April 12

Saturday, April 13

Sunday, April 14

6:00pm - 7:00pm Holocaust Memorial Observation Interfaith Service (Gates) (Beth Israel Congregation (1625 Reservoir Rd, Greeley, CO 80631)) - Council Master Calendar

April 15, 2024 - April 21, 2024

April 2024							May 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5	6			1	2	3	4
7	8	9	10	11	12	13		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 15

Tuesday, April 16

6:00pm City Council Meeting (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar 

Wednesday, April 17

7:30am - Visit Greeley (Butler) (902 7th Ave Greeley) 

10:00am - 11:30am Greeley Refugee Quarterly Community Consultation (3001 8th Ave Suite 100 Evans CO 80620) - Council Master Calendar

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

Thursday, April 18

7:30am - 8:30am Downtown Development Authority (DeBoutez/Butler) (802 9th St #100, Greeley, CO 80631) 

12:30pm - 1:30pm Greeley Arts Legacy Hall of Fame (Union Colony Civic Center (701 10th Ave, Greeley, CO 80631)) - Council Master Calendar

3:30pm - 4:30pm Airport Authority (Gates/Payton) (Greeley-Weld Airport, 600 Airport Road) 

Friday, April 19

Saturday, April 20

Sunday, April 21

April 22, 2024 - April 28, 2024

April 2024							May 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

Monday, April 22

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

Tuesday, April 23

6:00pm City Council Work Session Meeting
(R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers
Overflow Room 103) - Council Master Calendar 

Wednesday, April 24

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

Thursday, April 25

6:00pm - 7:00pm Hold - BOCC & Weld Municipalities Quarterly
Conference Call (Teams)

Friday, April 26

Saturday, April 27

Sunday, April 28

City Council Meeting Scheduling 2024			
	3/26/2024		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
April 02, 2024 Council Meeting	Days of Remembrance Proclamation	Mayor	Intro
	Minutes - March 5 CC	Heidi Leatherwood	Consent
	Intro & 1st Rd Ord - Amending Greeley Municipal Code for Automated Enforcement Systems camera radar	Adam Turk	Consent
	Intro & 1st Rdg Ord - Update the Greeley Municipal Code to issue summons and complaints	PD/CAO/CCO	Consent
	Intro & 1st Rdg Ord - Update the General Municipal Code relating to alcohol	PD/CAO/CCO	Consent
	PH & 2nd Rdg Ord- W&S Development Code 2024 Update	Sean Chambers	Regular
	PH & 2nd Rdg - Initiative 08- 2023 Public Nuisance	Brian McBroom	Regular
	PH & 2nd Rdg - 2024 Appropriations	Caleb Weitz/Phillip Belmudez	Regular
April 09, 2024 Council Work Session	Initiative 12-2023 - Greeley Mobility Services Update	Paul Trombino	Work Session
	Facilities Update	Paul Trombino	Work Session
	Greeley Public Safety Picture	Adam Turk	Work Session
April 16, 2024 Council Meeting	Proclamation - National Crime Victim's Rights Week	Mayor	Intro
	Proclamation - Arbor Day	Mayor	Intro
	Proclamation - National Youth Service Day Award	Mayor	Intro
	Proclamation - Small Business Week (Tentative)	Mayor	Intro
	Minutes March 14 & 26 WS; March 19 CC	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - City Manager Salary Increase	Kimberly Southern-Weber	Consent
	Intro & 1st Rdg Ord - Municipal Judge Salary Increase	Kimberly Southern-Weber	Consent
	Resolution - At Home in Greeley 10th Street Area Plan	Brian McBroom/Don Threewitt	Regular
	PH & 2nd Rdg - Amending Greeley Municipal Code for Automated Enforcement Systems camera radar	Adam Turk	Regular
	PH & 2nd Rdg - Update the Greeley Municipal Code to issue summons and complaints	CCO/PD/CAO	Regular
	PH & 2nd Rdg - Update the general Municipal Code relating to alcohol	CCO/PD/CAO	Regular
	Boards & Commission Appointments	Heidi Leatherwood	Regular
	Waste Diversion Study Update	Will Jones/ Paul Trombino	Work Session
April 23, 2024 Council Work Session	Claims Reserve Fund	Tyra Litzau/ John Goodson	Work Session
	End of Year Financial Report	Tyra Litzau/ Rodney Rhoades	Work Session
	Initiative 1-2024 - Oil & Gas 101	Brian Kuznik/Don Threewitt	Work Session
	Charter Review Options (Tentative)	Heidi Leatherwood	Work Session
May 07, 2024 Council Meeting	Proclamation- Public Works Week (Tentative)	Mayor	Intro
	Proclamation - Historic Preservation Month (Tentative)	Mayor	Intro
	Minutes - April 2 CC; April 9 WS	Heidi Leatherwood	Consent
	Resolution - IGA with Weld RE-5J School District	Caleb Jackson	Consent

City Council Meeting Scheduling 2024			
	3/26/2024		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
	Intro & 1st Rdg Ord - Campaign Contributions Limits and Election Amendments	Heidi Leatherwood/Stacey Aurzada	Consent
	Intro & 1st Rdg Ord - Adding Chapter 8 to Title 18 of the Greeley Municipal Code Relating to Museums (Tentative)	Chris Bowles	Consent
	Intro & 1st Rdg Ord - Supplemental Budget Appropriation for 2023	Tyra Litzau	Consent
	PH & 2nd Rdg - Municipal Judge Salary Increase	Kimberly Southern-Weber	Regular
	PH & 2nd Rdg - City Manager Salary Increase	Kimberly Southern-Weber	Regular
May 14, 2024 Council Work Session	Finance First Quarter Report	Tyra Litzau/Robert Miller	Work Session
	Update to City Investment Policy	Tyra Litzau/Robert Miller	Work Session
	Sign Code Amendments (Tentative)	Don Threewitt	Work Session
May 21, 2024 Council Meeting	Minutes - April 16 CC; April 23 WS	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Affordable Housing Parking Reduction	Caleb Jackson	Consent
	PH & 2nd Rdg Ord - Campaign Contributions Limits and Election Amendments	Heidi Leatherwood/Stacey Aurzada	Regular
	PH & 2nd Rdg Ord - Adding Chapter 8 to Title 18 of the Greeley Municipal Code Relating to Museums (Tentative)	Chris Bowles	Regular
	PH & 2nd Rdg - Supplemental Budget Appropriation for 2023	Tyra Litzau	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
May 28, 2024 Council Work Session	Council Policies and Protocol	Heidi Leatherwood/CAO	Work Session
	1st Quarter CIP Update	Paul Trombino	Work Session
	Community Development Fee Study (Tentative)	Brian McBroom/Don Threewitt	Work Session
	Downtown Overlay Zoning	Don Threewitt/ Brian McBroom	Work Session
	Small Business Land Use Center	Brian McBroom	Work Session